



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, DECEMBER 14, 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_N2-O-nLTQZyN2tbbPII9aA

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

ADJOURN TO CLOSED SESSION

- (a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
Receipt of Government Tort Claim from Hanhong Chen and Yan Tang

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

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 Calendars of Meetings for December 2021 and January 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive the City Council Calendars of Meetings for December 2021 and January 2022.

C2. Approve the City Council Regular Meeting Minutes of December 7, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve the City Council Regular Meeting Minutes of December 7, 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. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Recommendation: Review the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

C5. 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 (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: (1) 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; (2) Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; (3) 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 (4) 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.

C6. Adopt a Resolution of the City Council of the City of Milpitas Declaring that a Certain Approximately 1.07-Acres of City Owned Land "Exempt Surplus Land" Under the Surplus Land Act (Government Code Section 54420 et Seq.); and Considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; Adopting Findings of Fact and a 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 a 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 Project (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution of the City Council of the City of Milpitas Declaring that a certain approximately 1.07-Acres of City Owned Land "Exempt Surplus Land" under the Surplus Land Act (Government Code Section 54420 et Seq.); and considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; adopting Findings of Fact and a

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 a 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 Project.

- C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for Anton Milpitas 730 LLC, a Delaware Limited Liability Company located at 730 E. Capitol Avenue (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 Anton Milpitas 730 LLC at 730 E. Capitol Avenue.

- C8. Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, and the Milpitas Police Officer's Association amending the Sick Leave Cash Out MOU provisions (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into a Side Letter to amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, and the Milpitas Police Officer's Association amending the Sick Leave Cash Out MOU provisions.

- C9. Receive the Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive the September and October 2021 reports for unhoused services.

- C10. Action on a Resolution Acknowledging Receipt by City Council of a State Mandated Compliance Report on Required Annual Fire Inspection of Certain Occupancies (Staff Contact: Albert Zamora, Deputy Fire Chief, 408-586-3371)**

Recommendation: Adopt a resolution acknowledging receipt of the report herein by the Milpitas Fire Department regarding the inspection of certain occupancies requiring annual inspections pursuant to sections CA HSC §13146.2 and §13146.3 of the CA Health and Safety Code.

- C11. Approve and Authorize the City Manager to Execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program.

- C12. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept the resignations of Commissioner Darl Travis from the Veterans Commission and Ricky Davis from the Homelessness Task Force; and confirm the noticing of the unscheduled vacancies.

- C13. 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)**

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

PUBLIC HEARINGS (7:35 PM)

- 14.** Adopt a Resolution to Adopt the Parks and Recreation Master Plan Update and Adopt the Parks and Recreation Master Plan Negative Declaration/Initial Study (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301 and Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: (1) Open the public hearing for comments and move to close the hearing; (2) Adopt a resolution to adopt the Parks and Recreation Master Plan Update and adopt the Negative Declaration/Initial Study for the Parks and Recreation Master Plan; (3) Authorize the Engineering Director/City Engineer to file a Notice of Determination in accordance with CEQA guidelines section 15075; (4) Provide feedback to staff regarding potential funding strategies.

- 15.** Conduct a Public Hearing and consider adopting Urgency Ordinance No. 38.844 amending sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with Government Code Sections 66411.7 and 65852.21 and determining the ordinance to be statutorily exempt from CEQA (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: (1) Conduct a public hearing and move to close the hearing following comments; and (2) Adopt Urgency Ordinance No. 38.844.

PUBLIC SAFETY (9:05 PM)

- 16.** Adopt a Resolution for Appointing Jaime Garcia as Interim Assistant Fire Marshal (Staff Contact: Albert Zamora, Deputy Fire Chief, 408-586-3371, and Brian Sherrard, Fire Chief, 408-586-2811)

Recommendation: Adopt a resolution appointing Jaime Garcia as Interim Assistant Fire Marshall in accordance with California Government Code Sections 7522.56 and 21221(h) and approve and authorize the City Manager to execute an employment agreement with Jaime Garcia.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:15 PM)

- 17.** Approve and Authorize the City Manager to Execute the Assignment and Consent and Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and Modify Certain Service Provisions (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Approve and authorize the City Manager to Execute the Assignment and Consent and Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and Modify Certain Service Provisions.

COMMUNITY DEVELOPMENT (9:45 PM)

- 18.** American Rescue Plan Act (ARPA) Workforce Development Programming (Staff Contact: Alex Andrade, Director of Economic Development, 408-586-3046)

Recommendation: (1) Approve ARPA Workforce Development funding to be deployed at \$150,000 annually for two years for grants to non-profit organizations that have been adversely impacted and/or responding to the COVID-19 public health emergency; (2) Approve ARPA Workforce Development grants for ARPA beneficiaries providing workforce development and education services, addressing the negative economic impacts of the COVID-19 public health emergency, in the amount of \$150,000: \$40,000 for Milpitas Youth Force, a community service program for low-income youth including salaries

and wraparound services, \$50,000 for Evergreen Valley College to implement the Amazon Cloud Practitioner Program for cloud computing initiatives, \$40,000 for First 5 Santa Clara County, a non-profit organization to support an early childhood education teacher apprenticeship program, \$20,000 to be divided between Rising Sun Center for Opportunity and Build It Green, community-based organizations to implement a green building certification training program and climate careers externships; and (3) Direct staff to return for City Council consideration of the remaining \$150,000 for additional ARPA beneficiary grants by summer 2022.

LEADERSHIP AND SUPPORT SERVICES (10:25 PM)

19. **Receive an Update on the American Rescue Plan Act and Provide Direction to Staff (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Lauren Lai, Director of Finance, 408-586-3111)**

Recommendation: (1) Receive an Update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements; and (2) Provide direction to staff.

ADJOURNMENT (11:00 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 5:30 PM -Cities Assoc. of SCC - Recycling and Waste Reduction Commission (AP) 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	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 25 CHRISTMAS EVE (observed) + CHRISTMAS DAY Holidays City Hall closed for Holiday		
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						

December 2021						
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February 2022						
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Milpitas City Council Calendar

January 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						 1
2	3 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	4 ?:00 PM -Closed Session 7:00 PM -City Council	5 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) 7:00 PM -Community Advisory Commission (EC)	6 5:30 PM -Santa Clara VTA Board of Directors (CM) 5:30 PM -Milpitas Chamber of Commerce Board (EC)	7 1:00 PM -Special City Council Meeting – Implicit Bias Training	8
9	10 4:30 PM -Economic Development and Trade Commission (KD)	11 4:00 PM -Milpitas HOPE Suicide Prevention Task Force 5:30 PM - <i>Tent. Special City Council Meeting</i>	12 7:00 PM -Planning Commission 7:00 PM -Silicon Valley Clean Energy Board of Directors (EC)	13 4:00 PM -Santa Clara VTA Policy Advisory Committee (AP) 4:00 PM -Treatment Plant Advisory Committee (CM) 5:00 PM -Homelessness Task Force 7:00 PM -Cities Assoc of SCC (CM) 7:00 PM -Youth Advisory Commission (EC)	14 *4:30 PM - <i>City Council Finance Subcommittee (RT/CM)</i>	15
16	17  MARTIN LUTHER KING JR. BIRTHDAY CITY OFFICES CLOSED	18 ?:00 PM -Closed Session 7:00 PM -City Council	19 6:00 PM -Energy and Environmental Sustainability Commission (EC)	20 6:30 PM -Bay Area Water Supply Conserv Agency (CM) 7:00 PM -Public Safety and Emergency Preparedness Commission (KD)	21	22
23	24 7:00 PM -Arts Commission (RT)	25 5:30 PM -Special City Council Meeting – Preliminary FY2022-23 Budget Study Session	26 7:00 PM -Planning Commission	27 4:00 PM -Silicon Valley Regional Interoperability Authority (SVRIA) (KD)	28 4:30 PM -City/School Collaborative Subcom (RT/CM)	29
30	31 7:00 PM -Library and Education Advisory Commission (EC)					

**Finance Subcommittee will only meet as needed*



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

**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)**

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) 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

City Attorney Diaz stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Mayor Tran led the Invocation.

PRESENTATIONS

Councilmember Chua presented a Certificate of Appreciation to Library Advisory and Education Commissioner Elpidio Estioko.

PUBLIC FORUM

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.

The following spoke under Public Forum:

1. Voltaire Montemayor

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.

City Manager McHarris made the following announcements:

1. The City hosting online resources related to Accessory Dwelling Units (ADUs) with an online workshop on Thursday, December 16, at 4:00 PM and will be recorded and posted on the Planning Department’s webpage.
2. The City is hosting a hiring fair in partnership with the Milpitas Element Hotel at the Community Center on December 7, and 8, from 12:00 PM - 7:00 PM, and Sunday, December 12, from 9:00 AM – 5:00 PM.

Vice Mayor Montano thanked staff for their work on the Holiday Magic on Main Street event and requested to have a consulate office at City Hall.

Councilmember Phan acknowledged and thanked staff for their efforts to deter crime over the Thanksgiving holidays and asked that staff notify Council if there are additional resources the City can invest in to help continue to deter crimes.

Councilmember Chua thanked staff for their work on the Holiday Magic on Main Street event, the ADU workshop, and the hiring fair. She also showed a short video on the Firefighters Toys for Tots drive, and requested staff check to see if the City has an ordinance for house numbers.

Councilmember Dominguez thanked Public Works staff for all the work they have done around the City and thanked the Economic Development and Trade Commission for all their work. She also commented on the recent smash and grab robberies and requested an investment of \$100,000 of American Rescue Plan Act (ARPA) funding to help the Milpitas Police Department add support staff, time to a position, or at the discretion of the Police Chief, use the funding to support a partnership to keep the community safe.

Vice Mayor Montano commented on the number of people living in a house and requested staff to look into an ordinance for the number of people allowed in a house.

Mayor Tran commented on the Holiday Magic on Main Street event and thanked City staff.

Councilmember Dominguez clarified her previous request and stated it was not for a position, it was for extra funding from ARPA.

Councilmember Phan stated that he would like to follow up with staff on the funding requests for additional personnel.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz 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 Diaz asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

Received 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)**

Approved and authorized 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)**

Approved and authorized 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)**

Approved and authorized 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)**

This item was removed from Consent.

- 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)**

Approved and authorized 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)**

Adopted **Resolution No. 9110** amending the Classification Plan to establish the position of Planning Technician and amending 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)**

Waived the second reading and adopted **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. for Housing Opportunity Zone Consulting Services (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)**

Approved and authorized 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 authorized 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)**

Received the Utility Outstanding Balance Due Update and authorized City Staff to resume discontinuance of the 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)**

Accepted 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)**

Opted into a 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 directed the City Manager to execute any documents necessary to implement the action; and Opted into a settlement agreement with the 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 directed 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)**

This item was pulled from Consent.

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

This item was pulled from Consent.

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)

Waived the second reading and adopted **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)

This item was postponed to the next City Council meeting.

ITEM REMOVED FROM CONSENT

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

Councilmember Dominguez asked clarifying questions.

Mayor Tran responded.

The following spoke under public comment:

1. Voltaire Montemayor

After discussion, motion: to receive Mayor Tran's recommendations and approve the appointments to the Planning Commission as follows:

1. Appoint Dipak Awasthi to serve as a Commissioner with a term to expire in December 2024.
2. Appoint Aysha Mohsin to serve as a Commissioner with a term to expire in December 2024.
3. Re-appoint Commissioner Galang to a term to expire in December 2024.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 3

NOES: 2 (Councilmember Phan and Dominguez voted no)

PUBLIC HEARINGS

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)

This item was postponed to a future meeting at the request of the applicant during the approval of the agenda and approved as follows.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

LEADERSHIP AND SUPPORT SERVICES

- 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)**

Assistant City Manager Kantak presented the staff report.

The following spoke under public comment:

1. Voltaire Montemayor

Council had questions on some of the items and the voting process.

Mayor Tran requested the items be categorized into sections by ordinances, events, and projects and have them listed by cost from the most expensive to least expensive.

Motion: to postpone this item to the next Council meeting.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 4

NOES: 1 (Councilmember Dominguez voted no)

COMMUNITY DEVELOPMENT

- 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)**

Assistant City Manager Kantak introduced the item. Building Safety and Housing Director Goei, Housing and Neighborhood Services Manager Marcus, and City Attorney Walsh presented the staff report.

The following spoke under public comment:

1. Voltaire Montemayor
2. Member of the public
3. Loreto Dimaandal
4. Lisa Reeve

After discussion, motion: to proceed with option one and the sale of parcel 1 at 1432-1446 South Main Street and the further evaluation of parcels two and three at 1452-1488 South Main Street after the adoption of the Metro Specific Plan with an amendment to look into relocation grants for the six

businesses, and one resident on parcel one, and vacant units on parcel two and three with tiered relocation compensation based on the amount received for the sale of the property.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

ITEMS REMOVED FROM CONSENT

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

Councilmember Chua requested clarification.

Public Works Director Ndah responded.

The following spoke under public comment:

1. Voltaire Montemayor
2. Lisa Reeve

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

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

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)

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

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

ADJOURNMENT

Mayor Tran adjourned the meeting at 10:52 PM in memory of Kevin Nishita and Alyssa Fernandez.

MILPITAS CITY COUNCIL AGENDA PREVIEW LIST

January, 2022

CLOSED SESSION

INVOCATION

PRESENTATION

CONSENT CALENDAR

1. Receive City Council calendar for January 2021 (City Clerk)
2. Approve City Council meeting minutes of December 14, 2021 (City Clerk)
3. Preview list of items for January 18, 2022 (City Clerk)
4. 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)
5. 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)
6. Award IFB No. 22-032 and Authorize the City Manager to Award Construction Contract for the Installation of Card Access Control and Monitoring Systems at Fire Stations to Trofholz Technologies for the Not-To-Exceed Amount of \$104,324.42 (Tony Ndah)
7. Approve the Proposed City Council Procedures and Protocols Handbook (Ashwini Kantak and Christopher Diaz)

PUBLIC HEARING

8. 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 (Ned Thomas)

COMMUNITY DEVELOPMENT

COMMUNITY SERVICES

PUBLIC SAFETY

LEADERSHIP

9. 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 (Ashwini Kantak and Walter Rossmann)

REPORTS

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

NOTE: Deferred and completed items are not listed

2021	OPEN				
Request No.	Topic	Submitted by:	A, F, CM, or CCM	Date requested or Rec'd Form	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Requested staff to look into an ordinance for the number of people allowed in a house.	Montano	A	12/7/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
2	Requested staff check to see if the City has an ordinance for house numbers	Chua	A	12/7/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
3	requested staff to look at creating a pilot project to accommodate pickleball at Peter Gill Park and would like a feasibility study with a goal of making these courts multi-purpose	Chua	A	11/16/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
4	Request for the City to make the temporary third-party food deliver fee caps permanent and add additional provisions for enforcement	Phan	A	11/16/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
5	Staff to look into mural Art on Great Mall Parkway on the high rail pillars	Montano	A	11/16/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

6	Look at creating an ordinance for a blanket business permit that would grandfather and waive all fees for any business started separate from their original business if they are creating anything that is helping save lives during the pandemic.	Dominguez	A	11/2/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
7	Staff to look into County reimbursimburment to the City for the extra services provided to HomeKey.	Chua	A	11/2/2021	Staff to contact the County an issue an Email/Information Memorandum
8	Host a Town Hall at City Hall in January, February, and March for the community to share comments about the issue of the unhoused.	Tran	A	11/2/2021	Scheduled for Spring Quarterly City Council Workplan Items Prioritization Discussion
9	Requested that an item be brought back to fund trash bins for the unhoused community or to be placed in the City to help collect the trash and add them into a routine pickup or collection	Dominguez	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
10	Requested the Council 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	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
11	Requested staff to provide an update on the food truck circle project.	Dominguez	A	10/19/2021	Email sent to Council on 11/18/2021
12	Requested staff to come back with an item for Council discussion and direction to implement a new permit fee for food trucks and ensure that the food truck businesses are located in Milpitas	Dominguez	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

13	Have a picture of Albert Bogel Sr. put up in the Senior Center	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
14	Look into purchasing a building on Main Street for a museum	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
15	Establish a new tool shed site, possibly at the maintenance yard	Montano	A	10/19/2021	Staff to issue an Email/Information Memorandum
16	Reestablish employee clipper passes	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
17	Adopt a park signage subcommittee	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
18	Place recycle bins in the parks	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
19	Requested the City look into a future site for a theater for performing arts	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
20	Requested that the City provide the Commissioners with an appreciation gifts	Chua	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

21	Look into the selection of BMR units in the City and would like to know how the applicants get selected to be on the below-market-rate units	Chua	A	10/19/2021	Staff to issue an Email/Information Memorandum
22	Requested an agenda item on November 2 Council meeting allowing the Council to rescind direction given to 1355 California Circle and include direction to allow the project application to move forward without being tied to a specific plan	Chua	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
23	Requested the executive staff to look into reflective road markers as an effective way to reduce cars doing donuts in the street	Chua	A	10/19/2021	Scheduled for discussion at the Nov. 12, 2021 Transportation Subcommittee meeting
24	Requested that the City require proof of vaccination for indoor events of 1,000 people or more	Phan	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
25	Requested Staff see if there is anything that can be done to address an increase in illegal dumping	Phan	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
26	Request the parcel on North Park Victoria that was historically a rose garden memorialized to commemorate those that started the rose garden with a plaque	Dominguez	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
27	Requested Council discussion and adoption of a universal non-profit fee waiver for special events on the parcel located under the freeway on Main Street by December	Dominguez	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
28	Requested a universal ordinance for Main Street be brought back to Council for discussion and approval	Dominguez	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

29	Requested the Council to consider lighting City Hall purple for Domestic Violence survivors on next year's domestic violence awareness month.	Dominguez	A	10/5/2021	Staff will bring back a resolution with potential City Hall commemorative lightings no later than December 2021 similar to commemorative flagraisings
30	Requested staff look into increasing the number of Park and Recreation commissioners from seven to nine.	Montano	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
31	Requested Staff look into holding an annual shredding event	Chua	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
32	Requested that the City have a bike event similar to Viva Calle in San Jose where the City would close off a street to encourage walkability to businesses	Dominguez	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
33	Requested staff to look at plan to subsidizing permit fees for small business with less than one hundred employees for the purpose of building outside to support outdoor dining	Dominguez	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
34	Requested the City extend the outdoor dining options through March of next year	Phan	A	9/21/2021	Planning Director to provide information on current outdoor dining extension
35	Request the City look into a pilot camera program	Montano	A	9/21/2021	Info memo will be prepared
36	Requested staff work with the Vice Mayor and Mayor to explore and discuss building height limits near the hillside by January 2022	Tran	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

37	Requested an outreach to notify the community of the trash voucher program	Chua	A	9/7/2021	The vouchers are valid until December 31, 2021. Staff will monitor the utilization of the vouchers and contact the recipients encouraging them to take advantage of the program.
38	Requested staff to 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	A	9/7/2021	Staff will review for the issue in November
39	Create an agreement with the owners of the electrical boxes so that the City could have access to remove the tagging within 24 hours	Dominguez	A	9/7/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
40	City designate more street sweeping signage at the different areas more specifically at Capital Avenue and Abel Street	Montano	A	9/7/2021	On 9/13/2021, staff sent an email to the Council clarifying that the identified streets are not part of the street sweeping pilot.
41	Work with the school district to have a contest to create art murals for the pillars on Main Street	Montano	A	9/7/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
42	Create a "Street Smart" program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods	Dominguez	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
43	City to highlight mental health resources on the website	Dominguez	A	8/17/2021	Staff will issue an Email
44	Partner with the Rotary Club of Silicon Andhra to promote the stem cell donor outreach with a webinar and campaign to help increase the number of donors	Chua	A	8/17/2021	Staff will include the stem cell donor information in regularly scheduled wellness event

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

45	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	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
46	Revisit the mask ordinance to help enforce the public expert’s recommendations	Phan	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
47	Look into creating a Poet Laureate similar to the County of Santa Clara County	Montano	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
48	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
49	Does the City have a Press Release Policy if so incorporate it in the City Council Handbook.	Tran	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
50	Requested staff look into donating old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan	Chua	A	8/9/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
51	Look into allowing outdoor music and would like the ordinance brought back to Council.	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
52	Requested that the City create and ordinance that continues with the six-foot distancing	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

53	Look into how the City can be a resource for small businesses to help guide them on what to do in terms of ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic	Chua	A	8/5/2021	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.
54	Look into opening up the Senior Center on Saturdays for half a day	Chua	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
55	Look into bringing in a Hispanic food store into the City	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
56	Look into bringing back a roller rink	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	ACTIVE				
	Topic	Submitted by:	A, F, CM, or CCM	Date requested or Rec'd Form	STATUS and/or DATE scheduled on City Council meeting agenda:
57	Discussion to recognize Juneteenth as a City holiday for City employees	Phan	A	6/21/2021	Discussed in Closed Session on 8/17/2021; follow up closed session discussion on 10/19/2021
58	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	CCM	6/15/2021	Amendment scheduled for Council consideration on October 19, 2021; Contract with "Our City Forest" scheduled for Council approval in Fall 2021; On December 14, 2021, Council is scheduled to approve a
59	ADU workshop in September/October	Chua	A	6/15/2015	8/09/2021 Council voted 5-0 to move this item forward in the winter 2021
60	Discussion in the next fiscal year, to have a sliding scale permitting program for seniors and low-income residence for necessary safety renovations	Tran	A	5/4/2021	8/09/2021 Council voted 5-0 to move this item forward and modify 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
61	Information showing that the ordinance requiring developers to provide art features is being followed and an update on the Art developer fees.	Montano	A	5/4/2021	Information Memorandum scheduled to be released in October

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

62	Discussion to reduce the City's Senior Center facilities deposit	Montano	A	5/4/2021	8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule
63	Discussion on human trafficking training for City staff	Dominguez	A	4/20/2021	discussed at 8/09/2021 meeting; original request was "Discussion on human trafficking training mandatory in the hospitality industry" item was modified to address training for City staff instead of hospitality industry and considered at next quarterly discussion
64	Requested that the City have mini-libraries in the low-income areas of the City.	Montano	A	4/20/2021	8/09/2021 Council voted 3-1-1 to move this item forward, 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
65	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	A	4/6/2021	At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
66	Staff to look into creating a rose garden with a children's memorial site	Montano	A	4/6/2021	8/09/2021 Council voted 4-1 to discuss details with Vice Mayor Montano and refer this item as part of the development of the 2023-2027 CIP

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

					8/09/2021 Council voted 5-0 to move this item forward and 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.
67	Staff to look into creating "Welcome to Milpitas" signs in key areas of in the City	Montano	A	4/6/2021	
68	Staff to provide information to place a measure on the ballot to change the directly elected Mayor to a rotational at-large position	Tran	CCM	3/16/2021	To be agendized at a future City Council meeting, along with discussion of Mayor and Councilmember term limits
69	Staff to provide information on a landmark policy for the City of Milpitas	Tran	A	3/16/2021	Policy to be sent to Council if existing, or a new policy to be brought for Council consideration by December 2021; 8/09/2021 Council voted 5-0 to move this item forward
70	Discussion to memorialize those that have passed due to COVID19 in Milpitas	Dominguez	A	3/2/2021	8/09/2021 Council voted 4-1 to move this item forward no date was determined

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

71	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	A	2/16/2021	Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report; 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.
72	Amend ordinance to remove affordable housing in-lieu fee; status update on this item	Chua	A	1/0/1900	Agendized on 1/5/21, Received Council majority vote on 2/2/2021 and 3/16/2021; staff will bring forward in Winter 2021
73	Ordinance to ban vaping in the City	Montano	A	12/15/2020	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 Fall/Winter 2021.
74	Review City policy on speed bumps	Tran	A	12/15/2020	Presented to Transportation Subcommittee on 02/12/2021; voted on 3/16/2021 to revisit this item
75	Require implicit bias training for City Council, Commissioners & staff	Dominguez	A	6/16/2020	approved 8/18/2020
76	Consider change in term limits for Mayor + Councilmembers	Montano	A	6/16/2020	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
77	Consider Community Museum and Park on Main St.	Phan	F	8/20/2019	to Rules 8/23/2019. Moved to Specific Plan Community Conversation events.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	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
Category:	Consent Calendar-Community Development
Meeting Date:	12/14/2021
Staff Contact:	Ned Thomas, Planning Director, 408-586-3273 Jay Lee, Principal Planner, 408-586-3077
<u>Recommendation:</u>	1. 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; 2. Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; 3. 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 4. 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

Background:

In November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians. Over the next 30 years, 2016 Measure B is anticipated to generate \$6.3 billion.

The Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program category guidelines. The Innovative Transit Service Models Program provides approximately \$6 million in funding to eligible cities through a competitive grant application process. The goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved and transit-dependent population.

City staff in partnership with RideCo, a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas OnDemand, an 18-month pilot program to provide a flexible, convenient first/last-mile transit solution with convenient connections to VTA light rail and the Milpitas Transit Center. On March 4th, the VTA Board of Directors approved the recommended projects, including Milpitas OnDemand, and authorized the General Manager to execute the necessary agreements. The City of Milpitas was awarded the full amount

of the grant request in the amount of \$1,084,732. In order to receive this funding, the City is required to enter into a Funding Agreement with VTA to ensure funds are spent on allowable activities.

Staff is requesting the City Council adopt a resolution authorizing the City Manager to procure professional services from RideCo in accordance with Milpitas Municipal Code sections I-2-3.06 (sole source) and I-2-3.03(d) (procurements where competitive methods are not practical). Similar to other cities in Santa Clara County that received grant funding, City staff selected RideCo's proprietary service model to meet the grant program's requirement for an "innovative service model". RideCo is the only firm to have designed and validated the "Hub and Spoke" service model, which combines the convenience of a ride hailing service with the capacity and affordability of a traditional shuttle service.

Analysis:

The City of Milpitas is expected to receive approximately \$1,084,732, in funding from the 2016 Measure B Innovative Transit Service Models Program. Staff recommends the City Council approve the Funding Agreement with VTA to receive this funding, which will be used to implement Milpitas OnDemand. Staff estimates an additional cost of \$271,184 to operate the service, which will be partially funded by a \$200,000 developer contribution to the City from Embarcadero Capital Partners and Bridge Development to fund a future shuttle program following the Partial Assignment and Assumption Agreement for an industrial development project on McCarthy Boulevard. The remaining \$71,184 will be funded by the anticipated fare collection of \$111,600 over the life of the program, which is based on the expected fare of \$2.50 per ride and a daily ridership that levels out at 120 within 6 months of operation, the most conservative estimate for the pilot program. Under the high ridership scenario of 420 rides per day, the fare recovery would reach \$390,600.

Staff recommends the creation and funding of a new Capital Improvement Program (CIP) Project, Project No. 3493 Milpitas OnDemand to allow staff to complete the activities required by the Measure B funding. Staff further recommends the approval of a budget appropriation to appropriate the \$1,084,732 in Measure B Innovative Transit Service Models Program Funding, \$200,000 in developer contributions, and \$71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into the new CIP project.

Staff further recommends that the City Council approve the Subscription and Services Agreement with RideCo in a not-to-exceed amount of \$1,355,916 for consultant services to operate Milpitas OnDemand, an 18-month pilot program for an on-demand, micro-transit service. The gross annual operations budget, which is based on the total operating and software costs of the vehicles, is \$853,944 (\$1,280,916 over 18 months). A marketing budget of \$75,000 brings the total project cost to \$1,355,916. Milpitas OnDemand will help address the first/last-mile challenge in Milpitas and provide a convenient and affordable transportation option for Milpitas' residents, employees, and vulnerable/transit-dependent populations.

Policy Alternatives:

Alternative 1: Do not approve and authorize the City Manager to execute a Funding Agreement with VTA to receive the annual Measure B Innovative Transit Service Models Program Funding and do not 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.

Pros: None.

Cons: If the City does not enter into the Funding Agreement, the City would not be eligible to receive the Measure B funding grant. If the City does not adopt the resolution to approve and authorize the City Manager to execute a subscription and services agreement with RideCo, the City could risk failing to deliver a transit service model that meets the grant program guidelines and requirements for an innovative service model.

Reason not Recommended: The General Plan includes several policies to promote alternative modes of transportation, first/last-mile solutions, and public transit improvements to support the City's circulation goals. The receipt and use of the Measure B funding to implement Milpitas OnDemand supports these General Plan policies and goals.

Fiscal Impact:

The approval of the Funding Agreement with the VTA is required to receive approximately \$1,084,732 in Measure B Innovative Transit Service Models Program funding. The Milpitas OnDemand program will require creation of new CIP Project 3493 and approval of a budget appropriation to appropriate the \$1,355,916 in Measure B Innovative Transit Service Models Program Funds, \$200,000 in developer contributions, and \$71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into the new CIP project.

California Environmental Quality Act:

The selection and contractual arrangement of consultant services do not constitute a project in accordance with Section 15378 of the CEQA Guidelines. Furthermore, the program is not considered a project under CEQA because it has no potential for resulting in either a direct or reasonably foreseeable indirect change in the environment. If the program is found to be a project under CEQA, the action being considered is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The program, which proposes no physical changes and would support transit ridership, thereby reducing greenhouse gas emissions, would have no or only a de minimis impact on the environment. In the alternative, the selection and contractual arrangement of consultant services is exempt from further review under CEQA Guidelines Sections 15301 and 15308 as 1) it could indirectly result in the operation or permitting of existing public facilities involving negligible or no expansion of existing or former use and 2) consists of actions taken by the City to assure the maintenance, restoration, enhancement, or protection of the environment.

Recommendation:

1. 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;
2. Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand;
3. Approve a budget appropriation of \$1,084,732 in Measure B Innovative Transit Service Models Program Funding, \$200,000 in developer contributions, and \$71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into Project No. 3493; and
4. 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.

Attachments:

1. VTA Funding Agreement
2. New Project No. 3493 Milpitas OnDemand
3. VTA Grant Award Letter
4. Milpitas 2016 Measure B Grant Application
5. Budget Appropriation Form
6. RideCo Professional Services Agreement
7. City Council Resolution
8. Sole Source Request and Justification

**FUNDING AGREEMENT
BETWEEN
CITY OF MILPITAS
AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR
MILPITAS ONDEMAND**

THIS AGREEMENT ("AGREEMENT") is between the CITY OF MILPITAS, referred to herein as "CITY", and the SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, referred to herein as "VTA". Hereinafter, CITY and VTA may be individually referred to as "PARTY" or collectively referred to as "PARTIES".

I. RECITALS

1. 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
2. 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
3. Whereas, the duration of 2016 MEASURE B will be 30 years from the initial year of collection, beginning April 1, 2017, and continuing through March 31, 2047; and
4. 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
5. Whereas, the PROGRAM includes a Transit Operations program category ("TRANSIT OPS CATEGORY") to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county; and
6. Whereas, the TRANSIT OPS CATEGORY consists of three sub-categories, including an Innovative Transit Service Models Competitive Grant Program ("INNOVATIVE TRANSIT PROGRAM"); and
7. Whereas, on December 5, 2019 the VTA Board of Directors adopted the INNOVATIVE TRANSIT PROGRAM criteria; and
8. Whereas, on October 5, 2020 the Fiscal Year ("FY") 2020 (July 1, 2020 to June 30, 2021) to Fiscal Year 2021 (July 1, 2021 to June 30, 2022) INNOVATIVE TRANSIT PROGRAM call for projects was released; and
9. Whereas, on March 4, 2021 the VTA Board of Directors approved the project list for the INNOVATIVE TRANSIT PROGRAM; and

10. Whereas, Milpitas OnDemand is an eligible project on the VTA Board of Directors approved project list for the INNOVATIVE TRANSIT PROGRAM; and
11. Whereas, VTA and CITY desire to specify herein the terms and conditions under which the INNOVATIVE TRANSIT PROGRAM funds will be administered to CITY by VTA as directed by the VTA Board of Directors.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the PARTIES agree as follows:

II. AGREEMENT

1. PROJECT DESCRIPTION

For the Milpitas OnDemand project, the CITY will provide, manage, and coordinate the operation of the transportation services (the "PROJECT") to the public during the term of this AGREEMENT. The PROJECT must be provided in accordance with the service area and parameters, attached hereto and incorporated herein as Attachment A.

2. TERM OF AGREEMENT

The term of this AGREEMENT will commence on the Effective Date (as defined in the signature block below) and continue through the later of: (i) 18 months after the Effective Date, (ii) completion of the PROJECT, (iii) cancellation of the PROJECT, or (iv) termination of this AGREEMENT pursuant to the terms herein.

3. COST OF PROJECT

Total cost of the PROJECT ("TOTAL PROJECT COST") is estimated not to exceed \$1,355,916. TOTAL PROJECT COST means the total cumulative dollar amount actually incurred and expended toward the PROJECT by all PARTIES involved, as measure at the completion or termination of the PROJECT.

4. FINANCIAL CONTRIBUTION TO COST OF PROJECT

- a. VTA's Financial Contribution for PROJECT. VTA will contribute an amount not to exceed \$1,084,732 of INNOVATIVE TRANSIT PROGRAM funds to be used by CITY for completion of the PROJECT. All funds will be available on a reimbursement basis only, pursuant to the terms and conditions set forth herein.
- b. CITY's Financial Contribution for PROJECT. CITY is solely responsible for all funds CITY has expended toward the PROJECT prior to March 4, 2021, and CITY must not seek reimbursement from VTA for such costs.
- c. Additional Funds. Any additional funds required to complete the PROJECT will be CITY's sole responsibility.

- d. PROJECT Savings. If the PROJECT is anticipated to be delivered under budget, INNOVATIVE TRANSIT PROGRAM funds will be reduced in proportion to CITY's Financial Contribution to PROJECT.
- e. In all circumstances, regardless of the TOTAL PROJECT COST, CITY is responsible for contributing a minimum of 20% of the TOTAL PROJECT COST.

5. ELIGIBLE USE OF FUNDS

Only ELIGIBLE COSTS (as defined herein) directly related to the PROJECT costs incurred by CITY after March 4, 2021, will be eligible for reimbursement.

VTA will only reimburse CITY for actual costs directly related to the PROJECT ("ELIGIBLE COSTS"). ELIGIBLE COSTS are costs that: (i) are directly related to the planning, operation, and administration of the PROJECT; and (ii) were incurred in compliance with all applicable 2016 Measure B Program requirements.

6. CITY'S ROLE

- a. Tasks. CITY will be the sponsor and implementing agency for the PROJECT. In its role as sponsor and implementing agency under this AGREEMENT, CITY must perform and/or be responsible for the following tasks:
 - i. Serve as project manager to provide, manage, and coordinate the operation of PROJECT in accordance with service parameters in Attachment A.
 - ii. Perform all procurement actions necessary for PROJECT, including but not limited to advertising the work via a public solicitation, opening bids in response to the public solicitation, awarding a contract, approving contract documents, and administering the awarded contract in accordance with all applicable laws, regulations, and codes, including but not limited to the California Public Contract Code and the California Labor Code.
 - iii. Begin PROJECT service operation within one (1) year of the Effective Date of this AGREEMENT.
 - iv. Obtain all necessary permits and certifications for PROJECT.
 - v. Keep VTA apprised of potential changes that may affect PROJECT operations.
 - vi. Conduct standard close-out activities for the PROJECT, including but not limited to performing final accounting review and reviewing all contractual requirements.

b. Other PROJECT Management Duties. CITY must:

- i. Submit a project management plan (“PMP”) to VTA in accordance with the PMP template in Attachment B within thirty (30) business days of the Effective Date of this AGREEMENT. The PMP must be in writing and must include information regarding service scope, staffing plan, cost, schedule, and contracting plan.
- ii. Actively monitor actual PROJECT expenditures to ensure that the 2016 MEASURE B funds are used to pay only for ELIGIBLE COSTS (as defined in Section 5).
- iii. Provide VTA with written quarterly progress reports (“PROGRESS REPORTS”) (as supplied by VTA to CITY) on the PROJECT, including but not limited to updates on PROJECT expenditures, any changes in scope and schedule, PROJECT status, monthly PROJECT performance such as ridership, total miles, total hours, fare collection and any other information VTA may require for inclusion in the progress updates.
- iv. Submit the PROJECT’s final report (“FINAL REPORT”) to VTA. This FINAL REPORT must be in writing and must include information regarding final PROJECT costs, total ridership, total revenue miles and total revenue hours, fare collection, along with any other information VTA may require for inclusion in the FINAL REPORT.
- v. CITY will make staff available to present on the PROJECT at VTA committees as needed.

7. VTA’S ROLE

VTA will review PROJECT’s PMP, PROGRESS REPORTS and FINAL REPORT, and provide oversight of the PROJECT to ensure PROJECT compliance with the 2016 Measure B Program Category Guidelines.

8. CITY’S OBLIGATIONS

CITY must:

- a. Ensure that all 2016 MEASURE B funds are expended on only allowable INNOVATIVE TRANSIT PROGRAM expenditures as described above in Section 5. ELIGIBLE USE OF FUNDS.
- b. Begin request for reimbursement of ELIGIBLE COSTS (see Section 5. ELIGIBLE USE OF FUNDS) from VTA within one (1) year of the Effective Date of this AGREEMENT.
- c. Submit to VTA all records including contractors’ invoices, miscellaneous invoices, and force account charges as substantiation for invoices submitted to VTA for reimbursement hereunder.
- d. Maintain financial records, books, documents, papers, accounting records, and other evidence pertaining to costs related to this AGREEMENT for five (5) years. CITY shall make

such records available to VTA upon VTA's written request for review and audit purposes. Financial audits will be performed at VTA's sole discretion.

- e. Submit invoices to VTA at vta.accounts payable@vta.org, no more frequently than monthly, for reimbursement of ELIGIBLE COSTS (see Section 5. ELIGIBLE USE OF FUNDS). CITY must submit invoices within one year of the date CITY incurs the cost submitted on the invoice for reimbursement (unless otherwise approved by VTA in writing).

9. VTA'S OBLIGATIONS

VTA will remit the amount due to the CITY under an invoice within thirty (30) calendar days of receipt of a complete and proper, fully documented invoice complying with the requirements set forth herein.

10. MODIFICATION TO PROJECT SERVICE

CITY must inform VTA, in writing, of any minor modifications to PROJECT service, including, but not limited to removal of any proposed pick up/drop off locations and schedule adjustments within a one-hour window that do not impact frequency or service or service area changes.

CITY must inform VTA, in writing, of potential major modifications to PROJECT, including but not limited to extended or reduced service hours of more than 30 minutes and changes in service areas.

11. INDEMNIFICATION

Neither VTA nor any officer or employee thereof will be responsible for any damage or liability arising out of or relating to CITY's acts or omissions under or in connection with any work, authority, or jurisdiction associated with this AGREEMENT. Pursuant to California Government Code §895.4, CITY must fully defend, indemnify, and save harmless VTA from all suits or actions of every name, kind, and description arising from an injury (as defined by California Government Code §810.8) relating to CITY's acts or omissions 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.

12. INSURANCE

At all times during this AGREEMENT, CITY must comply with the insurance requirements and specifications of Attachment C attached hereto, and herein incorporated by reference.

13. ADDITIONAL INSURED AND INDEMNITY PROVISION

In any agreement executed between the CITY and a third party for purposes related in any way to the subject matter of this AGREEMENT ("Third Party Contract"), the CITY must require that VTA be named as (i) Additional insureds on a primary and non-contributory basis with Separation of Insureds and Waiver of Subrogation on all policies of insurance, except when not applicable required in the Third Party Contract and (ii) indemnified parties in any indemnity provision contained in the Third Party Contract.

14. PUBLIC WORKS

If the CITY awards a contract to a third party for the performance of a public work (as defined in California Labor Code Section 1720 through 1720.6) (a "Public Works Contract") in connection with this AGREEMENT, the CITY must comply, and must require such third party to comply, with the requirements of California Labor Code Section 1720 et seq. If the Public Works Contract is funded in whole or in part with federal funds, the CITY must also comply, and must require such third party to also comply, with the requirements of the Davis Bacon Act (40 U.S.C. Sections 3141-3144 and 3146-3148).

15. COMPLIANCE WITH APPLICABLE LAW

In the execution of the PROJECT and performance of its responsibilities set forth herein, CITY and any contractor or subcontractors must comply with all applicable requirements of state, federal, and local law. CITY and any contractor or subcontractors must comply with any applicable laws, regulations, and/or guidelines relating to COVID-19, including, but not limited to, Centers for Disease Control and Prevention (CDC) guidelines and Santa Clara County Department of Public Health orders and/or guidelines.

16. COMPLIANCE WITH WAGE AND HOUR LAWS

CITY and any contractor or subcontractors they employ to perform work of the PROJECT under this AGREEMENT, must 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 any local Minimum Wage Ordinance or Living Wage Ordinance.

17. COMPLIANCE WITH 2016 MEASURE B REQUIREMENTS

In its performance under this AGREEMENT, CITY must comply with, and must ensure PROJECT compliance with all 2016 MEASURE B requirements set forth in the 2016 Measure B Program Category Guidelines for the TRANSIT OPS CATEGORY as identified in Attachment D, attached hereto.

18. TERMINATION

Each of the PARTIES may at any time terminate this AGREEMENT by giving ten (10) business days' written notice of such termination to other PARTY. Notice must identify the effective date of such cancellation and must be provided in accordance with the terms and conditions of this AGREEMENT.

In the event of termination as set forth herein, CITY must submit its final invoice to VTA within thirty (30) calendar days of the effective date of termination solely for ELIGIBLE COSTS incurred by CITY prior to the effective date of the termination (see Section 5. ELIGIBLE USE OF FUNDS).

19. AUDIT AND RECORDS

a. CITY must maintain, and shall require their contractors to maintain, in accordance with

generally accepted accounting principles and practices, complete books, accounts, records and data pertaining to services performed under this AGREEMENT, including the costs of contract administration. Such documentation must be supported by properly executed payrolls, invoices, contracts, and vouchers evidencing in detail the nature and propriety of any charges and must be sufficient to allow a proper audit of services. All checks, payrolls, invoices, contracts and other accounting documents pertaining in whole or in part to the services must be clearly identified and readily accessible.

- b. For the duration of the AGREEMENT, and for a period of five (5) years after final payment, VTA shall have access during normal business hours to any books, accounts, records, data, and other relevant documents that are pertinent to this AGREEMENT for audits, examinations, excerpts, and transactions and copies thereof must be furnished upon request.

20. NOTICES

All notices required or permitted under this AGREEMENT must be in writing, will be effective five (5) days after being sent by personal service or certified mail, or forty-eight (48) hours after being sent by electronic mail to the individuals at the addresses set forth below, or to such other address which may be specified in writing by the PARTIES hereto.

VTA:
Marcella Rensi
Deputy Director, Grants & Allocations
Santa Clara Valley Transportation Authority
3331 N First Street
San Jose, CA 95134
Email: marcella.rensi@vta.org

CITY:
Ned Thomas
Planning Director
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
Email: nthomas@ci.milpitas.ca.gov

Written notification to the other PARTY must be provided, in advance, for changes in the name or address of the individuals identified above.

21. GENERAL TERMS AND CONDITIONS

- a. **Headings.** The subject headings of the articles and paragraphs in this AGREEMENT are included for convenience only and will not affect the construction or interpretation of any of its provisions.
- b. **Construction and Interpretation of Agreement.** This AGREEMENT, and each of its provisions, terms and conditions, has been reached as a result of negotiations between the PARTIES. Accordingly, each PARTY expressly acknowledges and agrees that (i) this AGREEMENT will not

be deemed to have been authored, prepared, or drafted by any particular PARTY and (ii) the rule of construction to the effect that ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this AGREEMENT or in the resolution of disputes.

- c. **Amendment.** 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.
- d. **Entire Agreement.** This AGREEMENT contains the entire understanding between VTA and CITY relating to the subject matter hereof. This AGREEMENT supersedes any and all other agreements which may have existed between the PARTIES, whether oral or written, relating to the subject matter hereof. This AGREEMENT is binding upon each PARTY, their legal representatives, and successors for the duration of the AGREEMENT.
- e. **Representation and Warranty of Authority.** 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.
- f. **No Waiver.** The failure of either PARTY to insist upon the strict performance of any of the terms, covenants and conditions of this AGREEMENT will not be deemed a waiver of any right or remedy that either PARTY may have, and will not be deemed a waiver of either PARTY's right to require strict performance of all of the terms, covenants, and conditions hereunder.
- g. **Dispute Resolution.** If a question or allegation arises regarding (i) interpretation of this AGREEMENT or its performance, or (ii) 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, may be pursued by mutual agreement. It is the intent of the PARTIES to the greatest extent possible to avoid litigation as a method of dispute resolution.
- h. **Severability.** If any of the provisions of this AGREEMENT (or portions or applications thereof) are held to be unenforceable or invalid by any court of competent jurisdiction, VTA and CITY shall negotiate an equitable adjustment in the provisions this AGREEMENT with a view toward effecting the purpose of this AGREEMENT, and the validity and enforceability of the remaining provisions or portions or applications thereof will not be affected thereby.
- i. **Governing Law.** The laws of the State of California will govern this AGREEMENT, as well as any claim that might arise between CITY and VTA, without regard to conflict of law provisions.
- j. **Venue.** Any lawsuit or legal action arising from this AGREEMENT must be commenced and prosecuted in the courts of Santa Clara County, California. CITY agrees to submit to the personal jurisdiction of the courts located in Santa Clara County, California for the purpose of litigating all such claims.
- k. **Attribution to VTA.** CITY must include attribution to VTA that indicates PROJECT was funded by 2016 Measure B Funds. This provision applies to any project or publication that was funded

in part or in whole by 2016 Measure B Funds. Acceptable forms of attribution include 2016 Measure B's branding on project-related documents, construction signs, public information materials, and any other applicable documents. VTA will provide 2016 Measure B branding to CITY.

- l. **Non-discrimination.** The PARTIES and any contractors performing services on behalf of the PARTIES ("Contractors") will not unlawfully discriminate or permit discrimination, harass, or allow harassment against any person or group of persons because of race, color, religious creed, national origin, ancestry, age (over 40), sex, gender, gender identity, gender expression, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition (including cancer), mental disability, physical disability (including HIV and AIDS), genetic information, or military and veteran's status, or in any manner prohibited by federal, state, or local laws. In addition, the PARTIES and Contractors shall not unlawfully deny any of their employees family care leave or discriminate against such employees on the basis of having to use family care leave. The PARTIES and Contractors must ensure that the evaluation and treatment of their employees and applicants for employment is free of such discrimination and harassment.
- m. **Relationship of the PARTIES.** It is understood that this is an AGREEMENT by and between independent parties and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship other than that of independent contractor.

Signatures of PARTIES on following page.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT as of the last date set forth below ("Effective Date").

***Santa Clara Valley
Transportation Authority***

City of Milpitas

Carolyn M. Gonot
General Manager/CEO

Steve McHarris
City Manager

Date

Date

Approved as to Form:

Approved as to Form:

Shannon Smyth-Mendoza
Senior Assistant Counsel

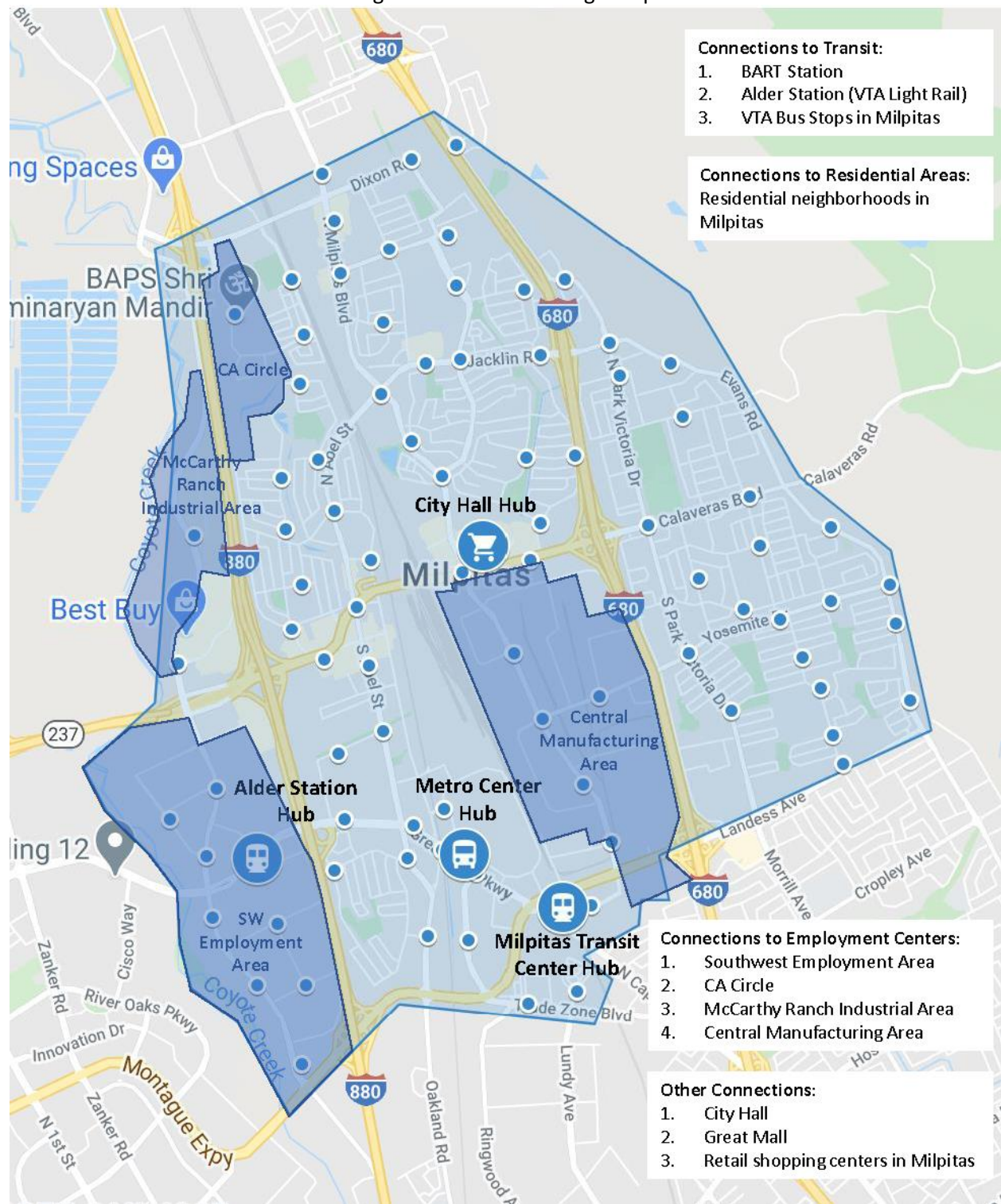
Christopher J. Diaz
City Attorney

ATTACHMENT A

Service Parameters

1. Service Span: Service runs Monday through Friday. Service hours match current VTA fixed bus routes in Milpitas and will change accordingly if VTA service hours in Milpitas change at any point in the future.
2. Service Coverage: City limit of Milpitas, as shown in Figure 1.
3. Routes: Service is on-demand micro-transit service that has many virtual stops across the city limit of Milpitas to any one of four hub locations: City Hall, Metro Center Hub, Alder Station, and Milpitas Transit Center. Vehicles may pick up passengers from anywhere within the service coverage area and may take the shortest route to the next stop on the ever-updating vehicle itinerary.
4. Infrastructure: Service operates with seven minivans, three of which will be fully ADA accessible. Service vehicle accommodates bicycles on board.
5. Fares: \$2.5 regular fares and \$1 for disabled, low-income, or youth population.
6. Online App: Passengers can book trips through mobile and web applications. All service data is available through a real-time dashboard. The software allows riders to pay in a variety of ways including cash, credit/debit cards, and any applicable VTA fare media. The online app offers seat selection options for mobility-limited riders/wheelchair users as well as standard seat types for ambulatory passengers.

Figure 1: Service Coverage Map



ATTACHMENT B

Project Management Plan Template

Submitted by: Contact for this PMP.

First submittal date:

Revision version & date:

PART A – PROJECT INFORMATION

1. Project Name:
2. Project Sponsor:
3. Partnering Agencies: <List all project partners>
4. Date
5. Project Description:
 - a. Service type
 - b. Service area, route & stops
 - c. Service span
 - d. Vehicles
<Note any accommodation of wheelchair users and bikes>
 - e. Scheduling
<Note any technology, website, online applications for the user and operators>
 - f. Fare collection
<Describe how you plan to collect fares>
6. Project team
(Identify project staff/team/partner roles and responsibilities as applicable)
 - a. Project Manager
<The PM must be a Member Agency staff. Please identify email/phone and VTA will contact the PM for any project or PMP questions.>
 - b. Procurement manager
 - c. Operations
 - d. Coordinator
 - e. Safety and Training
 - f. Marketing/outreach
 - g. Others

Attach a project organization chart.

PART B – FINANCIAL MANAGEMENT

1. Total project cost estimate:
 - a. Capital cost
 - b. Operating cost

2. Source of Funds

(Identify 2016 Measure B fund and non-2016 Measure B fund sources)

PART C – PROJECT IMPLEMENTATION & MANAGEMENT

1. Project schedule

<Modify the following schedule table as needed.>

Project Milestone	Month/Year
Release RFP for service provider/operator	
Develop contract	
Award/Execute contract	
Recruit project staff	
Conduct project outreach and marketing	
Start-up operation (if applicable)	
Full operation	

2. Training and qualifications of project staff and operators

3. Agreements

<Identify any existing/anticipated agreements and provide date of execution & expiration>

ATTACHMENT C

Insurance Requirements

CITY'S ATTENTION IS DIRECTED TO THE INSURANCE REQUIREMENTS BELOW. IT IS HIGHLY RECOMMENDED THAT CITY CONFER WITH THEIR INSURANCE CARRIERS OR BROKERS IN ADVANCE OF PROPOSAL SUBMISSION TO DETERMINE THE AVAILABILITY OF INSURANCE CERTIFICATES AND ENDORSEMENTS REQUIRED BY THIS CONTRACT.

INSURANCE

Without limiting City's obligation to indemnify and hold harmless VTA, City must procure and maintain for the duration of the Contract 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 by City, its agents, representatives, or employees, or subcontractors. The cost of such insurance must be included in Contract price. In the event of any material change in the Contract Scope of Services, VTA reserves the right to change the insurance requirements set forth herein. City must furnish complete copies of all insurance policies required herein, within five (5) business days of any request for such by VTA.

A. Liability and Workers' Compensation Insurance

1. Minimum Scope of Coverage

Coverage must be at least as broad as:

- a. Insurance Services Office General Liability coverage ("occurrence" form CG 0001), including Products/Completed Operations Liability. General Liability insurance written on a "claims made" basis is not acceptable.
- b. Insurance Services Office Business Auto Coverage, Insurance Services Office form number CA 0001, covering Automobile Liability, code 1 "any auto." Auto Liability written on a "claims-made" basis is not acceptable.
- c. Workers' Compensation insurance as required by the Labor Code of the State of California, and Employer's Liability insurance.

- d. Public Officials Errors and Omissions Liability, including limited contractual liability coverage, covering liability arising out of any negligent act, error, mistake or omission in the performance of City's services under this Agreement. This coverage must be continuously maintained for a minimum of two (2) years following completion of this Agreement. This coverage may be written on a "claims made" basis, if so, please see special provisions in Section B.
- e. Cyber Liability (including privacy liability and network security coverage).

2. Minimum Limits of Insurance

City must maintain limits no less than:

- a. General Liability: \$10,000,000 limit per occurrence for bodily injury, personal injury, and property damage. If a General Liability or other form with a general aggregate limit is used, either the general aggregate limit must apply separately to this project/location or the general aggregate limit must be twice the required occurrence limit. This requirement may be satisfied by a combination of General Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying General Liability policy, "Follow Form" coverage, and a "Drop Down" provision.
- b. Automobile Liability (including umbrella/excess liability): \$10,000,000 limit per accident for bodily injury and property damage. This requirement may be satisfied by a combination of Auto Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying auto liability policy, "Follow Form" coverage, and a "Drop Down" provision.
- c. Workers' Compensation and Employer's Liability: Statutory Workers' Compensation limits and Employer's Liability limits of \$1,000,000 per accident.
- d. Public Officials Errors and Omissions Liability: \$2,000,000 each occurrence/aggregate minimum limit per claim. This requirement may be satisfied by a combination of Professional Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying professional liability policy, "Follow Form" coverage, and a "Drop Down" provision.
- e. Cyber Liability: \$1,000,000 per occurrence.

3. Self-Insured Retention

If City is a governmental authority such as a state, municipality or special district, self-insurance is permitted.

B. Claims Made Provisions (not applicable to General Liability or Auto Liability)

Claims-made coverage is never acceptable for General Liability or Auto Liability. Claims-made may be considered for Professional, Environmental/Pollution, or Cyber Liability. If coverage is written on a claims-made basis, the Certificate of Insurance must clearly state so. In addition to all other coverage requirements, such policy must provide that:

1. The policy must be in effect as of the date of this Agreement and the retroactive date must be no later than the date of this Agreement.
2. If any policy is not renewed or the retroactive date of such policy is to be changed, City must obtain or cause to be obtained the broadest extended reporting period coverage available in the commercial insurance market. This extended reporting provision must cover at least two (2) years.
3. No prior acts exclusion may be added to the policy during the contract period.
4. The policy allows for reporting of circumstances or incidents that might give rise to future claims.

C. Other Provisions

The policies must contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability

- a. VTA, its directors, officers, officials, employees and volunteers are to be named as additional insureds as respects: liability arising out of activities performed by or on behalf of City, including VTA's general supervision of City; products and completed operations of City and its subcontractors; premises owned, occupied or used by City; or automobiles owned, leased, hired or borrowed by City. The coverage must contain no special limitations on the scope of protection afforded to VTA, its directors, officers, officials, employees, or volunteers. Additional Insured endorsements must provide coverage at least as broad as afforded by the combination of ISO CG 20 10 10 01 and CG 20 37 10 01
- b. Any failure to comply with reporting provisions of the policies may not affect coverage provided to VTA, its directors, officers, officials, employees, or volunteers.
- c. City's insurance must 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.

- d. The General Liability General Aggregate limit must apply per project, not per policy.
- e. Products/Completed Operations Liability coverage must be maintained for a minimum of two (2) years following completion of this Contract.

2. All Coverages

- a. The insurer must agree to waive all rights of subrogation against VTA, its directors, officers, officials, employees, and volunteers for losses arising from work performed by City and its subcontractors for VTA.
- b. City's insurance coverage must be primary insurance as respects VTA, its directors, officers, officials, employees, and volunteers. Self-insurance or insurance that may be maintained by VTA, its directors, officers, officials, employees, or volunteers may apply only as excess to City's insurance. City's insurance must not seek contribution from VTA's insurance program.

3. Other insurance provisions

- a. The Certificate must disclose the actual amounts of all deductibles or self-insured retentions.
- b. If any coverage forms or endorsements required by this Contract are updated by their publishers, whether they be the insurance carrier(s), the Insurance Services office, or the American Association of Insurance Services, during the duration of this Contract, VTA reserves the rights to require City to procure said coverage forms or endorsements using the updated versions upon the next renewal cycle.

D. Acceptability of Insurers

Insurance and bonds must be placed with insurers with an A.M. Best's rating of no less than A VII (financial strength rating of no less than A and financial size category of no less than VII), unless specific prior written approval has been granted by VTA.

E. Certificates of Insurance

City must furnish VTA with a Certificate of Coverage. The certificates for each insurance policy are to be signed by an authorized representative of that provider. City must instruct their insurance broker/agent to submit all certificates and required notices electronically in PDF format to Insurance.certificates@vta.org. All endorsements must be attached to the certificate in a single PDF document.

The certificates must (1) identify the insurers, the types of insurance, the insurance limits, the deductibles, and the policy term, (2) include copies of all the actual policy endorsements required above, and (3) in the "Certificate Holder" box include:

Santa Clara Valley Transportation Authority ("VTA")
3331 North First Street
San Jose, CA 95134-1906

In the Description of Operations/Locations/Vehicles/Special Items Box, the VTA Contract number must appear, the list of policies scheduled as underlying on the Umbrella/Excess policy must be listed, Certificate Holder must be named as additional insured, and Waiver of Subrogation must be indicated as endorsed to all policies as stated in the Contract Documents.

It is a condition precedent to award of this Contract that all insurance certificates and endorsements be received and approved by VTA before Contract execution. No work may be performed until insurance is in full compliance. VTA reserves the rights to require complete, certified copies of all required insurance policies, at any time.

If City receives notice that any of the insurance policies required by this Exhibit may be cancelled or coverage reduced for any reason whatsoever, City must immediately provide written notice to VTA that such insurance policy required by this Exhibit is canceled or coverage is reduced.

F. Maintenance of Insurance

If City fails to maintain insurance as required herein, VTA, at its option, may suspend payment for work performed and/or may order City to suspend work at City's expense until a new policy of insurance is in effect.

ATTACHMENT D

Transit Operations Program Guidelines

(Adopted by VTA Board of Directors on October 5, 2017)

Definition from Resolution No. 2016.06.17

The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early morning, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.

Total Funding

- \$500 million in 2017 dollars.

Distribution

- VTA anticipates that allocations will be programmed based upon the total allocation for the Transit Operations Program contained in 2016 Measure B divided by the number of years in the measure.
- Future allocations will vary depending upon the amount of sales tax revenue collected.
- The Transit Operations Program Area funding will be allocated for the following four programs identified in 2016 Measure B Attachment D:
 - Enhance Frequent Core Bus Network by increasing core bus route service frequencies, and expanding or adding additional evening, late night and weekend service.
 - Expand mobility services and affordable fare programs for seniors, disabled, students and low-income riders.
 - Support new/innovative transit service models to address first/last mile connections and transit services for the transit dependent, vulnerable populations and paratransit users that is safe and accountable.
 - Improve amenities at bus stops to increase safety, security and access with lighting and access improvements.

The proposed allocations for the four categories are as follows:

2016 Measure B Transit Operations Program Area

Area	Funding Allocation (Proposed)
Frequent Core Bus Network	73%
Innovative Mobility Models & Programs	8%
Fare Programs	15%
Bus Stop Amenities	4%

Implementation

For FY18 & FY19 Budget Allocation:

- The Enhanced Frequent Core Bus Network will directly fund VTA's core bus network of services increasing core bus route service frequencies, and expanding or adding evening, late night and weekend service.
- The Fare Programs will fund the Transit Assistance Program (TAP) and reduced fares for youth.
- The Innovative Transit Models Program will support goals to address first/last mile connections. Strategies may include competitive grant programs to help fund services operated by local jurisdictions, utilize excess paratransit capacity, and other programs that encourage investments in local service.
- The Bus Stop Amenities Program will directly fund improvements at VTA's bus stops. The bus stop improvements will be prioritized based on VTA's Transit Passenger Environment Plan and ongoing maintenance needs.

Six to 12 months into the implementation of the Next Network, staff will have ridership data available to evaluate potential increases to the ridership hours where we see higher demand for service. To meet our commitment as expressed in 2016 Measure B and in collaboration with the public, VTA will make increased investments in service hours in the system focusing on those areas where we see the greatest demand by transit dependent populations.

VTA will consider the potential for further reducing the fares for seniors and youth with a requested goal of free rides.

Criteria

- Only projects and programs currently listed on 2016 Measure B Attachment D are eligible.

Requirements

- For potential competitive grants for the Innovative Transit Models Program:
 - Reporting requirements will be detailed in agreements executed with VTA for project funding.
 - All applications must include a delivery schedule.
 - Funds will be available on a reimbursement basis.
- VTA Complete Streets reporting requirements will be required for all capital

improvements projects.

- All collateral material will be required to display a 2016 Measure B logo.

Milpitas OnDemand

Category:	Community Improvement
City Council Priority:	Transportation and transit
Project Location:	Citywide
Managing Department:	Planning
Contract Person:	Ned Thomas [3273]/Jay Lee [2713]
Project Stage:	Planning
Estimated Schedule :	
Design	2023
Construction	
Reoccurring Project:	No

Description

This project provides for an 18-month pilot program to provide micro-transit connection services throughout Milpitas. The proposed demand-responsive micro transit service will operate as a “hub and spoke model”, an innovative service model that functions as a hybrid between first-last mile and point-to-point service. Riders will be able to book trips from any one of nearly a hundred virtual stops across the City to any of the “hub” locations and vice versa. The goal of the program is offer a convenient service to Milpitas’ residents, commuters, and vulnerable/transit dependent populations, including those not conveniently served today by fixed bus and rail routes. The program harnesses cutting-edge technology to provide safe, convenient, affordable, and much-needed first-last mile connections for Milpitas residents.

Notes

N/A City of Milpitas

Community Improvement Projects

Uncommitted Balance
as of 5/31/2021

Council
Approval

Milpitas OnDemand

Project No. 3493

N/A

9/21/2021

Estimated Cost

Phase	Prior Year	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	Total
Administration	0	1,355,916	0	0	0	0	1,355,916
TOTAL	\$0	\$1,355,916	\$0	\$0	\$0	\$0	\$1,355,916

Funding Source

	Prior Year	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	Total
Grants	0	1,084,732	0	0	0	0	1,084,732
Developer fees	0	200,000	0	0	0	0	200,000
General Government CIP Fund	0	71,184	0	0	0	0	71,184
TOTAL	\$0	\$1,355,916	\$0	\$0	\$0	\$0	\$1,355,916

Finance Notes

Operating Impact Notes

City of Milpitas

N/A



MEMORANDUM

Writer's Direct Telephone: 408.321.5683

TO: Jay Lee, Principal Planner
City of Milpitas

FROM: Nicole He *NH*
2016 Measure B Program Office

DATE: 03/11/2021

SUBJECT: 2016 Measure Innovative Transit Service Models Funding Award:
FY20-FY21 Funding Cycle

Hi Jay,

For the FY20 – FY21 funding cycle, your 2016 Measure B Innovative Transit Service Models project has been awarded the following:

- Milpitas OnDemand
- 18 Months
- \$1,084,732

A draft funding agreement for the Milpitas OnDemand project will be sent to you for review and processing.

If you have any questions, feel free to contact me at nicole.he@vta.org.



City of Milpitas

December 7, 2020

Ms. Jane Shinn
2016 Measure B Program Manager
Valley Transportation Authority
3331 N. First Street
Santa Clara, CA 95134

Dear Ms. Shinn:

I am pleased to present Valley Transportation Authority (VTA) with the enclosed City of Milpitas Measure B proposal entitled "Milpitas OnDemand," requesting \$1,084,732 for our proposed first-last mile public transportation program. In partnership with RideCo, a transportation consulting agency that specializes in micro-transit solutions for local governments, we are proposing micro-transit connection services across all of Milpitas. The City will supplement an award from VTA with \$271,183 or 20% in cost-sharing, and projects serving 150,019 riders over the 18-month grant period through our app-based transportation solution.

The proposed demand-responsive micro-transit service will operate as a "hub and spoke" model, an innovative service model designed by RideCo that functions as a hybrid between first-last mile and point-to-point service. Riders will be able to book trips from any one of nearly a hundred virtual stops across the City to any of the "hub" locations and vice versa. VTA would be just the second transit agency globally to launch such a program, which was launched by RideCo in Calgary, Alberta in 2019 and continues to run with great success.

The goal of the program is to offer a more convenient service to Milpitas' commuters, including those not conveniently served today by fixed bus route service, and significant vulnerable/transit-dependent population by supporting and complementing VTA's existing bus and rail services. The program harnesses cutting-edge technology to provide safe, convenient and much-needed first-last mile connections for Milpitas residents that is cost-effective for VTA and affordable for daily riders. By supporting this project, VTA has the opportunity to provide a safe transportation option for riders during the pandemic, while also testing the feasibility for a long-term public transportation solution for Milpitas. Our 18-month pilot program will help us evaluate program performance, adjust service based on ridership data, and understand the long-term ridership potential in light of the pandemic and beyond. Although transit ridership is down across the country and especially in the Bay Area, the program will position Milpitas to overcome this challenge by offering a flexible and scalable service.

Together, VTA and the City of Milpitas can make a difference in advocating for and advancing innovative public transportation solutions in Santa Clara County. We are grateful for your consideration of our proposal.

Sincerely,

Ashwini Kantak
Assistant City Manager
City of Milpitas

Attachment: 2016 Measure B Innovative Transit Service Models Competitive Grant Application

2016 Measure B

Innovative Transit Service Models Competitive Grant Application (Rev.10.05.2020)

APPLICATION GENERAL INSTRUCTIONS

- Use this form to apply for 2016 Measure B Innovative Transit Service Models competitive grant funds. All descriptive notes in this form are in blue text. Please answer all parts of the application. Detailed step-by-step instructions will also be provided for this application.
- You can include additional information as an attachment if you require more space to answer the questions. Please make clear references to any attachments in your narratives.
- Submit one application in PDF format for each project to 2016MeasureB@vta.org

PART 1: SPONSOR INFORMATION

Primary Project Sponsor ¹	City of Milpitas
Project Co-applicant(s) (if applicable)	RideCo Inc

Contact person from Primary Project Sponsor Agency regarding this application:

Name	Jay Lee
Title	Principal Planner
Department	Planning Department
Email	jlee2@ci.milpitas.ca.gov
Phone	408-586-3077

PART 2: PROJECT INFORMATION & ELIGIBILITY

Project Name	Milpitas OnDemand
Project Webpage (if any)	Not Applicable
Project Duration	18 Months
Service Type (on-demand, fixed-route or others, please explain)	On-Demand First Last Mile Program
Description of transportation services provided	Please describe the proposed service plan, including service route(s)/service zone, service span and frequency, vehicle need, targeted population, and the intent of the project. <i>*IMPORTANT: Proposed service <u>must not</u> duplicate² existing VTA³ or another transit provider or city's services.</i>

2016 Measure B

Innovative Transit Service Models Competitive Grant Application (Rev.10.05.2020)

(Continued) Description of transportation services provided	Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application" See Part 2: Project Information & Eligibility Description of transportation services provided
Description of geographic areas served	<i>A project service map is required. Include service routes, pick-up & drop-off locations, connections to existing transit stops, and project limits, as appropriate.</i> The proposed project covers all of Milpitas, with the borders of the zone being the city limits. Passengers will be able to hail pickups at any one of nearly 100 "virtual stops" throughout the City, ensuring that no passenger is ever more than a five-minute walk from their nearest virtual stop. In a "virtual stop" service model, passengers are directed to a safe, well-lit location that is a short walk from their door. Examples of virtual stop locations include community mailboxes, specific intersections, and existing physical bus stops. Virtual stops can be added/removed/moved in a matter of seconds with no service downtime. There are no "routes" in the traditional sense, since the service is dynamically routed and vehicle itineraries are updated every 30 seconds to optimize for shared rides. In other words, vehicles may pick up passengers from almost anywhere and may take the shortest route to the next stop on the ever-updating vehicle itinerary. In this "hub-and-spoke" service, the virtual stops will function as the "spokes," while the "hubs" will be City Hall, Metro Center Hub, Alder Station, and Milpitas Transit Center (including the BART Station).

2016 Measure B

Innovative Transit Service Models Competitive Grant Application (Rev.10.05.2020)

Total Project Cost Estimate <i>(in current dollars)</i>	\$1,355,916
2016 Measure B Request Amount <i>(minimum \$250,000)</i>	\$1,084,732
Non-2016 Measure B Contribution % <i>(minimum 10%)</i>	\$271,183 (20%)
Date	December 7, 2020

1. Primary project sponsor must be a Member Agency. Member Agencies include all fifteen cities, VTA and the County of Santa Clara in Santa Clara County.
2. Funding an existing service is not considered duplication.
3. Please refer to VTA's Regular Service Map: <https://www.vta.org/go/maps>

<i>Signature</i>	<i>Name</i>	<i>Title</i>	<i>Date</i>
	Ashwini Kantak	Assistant City Manager	12/07/2020

IMPORTANT: The application must be signed by Public Works Director, Agency Manager or equivalent senior-level staff or his/her designee. Electronic signatures are acceptable.

PART 3: PROJECT DESCRIPTION

3.1 Does the project present any innovation in its project delivery? (Max. 20 points)

(a) What are the two most innovative aspects of your project? Please select two of the following:

☐ Unique partnership and/or funding arrangements, such as partnerships with other local agencies, innovative mobility providers, technology suppliers, and other partners.

☒ Flexible models of transit service delivery, such as on-demand bus and microtransit operations and/or flexible scheduling.

☒ Technical capabilities, such as:

- Integrated payment system,
- Incentives for traveler choices,
- Mobile application,
- On-demand software, and/or
- Real-time transit data.

☐ Innovative data sharing arrangement and/or data collection methods, such as

- Open data platform,
- Crowdsourcing information and/or incentive-based participation in data collection.

☒ Others; please briefly identify any other innovations in your project:

Note that we have selected three innovative aspects of our model, but we view our selection of "other additional innovations" as an extension of both the check boxes we selected above for "flexible models of transit delivery" as well as "technical capabilities."

For details of our additional innovations, please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application"

See 3.1(a) Does the project present any innovation in its project delivery? (20 points)

Others; please briefly identify any other innovations in your project

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(b) Please describe the innovations in your project, with consideration to the following:

- Is your project a new idea to Santa Clara County, i.e. not duplicative of other existing transit services?
- If your project provides on-demand service, how is it different from other existing on-demand operations?
- What organizations or agencies are you partnering with?
- Is your project market-ready? What are the expected utilities of your new service models, systems and/or technologies?
- Is your project replicable in other communities or transferable to other transportation agencies?
- What existing mobility challenge/difficulty does the project address? Does it provide any cost/time savings to existing conditions? Consider the impact of COVID-19 pandemics on transit.

While we understand that the general concept of on-demand transit was previously piloted by the VTA in the form of the Flex service, this service is no longer operational and thus there is no overlap between the proposed and current services. Though local bus routes operate in some of the same coverage area as the proposed demand-response service, the current bus lines only conveniently serve a percentage of the population of Milpitas. The proposed service would save not just time but also money for passengers that currently drive to the Milpitas BART station. Parking at the Bart station costs \$3 per day or \$50 per month with a pass. This is on top of the additional cost of gas and the time spent looking for parking in a sometimes rather busy lot. Taking the proposed on-demand service will be more convenient than driving and will save daily commuters potentially hundreds of dollars per year, which is particularly beneficial for lower income individuals.

Compared with Flex, Milpitas' new program will be similar only in that it is also an on-demand transit service; the zone, service model, and technological architecture powering the service are fundamentally different. The service model is specifically designed for connections with transit hubs, caters to the general public (including both ambulatory and mobility-limited riders), and uses a software that has best-in-class routing and passenger pooling capabilities. Other differences between Flex and our proposed service include: shorter travel times, app-based booking, real-time on-demand bookings, flexible vehicle itineraries, dynamic vehicle routing, improved passenger communication (in regards to vehicle location, ETAs, delays etc.), and full automation of the booking/scheduling/routing process.

The City of Milpitas has partnered with RideCo for the proposed service. RideCo will serve as the primary contractor and will oversee the day-to-day management of the service, subcontracting vehicle operations to Yellow Checker Cab Company. Yellow Checker Cab has been providing service in San Jose and the surrounding areas since 1938 and currently provides paratransit overflow services for the VTA in a number of cities. They are trusted for using only local, highly skilled drivers who undergo a rigorous training process and provide high quality customer service. RideCo will be in charge of ensuring the smooth operation of the service and overseeing the training and service performance of Yellow Checker Cab and its drivers.

Our proposed solution is currently market ready, and can launch in as few as eight weeks. Our technology partner has launched more than 30 demand-responsive microtransit services around the world and has worked with some of the largest transit agencies in the country, including Los Angeles Metro, Metro Houston, and San Antonio's VIA Metro. The proposed hub-and-spoke model has been proven successful in RideCo's on-demand service for Calgary Transit in Alberta, Canada by drastically reducing wait times for pickup and time spent transiting in vehicles.

The expected benefits of the proposed service model are to improve access to regional transit for residents of Milpitas and promote equity for all residents of the City by improving service coverage as compared to the current fixed bus routes. This new service will enable every resident to connect to express buses and trains heading to other cities while significantly increasing general mobility within the City itself. Another major benefit stemming from the proposed service is improved connectivity to the Metro Center Hub, an area of major economic development in Milpitas. Finally, the service will improve access to the industrial employment areas in the southwestern areas of the city, which currently have much lower levels of bus service compared to the rest of the City.

RideCo's services are highly customizable to the specifics of each zone in which they operate. This, coupled with their fleet partner's flexible vehicle supply, will allow the service to scale with ease if, in the future, ridership grows to where additional service vehicles are required to meet growing ridership demand. This type of on-demand service is easily replicable in other communities within the VTA's catchment area, as well as easily transferable to other transit agencies in nearby areas.

The flexibility of RideCo's service model has enabled the company to develop a proposed partnership with Milpitas that meets the transit demands of our different communities. The service model is based on an analysis of ridership demand, travel patterns, and municipal economic development strategy. The technology used can support other municipalities in the area considering an on-demand service, but each municipality will need to consider the service model that best suits their residents' needs. For instance, our target cost-per-passenger for this specific service is \$7 to \$9; this is only achievable due to the efficiencies created by the proposed hub-and-spoke service model. In another city of a different population, economic situation, and/or geographical layout, a hub-and-spoke microtransit service may not prove as effective.

This project addresses the existing mobility challenges of quickly transporting daily commuters to employment centers and transit hubs in Milpitas. Additionally, we propose to improve the quality of service for limited mobility riders requiring accessible service who take trips that connect with light rail or fixed-route express buses, by improving the booking process, modifying the routing and scheduling to on-demand, offering app-based booking, and by improving communication to passengers through real-time updates in app vehicle tracking.

Additionally, the proposed service can be scaled down easily to reduce operational costs even further in the event that ridership remains low or declines due to the ongoing pandemic.

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(c) How does your service help recover transit ridership during/after COVID-19 pandemic, in an innovative way?

Ridership on many VTA routes fell earlier this year due to the ongoing COVID-19 global pandemic. Ridership fell so drastically for some routes that the cost of operating these routes has become highly inflated despite some growth in ridership in recent months. Many daily bus riders began to work from home, while others took to driving to reduce their risk of COVID-19 infection, leaving only essential workers without access to vehicles as the primary bus riders in the Bay Area. The risk of infection associated with riding a public bus during the pandemic has made previously simple tasks like buying groceries or attending doctors' appointments a risky endeavor for many of our residents.

Many transit riders, especially daily commuters, are currently wary of taking the bus due to the risk of COVID infection. Our on-demand service will not only reduce in-vehicle times by approximately 50%, but the software we propose can be configured such that only a limited number of passengers are permitted in a single vehicle at once. This enables us to give riders confidence that their in-vehicle exposure risk will be much lower. The advanced technology that RideCo brings to its service model enables Milpitas to offer an affordable and convenient way to access higher frequency regional transit and entice riders back to public transportation.

By improving first-last-mile experiences across the entire City of Milpitas, the proposed service will ensure that essential workers can get to work during the pandemic and enable non-essential workers to access a transit program that minimizes their travel time while increasing their comfort levels (i.e., their feelings of safety and well-being). We believe that improving first-last-mile options is the single most important factor to not only regain lost ridership, but to attract new riders on existing fixed-route transit. As over 40% of Milpitas residents work outside the City, quick and reliable access to rapid transit is crucial for many residents to maintain their current employment levels; this is true for lower-income residents in particular. As an example of the efficacy of on-demand transit: RideCo's largest service in San Antonio, Texas saw a reduction in ridership of only 20% during the peak of COVID, which is significantly better than the average transit agency's reduction of over 50%.

A major innovation specific to RideCo's unique brand of on-demand transit is that service levels can be scaled up or down on very short notice to either reduce the cost of operating the service when ridership decreases or to increase levels of service when ridership increases post-COVID and into the future. The proposed service is highly flexible and allows for addition or removal of service vehicles to/from the road with short notice, which allows us to match vehicle supply to ridership demand on a day-to-day basis.

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3.2 Does the project provide any first/last mile connection to transit? (Max. 20 Points)

(a) Does/Will the project service accommodate bicycles on board?

☒ Yes ☐ No

(b) Where are the proposed pick-up/drop-off locations of your project service? Please list the cross streets or the point(s) of interest such as “ABC shopping center” or “XYZ medical plaza”. Also, please provide a map identifying the route(s) and pick-up/drop-off locations.

If your service is on-demand and has no fixed pick-up/drop-off locations, please provide a map identifying the service zone.

The proposed service is fully on-demand and dynamically routed, and as such has far too many possible locations for pickup and drop off to be listed. Instead, a map identifying the service zone and potential virtual stops has been attached to the end of this proposal. The stop locations on that map have been generally identified, but will be further configured and refined by RideCo's service design team upon contract award.

Virtual stops, rather than fixed stops, will be used for this service. The advantages of using virtual stops over alternative models are many and include: the ability to quickly add/remove/move stops; the fact that they do not cost anything to implement as existing landmarks and intersections serve as designated virtual stops; the fact that virtual stops group riders together for pickup, as opposed to a door-to-door service model which is far less efficient; and finally virtual stops can be placed essentially anywhere that is well-lit and safe to board, which helps to reduce walking distances to pickup locations.

Please provide the following data within the catchment area. *If you answered YES to (a):* The catchment area is calculated as **1 ½-mile actual biking distance** of the pick-up/drop-off locations. *If you answered NO to (a):* The catchment area is calculated as **½-mile actual walking distance** of the pick-up/drop-off locations.

REQUIREMENT: Attach a map identifying the connections to residential area, employment centers and transit within the catchment area.

Residents	
Number of residents:	84,184
Data source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table DP05	
Employment	
Number of jobs:	51,461
Data source: California Employment Development Department (EDD), 2018	



2016 Measure B

Innovative Transit Service Models Competitive Grant Application (Rev.10.05.2020)

Existing or planned regional rail stations¹
List the regional rail operators that serve or will serve the catchment area: Bay Area Rapid Transit (BART)
List the station names: Milpitas Station: 1755 S. Milpitas Blvd, Milpitas CA 94566
Existing or planned frequent transit stops/stations²
List the frequent transit lines that serve or will serve the catchment area: Route 60 Route 66 Route 70
List the stops locations/station names: Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application" See 3.2(b) Does the project provide any first/last mile connection to transit? List the stops locations/station names for frequent stops/stations:
Existing or planned local transit stops/stations³
List the local transit lines that serve or will serve the catchment area: Route 20 Route 44 Route 47 Route 71
List the stops locations/station names: Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application" See 3.2 (b) continued: List the stops locations/station names for local stops/stations:

1. Regional rail service includes Caltrain, ACE, Capital Corridor, and BART.
2. Frequent transit is 15 minute or better frequency from 6:30a to 6:30p, M through F, including VTA's light rail service. Refer to VTA's Regular Service map: <https://www.vta.org/go/maps>
3. Local transit includes all non-frequent transit.



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3.3 How does the project service benefit vulnerable/transit-dependent populations?

(Max. 20 Points)

- (a) Please describe the demographics to be served, their current local mobility challenges, and their needs for your transportation service.

Please see the document entitled "Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application"

See 3.3 How does the project service benefit vulnerable/transit-dependent populations?

Part (a) Please describe the demographics to be served, their current local mobility challenges, and their needs for your transportation service.

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- (b) What is the estimated vulnerable/transit-dependent population, if any, within the catchment area of your project service (refer to the calculation of catchment area in section 3.2.b)? You should briefly explain the process of estimation.

Any individual that demonstrates one or more of these following characteristics is considered “vulnerable/transit-dependent”:

- Individuals with disabilities;
- Individuals with low-income (as defined by MTC - person living in a household with incomes less than 200% of the federal poverty level established by the Census Bureau);
- Individuals with no personal vehicles; and
- Youth as defined for VTA’s fare structure: [https://www.vta.org/go/fares#accordion-hide-youth-\(5-18\)](https://www.vta.org/go/fares#accordion-hide-youth-(5-18))

Note - You can find relevant tract-level data provided by MTC:

<http://opendata.mtc.ca.gov/datasets/mtc-communities-of-concern-2018-with-american-community-survey-data-2012-2016>

Milpitas is home to 6,266 individuals with disabilities, including cognitive difficulties, ambulatory difficulties, and self-care difficulties (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table S1810).

A “Low Income” individual, as defined by MTC, is a “person living in a household with incomes less than 200% of the federal poverty level established by the Census Bureau.” Based on this definition, there are 8,186 low income individuals living in Milpitas (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table S1701).

“Youth,” defined as individuals between the ages of 5 and 18 years old, number 9,761 in Milpitas (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table DP05).

2,691 residents in Milpitas do not have a vehicle (Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table DP04)

Our estimation process: As there is no American Community Survey table that provides a direct answer to this query, a Census representative calculated 2,691 residents through some simple calculations using ACS table DP04 queried to Milpitas:

There were 874 households in Milpitas that did not have a vehicle in 2019. In 2019, there was an average of 3.23 persons per household in owner-occupied Milpitas homes.

In 2019, there was an average of 2.94 persons per household in tenant-occupied Milpitas homes.

$(3.23 \text{ people} + 2.94 \text{ people})/2 = 3.08 \text{ persons per household in Milpitas}$

$874 \text{ households without a vehicle} \times 3.08 \text{ persons per household in Milpitas} = 2,691 \text{ residents in Milpitas did not have a vehicle in 2019}$

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- (c) How does the project address the mobility challenges in part (a) and better serve vulnerable/transit-dependent populations in part (b)?

The Milpitas OnDemand program will be available to all who live and work in the city. One benefit of this service is that it will enable better access to regional transit for commuters coming in and out of the city, however there is also a significant population of transit dependent individuals in Milpitas. In fact, of 84,184 residents, approximately 6,250 have a disability, 8,000 are considered low income, 9,700 are youth. Given that there is likely overlap in these communities, we estimate that approximately 1 in 5 residents are transit dependent.

We felt that a traditional first last mile service, providing connection only to high-frequency regional transit, would disproportionately serve the 40% of commuting residents who are less likely to be transit dependent. This was a major factor in our decision to propose the hub-and-spoke model, which creates the first-last mile connection while also providing increased intra-city mobility - specifically to frequently visited places.

Additionally, this service can supplement paratransit services by providing accessible transportation to people who have a disability or mobility challenges. Our fleet is designed to have enough accessible seats that a wheelchair passenger will get the exact same quality of service as an ambulatory passenger: an approximately 10-minute wait time and an on-board time mere minutes longer than a direct drive. Paratrasit users can rely on a fixed arrival time, providing them with greater predictability in their trips and better confidence in their plans.

We believe this is a major improvement in access and equity compared with the existing paratransit options in the City, especially since paratransit passengers can be registered to receive door-to-door service as opposed to the virtual stop/hub and spoke service.

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3.4 Is the project service affordable for vulnerable/transit-dependent populations? (Max. 10 Points)

(a) What is the proposed fare structure of the project service?

Fare Type	Proposed Fare per Trip (\$)
Regular – Adult	\$2.5
Disabled	\$1
Low-income	\$1
Youth	\$1
Other types, please specify:	

(b) Please describe if the project offers any additional discount, i.e. with monthly passes or annual passes, or by different payment methods.

Currently, we have no plans to offer passes or discounts. However, these options are available should the city of Milpitas or the VTA wish to provide them. Our technology provider offers can offer numerous payment options including cash, credit, transit pass, & transfer. The app is also able to accommodate discounts through customizable coupon codes.

3.5 Does the project serve an underserved market? (Max. 10 Points)

An underserved market is a geographic area that currently has infrequent or no transit service. Please describe if the project:

- provides new or supplementary transit service to an underserved market; **OR**
- targets new markets currently not served such as specific commute patterns and/or early morning/late night service.

Although certain neighborhoods in Milpitas are well served by public transit, particularly near VTA's light rail stops and at the new BART station, much of the City is underserved. Several areas in the City are within a half mile of an existing or planned major transit stop or an existing stop along a high-quality transit corridor, which is defined as a corridor with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. However, the entire eastern half of Milpitas, which houses many of the City's residents who primarily commute to other cities for work, lies outside these well-served areas. Our proposed service will not only minimize the distance from transit, but also shorten wait times for underserved areas.

Additionally, several key employment centers along the western edge of the City are also underserved by public transit, including McCarthy Center, California Circle, and part of the Southwestern Employment Area. Per VTA's Vehicle Miles Traveled (VMT) data, workers in these employment centers drive to work significantly more than the average employee in Santa Clara County. Furthermore, both residents and employees in many neighborhoods that are well served by transit still drive more than the average resident or employee in Santa Clara County, and especially in the northern half of the City. This demonstrates the need for better first-last-mile connections to encourage residents and employees to utilize existing transit services.

As Milpitas continues to prioritize housing and jobs growth near transit and existing employment centers through its long-range planning efforts, it is critical to ensure that on demand first-last-mile connections are in place to complement, support, and fully leverage the City's existing bus and rail services. Milpitas is currently updating its Metro Specific Plan to accommodate significant additional development around the new BART station and implement active transportation infrastructure to complement future transit-oriented development. The City anticipates receiving a Regional Housing Needs Allocation (RHNA) of 6,000 to 7,000 units for the upcoming RHNA cycle, most of which will be accommodated in the Metro Specific Plan. The Metro Specific Plan will also create an innovation district to facilitate development of office/manufacturing flex space and increase the development capacity of office and commercial land uses by approximately 2,087,075 square feet. Furthermore, Milpitas is updating its General Plan, which will prioritize new development in various opportunity areas throughout the City.

The four hubs of RideCo's service model will align with these opportunity areas where the demand for public transit will likely be the highest due to increased development density and housing and jobs growth. With an increasing residential population and workforce with varying transportation needs and commute times, Milpitas is in need of a flexible and complementary transportation service to make greater use of its existing public transit services and facilitate the shift from auto dependency to a balanced multimodal transportation network. RideCo's on demand first-last-mile service makes the best possible use of the relocated BART station, filling an important gap in the existing transportation network to ensure that Milpitas' growth will be accompanied by an increase in net transit ridership.

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3.6 Project Timeline (Max. 5 Points)

(a) Have you completed a feasibility/planning study?

☒ Yes ☐ No

(b) Have you secured vehicles, equipment, and/or labor services required for the project?

☒ Yes ☐ No

(c) Have you launched the project service? If not, when do you expect to launch the service? If you answer No to (a) and/or (b), please provide an estimated timeline of project delivery (in Month/Year), including the completion of a feasibility/planning study and vehicles, equipment and labor services procurement.

Should the City of Milpitas be awarded the funds for this project through this grant proposal, we will have the service ready to launch within 14 weeks of award. We have a partnership in place with RideCo, which in turn has an agreement in place for fleet operations (vehicles, maintenance, drivers, etc.) with Yellow Checker Cab Company. Based out of San Jose, Yellow Checker Cab has been providing service in San Jose and the surrounding areas, including Morgan Hill, since 1938, and is currently a partner of the VTA for paratransit overflow services in a number of cities.

A detailed timeline has been included as an attachment.

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3.7 Project Cost (Max. 10 Points)

2016 Measure B Fund Request	\$1,084,732
Non-2016 Measure B Funds	\$271,183
Total Project Cost (in current dollar) ¹	\$1,355,916
% Non-2016 Measure B Contribution ²	20%

Notes:

1. Total project cost includes both capital cost and operating cost, as well as other miscellaneous costs.
2. % Non-2016 Measure B contribution should be calculated as (Non-2016 Measure B funds/Total Project Cost) x 100%.

You must attach a breakdown of cost estimates, including capital costs and operating costs. List all your assumptions.

Please list any existing or anticipated Non-2016 Measure B fund sources if known.

The City will provide a 20% local match to help fund the program. The two Non-2016 Measure B fund sources are described below.

1. Developer contribution: The City received a \$200,000 contribution from Embarcadero Capital Partners (ECP) and Bride Development to fund a future shuttle program following the Partial Assignment and Assumption Agreements for an industrial development project on McCarthy Boulevard.
2. Staff time: The City will also contribute staff time equivalent to 5% of the grant amount to complete administrative, marketing, reporting, and data collection tasks.

3.8 Cost-effectiveness (Max. 15 Points)

(a) Please provide the following estimates:

Project Duration for 2016 Measure B Fund Request	18 months
Total Operating Cost	\$1,280,916
Total Forecasted Ridership (passenger trips)	approximately 150,000
Estimated cost per passenger trip	\$8.54

Note: "Estimated cost per passenger trip" is calculated as "total operating cost" divided by "total forecasted ridership" in the duration.

(b) Please describe the methodology of estimating the total operating cost (excluding capital costs), with data sources if any. Consider the impact of COVID-19 on operations and list all assumptions.

Our partner RideCo was able to provide us with a total operating cost budget.

Provided below is an explanation of their estimate, which is also attached:

Vehicle operations are the most expensive component of the proposed service. RideCo worked with Yellow Checker Cab to identify the hourly operating cost of one vehicle - including all labor, maintenance, amortization, and other expenses.

The total operating cost of the vehicles is equal to (hours of service per day) * (number of vehicles in operation) * (days of service per year) * (per-vehicle hourly cost).

RideCo prices their services and software on the same basis - a fully loaded cost per vehicle hour. The same calculation can be made here.

By adding these two amounts together (vehicle costs and software costs) and folding in the marketing budget, we arrive at the total operations budget for one year.

The full financial breakout can be seen in the attachments.

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- (c) Please describe the methodology of ridership forecast with data sources if any. If your project is in operation, please also provide existing ridership. Consider the impact of COVID-19 on ridership and list all assumptions.

Ridership projections were developed through a variety of data sources. This data includes, but is not limited to:

- VTA Boardings by Stop (see attached Spreadsheet)
- VTA fixed-route ridership
- Census population & employment data
- Income distribution map of Milpitas residents
- Microtransit ridership of similar RideCo & competitor projects
- Expected net new ridership of surrounding geography

By analyzing these and similar data sources, we are able to confidently project a range for expected daily patronage.

We are able to model the number of vehicles to be operational at launch and at full-scale service by confidently forecasting ridership expectations and carefully executing a marketing & communications plan.

We started with an analysis of the available ridership data. Specifically, we looked at the average number of daily boardings at the stops near our identified hubs from February 2020. This provided us a clear baseline for the trip volume to our hub locations. Recognizing that boardings only represent “First Mile” trips, we doubled the number to account for the return or “Last Mile” trips. This provided us with a total potential trip volume of 8,000 rides pre COVID-19 – if we assume a 100% conversion rate (i.e., the percent of riders who use the service to access connecting transit). We then looked at the conversion rate experienced by RideCo in other first-last-mile services they operate and arrived at an estimate of 417 rides per day to and from our Hub locations.

We then looked to validate this estimate by cross referencing general public transit ridership per capita for the surrounding geographic region. In this way, we were able to confidently predict an expected range for daily ridership.

We recognize that it takes time for riders to adopt the new service and have assumed a six month ramp-up period that is in line with the rate of adoption seen in other on demand programs.

On demand microtransit projects across North America have indicated that with effective marketing, daily ridership can be accurately projected with just two metrics for the catchment area: population and job count. In general, medium-low household income levels show the highest conversion to using on-demand transit.

The impact of COVID-19 cannot be understated. Our ridership projection methodology was adapted to take into account the influence of the current global pandemic. Analysis of the VTA network and peer agencies/cities provides our team with an understanding of COVID's true impact, and is a strong consideration when finalizing early-stage and full-maturity demand projections. The ridership projections can be found in the attachments

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PART 4: ATTACHMENTS

- **Required attachments:**

- ☒ Project service map
- ☒ Catchment area map – identify connections to residential areas, employment centers, and existing transit
- ☒ Project cost estimates – identify capital costs and operating costs breakdown

- **Optional attachments:**

- ☒ Project executive summary
- ☒ Ridership data (if applicable)
- ☒ Feasibility/planning study - executive summary
- ☐ Documentation of vehicles, equipment, and/or labor services acquisition
- ☒ Other (please specify):

Additional optional attachment: A detailed timeline of proposed activities

PART 5: SUBMISSION

The application packet will be accepted via email to 2016MeasureB@vta.org.

- Subject Title: 2016 MB Innovative Transit Application – *Your Agency Name, Abbreviated Project Name*
- For questions, please email: Nicole He (nicole.he@vta.org) or Triana Crighton (Triana.crighton@vta.org)
- Format: Every effort should be made to convert the completed application form and all scanned files to PDF format with optical character recognition (OCR).
- Application Package: Please minimize the application packet size (max. 25MB) for emailing. You may provide a direct download link if the package size is over 25MB.



Attachment 1. Narrative Responses, Measure B Innovative Transportation Grant Application

Part 2: Project Information & Eligibility

Description of transportation services provided

The City of Milpitas, in partnership with RideCo, will implement an on-demand microtransit system that operates citywide. This will be a significant coverage increase compared to the existing VTA fixed bus routes and will provide service to a larger percentage of our local population than the current fixed routes alone.

The proposed microtransit service will function using a "hub and spoke" model, an innovative new type of service model designed by RideCo. Compared to a traditional first-last-mile service, hub and spoke is far more flexible and covers a larger number of hub destinations, including transit centers but also employment centers and shopping centers. Hub and spoke provides the high productivity of a first-last-mile service while providing riders with more mobility options. Riders will be able to book trips from any one of nearly a hundred virtual stops across the City to any one of four "hub" locations, including City Hall, Metro Center Hub, Alder Station, and Milpitas Transit Center. Alternatively, riders can book trips from any one of these hubs to any virtual stop, or from one hub to the next.

Riders are restricted to traveling to or from one of four hubs. Three of the hubs provide connections to high frequency transit, and one (City Hall Hub) will create additional mobility in the network. All four hubs are within easy walking distance (1/2 mile) of housing, jobs, and services.

Service hours for the proposed service will match those of the current VTA fixed bus routes in Milpitas, and will change accordingly if VTA service hours in Milpitas change at any point in the future. Riders anywhere in the City will be able to walk to their nearest virtual stop in under five minutes, whereas many of our residents currently have to walk upwards of 20 minutes to reach the nearest available bus stop, rendering daily VTA bus trips impractical.

Additionally, whereas riders of the current VTA bus routes may wait 20 minutes or more between buses (per current headways on routes within Milpitas), our proposed on-demand transit system will never make riders wait more than 15 minutes; on average, riders will actually wait closer 10 minutes or less for pickup. Similar to app-based ridesharing services, hub locations will provide "front-door service," and virtual stops are sufficient in number and suitably located to improve upon current fixed route service.

This service will operate using seven minivans, three of which will be fully ADA-accessible, and will primarily serve daily commuters who work at or near the four identified hubs, as well as commuters who take fixed-route transit to and from work

each day. The app will offer seat selection options for mobility-limited riders/wheelchair users as well as standard seat types for ambulatory passengers.

The intent of this project is to improve the level of transit service for commuters (while also accommodating disabled and transit-dependent residents), by supplementing the fixed VTA bus routes with an on-demand app-based microtransit service that offers faster trips, shorter wait times, and an easy and secure way to book rides.

3.1(a) Does the project present any innovation in its project delivery? (20 points)

Others; please briefly identify any other innovations in your project

The first innovative aspect of our proposal is the “hub and spoke” addition to the traditional point-to-point on-demand service model. We understand that demand responsive transit has been around for a number of years and may not be considered inherently innovative. However, the proposed service model is an innovation on traditional first-last mile service in its ability to transport riders not just to a single “hub,” but to four hubs (i.e., transit and major employment centers). This style of service can also allow passengers to travel to multiple “spokes” via a hub location without having to book two separate trips. This model, developed by RideCo’s team, has been deployed in Calgary, Alberta with great success, and will be used in our proposed service to improve the passenger experience and the productivity of the service. Our hub-and-spoke model is also innovative in its ability to target the first-last-mile challenge for commuters by grouping passengers heading to the same hub and by only permitting trips to or from these hubs. Another innovative feature of the service is that RideCo’s software schedules trips based on arrival time rather than departure time, which allows for “time channeling,” or seamlessly aligning arrival times of trips with departure times of fixed route bus and trains. This makes it invaluable to commuters and riders who need to be at work at specific times.

This service will improve connectivity to the brand new Milpitas Transit Center and BART Station for connection with fixed route transit heading out of the City while also significantly reducing travel time for workers at local employment centers. Over 40% of Milpitas residents work outside of the City, which means that high-quality connections to commuter trains and buses is crucial to the long-term stability of our local economy. Enhancing transit ridership will help minimize traffic congestion and will offer commuters an attractive alternative to driving and paying for parking.

Currently, residents are accustomed to fixed route bus service characterized by up to 30-minute headways, long on-board times, and limited direct access to fixed-route express transit. Furthermore, para-transit users experience unpredictable wait times and on-board times. With the proposed on-demand system, however, coverage, wait times, and in-vehicle times will all improve dramatically. The on-demand service will improve coverage within the city by approximately 20%, wait times by up to 15 minutes, and in-vehicle times by up to 15 minutes. This is competitive with single-occupancy trips within town and to transit, taking just a few minutes longer than driving solo and

significantly improving trip times for daily commuters. The overall result is a more efficient and user-friendly transit system that will ultimately grow net ridership.

The second innovative aspect pertains to the technical capabilities of the RideCo platform. Their system enables the complete automation of the booking, scheduling, and creation of vehicle itineraries. Unlike the other microtransit companies we evaluated, RideCo's system operates with a "search-and-book" model, wherein trips are scheduled into the system's tentative itinerary at the time of booking; this itinerary is then re-optimized every 30 seconds. As new trips come in, traffic and weather conditions change, or a vehicle breaks down, the system re-optimizes and re-builds the schedule in the background without manual intervention. This approach is different than any other microtransit companies we evaluated, in that they all operate truly on-demand (i.e., when someone requests a ride a car comes as quickly as possible). There are two primary results to this innovative technical approach: excellent vehicle productivity and a promise to get riders to the destinations on time every time.

Because RideCo maintains and re-optimizes a tentative schedule, they are able to build and manage more efficient shared routes. This has a significant impact on per-passenger costs, as we demonstrate below. In addition, RideCo's tech enables them to offer a guaranteed "arrives before" times with each booking. Because their system bases trips on arrival times, they can ensure seamless multimodal trips between on-demand and VTA's fixed-route mode of transit. RideCo's software can also power hybrid services to serve both public transit riders and paratransit trips with the same vehicle and service parameters, which promotes rider equity.

Additionally, all service data is available through a real-time dashboard for ease of monitoring the service and for use in future transit planning. The software allows riders to pay in a variety of ways including cash, credit/debit cards, and any applicable VTA fare media. Passengers can book trips easily through the Milpitas mobile and web applications. Riders are offered multiple options in terms of pickup and drop-off times and locations, fare payments, on-demand or pre-scheduled bookings, and even seat type selection (e.g., luggage, child strollers, or wheelchairs).

3.2(b) Does the project provide any first/last mile connection to transit?

List the stops locations/station names for frequent stops/stations:

Route 60: Milpitas Transit Center (bay 8) Montague Expy & Trade Zone Blvd

Route 66: Main St & Montague Expy, Main St & Cedar Way, Main St & Abel St, Great Mall Pkwy & McCandless Dr, Milpitas Transit Center (bay 2), Milpitas Transit Center (bay 13), Great Mall Pkwy & Montague Expy, Great Mall Pkwy & McCandless Dr, Main St & Great Mall Pkwy, Main St & Curtis Ave, Main St & Curtis Ave, Main St & Corning Ave, Main St & Sinnott Ln, Main St & Serra Way, Main St & Calaveras Blvd, Weller Ln & Main St, Abel St & Penitencia St, Jacklin Rd & Milpitas Blvd, Jacklin Rd & Jacklin Pl, Escuela Pkwy & Jacklin Rd, Escuela Pkwy & Milpitas High School, Washington Dr &

Escuela Pkwy, Arizona Ave & Washington Dr, Arizona Ave & Coelho St, Arizona Ave & Boulder St, Dixon Rd & Arizona Ave

Route 70: Landess Ave & Park Victoria Dr, South Milpitas Blvd & Montague Expy, Milpitas Transit Center (bay 2), Milpitas Transit Center (bay 11)

List the stops locations/station names for local stops/stations:

Route 20: Milpitas Transit Center, Montague & Great Mall, Montague & McCandless, Montague Expressway & Main

Route 44: Milpitas Transit Center, Montague & Great Mall, McCandless & Montague, McCandless & Lee, McCandless Drive, Milpitas, McCandless & Canal, Great Mall & McCandless, Great Mall & Main, South Main Street, Milpitas, Great Mall & Abel, Alder & Tasman, McCarthy & Alder, McCarthy Boulevard, Milpitas, McCarthy & Bellew, McCarthy Boulevard, Milpitas, McCarthy & Ranch, Ranch & McCarthy Walmart

Route 47: Milpitas Transit Center, Montague & Milpitas Boulevard, Park Victoria & Landess, Park Victoria & Clear Lake, Park Victoria & Yellowstone, Park Victoria & Lassen, Park Victoria & Yosemite, Park Victoria & Edsel, Calaveras & Park Victoria, Calaveras & Hillview, Calaveras & Milpitas, Abel & Weller, Main & Milpitas Library, Main & Serra, Serra & Calaveras, McCarthy & Ranch, Ranch & McCarthy Walmart

Route 71: Milpitas Transit Center, Montague & Milpitas Boulevard, Landess & Morrill, Landess & Ashwood, Landess & Corktree, Landess & Paris, Landess & Edgehill

3.3 How does the project service benefit vulnerable/transit-dependent populations?

Part (a) Please describe the demographics to be served, their current local mobility challenges, and their needs for your transportation service.

Milpitas boasts a diverse population with specific transportation needs. This project will serve the entire population of Milpitas (pop. 84,184), including all its 26,904 vulnerable and transit-dependent residents, defined by VTA as individuals with disabilities (6,266), individuals with incomes less than 200% of the Census Bureau's federal poverty level (8,166), individuals with no personal vehicles available (2,691), and youth that qualify for VTA's fare structure (9,761). Of the 6,266 individuals with disabilities, 162 (2.5%) were between 5 to 17 years old, 2,103 (33%) were between 18 and 64 years old, and 4,000 (63%) were 65 and older. 1,034 of Milpitas' employed workers in 2019 reported having a disability (source below). Seniors (65 and over) represent the majority of individuals with hearing disabilities (1,425 or 80% of all individuals with hearing difficulties), vision disabilities (700 or 58% of individuals with vision difficulties), cognitive difficulties (1,726 or 68% of individuals with cognitive difficulties), ambulatory difficulties (2,663 or 80% of individuals with ambulatory difficulties), and self-care difficulties (1,744 or 80% of individuals with self-care difficulties).

The City also has a poverty rate of 8% of households living at or below the federal poverty level. For low-income households in the San Francisco Bay Area, cost is a significant barrier to vehicle ownership, with just 73% of low-income households reporting having access to a vehicle, compared to 94% of higher-income households. Low-income commuters carpool to work more often than higher-income workers (17% compared to 12% of all other workers) and take the bus to work more often than higher-income commuters (12% compared to 5%). Whereas low-income and higher-income workers that drive to work have largely the same commute times, low-income workers that rely on transit have significant shorter work commutes compared to higher-income transit commuters (source below). Furthermore, nearly 25% of Milpitas' population is under the age of 18. Of the 9,761 youth that qualify for VTA's fare structure between 5 and 19 in Milpitas in 2019, 35% were between 5 to 9 years, 28% were between 10 to 14 years, and 34% were between 15 to 19 years old. For the 2,737 Milpitas youth between 16 to 19 years, 28% reported participating in the labor force (source below).

The current local mobility challenges of these vulnerable/transit-dependent populations and their needs for this transportation service are heightened by citywide demographic trends and the growing need for first/last-mile connections. According to the US Census, Milpitas is the 2nd fastest growing city in California. Since 2010, the population of Milpitas has grown by 16%. As the population has grown, so has the number of jobs, with an estimated 38% increase in jobs from 2010 to 2017. On an average weekday, the daytime population nearly doubles as people travel from across the region to major employers in the City. As Milpitas' roads become more congested due to the increasing daytime and nighttime population, the demand for alternative modes of travel is increasing.

Although the City is currently updating its Trails and Bikeways Master Plan to create an all ages and abilities active transportation network in Milpitas, fewer than 3% of residents walk or bike to work today. Milpitas is home to several primary through-ways, such as the rail line, I-680, I-880, and State Route 237, which create barriers to safe bicycle and pedestrian travel across the City, especially for the vulnerable/transit-dependent population. Additionally, Milpitas' suburban development pattern is accompanied by a series of high-speed roadways that are difficult to navigate and cul-de-sacs that limit connectivity within and among neighborhoods. Despite the significant vulnerable/transit-dependent population in Milpitas, the currently challenged active transportation network, and the presence of a public transit network supported by bus and light rail service, only 2.5% of the working population commutes via public transportation today. The limited transit ridership is indicative of the need for a more robust and seamless public transit network. Frequent bus service is limited across the City and most existing routes run north to south and light rail stops are concentrated in southern Milpitas. Furthermore, first/last-mile connections to and from the new Milpitas BART station are needed to better connect Milpitas to the rest of the region.

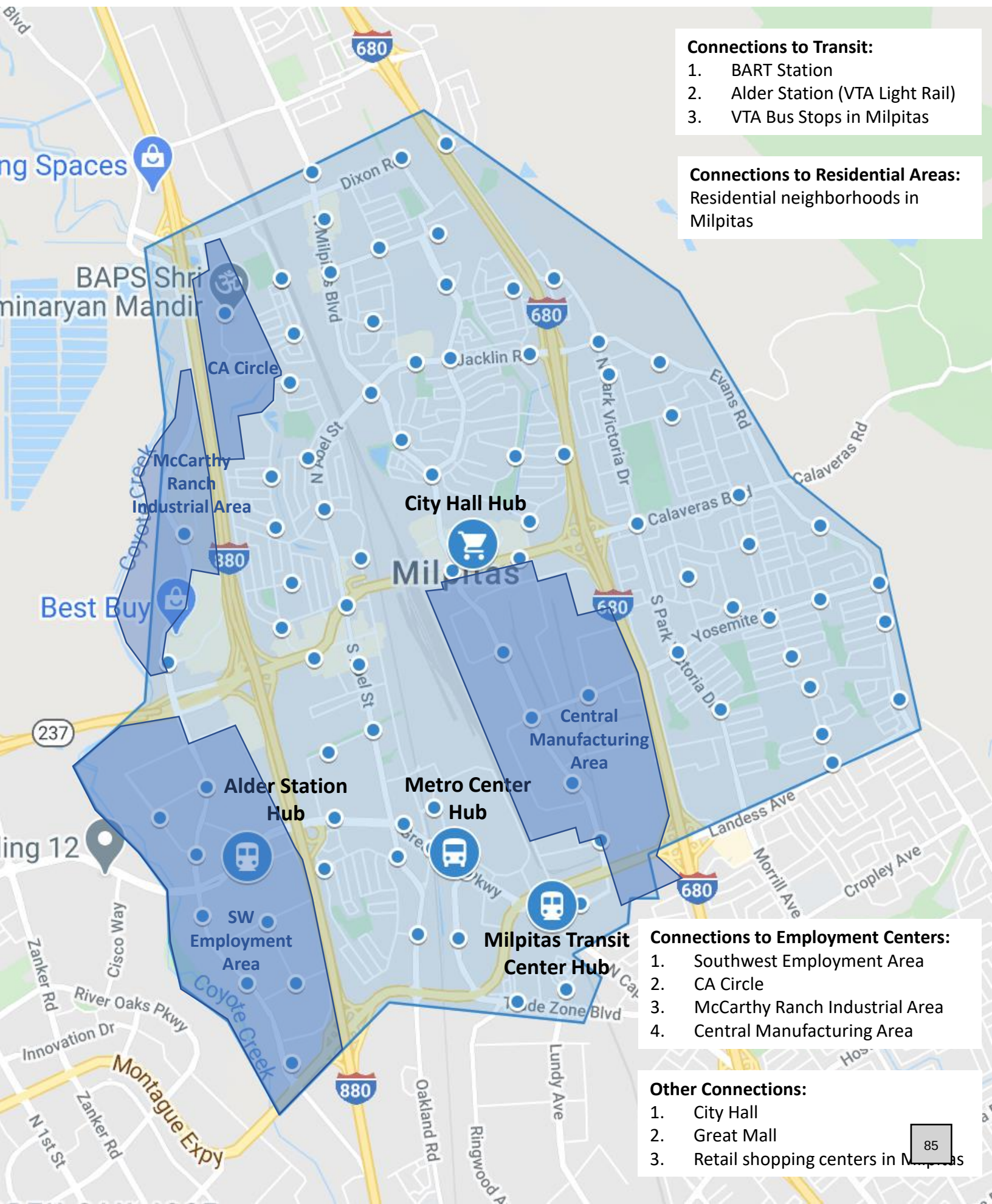
Milpitas' vulnerable/transit-dependent population, which makes up 32% of the City's entire population, is in need of and would greatly benefit from better first/last-mile connections to existing bus and light rail services, even in the face of the pandemic.

Those who continue to utilize public transit during the pandemic tend to be transit-dependent riders who lack access to a car or other modes of transportation. RideCo's on-demand service model will help meet the mobility needs of the vulnerable/transit-dependent population by providing a safe and convenient mode to access Milpitas' existing public transit network.

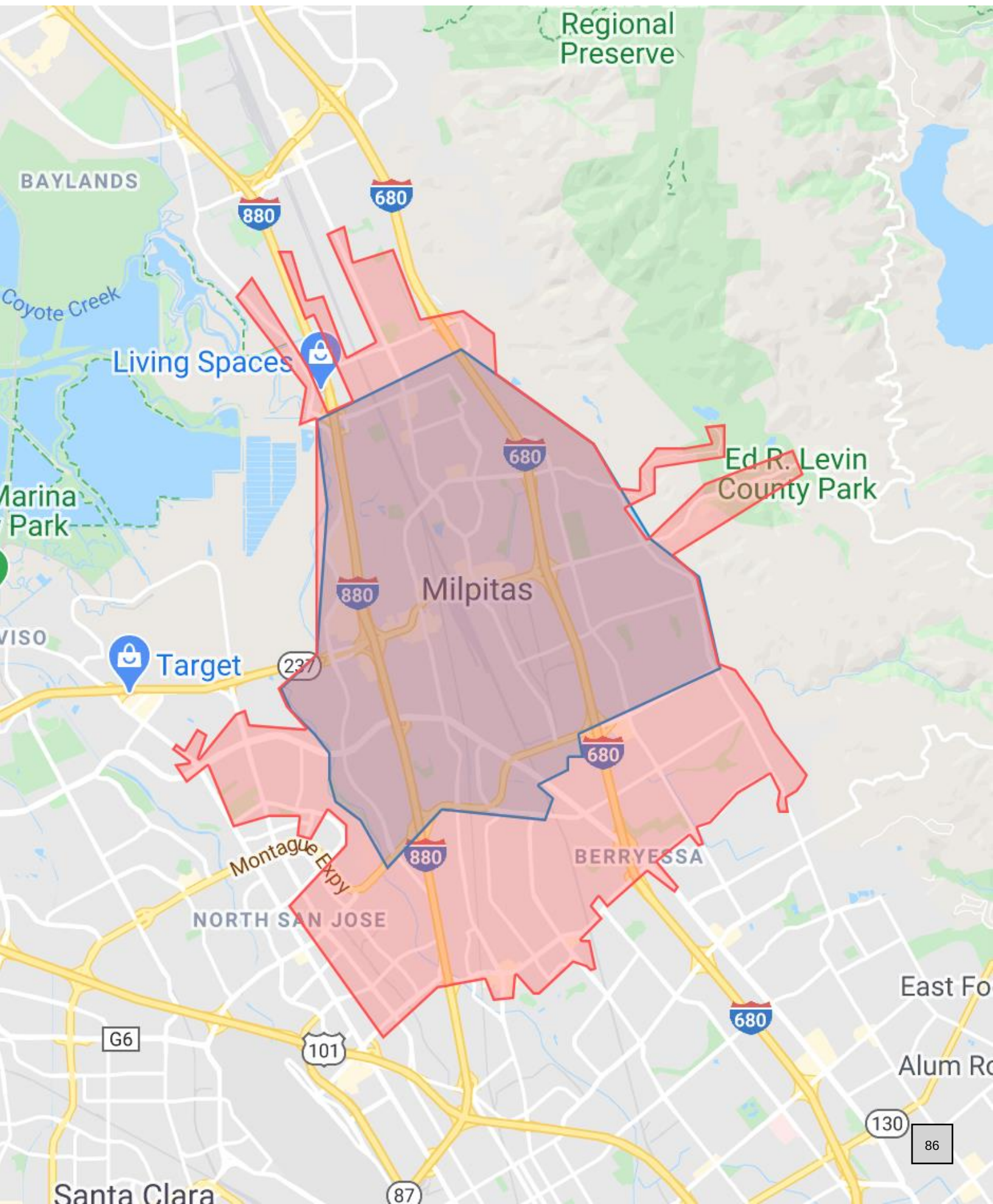
Sources for 3.3(a):

1. U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table C18120
2. Rice, L.: Transportation spending by low-income California households: Lessons for the San Francisco Bay Area. Public Policy Institute of California, San Francisco (2004)
3. U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table S2301

Project Service Map



Catchment Area Map



PROJECT COST ESTIMATES

Ridership

Population	80,000
Total Potential Ridership	420.00
Fare	\$ 2.50
Rides Per Day	417

Service

Daily Hours	12
Service Days per Week	5
Service Days per Year	260
Annual Hours	3120
Vehicles	7

Financial

Hourly Vehicle Operations and Software Cost	\$ 34.00
RideCo Hourly Cost	\$ 5.10
Gross Annual Operations Budget	\$ 853,944.00
Marketing	\$ 75,000.00
Total 1 Year Budget	\$ 928,944.00
Total 18 month Budget	\$ 1,355,916.00
Total 24 Month Budget	\$ 1,782,888.00

12 Month Scenario

Measure B Request	\$ 743,155.20
Local Match Contribution (20%)	\$ 185,788.80
Fare Recovery Estimate (Conservative)	\$68,400.00
Net Cash Contribution	\$ 117,388.80

18 Month Scenario

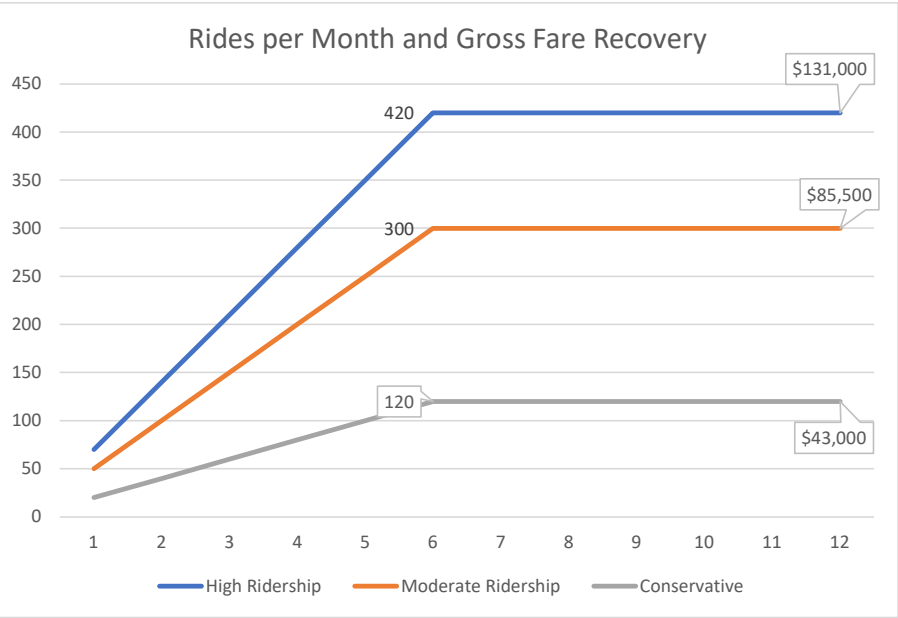
Measure B Request	\$ 1,084,732.80
Upfront Local Match Contribution (20%)	\$ 271,183.20
Fare Recovery Estimate (Conservative)	\$111,600.00
Total Net Cash Contribution	\$ 159,583.20

24 Month Scenario

Measure B Request	\$ 1,426,310.40
Upfront Local Match Contribution (20%)	\$ 356,577.60
Fare Recovery Estimate (Conservative)	\$154,800.00
Total Net Cash Contribution	\$ 201,777.60

Ramp-up Months:	6
Ticket Price	\$2.50
Days in Month	24

	Daily Ridership		
	420	300	120
First-Year Recovery	\$239,400.00	\$171,000.00	\$68,400.00
Second-Year Recovery	\$302,400.00	\$216,000.00	\$86,400.00
Month	High Ridership	Moderate Ridership	Conservative
1	70	50	20
2	140	100	40
3	210	150	60
4	280	200	80
5	350	250	100
6	420	300	120
7	420	300	120
8	420	300	120
9	420	300	120
10	420	300	120
11	420	300	120
12	420	300	120



Vehicle Operations Analysis

Ford Transit Hourly Cost	\$ 48.00
Minivan Hourly Cost	\$ 34.00
Weekday Service Hours	12
Weekend Service Hours	0
Weeks Per Year	52
Software %	15%

WEEKDAY ONLY

	TRANSIT	MINIVAN
Annual Budget	\$ 858,000	\$ 856,000
Weekday Hours	12	12
Days	5	5
Weekly Hours	60	60
Annual Hours	3060	3060
Vehicles	5	7
Average Daily PVH	7	5
Supportable Daily Ridership	420	420
Supportable Annual Ridership	107,100	107,100
Peak PVH Target	10	7
Actual Budget	\$ 844,560.00	\$ 837,522.00
Cost Per Pax	\$ 7.89	\$ 7.82

WEEKDAY AND WEEKEND

	TRANSIT	MINIVAN
Annual Budget	\$ 856,000	\$ 856,000
Weekday Hours	12	12
Weekend Hours	0	0
Weekly Hours	60	60
Annual Hours (51 wks /yr)	3060	3060
Vehicles	5	7
Average Daily PVH	5.5	4.5
Supportable Daily Ridership	330	378
Supportable Annual Ridership	84,150	96,390
Peak PVH Target	10	6
Actual Budget	\$ 844,560.00	\$ 837,522.00
Cost Per Pax	\$ 10.04	\$ 8.69

Project Executive Summary

The city of Milpitas, in partnership with RideCo are pleased to submit our response to the Santa Clara County Valley Transportation Authority (VTA) Call-for-Projects for the 2016 Measure B Innovative Transit Service Models Competitive Grant Program for FY 2020-FY 2021. Milpitas is requesting funds to operate an innovative OnDemand Program providing robust First and Last Mile service to residents, workers, and visitors of Milpitas.

The primary goal of the program is to take best advantage of the new BART connection within the City of Milpitas at the new Milpitas Transit Station. The proposal is to promote transit ridership by providing an alternative to the challenges of the automobile commute on congested Bay Area freeways and other major transportation corridors by offering a more convenient service for many of the 40 percent of City residents who work outside of the City. The objectives to reach this goal also include providing a new opportunity for moving around the Bay Area region by those who do not have a car or do not wish to use it. An additional objective is to connect residents, workers and visitors with City services available at City Hall.

As the City continues to prioritize development near transit and existing employment centers, a more convenient transit service is needed to complement, support, and fully leverage the City's existing bus and rail services. Milpitas is currently updating its Metro Specific Plan to accommodate over 5,000 residential units and 2,000,000 square feet of commercial/office space around the new BART station and implement active transportation infrastructure to complement this transit-oriented development. With an increasing residential population and workforce with varying transportation needs and commute times, Milpitas needs a flexible and complementary transportation service to facilitate the shift from auto-dependency to a balanced multimodal transportation network. RideCo's service will fill an important gap in the existing transportation network to help achieve this goal.

We are proposing a Hub and Spoke service model – an innovative variant of a traditional First Last Mile program that provides flexible and convenient mobility to and from and between transit hubs and key points of interest. In this case, 4 “hubs” have been selected. Three are located at key transit stations and one is in the city center. “Spokes” are placed city wide such that every resident is within a ¼ mile or a 5-minute walk of a predetermined virtual stop on the “spoke”. Riders will be able to take OnDemand rides from any spoke to one of the hubs, or from one of the hubs to any spoke, or from one hub to another (e.g., from a transit stop to City Hall). Ride service efficiency objectives dictate that riders cannot travel between spokes directly, as there are other services for that type of a trip. This model varies from traditional first-last mile in that hubs are not necessarily restricted to a single transit connection. Instead, they are intelligently selected based on existing and new travel demands. The primary goal is served by selecting hubs that will naturally capture more than 85% of trips. This model intelligently blends the efficiency of a first last mile program with the convenience of a

city wide OnDemand service.

The Santa Clara VTA will be just the second transit agency globally to launch such a program. This type of service was launched by RideCo in Calgary, Alberta with great success.

We look forward to piloting this innovative First Last Mile Service and trust that it will prove to be a valuable model to serve other communities with the Santa Clara Valley.

RIDERSHIP DATA

Ridership Summary

Hub	Average Daily Boardings	
Alder Station		286
Great Mall Station		1936
Milpitas Transit Center		1563
City Center		382
Total Supportable Ridership (100% Conversion)		8334
Assumed Covid Reduction (50%)		4167
Projected Daily Ridership at Scale		417
Total Projected Ridership		150,019.20
Total 18 Month Operating Cost (excludes marketing)	\$	1,280,916.00
Estimated Cost Per Passenger	\$	8.54

City Hall Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.433469	-121.90867	Local	Weekday		47	Westbound	61393	Weller & Main	Bus Stop	Bus Stop	2.6	17.4	20
37.428781	-121.90632	Local	Weekday		47	Northbound	61391	Main & Serra	Bus Stop	Bus Stop	4.1	6	10.1
37.431306	-121.90705	Local	Weekday		47	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	2.75	11.6	14.35
37.42757	-121.90908	Local	Weekday		47	Eastbound	61390	Serra & Abel	Bus Stop	Bus Stop	3	12.45	15.45
37.42767	-121.90939	Local	Weekday		47	Westbound	61399	Serra & Calaveras	Bus Stop	Bus Stop	5.2	1.05	6.25
37.432416	-121.90755	Local	Weekday		47	Southbound	61397	Main & Milpitas Library	Bus Stop	Bus Stop	5.6	1.6	7.2
37.428734	-121.90643	Local	Weekday		47	Southbound	61398	Main & Serra	Bus Stop	Bus Stop	1.9	1.85	3.75
37.433076	-121.90943	Local	Weekday		47	Northbound	65704	Abel & Weller	Bus Stop	Bus Stop	3.3	0.3	3.6
37.432416	-121.90755	Frequent	Weekday		66	Southbound	61397	Main & Milpitas Library	Bus Stop	Bus Stop	29.3	56.2	85.5
37.424785	-121.90545	Frequent	Weekday		66	Southbound	63241	Main & Corning	Bus Stop	Bus Stop	11.3	12.7	24
37.426792	-121.90595	Frequent	Weekday		66	Southbound	63240	Main & Sinnott	Bus Stop	Bus Stop	9.8	4.65	14.45
37.433875	-121.90767	Frequent	Weekday		66	Southbound	62466	Main & Weller	Bus Stop	Bus Stop	7.4	3.3	10.7
37.428734	-121.90643	Frequent	Weekday		66	Southbound	61398	Main & Serra	Bus Stop	Bus Stop	7.1	26.1	33.2
37.433469	-121.90867	Frequent	Weekday		66	Westbound	61393	Weller & Main	Bus Stop	Bus Stop	5.75	9.8	15.55
37.431306	-121.90705	Frequent	Weekday		66	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	37.65	7.55	45.2
37.428781	-121.90632	Frequent	Weekday		66	Northbound	61391	Main & Serra	Bus Stop	Bus Stop	20.6	6.05	26.65
37.42506	-121.90538	Frequent	Weekday		66	Northbound	63238	Main & Corning	Bus Stop	Bus Stop	12.25	10.1	22.35
37.426257	-121.90568	Frequent	Weekday		66	Northbound	63239	Main & Sinnott	Bus Stop	Bus Stop	4.55	2.1	6.65
37.431306	-121.90705	Express	Weekday		Express 104	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	0.15	11.55	11.7
37.431306	-121.90705	Express	Weekday		Express 104	Northbound	61392	Main & Calaveras	Bus Stop	Bus Stop	9.4	0.1	9.5
												381.55	

Alder Station Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.413129	-121.9177	Light Rail	Weekday	Westbound	Orange	Westbound	64804	Alder Station	Light Rail Station	Light Rail Station	114.5	154.9	269.4
37.413572	-121.917118	Light Rail	Weekday	Eastbound	Orange	Eastbound	64803	Alder Station	Light Rail Station	Light Rail Station	145.8	131.15	276.95
37.413624	-121.917452	School	Weekday		200	Westbound	61402	Tasman & Alder	Bus Stop	Bus Stop	0	0	0
												286.05	

Milpitas Transit Center Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.410266	-121.892274	Local	Weekday		47		65888	Milpitas Transit Center (Bay 16)	Bus Stop	Bus Stop	15.55	0	15.55
37.410258	-121.891473	Local	Weekday		47		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	116.25	5.2	121.45
37.410266	-121.892274	Local	Weekday		47		65888	Milpitas Transit Center (Bay 16)	Bus Stop	Bus Stop	0	35.3	35.3
37.408945	-121.891365	Light Rail	Weekday	Westbound	Orange	Westbound	65249	Milpitas Station	Light Rail Station	Light Rail Station	90.05	243	333.05
37.408549	-121.890618	Light Rail	Weekday	Eastbound	Orange	Eastbound	65236	Milpitas Station	Light Rail Station	Light Rail Station	267.25	93.35	360.6
37.410309	-121.892041	Local	Weekday		20		65884	Milpitas Transit Center (Bay 12)	Bus Stop	Bus Stop	1.7	25.45	27.15
37.410309	-121.892041	Local	Weekday		20		65884	Milpitas Transit Center (Bay 12)	Bus Stop	Bus Stop	11.1	0	11.1
37.410258	-121.891473	Local	Weekday		20		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	78.4	1.05	79.45
37.410309	-121.891694	Frequent	Weekday		66		65881	Milpitas Transit Center (Bay 7)	Bus Stop	Bus Stop	101.6	108.3	209.9
37.409712	-121.891961	Frequent	Weekday		66		65891	Milpitas Transit Center (Bay 13)	Bus Stop	Bus Stop	100.6	108.95	209.55
37.410091	-121.892177	Local	Weekday		44		65889	Milpitas Transit Center (Bay 15)	Bus Stop	Bus Stop	1.6	0	1.6
37.410258	-121.891473	Local	Weekday		44		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	22.9	0.25	23.15
37.410091	-121.892177	Local	Weekday		44		65889	Milpitas Transit Center (Bay 15)	Bus Stop	Bus Stop	0.05	40.05	40.1
37.410121	-121.891941	Frequent	Weekday		70		65885	Milpitas Transit Center (Bay 11)	Bus Stop	Bus Stop	0.3	55.4	55.7
37.410121	-121.891941	Frequent	Weekday		70		65885	Milpitas Transit Center (Bay 11)	Bus Stop	Bus Stop	39.15	0.1	39.25
37.410258	-121.891473	Frequent	Weekday		70		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	57.2	1.3	58.5
37.409943	-121.891844	Local	Weekday		71		65886	Milpitas Transit Center (Bay 10)	Bus Stop	Bus Stop	0	55.65	55.65
37.409943	-121.891844	Local	Weekday		71		65886	Milpitas Transit Center (Bay 10)	Bus Stop	Bus Stop	60.8	0	60.8
37.410258	-121.891473	Local	Weekday		71		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	120.9	22.35	143.25
37.410551	-121.891638	School	Weekday		200		65876	Milpitas Transit Center (Bay 4)	Bus Stop	Bus Stop	0	2.55	2.55
37.40992	-121.892077	Express	Weekday		Express 104		65890	Milpitas Transit Center (Bay 14)	Bus Stop	Bus Stop	0.5	1.45	1.95
37.40992	-121.892077	Express	Weekday		Express 104		65890	Milpitas Transit Center (Bay 14)	Bus Stop	Bus Stop	2.45	0.15	2.6
37.410137	-121.891603	Frequent	Weekday		77		65882	Milpitas Transit Center (Bay 6)	Bus Stop	Bus Stop	0.25	150.5	150.75
37.410137	-121.891603	Frequent	Weekday		77		65882	Milpitas Transit Center (Bay 6)	Bus Stop	Bus Stop	190.05	0.1	190.15
37.410509	-121.891817	Frequent	Weekday		60		65880	Milpitas Transit Center (Bay 8)	Bus Stop	Bus Stop	0.65	145.8	146.45
37.410258	-121.891473	Frequent	Weekday		60		65878	Milpitas Transit Center (Bay 2)	Bus Stop	Bus Stop	194.75	0.25	195
												1936.45	

Metro Center Hub (Boardings Daily)

Stop Lat	Stop Lon	Category	Day	LRT Direction	Route Proper	Stop Desc	STOP ID	Stop Name Proper	Stop or Station or Rapid	Stop Type	Average Daily Alightings	Average Daily Boardings	Size
37.41439	-121.90212	Light Rail	Weekday	Westbound	Orange	Westbound	65250	Great Mall Station	Light Rail Station	Light Rail Station	178.25	400.95	579.2
37.413925	-121.90143	Light Rail	Weekday	Eastbound	Orange	Eastbound	65235	Great Mall Station	Light Rail Station	Light Rail Station	462.6	208.7	671.3
37.413283	-121.8998	Frequent	Weekday		66	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	10.4	37.5	47.9
37.416103	-121.90257	Frequent	Weekday		66	Southbound	63244	Main & Great Mall Drive	Bus Stop	Bus Stop	45	6.7	51.7
37.413387	-121.90184	Frequent	Weekday		66	Southbound	65220	Main & Centria	Bus Stop	Bus Stop	8.95	30.35	39.3
37.410641	-121.90249	Frequent	Weekday		66	Southbound	65219	Main & Abel	Bus Stop	Bus Stop	2.75	1.45	4.2
37.412184	-121.8986	Frequent	Weekday		66	Eastbound	63844	Great Mall & McCandless	Bus Stop	Bus Stop	14.2	4.55	18.75
37.413283	-121.8998	Frequent	Weekday		66	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	19.1	26	45.1
37.410654	-121.90216	Frequent	Weekday		66	Northbound	65218	Main & Abel	Bus Stop	Bus Stop	6.8	3.25	10.05
37.414899	-121.9019	Frequent	Weekday		66	Northbound	63234	Main & Great Mall Parkway	Bus Stop	Bus Stop	3.75	25	28.75
37.412184	-121.8986	Frequent	Weekday		66	Eastbound	63844	Great Mall & McCandless	Bus Stop	Bus Stop	54.05	4.5	58.55
37.410963	-121.89987	Local	Weekday		44	Southbound	65955	McCandless & Canal	Bus Stop	Bus Stop	0.7	0	0.7
37.413276	-121.90086	Local	Weekday		44	Eastbound	65956	Great Mall & Main	Bus Stop	Bus Stop	0.3	0.35	0.65
37.415196	-121.90421	Local	Weekday		44	Eastbound	63233	Great Mall & Abel	Bus Stop	Bus Stop	0.3	0.2	0.5
37.413283	-121.8998	Local	Weekday		44	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	2.55	5.1	7.65
37.41496	-121.9028	Local	Weekday		44	Westbound	63245	Great Mall & Main	Bus Stop	Bus Stop	0.1	0	0.1
37.411076	-121.89965	Local	Weekday		44	Northbound	63925	McCandless & Canal	Bus Stop	Bus Stop	0.05	1.85	1.9
37.413283	-121.8998	School	Weekday		200	Westbound	63841	Great Mall & McCandless	Bus Stop	Bus Stop	0	0	0

1563.15

On-Demand Transit Model Overview



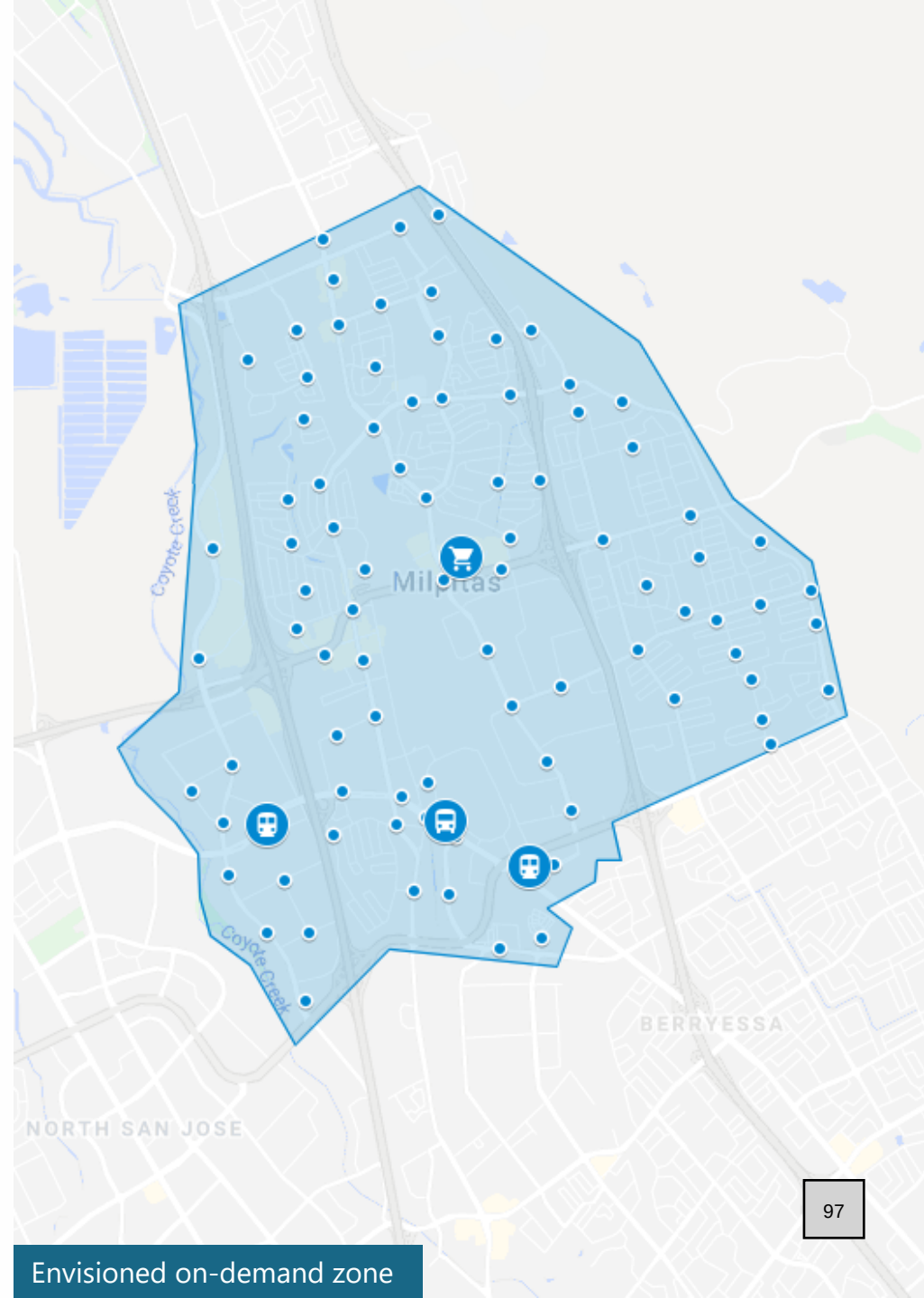
On-Demand in Milpitas

Project Overview

The core of our planning study are your objectives. We take them into account every step of the way.

Overview

- City-Wide First Mile/Last Mile On-Demand Transit
- Connection to Economic Development Area, BART, and VTA Fixed Routes
- Expanded Coverage & Service Hours



Envisioned on-demand zone

On-Demand in Milpitas

Virtual Stop Service

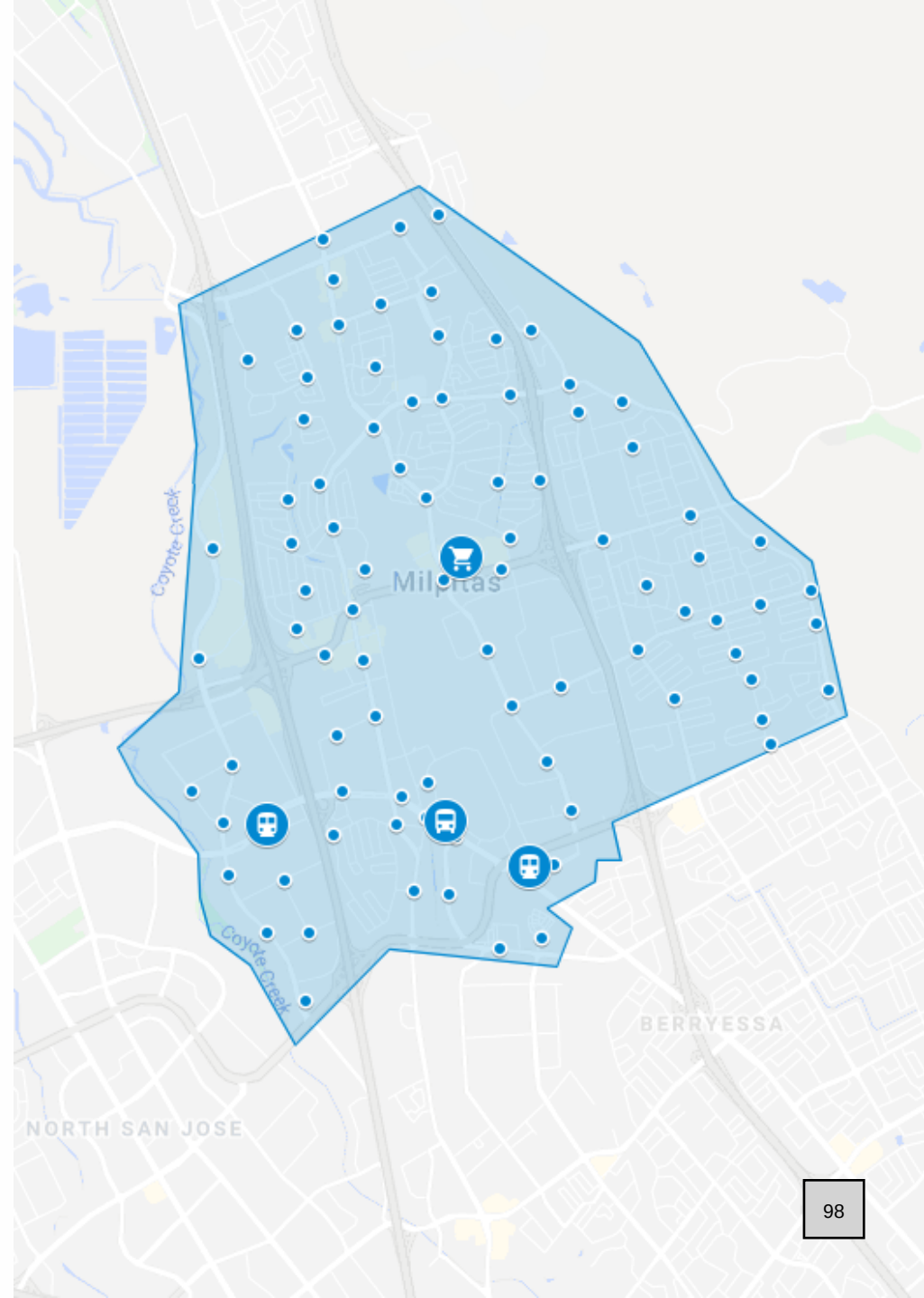
Our virtual stop model allows point-to-point travel between any virtual stops. Virtual stops allow your service to have a high productivity while still minimizing the amount of walking distance for riders.

Carefully Chosen Virtual Stops

Virtual stops are carefully chosen to be in safe, well-lit areas (including existing bus stops).

Configurable

We can configure your virtual stops to meet service goals like maximum walking distance.



The Pillars of Microtransit

Focusing on any one of the pillars comes with tradeoffs in the other pillars.

The objectives and constraints you have for your microtransit project dictate the focus areas.



Coverage

Geographic Span

Trip Generators

Population &
Demographics



Convenience

Wait Times &
Trip Frequency

Reliability &
Supportable Ridership

Walking Distance



Cost

Vehicle Count

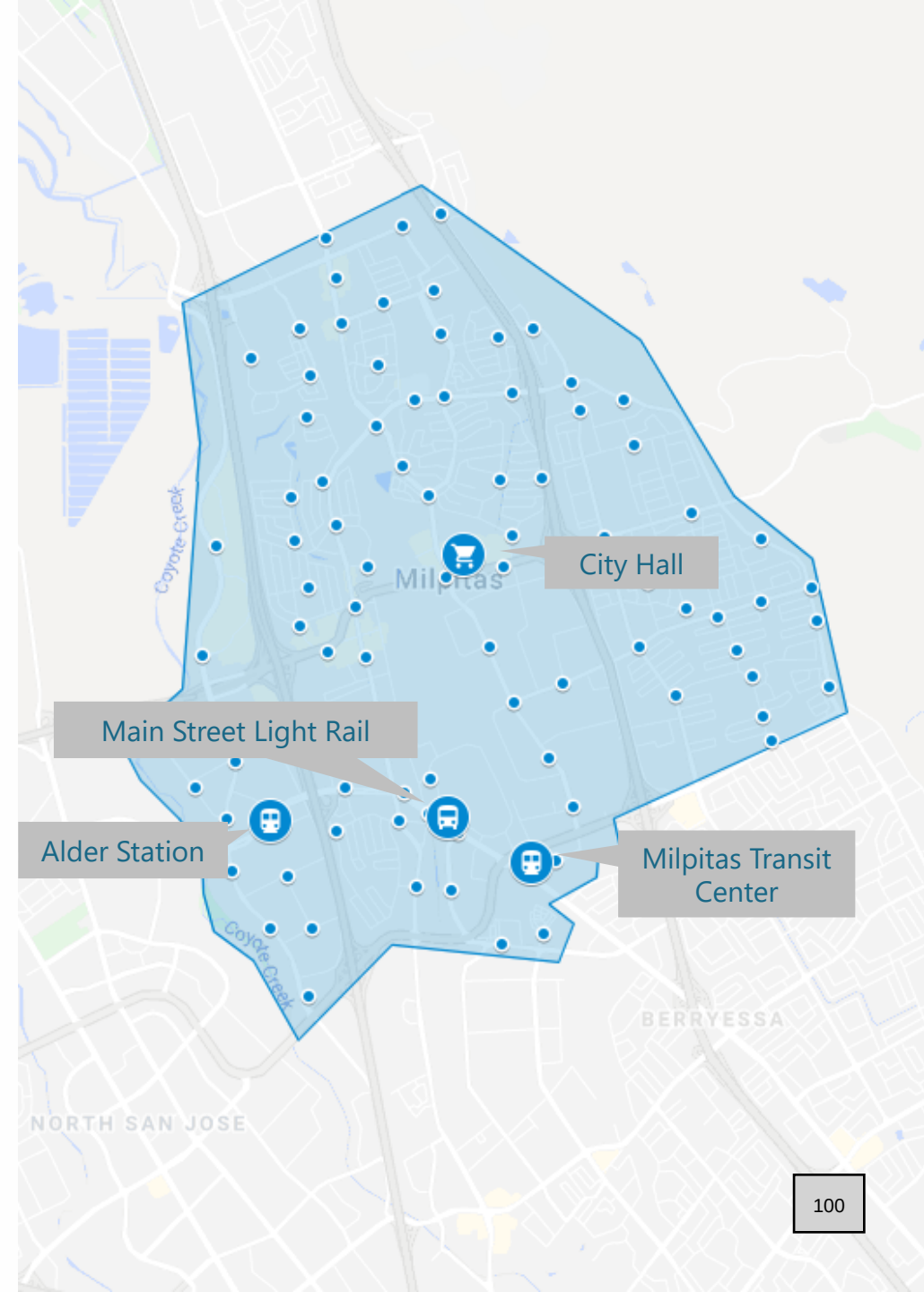
Cost Per Ride

Annual Operating
Cost

On-Demand in Milpitas

Service Parameters and Operations

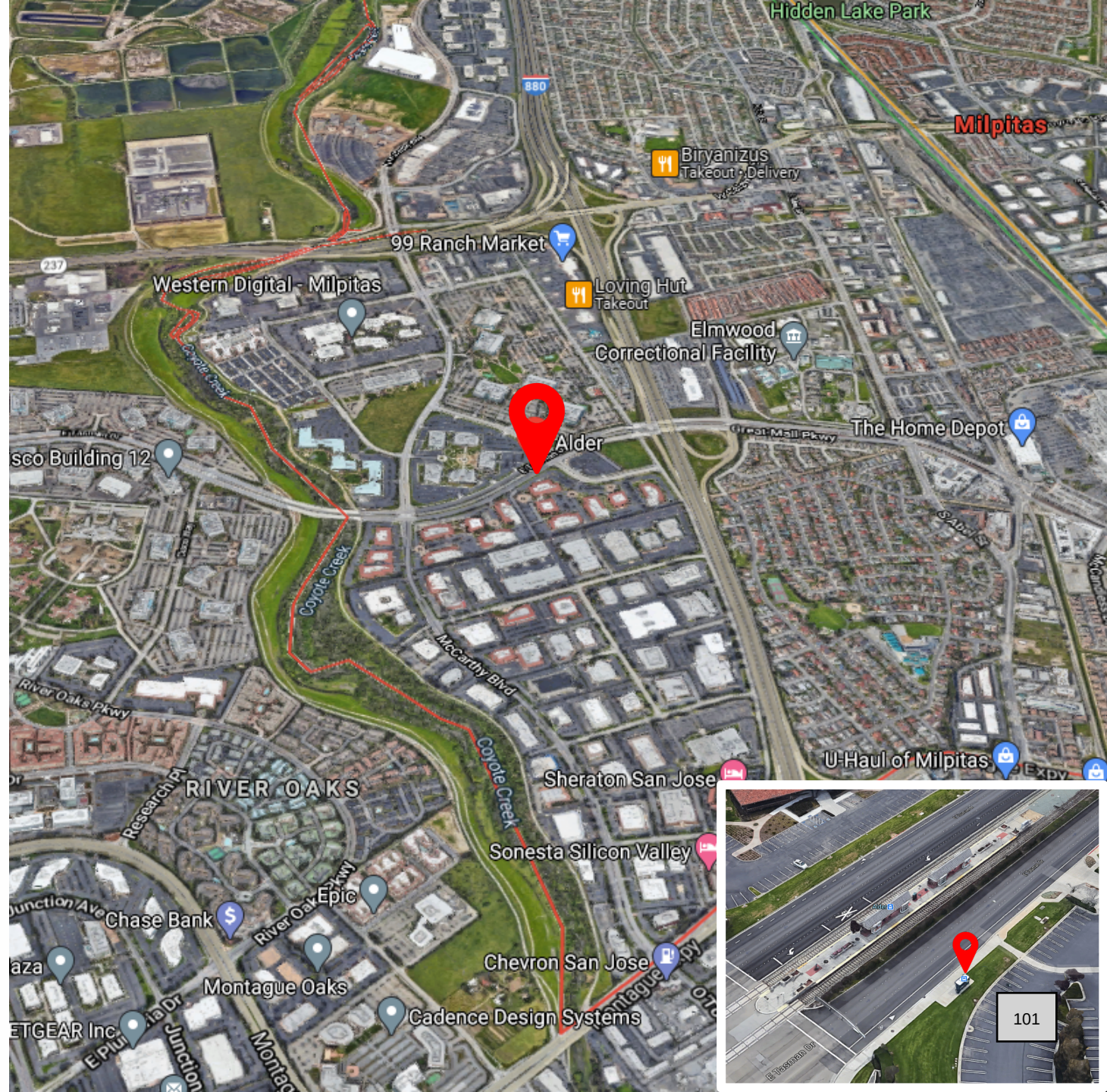
- All-Day First/Last-Mile to and from 4 POIs
- 7 Scheduled Minivans with ADA Access
Or 4 Ford Transits with ADA Access
- 12 Hours of Service per Day
- \$7 – \$9 Cost per Passenger



First Mile/Last Mile Locations

Alder Station

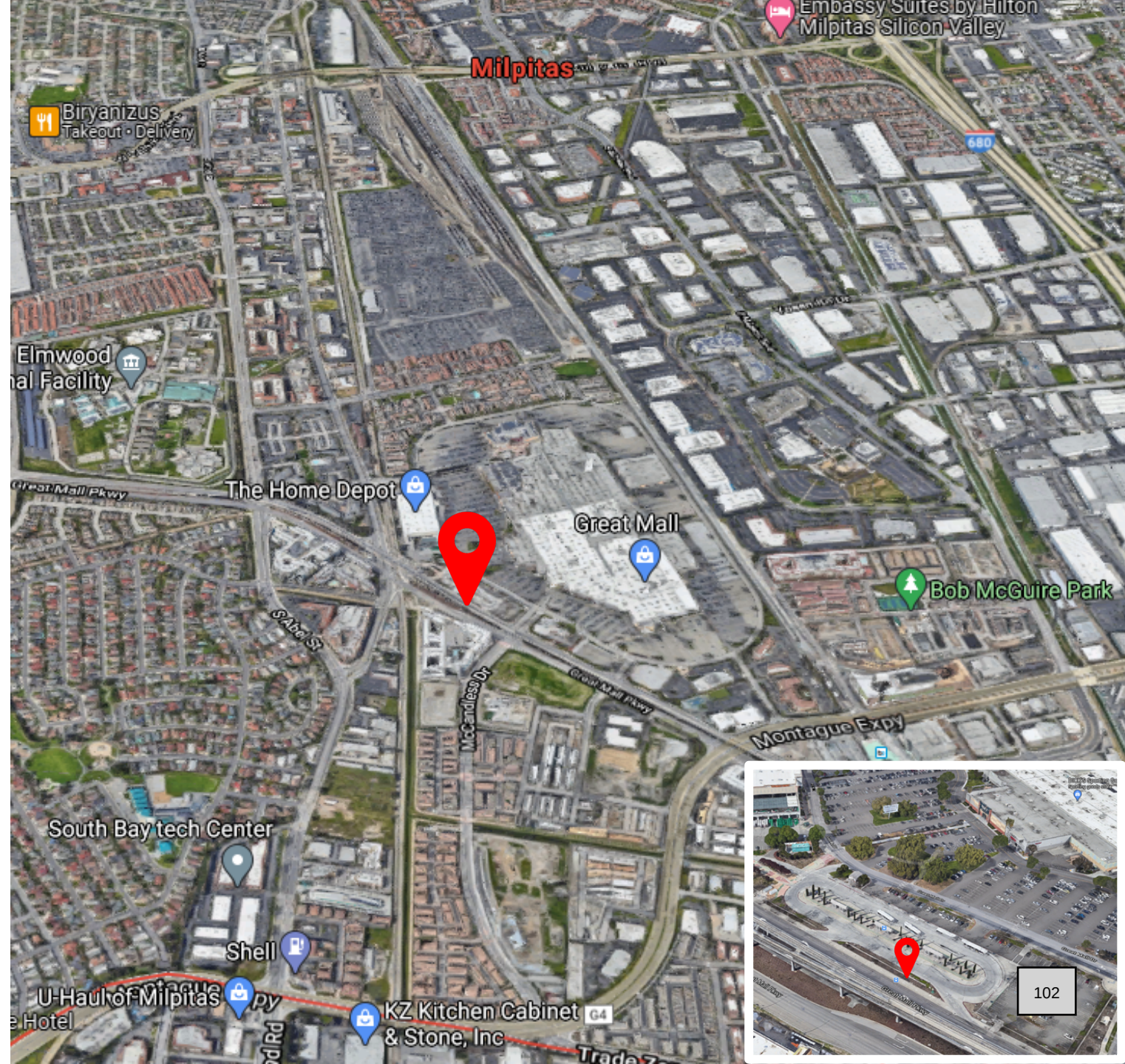
- Connection from Orange Line to industrial park.
- Serve as last mile solution for getting to the industrial park.
- Several virtual stops in industrial park to provide last mile solution.



First Mile/Last Mile Locations

Main Street Light Rail

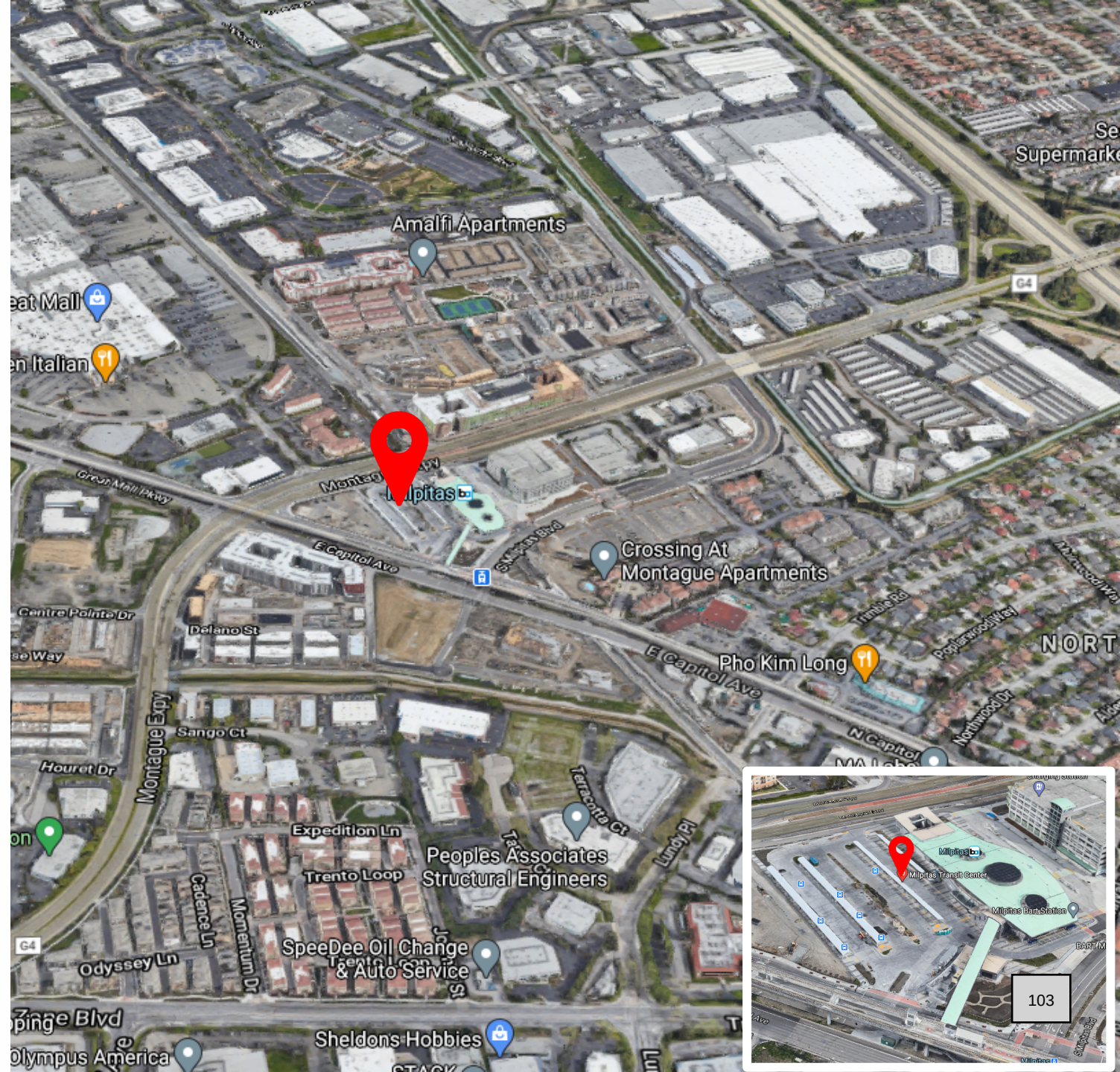
- Provide first mile solution to transfer to bus lines or Orange Line.
- Provide point-to-point travel between residences and Great Mall.



First Mile/Last Mile Locations

Milpitas Transit Center

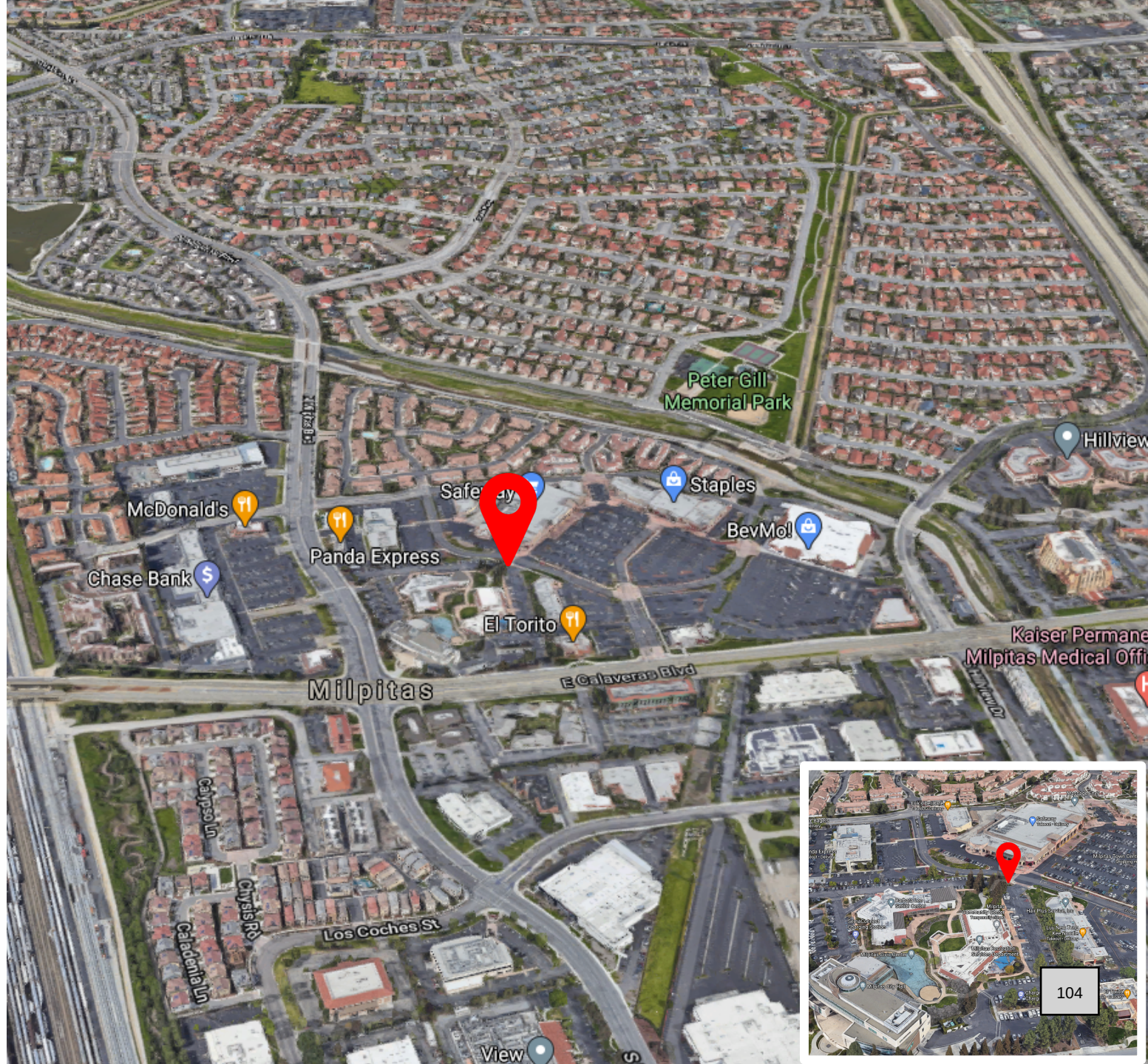
- Provide first mile connection to bus lines, Orange Line and Bart Station in the immediate vicinity.
- Reduce load on the adjacent parking garage.



First Mile/Last Mile Locations

City Hall/Town Center

- Access to City Hall and Town Center shopping center.
- Residential trips to and from the center.
- This location will generate the bulk of mid day trips.



The **RIDE**CO Benefit



**City-Wide
Coverage**



**All-Day
Service**



**10-15 Min
Wait Time**



**Sustainable
Cost**

This is the better way!



Project Timeline

Launch: 8 weeks post Notice to Proceed (with an additional 6 weeks contract negotiation up front)

8+ Weeks to Launch	6 Weeks to Launch	4 Weeks to Launch	2 Weeks to Launch	Launch	Post Launch
DEVELOP & FINALIZE SERVICE PLAN RideCo: Model demand; identify virtual stops; run simulations to validate KPIs; right-size vehicle schedule					
	DEVELOP & FINALIZE MARKETING PLAN Milpitas & RideCo: build FAQ & create campaign calendar, signage, and print media as needed RideCo: obtain branding assets from Milpitas and provide marketing material templates				
	DEPLOY RIDEKO PLATFORM RideCo: deploy backend dynamic routing system; white label & publish apps				
		TRAIN RESERVATIONISTS & ADMIN STAFF RideCo: train Yellow Cab reservationists on passenger bookings, CRM and best practices; train City admin. staff on system overview and data analytics/ dashboards			
		ONBOARD & TRAIN DRIVERS RideCo: train Yellow Cab drivers on use of app with video walkthrough; in-vehicle training as required			
	SOFT LAUNCH Milpitas, RideCo, & Yellow Cab: mock go-live with a small user group Milpitas & RideCo: begin pre-launch promotions RideCo: Provide additional admin. staff/ operator training as required				
	PUBLIC LAUNCH Milpitas, RideCo, & Yellow Cab: launch service to the public RideCo: conduct ride-along tests daily for the week; post-launch service optimization				
		POST LAUNCH Milpitas & RideCo: execute additional marketing/promotional activities per the campaign calendar RideCo: review ongoing service performance; provide consistent updates and recommendations			

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one:	331-9513493153579	\$1,084,732	331-951349324237	\$1,084,732
	330-2931	\$71,184	330-3999	\$71,184
☒ Budget Appropriation	331-9513493153899	\$71,184	331-951349324237	\$71,184
	331-9513493153760	\$200,000	331-951349324237	\$200,000
☐ Budget Transfer				

Approve and authorize the City Manager to execute a master 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 approve and authorize the City Manager to execute a professional services agreement with RideCo for consultant services related to Milpitas OnDemand.

Background:

In November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians. Over the next 30 years, 2016 Measure B is anticipated to generate \$6.3 billion.

The Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program category guidelines. The Innovative Transit Service Models Program provides approximately \$6 million in funding to eligible cities through a competitive grant application process. The goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved and transit-dependent population.

City staff in partnership with RideCo, a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas OnDemand, an 18-month pilot program to provide a flexible, convenient first/last-mile transit solution with convenient connections to VTA light rail and the Milpitas Transit Center. On March 4th, the VTA Board of Directors approved the recommended projects, including Milpitas OnDemand, and authorized the General Manager to execute the necessary agreements. The City of Milpitas was awarded the full amount of the grant request in the amount of \$1,084,732. In order to receive this funding, the City is required to enter into a Master Funding Agreement with VTA to ensure funds are spent on allowable activities.

Analysis:

The City of Milpitas is expected to receive approximately \$1,084,732, in funding from the 2016 Measure B Innovative Transit Service Models Program. Staff recommends the City Council approve the Master Agreement with VTA to receive this funding, which will be used to implement Milpitas OnDemand. Staff estimates an additional cost of \$271,184 to operate the service, which will be partially funded by a \$200,000 developer contribution to the City from Embarcadero Capital Partners and Bridge Development to fund a future shuttle program following the Partial Assignment and Assumption Agreement for an industrial

development project on McCarthy Boulevard. The remaining \$71,184 will be funded by the anticipated fare collection of \$111,600, which is the most conservative estimate for the pilot program.

Staff recommends the creation and funding of a new Capital Improvement Program (CIP) Project, Project No. 3493 Milpitas OnDemand to allow staff to complete the activities required by the Measure B funding. Staff further recommends the approval of a budget appropriation to appropriate the \$1,084,732 in Measure B Innovative Transit Service Models Program Funding, \$200,000 in developer contributions, and \$71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into the new CIP project.

Staff further recommends the City Council approve the Professional Services Agreement with RideCo for consultant services to operate Milpitas OnDemand, an 18-month pilot program for an on-demand, micro-transit service to address the first/last-mile challenge in Milpitas. The service will provide a convenient and affordable transportation option for Milpitas' residents, employees, and vulnerable/transit-dependent populations.

Policy Alternative:

Alternative 1: Not approve and not authorize the City Manager to execute a Master Funding Agreement with VTA to receive the annual Measure B Innovative Transit Service Models Program Funding.

Pros: None.

Cons: If the City does not enter into the Master Funding Agreement, the City would not be eligible to receive needed Measure B funding.

Reason not Recommended: The General Plan includes several policies to promote alternative modes of transportation, first/last-mile solutions, and public transit improvements to support the City's circulation goals. The receipt and use of the Measure B funding to implement Milpitas OnDemand supports these General Plan policies and goals.

Fiscal Impact:

The approval of the Master Funding Agreement with the VTA is required to receive approximately \$1,084,732 in Measure B Innovative Transit Service Models Program funding. The Milpitas OnDemand program will require creation of new CIP Project 3493 and approval of a budget appropriation to appropriate the \$1,355,916 in Measure B Innovative Transit Service Models Program Funds, \$200,000 in developer contributions, and \$71,184 from the General Government CIP Fund (to be reimbursed by fare collections) into the new CIP project.

California Environmental Quality Act:

Not applicable.

Recommendations:

1. Approve and Authorize the City Manager to Execute a Master Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program;
2. Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand;
3. Approve a budget appropriation of \$1,084,732 in Measure B Innovative Transit Service Models Program Funding, \$200,000 in developer contributions, and \$71,184 from the General Fund (to be reimbursed by fare collections) into Project No. 3493; and
4. Approve and Authorize the City Manager to Execute a Professional Services Agreement with RideCo for Consultant Services Related to Milpitas OnDemand.

Attachments:

Attachment 1: VTA Funding Agreement
Attachment 2: New Project No. 3493 Milpitas OnDemand
Attachment 3: VTA Grant Award Letter
Attachment 4: Milpitas 2016 Measure B Grant Application
Attachment 5: Budget Appropriation Form
Attachment 6: RideCo Professional Services Agreement

☐ **Check if City Council Approval required.**

Meeting Date: December 14, 2021

Requested by:	Department Head: Ned Thomas	Date: December 14, 2021
Reviewed by:	Finance Director: Lauren Lai	Date: December 14, 2021
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

LarForm 30-222 (Rev. 1/92)

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

This Subscription and Services Agreement (this “**Agreement**”) is entered into on _____ (the “**Effective Date**”) by and between **RideCo US Inc.**, having its office at 10880 Wilshire Boulevard, Suite 1101, Los Angeles, CA 90024 (“**RideCo**”), and the City of Milpitas, CA, having its principal address at 455 E. Calaveras Blvd. Milpitas, CA 95035-5411 (the “**City**”).

RECITALS

- A. RideCo is a technology provider for on-demand transit services.
- B. City wishes to implement a technology-driven transportation service and RideCo is willing to provide access to RideCo’s Dynamic Transit System (as defined below) on a license basis and to coordinate the provision and delivery of transportation services on the terms set out herein (the “**Project**”).

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto, it is agreed by and between the parties as follows:

1. INTERPRETATION

- 1.01 Definitions:** In this Agreement, unless there is something in the subject matter or context inconsistent therewith, the following terms shall have the following meanings:

“**Distributed Software**” means the RideCo passenger mobile application and driver mobile applications and any other software tools or components made available by RideCo for download under this Agreement;

“**Dynamic Transit System**” means RideCo’s proprietary software programs including optimization algorithms, data analysis algorithms, web application, passenger mobile application, driver mobile application, dashboards, graphical user interface, all documentation and end user manuals;

“**Documentation**” means any and all of the following that are provided by RideCo, in any form of media, in connection with the Agreement (a) know-how, proprietary information and methodologies, document templates and best practice guides; (b) scripts and data analysis tools; (c) user manuals and guides, that explain or facilitate the use of the Software, including all updates thereto; and (d) data sheets, specifications and other technical documents and materials in respect of the Software;

“**Maintenance and Support Services**” means the maintenance and support services provided by RideCo as further described in Section 3 of this Agreement and Schedule “B”;

“**Personal Data**” has the meaning given in Schedule “C”;

“**Platform Software**” means collectively the RideCo Dynamic Transit System (DTS) cloud platform technology and underlying software, including its dynamic routing technologies, ride-sharing technologies, algorithms, implementation architectures, operations dashboards, user interfaces, and application programming interfaces (“APIs”) to third party systems;

“**Operational Data**” means data recorded by the Distributed Software and presented through export on the operations dashboard end-user interface, where such data is provided by City or passengers or partner drivers of City. For greater certainty, Operational Data includes passenger ride booking information (origin, destination, time, payment, status) and driver action data

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(location data, pickup/drop-off times) however Operational Data does not include system log data or any other data that is not provided as an export to an end user through the operations dashboard end-user interface;

“Services” means collectively the provision of access to the Software, Documentation, associated APIs and interfaces to third party systems provided by RideCo under this Agreement together with the vehicular transportation services provided by the Transportation Operations Provider and Maintenance and Support Services all as further described in the schedules hereto;

“Software” means collectively the Distributed Software, Platform Software, and any interfaces between the two;

“Software Enhancements” means an update or upgrade to the Distributed Software or to the Platform Software, which update or upgrade may include new product features that change the character or structure of the software or its functional use or operation and will usually form part of an automatic update to the Software without any action being required from Customer;

“Subscription and Services Fee” means the fees set forth in Schedule “A”; and

“Transportation Operations Provider” means the subcontractor that is contracted by RideCo to provide drivers and vehicles for the Project. RideCo intends to subcontract to Yellow Checker Cab of San Jose per the Measure B grant application regarding the Project.

1.02 Schedules: The schedules to this Agreement are set forth as follows:

Schedule “A”	-	Project Terms and Scope of Work
Schedule “B”	-	Service Level Agreement
Schedule “C”	-	Personal Data Protection Undertaking
Schedule “D”	-	Software Functional Requirements
Schedule “E”	-	Insurance Requirements

2. SERVICES LICENSE, INTELLECTUAL PROPERTY RIGHTS, CONFIDENTIALITY

2.01 Services. During the term of the Project, RideCo shall:

- a) provide and supply all necessary hardware and software to run the Project with the Dynamic Transit System;
- b) contract with a Transportation Operations Provider, acceptable to the City, that (i) will supply drivers and vehicles that meet applicable bylaws, insurance requirements, and regulations of the City; and (ii) will agree to the applicable terms of the Funding Agreement executed between the Santa Clara Valley Transportation Authority and the City of Milpitas for this Project, including but not limited to, compliance with applicable requirements of state, federal, and local law, compliance with wage and hour laws, and insurance and indemnity requirements;
- c) perform logistics activities involved in running the Services, including without limitation:
 - i. the coordination of the dispatch, selection, scheduling, training and itinerary management for the Transportation Operations Provider, vehicles and drivers in relation to the Project;

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- ii. managing hours of operation and operating parameters as defined in Schedule “A”;
 - iii. communicating itinerary information with passengers and drivers (digitally via the website, SMS, or the mobile app);
 - iv. collecting fare payments (“**Fare Payments**”) from passengers of the ride-share service, via credit card (if applicable). The Fare Payments shall be reported in the Invoice (as such term is defined in Section 5.02); and
 - v. utilizing the Float (as defined in Section 5.03 below) to pay costs involved in the operation of drivers and vehicles on the Project,
- d) advise City of the assistance it requires from City in connection with the completion of its responsibilities under this Agreement; and
- e) complete the Project in a professional and competent manner by persons qualified and skilled in their occupations and the roles that they are required to perform hereunder, and in accordance with: (a) this Agreement; (b) industry standards; and (c) any requirements of law, as applicable.

2.02 License Grant: Subject to the terms of this Agreement, RideCo grants City a limited, revocable, non-exclusive and non-transferable license to access and use the Dynamic Transit System in the geographic area identified in Schedule “A”. The Distributed Software may only be used in combination with the Approved Equipment/Third Party Software. RideCo or its agents, resellers or distributors may release from time to time to City at no additional charge during the term of this Agreement, software bug fixes and patches and such releases shall be considered “Software” hereunder and subject to the terms of this Agreement unless otherwise specified by RideCo.

2.03 Restrictions & End User Terms:

- a) *Restrictions.* Except as otherwise expressly permitted in this Agreement, City shall not, and shall not encourage any third party to: (i) customize, modify or create any derivative works of the Services; (ii) decompile, disassemble, reverse engineer, or otherwise attempt to derive the source code for the Software (except to the extent applicable laws specifically prohibit such restriction); (iii) remove or alter any trademark, logo, copyright or other proprietary notices, legends, symbols or labels in the Distributed Software; (iv) publish any results of benchmark tests run on the Software to a third party without RideCo’s prior written consent; (v) redistribute, encumber, sell, rent, lease, sublicense or otherwise transfer rights to the Services; (vi) copy, reproduce, distribute, modify or in any other manner duplicate the Software, in whole or in part and City may not copy any written materials (except for training materials and for internal use) accompanying any portion of the Services unless specifically authorized in writing to do so by RideCo. City shall not access the Services in order to build a competitive product or service or to copy any ideas, features, functions or graphics of the Dynamic Transit System or the Documentation. For greater certainty, City will not be in breach of this Section 2.03 if City independently develops a competing product or service without use or reference to RideCo’s Confidential Information.
- b) *End Users.* RideCo and its subcontractors shall ensure that end users agree to appropriate

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terms of service and privacy policy in accordance with requirements of applicable law before using the Services. RideCo will inform end users that the transportation services are provided on behalf of the City by the Transportation Operations Provider.

- 2.04 RideCo Intellectual Property:** RideCo retains all right, title and interest in and to the Dynamic Transit System including all Documentation, all intellectual property rights in the Software and all copies and derivative works thereof. City acknowledges and agrees that the Dynamic Transit System, and all intellectual property rights therein (including without limitation, copyrights, patents, trade secrets, trademarks, moral rights and other intellectual property rights, in and to the Dynamic Transit System and all modifications, changes, enhancements, or additions thereto) and all intellectual property rights relating to the provision of professional services, feedback, technical support, maintenance and other support if any, (collectively, “**RideCo IP**”), are owned or licensed by RideCo. To the extent City acquires rights in the RideCo IP, City assigns such rights to RideCo and waives any moral rights it may have in the RideCo IP to and in favor of RideCo. Nothing in this Agreement gives City any right, title or interest in, to or under any of the Dynamic Transit System or any intellectual property rights therein (including without limitation patent rights) or arising pursuant to professional services, product feedback, technical support and other support.
- 2.05 Operational Data:** As between City and RideCo, City will own the Operational Data from the Project and City acknowledges and agrees that RideCo is not responsible for any liability arising out of the collection, retention, use, operation and disclosure by City of Operational Data. Subject to the personal data protection undertakings set out in Schedule “C”, City hereby grants to RideCo for the duration of this Agreement a worldwide and royalty-free right and license to access and use the Operational Data for the sole purposes of: (i) providing the Services to City, (ii) assessing the performance of the Services; and (iii) creating Pattern Data (as defined in Section 2.06 below). City is not entitled to receive any compensation or re-imbursement of any kind from RideCo for use of said Operational Data. Except as otherwise expressly permitted in this Agreement, RideCo does not claim any right, title or interest in the Operational Data.
- 2.06 Personal Data Protection Undertaking.** RideCo hereby agrees and undertakes to comply with the personal data protection undertakings set out in Schedule “C”.
- 2.07 Pattern Data. “RideCo Pattern Data”** means non-personally identifiable data including Operational Data which contains no Personal Data (as such term is defined in Schedule “C”). For greater certainty, RideCo Pattern Data does not identify a specific passenger or driver. As between RideCo and City, all right and title to RideCo Pattern Data belongs to RideCo and accordingly RideCo is free to use RideCo Pattern Data for any purpose including the improvement of RideCo’s Services.
- 2.08 Suggestions.** RideCo shall have a royalty-free, worldwide, transferable, sub licensable, irrevocable, perpetual, unrestricted license to use and/or incorporate into its products, services and business any suggestions, enhancement requests, recommendations or other feedback provided by City relating to the operation of the Services.
- 2.09 Reservation of Rights.** Except for the rights and licenses granted in this Agreement, City acknowledges and agrees that RideCo owns and shall retain all right, title and interest (including without limitation all patent rights, copyrights, trademark rights, trade secret rights and all other intellectual property rights therein) in and to the technology used to provide the Services) and all related RideCo IP and RideCo grants City no further licenses of any kind hereunder, whether by implication, estoppel or otherwise. City acknowledges that only RideCo shall have the right to maintain, enhance or otherwise modify the Dynamic Transit System.
- 2.10 Confidentiality:**
- a) *Confidential Information.* As used herein, “**Confidential Information**” means all

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confidential information of a party ("**Disclosing Party**") disclosed to the other party ("**Receiving Party**") that is designated in writing as confidential or ought to be considered confidential based on the nature of the information and the circumstances of disclosure. For greater certainty, the Documentation and the functionality of the Software are all Confidential Information of RideCo. Confidential Information shall not include any information that the Receiving Party can demonstrate by its written records: (i) was known to it prior to its disclosure hereunder by the Disclosing Party; (ii) is or becomes known through no wrongful act of the Receiving Party; (iii) has been rightfully received from a third party without restriction or disclosure and without breach by such third party of a non-disclosure obligation; (iv) is independently developed by the Receiving Party; or (v) has been approved for release by the Disclosing Party's prior written authorization.

- b) *Obligations.* Neither party shall use any Confidential Information of the other party except as necessary to exercise its rights or perform its obligations under this Agreement or as expressly authorized in writing by the other party. Each party shall use the same degree of care to protect the other party's Confidential Information as it uses to protect its own Confidential Information of like nature. Neither party shall disclose the other party's Confidential Information to any person or entity other than its officers, employees, service partners, consultants and legal advisors who need access to such Confidential Information in order to effect the intent of the Agreement and who have entered into written confidentiality agreements with it at least as restrictive as those in this Section. Upon any termination of this Agreement, the receiving party will promptly return to the disclosing party or destroy, at the disclosing party's option, all of the disclosing party's Confidential Information.
- c) *Injunctive Relief.* Each party acknowledges that due to the unique nature of the other party's Confidential Information, the disclosing party may not have an adequate remedy in money or damages if any unauthorized use or disclosure of its Confidential Information occurs or is threatened. In addition to any other remedies that may be available in law, in equity or otherwise, the disclosing party shall be entitled to seek injunctive relief to prevent such unauthorized use or disclosure.

3. MAINTENANCE AND SUPPORT SERVICES

3.01 Maintenance Services: RideCo shall provide the following maintenance services to City:

- a) Supply or deploy corrections to the Software as required to correct errors, defects, malfunctions and deficiencies, if any, in the Software; and
- b) Supply or deploy improvements, extensions, upgrades, enhancements and other changes to the Software developed from time to time by RideCo.

3.02 Support Services: In response to a support request from City, RideCo shall provide the following support services to City as per the priority levels, response times and procedures specified in Schedule "B" to be provided remotely:

- a) Clarification of software functionality
- b) Adjustments to software configuration; and
- c) Advice on the use and results of the Services;

3.03 Services Outside Scope of Maintenance and Support: The Maintenance and Support

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

Services to be provided under this Agreement do not include:

- a) Correction of errors or defects caused by operation of the Software in a manner other than specified in the Software documentation;
- b) Rectification of errors caused by incorrect use of the Software;
- c) Correction of errors caused in whole or in part by the use of computer programs other than the Software unless the use of such programs has been approved by RideCo in writing; or
- d) Diagnosis or rectification of faults not associated with the Software.

3.04 Professional Services: City may request at any time and from time to time that RideCo provide to City any other professional services or Software modifications which are within the scope of its business and which are not provided for herein and which are not covered by the Subscription and Services Fee. RideCo shall evaluate such requests and may provide the City an estimate of the cost of such professional services. In no event shall RideCo be obligated to provide professional services not agreed in writing with City.

4. INSURANCE

4.01 Insurance Requirements:

- a) RideCo shall meet the Insurance Requirements in Schedule E. RideCo shall contractually require its subcontractors, including the Transportation Operations Provider, to provide and maintain insurance coverage(s) of the type and with the limits specified in Schedule E. It shall be RideCo's responsibility to collect and maintain current evidence of insurance provided by its subcontractors and RideCo shall forward to City evidence of same. Evidence of insurance provided by RideCo and its subcontractors as set forth in this Agreement is subject to review and acceptance by City.
- b) RideCo shall not commence the Services under this Agreement until RideCo has obtained all insurance required under this Section 4.01 and City has approved the insurance as to form, amount, and carrier, nor shall RideCo allow any subcontractor, including the Transportation Operations Provider, to commence any Services until all insurance required of the subcontractor has been obtained and approved by City. Failure to comply with any part of this Section shall constitute a material breach of this Agreement as set forth in Section 6.02(b).

5. FEES AND PAYMENT TERMS

5.01 Subscription and Services Fee: In consideration of the provision of the Services under this Agreement, City agrees to pay RideCo the Subscription and Services Fee in accordance with Schedule "A". Incremental payments, if applicable, shall be made as outlined in Schedule "A".

5.02 Invoicing and Payment Terms. Within fifteen (15) days following each month during the term of this Agreement, RideCo shall provide to City an invoice ("**Invoice**"). Within fifteen (15) days following City's receipt of the invoice, it shall pay to RideCo all bona fide amounts owing pursuant to the Invoice. Any such amounts which are not paid by City when due shall bear interest at the rate of twelve percent (12%) per annum from the date due until paid in full to RideCo.

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- 5.03 Float:** City shall provide a pre-payment deposit (“**Float**”) to RideCo for the costs for the ride-share drivers with the amount of the Float specified in Schedule “A” (“**Float Amount**”) until changed by notice in writing from City to RideCo. RideCo shall have no right to apply the Float Amount to any amounts owing to it with respect to any Invoice unless and until it receives approval in writing from City of such Invoice. Upon termination or expiry of this Agreement, the Float shall be applied to the final approved Invoice payable to RideCo pursuant to this Agreement and the balance of any remaining amount of the Float shall be paid by RideCo to City within thirty (30) days following the expiry or termination of this Agreement. RideCo shall keep detailed records and documents with respect to the Transportation Operations Provider costs, operating hours, and Float Amount and shall provide copies of all documents as may be requested from time to time by City relating thereto.
- 5.04 Taxes:** All charges and fees provided for in this Agreement are exclusive of and do not include any foreign or domestic governmental taxes or charges of any kind imposed by any federal, state, provincial or local government on the transactions contemplated by this Agreement, including without limitation excise, sales, use, property, license, value-added taxes, goods and services, harmonized, franchise, withholding or similar taxes, customs or other import duties or other taxes, tariffs or duties other than taxes that are imposed based on the net income of RideCo. Any such taxes that are imposed on the net income of RideCo shall be the sole responsibility of RideCo. City will not be required to pay any workers' compensation insurance or unemployment contributions on behalf of RideCo or its employees or subcontractors.

6. TERM AND TERMINATION

- 6.01 Term:** This Agreement commences on the Effective Date and shall run for the duration of the Project term specified in Schedule “A” together with any agreed extensions, unless terminated sooner in accordance with the terms of this Section 6.
- 6.02 Termination:**
- a) Either party may terminate this Agreement with or without cause by giving thirty (30) days’ written notice to the other party.
 - b) Either party may immediately terminate this Agreement with written notice if the other party: (i) fails to correct a material breach of its obligations under this Agreement within thirty (30) days after receipt by such other party of written notification from the notifying party of such material breach; (ii) ceases to carry on business as a going concern; or (iii) files a bankruptcy petition or has such a petition filed involuntarily against it, becomes insolvent, makes an assignment for the benefit of creditors, consents to the appointment of a trustee, or if bankruptcy reorganization or insolvency proceedings are instituted by or against the other party.
- 6.03 Survival.** The following Sections shall survive the termination or expiration of this Agreement for any reason: 1 (Definitions), 2.03(a) (Restrictions), 2.04 (RideCo Intellectual Property), 2.05 (Operational Data), 2.07 (Pattern Data), 2.08 (Suggestions), 2.09 (Reservation of Rights), 2.10 (Confidentiality), 7.04 (Effect of Termination), 7.02 (Disclaimer of Implied Warranties), 7.03 (Service Disclaimer), 8 (General Provisions) and all terms related to payment (until payments have been made in full) and any other terms herein which expressly state that such terms will survive or which by their nature are required to survive to give effect to the surviving terms stated to survive, shall survive the termination or expiration of this Agreement for any reason and will continue in full force and effect subsequent to and notwithstanding such termination, until such provisions are satisfied or by their nature expire.

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- 6.04 Effect of Termination.** On termination, City shall destroy all copies of the Software (and cease all access to the same), destroy or delete all accompanying Documentation and Confidential Information of RideCo and shall provide confirmation of having done so within one (1) week of the effective date of termination.

7. WARRANTIES, INDEMNIFICATION, LIABILITY

7.01 Warranties:

- a) *Representations and Warranties by Each Party.* Each party represents, warrants to the other party that: (i) it is a corporation, duly organized, validly existing and in good standing under the laws of its jurisdiction of incorporation; (ii) it has all requisite power and authority and approvals to execute, deliver and perform its obligations under this Agreement; (iii) the execution and delivery of this Agreement and the performance of its obligations hereunder have been duly authorized by it and any necessary third parties; (iv) it will comply with all applicable laws in connection with this Agreement.
- b) *RideCo Warranties.* RideCo represents and warrants to City that RideCo will perform its duties and obligations hereunder in a careful, diligent, professional, proper, efficient and business-like manner. RideCo further represents and warrants that:
- (i) The Services do not infringe any patent, copyright or trademark or violate the trade secret or other proprietary rights of any third party;
 - (ii) RideCo owns or has exclusive or non-exclusive rights in all patents, copyrights, trademarks, trade secrets and other proprietary rights in and to the Services necessary to grant the licenses herein; and
 - (iii) RideCo possesses the legal right and authority to execute and perform this Agreement,

Except as expressly provided in this Agreement, the Services are provided ‘as is’ and RideCo does not warrant that the functions performed by the Dynamic Transit System or Services will meet City’s requirements or that the operation of the same will be uninterrupted or error-free.

- 7.02 Disclaimer of Implied Warranties:** Except as set forth in this Agreement, there are no other warranties or conditions of any kind, including without limitation, the warranties that the Services are free of defects, merchantable or fit for a particular purpose. Specifically, RideCo makes no representation or warranty regarding the merchantability, fitness for a particular purpose or functionality of the Services. All Approved Equipment/Third Party Software is subject to the warranty of its respective manufacturer and no warranty whatsoever is provided by RideCo. RideCo makes no guarantee of the performance, accuracy and results of the Services with respect to Operational Data. This disclaimer of warranty constitutes an essential part of this Agreement. No use of the Services is authorized under this Agreement except under this disclaimer.

- 7.03 Service Disclaimer & Liability Waiver.** RideCo is a technology provider and not a provider of transportation services. To the fullest extent permitted by law, RideCo will not be responsible for: (i) the actions, inactions, errors, omissions, representations, warranties, breaches or negligence of any passenger or driver or for any personal injuries, death, property damage, or other damages or expenses resulting therefrom; or (ii) the actions, inactions, errors, omissions, representations, warranties, breaches or negligence of Transportation Operations Provider or for any damages or expenses resulting therefrom including without limitation any personal injury or property damage. City expressly waives the right to bring any claim against

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RideCo, its successors, assigns or related companies, directors, officers or employees in respect of any and all actions, causes of action, damages, claims, cross-claims and demands of any kind in connection with the transportation, vehicular or driver related portions of the Services, except to the extent that a claim would not have arisen but for RideCo's gross negligence or willful misconduct. In consideration of the foregoing, RideCo will: (i) provide and maintain the insurance required in Schedule E; (ii) contractually require its subcontractors, including Transportation Operations Provider, to maintain the minimum insurance levels set out in Schedule E ; and (iii) add City as a third party beneficiary to the contract between RideCo and Transportation Operations Provider to enable City to bring any transportation, vehicular or driver-related claims in connection with the Project directly against Transportation Operations Provider.

7.04 Limitation of Liability:

- a) IN NO EVENT SHALL RIDECO BE LIABLE TO THE CITY FOR ANY LOST PROFITS OR FOR ANY INCIDENTAL, PUNITIVE, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOSS OF BUSINESS, LOSS OF PROFITS, BUSINESS INTERRUPTION, LOSS OF DATA, LOST SAVINGS OR OTHER SIMILAR PECUNIARY LOSS), HOWEVER CAUSED AND UNDER ANY THEORY OF LIABILITY (INCLUDING NEGLIGENCE) AND WHETHER OR NOT RIDECO HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.
- b) RideCo's cumulative liability to the City or any other party for damages for any cause whatsoever shall be limited to the amounts recoverable under the applicable insurance required of RideCo in Exhibit E. For the avoidance of doubt, RideCo will have no liability in respect of any transportation, vehicular or driver-related claims arising from or in connection with any operation or provision of transit services for the Project. Any transportation, vehicular or driver-related claims or other claims of the City in respect of the Transportation Operations Provider's responsibilities will not be subject to the foregoing restrictions and Transportation Operations Provider's liability will be capped at the level of the subcontractor insurance requirements set out in Schedule E.

- 7.05 **Indemnification:** RideCo shall defend (at its own cost and expense) and hold City and its officers, officials, agents, and employees ("Indemnified Parties") harmless against any and all claims, demands, suits, brought by a third party against the City that any part of the Services infringes any patent, copyright, trademark or trade secret right of such third party, except to the extent that the actual or alleged infringement has not been caused by the use of a modification of the Software by the City other than a modification provided by RideCo, by the combination and/or use of the Distributed Software with third party software, hardware, data, and/or technology not approved by RideCo in writing or by City's failure to implement any update or upgrade provided by RideCo. In addition to the defense obligations above, RideCo will indemnify the Indemnified Parties in respect of any damages awarded by a court of competent authority to the third party claimant, any fines levied against the Indemnified Parties in respect of a claim and/or any settlement amounts agreed by RideCo with a third party claimant. As conditions for the foregoing commitments by RideCo, City will promptly notify RideCo of any such claim and provide reasonable assistance to RideCo with respect to handling the claim. RideCo will have the sole right to defend, negotiate and settle any such claim. RideCo may at any time and at its option and expense: (i) procure the right of City to continue to use the Services that may infringe a third party's rights; or (ii) modify the Services so as to avoid infringement; or (iii) terminate this Agreement and the licenses granted hereunder.

8. GENERAL PROVISIONS

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

- 8.01 Subcontractors:** RideCo may sub-contract the performance of the transportation services provided by and/or managed by the Transportation Operations Provider to third party service providers. In the event that the Transportation Operations Provider's subcontract is terminated in accordance with its terms, RideCo will use commercially reasonable efforts to find a suitable replacement acceptable to City. City shall not unreasonably withhold, condition or delay consent to the same. In the event that RideCo cannot find a suitable replacement or the replacement is not approved by City, RideCo will have the right to terminate this Agreement on not less than sixty (60) days' prior, written notice to the City. For greater certainty, RideCo will be solely responsible for payment of its subcontractors, including the Transportation Operations Provider.
- 8.02 Partial Invalidity:** If any provision in this Agreement should be held illegal or unenforceable by a court having jurisdiction, such provision shall be modified to the extent necessary to render it enforceable without losing its intent, or severed from this Agreement if no such modification is possible, and other provisions of this Agreement shall remain in full force and effect.
- 8.03 Assignment:** Neither party may assign this Agreement without the prior written consent of the other party. Notwithstanding the generality of the foregoing, RideCo may freely assign this Agreement to a successor in interest upon a merger, acquisition, reorganization, change of control, or sale of all or virtually all of its assets, and any such assignment shall not require the consent of the City. This Agreement shall be binding on and shall inure to the benefit of the parties, their successors and permitted assigns.
- 8.04 Governing Law and Venue:** Except to the extent applicable law, if any, requires otherwise, this Agreement shall be governed by the laws of California. All disputes relating to this Agreement, shall be subject to and dealt with in the courts of Santa Clara County, CA.
- 8.05 Publicity.** RideCo shall be entitled to disclose and publicize in the form of City lists and on its web site and marketing materials, the identity of the City as a client of RideCo, provided that the use of any trademark/logo of City shall be subject to City's prior written consent.
- 8.06 Non-Solicitation.** During the term of this Agreement and for one (1) year thereafter, the City shall not, directly or indirectly, in any manner whatsoever, including, without limitation, either individually or in partnership, jointly or in conjunction with any other person, or as employee, principal, agent, director or shareholder, hire any employees of RideCo or induce or attempt to induce any such employees to leave their employment.
- 8.07 Force Majeure:** Neither party shall be liable for any delay or failure in performance due to such acts of God, earthquake, labor disputes, strikes, shortages of supplies, riots, war, fire, epidemics, or transportation difficulties, to the extent not in control of such party. The obligations and rights of the excused party shall be extended on a week to week basis, provided, however, that a delay of thirty (30) days shall entitle the other party to terminate this Agreement without liability.
- 8.08 Miscellaneous:** This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof. This Agreement may be amended only in writing signed by both parties. A waiver by either party of any term or condition of this Agreement or any breach thereof, in any one instance, shall not waive such term or condition or any subsequent breach thereof. The relationship between RideCo and City is that of independent contractors and neither City nor its authorized agents shall have any authority to bind RideCo in any way. If any dispute arises under this Agreement, the prevailing party shall be reimbursed by the other party for any and all legal fees and costs associated therewith. The headings to the sections of this Agreement are used for convenience only and shall have no substantive meaning.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

- 8.09 Entire Agreement.** This Agreement includes any amendments, supplements, schedules, exhibits or appendices attached, referencing this Agreement, or expressly made a part hereof by agreement between the parties and constitutes the entire agreement between the parties hereto.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers as set out below.

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:

[INSERT NAME], [INSERT TITLE]

RIDECO US INC.

Signature

Prem Gururajan

Chief Executive Officer

Approved:

Date

DIR Registration Number (If Applicable)

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "A" PROJECT TERMS AND SCOPE OF WORK

Project Term: 18-months starting on the Effective Date, extendable for an additional 36 months, in 12 month increments at City's option, subject to agreement of applicable terms including the appropriate Subscription and Services Fee.

Zone: Milpitas, CA

Service model: on-demand Hub and Spoke Microtransit using virtual stops, within the Zone

Vehicles: Approximately four (4) 6-seat Dodge Caravan (or equivalent) minivans and three (3) ADA-accessible 4-seat Dodge Caravan (or equivalent) minivans. The actual number of vehicles scheduled to be in revenue operation will vary subject to day of week, time of day and passenger demand.

Service Hours: 7am-7pm Monday to Friday

Vehicle Revenue Hours: Approximately 32760 vehicle revenue hours for the initial Project Term; approximately 1820 hours per month of service

Subscription and Services Fee: \$39.10 per vehicle revenue hour

Marketing Budget: approximately \$75,000

Budget for the initial Project Term: \$1,355,916

Float: \$25,000

City and RideCo may, if mutually agreed upon, add additional hours of service, service area, target rider market, or vehicles in accordance with the terms of the Agreement.

Scope of Work:

Project Management, Training, Software Requirements, and Data Reporting:

1. Project management will be a continuous function and a key responsibility of RideCo. RideCo will develop and maintain an overall project schedule to ensure milestones are met in an efficient manner
2. RideCo shall coordinate with City to refine and approve the service model, including specific stops, schedules, service coverage areas, and cost structure (including potential subsidization).
3. RideCo shall ensure the adequate and complete training of operators, dispatchers, operations manager(s), and City staff that are involved in the operation or monitoring of the service
4. RideCo will ensure that the functions listed in Schedule "D" Software Functional Requirements are met.
5. RideCo and City will agree upon data reporting expectations and shall include daily ridership information, virtual stop locations, use of referral or promotional codes, qualitative data collected from riders to capture travel preferences, and other data as mutually agreed.
6. RideCo will work with City to coordinate a test run of both the software application and service prior to commencement of public revenue service operations.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

7. RideCo will provide a daily KPI report, including data mutually agreed upon by the City and RideCo.
8. RideCo will review data dashboard with the City and transportation partners on weekly basis during the first month of revenue service operations and a monthly basis thereafter, during the Project Term.
9. RideCo will periodically provide City with any recommendations for changes in virtual stops, service hours, or promotions to ensure meeting project goals.
10. RideCo will provide city with a final report summarizing their market, operational findings, viability of long-term service, and recommendations. A presentation on the final report will be provided to city staff.

Branding and Marketing:

1. RideCo will brand the rider mobile application uniquely to the service. City will provide necessary graphics and content for RideCo to brand the application.
2. RideCo will advise the city in the marketing of the service to passengers, including providing examples of successful marketing materials from other client efforts.
3. RideCo will configure and manage referral and promotional codes throughout the duration of the Project.
4. RideCo, through its marketing subcontractor, will design graphics to be placed on the vehicles in accordance with specifications provided by the Transportation Operations Provider. Transportation Operations Provider will be responsible for having the graphics placed on the vehicles prior to commencement of vehicle revenue operations.

Vehicles and Drivers:

1. RideCo, through its subcontractor Transportation Operations Provider, will be responsible for the acquisition, storage, fueling, and maintenance of the appropriate vehicles. Vehicles used in the performance of this contract shall be no more than five (5) years old and/or have no more than 300,000 miles during any time during the initial Project Term or subsequent renewals of this contract. Vehicle registration and vehicle identification numbers will serve as proof of age. Vehicles must meet all EPA standards. All wheelchair-accessible vehicles must meet ADA (49 CFR Parts 37 and 38) standards.
2. RideCo, through its Transportation Operations Provider, will provide current California licensed drivers that meet the following criteria:
 - a. No more than two moving violations in the past three (3) years
 - b. No at fault accidents or major violations (Driving Under the Influence or Driving While Intoxicated) in the past seven (7) years
 - c. Speak, write, and read English fluently
 - d. Successfully pass background checks annually which include social security number verification, no sex offender, no government restricted lists, no county, state and federal court records, no criminal misdemeanor convictions within the past three (3) years related to the possession, sale or use of illegal drugs, and verification of past living history or other available public records.
3. RideCo, through its Transportation Operations Provider, will regularly screen drivers for legal

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

and illegal substances via an independent medical agency in accordance with the U.S. Department of Transportation regulations.

4. RideCo, through its Transportation Operations Provider, will train drivers focused on customer service including the ability to:
 - a. Handle inquiries and/or complaints
 - b. Develop rapport and the ability to respond to an individual's needs
 - c. How to handle doubt, misunderstandings and objections
5. RideCo, through its Transportation Operations Provider, will provide road driver training to include:
 - a. Vehicle Familiarization Training
 - b. Tech Applications
 - c. Vehicle Inspection Training
 - d. Onsite Local Knowledge and Culture Training
 - e. On Demand Route Training
 - f. Maintenance Protocol
 - g. Parking and Storage Locations
 - h. Lost & Found Protocol

Customer Service:

1. RideCo, through its subcontractor Transportation Operations Provider, will maintain customer service access through an operations center, during hours of revenue service operations. For those who are not able to access the service via the software application, customers shall be able to call, during hours of revenue service operations, and book rides over the telephone and receive customer support including information about lost items.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE "B"

RIDECO SERVICE LEVEL AGREEMENT

1. APPROVED EQUIPMENT / THIRD PARTY SOFTWARE

Driver Mobile App Requirements:

- Android Device running 6.0 or above with Google Play Services
- GPS Enabled Phone
- High speed (4G recommended) data plan with a minimum of 2GB/month
- Minimum screen resolution 800x480
- Minimum recommended CPU: Mid-to-High range performance CPU based on ARMv8-A 64-bit Architecture
- 2GB RAM
- 1GB internal storage

Passenger Mobile App Requirements:

- iPhone 5S running iOS 9, or Android device running 5.0.1 or above with Google Play Services
- Minimum screen resolution 800x480
- Minimum recommended CPU: dual-core 1.5GHz
- 1GB RAM
- 200MB internal storage

Browser requirements for operations dashboards:

- Internet Explorer 11
- Google Chrome (v59 or above)
- Firefox (v50 or above)
- Safari 10

2. PRIORITY LEVELS, RESPONSE TIMES AND PROCEDURES

Priority Levels

High	Business critical problems that affect the availability or access of or to the Service Offering for most users
Medium	Not critical but important problems that materially interrupt or restrict the normal production running of the Software (affecting a minority of users)
Low	Not business critical or important. Issues that do not materially impact the normal production running of the Software

Resources and Forms of Support

Support Portal	Utilized for medium or low priority items [** City specific slack channel(s)] (typically one slack channel for each active service)
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RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

Emergency hotline	Used for critical / high priority items [**City specific emergency telephone number] [**City specific emergency slack channel]
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Support Response Time

Priority	Response Time	Update Frequency	Resolution Time
High	Reviewed by RideCo staff and support ticket updated/created within 2 hours	Every 2 hours or as mutually determined	Within 24 hours RideCo will attempt to resolve all high priority issues within 24 hours, however resolution times may be longer depending on the nature and complexity of the problem.
Medium	Reviewed by RideCo staff and support ticket updated/created within 12 hours	Every working day or as mutually determined	Within five (5) business days
Low	Reviewed by RideCo staff and support ticket updated/created within 24 hours	Every week or as mutually determined	RideCo shall notify City within ten (10) business days of the analysis of the problem, the intended fix and the release in which it will be delivered. Where feasible, RideCo shall provide a temporary workaround to City.

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

SCHEDULE “C” PERSONAL DATA PROTECTION UNDERTAKING

“**Personal Data**” means data, whether true or not, about an individual who can be identified: (a) from that data; or (b) from that data and other information to which the organization has or is likely to have access;

RideCo agrees that the following terms shall apply where RideCo accesses, handles or uses any Personal Data under the Agreement, including in the course of and/or in connection with exercising its rights or carrying out its obligations under the Agreement:

- a. Unless otherwise permitted by the City, RideCo may only collect, use or process Personal Data as allowed under this Agreement, and RideCo shall comply with any written instructions the City gives RideCo in advance relating to compliance with any laws, regulations, court orders, or self-regulatory programs applicable to the collection, use, disclosure, treatment, protection, storage and return of Personal Data.
- b. RideCo shall maintain commercially reasonable policies and procedures to protect the security, privacy, integrity, and confidentiality of Personal Data.
- c. If RideCo knows of any breach or potential breach of protective measures or if there has been any actual or potential unauthorized or accidental disclosure of Personal Data, RideCo must inform the City immediately and cooperate with the City in any post-breach investigation or remediation efforts.
- d. RideCo shall notify the City promptly in the event of any claim or complaint from any individual to whom the Personal Data relates and/or where there has been an event of non-compliance with any data privacy laws by RideCo, whether discovered by RideCo or forming the subject of an investigation and/or action by the relevant authorities.
- e. RideCo shall notify the City promptly in the event that RideCo is required by law, court order, warrant, subpoena, or other legal or judicial process to disclose any Personal Data to any person.
- f. If under the Agreement, RideCo has to collect any Personal Data from the City’s employees or any other individuals directly, RideCo must notify the individuals about the purpose of RideCo’s collection and must obtain and record (for future reference) their consent before RideCo does so, and RideCo must follow any reasonable instructions which the City may give RideCo in this regard, and must comply with all applicable laws for such collection of Personal Data.
- g. RideCo must not disclose any City Personal Data to any other persons/entities (e.g. to RideCo’s related company/affiliate) or transfer any Personal Data outside of the USA or Canada without the City’s permission in writing.
- h. RideCo shall promptly return to the City or destroy any Personal Data received in error. RideCo must destroy Personal Data as soon as practicable if required by the City. At the end of the Agreement, RideCo must notify the City if RideCo or other recipients (if disclosure of Personal Data to such other recipients has been permitted by the City in writing) have any Personal Data collected/received as part of the Agreement, and follow the City’s instructions on destroying the Personal Data. Following such destruction, the City may require RideCo to certify that RideCo (and such recipients) no longer have Personal Data. If RideCo wants to retain any Personal Data beyond the end of the Agreement, RideCo will be required to inform the City of RideCo’s reasons and seek the City’s agreement on the same.

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SCHEDULE "D"

SOFTWARE FUNCTIONAL REQUIREMENTS

Passenger Application Requirements

Rider Account

- Trip history menu to see trip details
 - Start & end time
 - Starting & ending address
 - Trip cost (if applicable)
 - Help menu to provide feedback, or report other issue
- Reserved trip details
- Recent destinations are automatically saved to rider account

Ride Booking and Tracking:

- Ability to enter an address or select current or specific location on the map
- Reserve multiple seats or seat types (e.g. accessible)
- Reserve trips up to 5 business days in advance
- Reserve multiple trips at once (same trip for multiple days in one week)
- Retain recently queried locations so they are easy to pull up even if rider does not designate them as a “favorite”
- Ability to restrict virtual vs. doorstep drop-off and pick-up points
- Vehicle location, vehicle ID and driver information are displayed while waiting for pickup
- Ability to call and/or leave a note for driver

Payment

- Ability to hold credit card information.
- Place to enter promotional codes

Rating System

- Ride rating (e.g., 1 to 5 stars)

Customer Support

- Legal/terms and conditions
- A place for Frequently Asked Questions (FAQs)
- In app requests for support
- Customer service system that creates trackable tickets for follow up and resolution
- Ability to mask phone number when contacting driver

Driver Application Requirements

- Automatic trip dispatching
- Dynamic routing capabilities to adjust vehicle allocation efficiently.
- Make phone calls to a rider via anonymized phone number
- Ability to launch turn-by-turn driving directions

Operations Dashboard Requirements

- Dashboards accessible to operations coordinators and authorized individuals by the City
- Dashboard displays real-time data on riders, vehicles, drivers and service performance/Key Performance Indicators (KPIs). Data available includes:

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

- Ridership
 - Travel times
 - Trip denial rate
 - Booking abandonment rates
 - On-time performance
 - Trip and driver reviews
 - Trip and driver comments
- Ability to assign different user-level permissions and rights based on operator, seniority, or role.
 - The data gathered will be shared with / available to the operator or agency in multiple formats:
 - **Dashboards** to visualize rider, driver, and performance data, aggregated across a period or at an individual trip/driver level
 - **Weekly and monthly performance reports** provided in Excel, in a performance format to be mutually agreed upon
 - **Exports of the raw data** (rides, vehicles, times, locations etc.) in CSV format that can be further analyzed by the operator or agency staff if they desire

Software Security, Reliability & Privacy Requirements

- The passenger and driver apps are 'stateless' and do not store any confidential passenger data on the local device.
- All data is stored securely in the cloud (Amazon Web Services – 'AWS').
- The passenger and driver apps communicate securely with the cloud-based platform using RESTful APIs.
- RideCo's Platform Software has a 99.9%+ historical uptime performance record.
- Data is encrypted in transit using standard HTTPS, using an SSL wildcard certificate.
- All public facing web servers have been hardened using industry standard practices.
- Internal networks are shielded by AWS security groups which define allowable ports and IP addresses for internal services.
- APIs are all secured using token authentication using an identity management system. Tokens are only valid for one user and can only be acquired by successfully authenticating against our authentication API. APIs used by internal components are never exposed publicly. For certain API calls, throttling exists to prevent against DOS type attacks.
- Daily backups of production databases for disaster recovery.
- Software does not store any payment card or billing information on RideCo's servers.
- The mobile applications and operations dashboards include their own terms of service to end users that include provisions relating to data privacy, confidentiality, and intellectual property rights.

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SCHEDULE "E" INSURANCE REQUIREMENTS

Contractor or Consultant shall procure and maintain for the duration of this 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. More specifically:

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 "Schedule E". 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.

In the event of the breach of any provision of this "Schedule E," or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, City, at its option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.

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.

Automobile Liability: Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limit no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

Professional Liability (Errors and Omissions): Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

Workers' Compensation Insurance: Contractor or Consultant shall purchase and maintain statutory workers' compensation coverage for their employees if applicable. Employers' liability limits shall not be less than \$1,000,000 each accident, \$1,000,000 by disease-policy limit, \$1,000,000 by disease-each employee. The policy shall contain a Waiver of Our Rights to Recover from Others endorsement naming the City and its officers, officials, employees, and agents in the endorsement schedule.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

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

RIDECO SUBSCRIPTION AND SERVICES AGREEMENT

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.

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.

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 shall 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.

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.

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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 Contractor’s 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, except subcontractors shall maintain workers compensation coverage for subcontractors personnel and automobile liability coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limit no less than \$5,000,000.00 combined single limit for bodily injury and property damage, 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.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO
APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A
SUBSCRIPTION AND SERVICES AGREEMENT WITH RIDEKO FOR
CONSULTANT SERVICES TO OPERATE MILPITAS ONDEMAND AND MAKING
SOLE SOURCE FINDINGS AND FINDINGS THAT THE PROCUREMENT IS IN
THE BEST INTEREST OF THE CITY**

WHEREAS, in November 2016, Santa Clara County voters approved the 2016 Measure B ballot measure, a 30-year half-cent countywide sales tax to enhance transit, highways, expressways and active transportation programs for bicycles and pedestrians; and

WHEREAS, the Valley Transportation Authority (VTA) established the 2016 Measure B Program and adopted Program categories and guidelines for Innovative Transit Service Models; and

WHEREAS, the goal of the Innovative Transit Service Models Program is to support affordable new innovative transit service models to address first/last-mile connections to transit, serving the vulnerable, underserved, and transit-dependent population; and

WHEREAS, the Innovative Transit Service Models Program provides approximately \$6 million in funding to eligible cities through a competitive grant application process; and

WHEREAS, City staff focused on partnering with a transportation consulting firm that could deliver a transit service model that meets the grant program guidelines and requirements for an innovative service model; and

WHEREAS, City staff, in partnership with RideCo, Inc. (“RideCo”), a transportation consulting firm that provides on-demand transit solutions, submitted a grant application for funding through the Innovative Transit Service Models Program to develop and implement Milpitas OnDemand, an 18-month pilot program to provide a flexible, convenient first/last-mile transit solution with connections to VTA light rail and the Milpitas Transit Center; and

WHEREAS, on March 4th, 2021, the VTA Board of Directors approved the recommended projects, including Milpitas OnDemand, and authorized the General Manager to execute the necessary agreements; and

WHEREAS, the VTA awarded the City of Milpitas grant funding to operate a specific transit service model that only RideCo can deliver; and

WHEREAS, after conducting a good faith review of the available sources and pursuant to Milpitas Municipal Code section I-2-3.06 (Sole Source Procurement), the City’s Purchasing Agent has determined that RideCo is the only source for the implementation and operation of Milpitas OnDemand; and

WHEREAS, Milpitas Municipal Code section I-2-3.03(d) authorizes the City to make procurements without a formal competitive process when authorized by the City Council to be in the best interests of the City; and

WHEREAS, it is in the City’s best interests to contract with RideCo for the reasons noted herein.

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. RideCo is approved as the sole source provider for the implementation and operation of Milpitas OnDemand pursuant to Milpitas Municipal Code section I-2-3.06 (Sole Source Procurement).
3. Pursuant to Milpitas Municipal Code section I-2-3.03(d), the City Council finds that the procurement with RideCo is in the best interest of the City based on the following:
 - a) RideCo customized its proprietary transit service model for the City of Milpitas to use in its Measure B grant application; and
 - b) RideCo is the only firm to have designed and validated the “Hub and Spoke” service model, which combines the convenience of a ride hailing service with the capacity and affordability of a traditional shuttle service; and
 - c) While some vendors can offer some features of the proposed service model, no vendors have been able to demonstrate all the required features to successfully execute this service model; and
 - d) RideCo’s proprietary service model addresses critical first/last-mile connections to transit and supports VTA’s existing light-rail and bus systems, which is an important goal of the Innovative Transit Service Models Program; and
 - e) Of all the on-demand micro-transit software providers in the market, only RideCo has demonstrated a consistent track record of aligning arrival times with the schedules of high-frequency transit schedules; and
 - f) Riders do not have to plan the timing of their trip themselves since RideCo’s platform ensures they arrive on time, unlike other qualified vendors who only provide an estimated time of approval; and
 - g) RideCo has a track record of consistently achieving the highest productivity in first/last-mile projects, which results in a lower cost per passenger than other qualified vendors.
4. The City Manager is hereby authorized and directed to execute the Subscription and Services Agreement with RideCo in a not-to-exceed amount of \$1,355,916 for consultant services related to Milpitas OnDemand.

PASSED AND ADOPTED this _____ day of _____ 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



CITY OF MILPITAS SOLE SOURCE OR SOLE BRAND (STANDARDIZATION) REQUEST

**THIS FORM MUST BE COMPLETED AND APPROVED
PRIOR TO ANY PROCUREMENT**

When a request is made for a sole source procurement or to restrict procurement to a specific brand (standardization) for the acquisition of supplies, equipment and materials or services (except for consultant services or contracts with other governmental agencies), as applicable, the requesting department must complete this form consistent with Section I-2-3.06 - Sole Source Procurement or Section I-2-3.14 - Standardization.

Per the aforementioned Municipal Code section, a sole source contract is authorized when the Purchasing Agent determines in writing, after conducting a good faith review of available sources, that only one viable source exists for the required supplies, material, equipment, or general service, or that there is a compelling reason for using only one source. The detailed information you are providing will facilitate such a determination.

Per the aforementioned Municipal Code section, a standardization of supplies, materials or equipment, including information and communication technology products and services and subsequent sole brand procurement is authorized, when the Purchasing Agent has determined that it is required for the health, safety or welfare of the people or employees of the City, or that cost savings have been demonstrated. Among the factors that may be considered in determining to standardize on a single brand or trade name are that:

- a) In order to acquire a specific product(s) for the purpose of conducting a field test or experiment to determine the product's suitability for use by the City.
- b) When it is required for proper operation or function to match other products with respect to the repair or expansion or completion of a system or program already in use by the City, including, but not limited to, technology purchases required to achieve interoperability with existing hardware, software, systems or programs.
- c) In order to achieve significant cost savings based upon consideration of the following cost factors: (1) Timeliness and quality of installation, repair and maintenance; (2) Quality of user training; (3) Supplies and replacement parts; (4) Modification of existing equipment, materials or systems; (5) Future upgrades and updates; (6) Estimated amount and cost of reasonably foreseeable future purchases of equipment that would be required to be compatible or functional with the product which is the subject of the standardization determination; and/or (7) Administrative costs.

This form is not necessary for contracting for professional services or contracting with other governmental agencies.

Please answer in the space provided, or in an attachment address by specific reference, each question listed below in your justification. Be sure to answer each part of each question as each must be addressed; no response can be not applicable. Failure to respond fully to any of the questions may result in delay or rejection of the request due to inadequate justification. **If additional information is necessary, please number the question and attach additional page(s) and/or documents, as needed.**

1. This is a request for a ☒ Sole Source ☐ Sole Brand exception.

If it is your assertion that the manufacturer or distributor is the only authorized source in the Bay Area, Northern California, or whatever the claim is, please substantiate that with a letter from the manufacturer or distributor. The letter must be on their stationary but can be sent via email. Attach a copy to this form.

2. Using appropriate detail, including brand name and model number, briefly describe the product you wish to procure. In the case of a general service use enough detail to clearly describe to someone not familiar with your department's operation what you are procuring.

RideCo is a transportation consulting agency that specializes in micro-transit solutions for local governments. We are seeking to procure RideCo to implement an 18-month micro-transit pilot program. Micro-transit is a flexible on-demand form of transit (e.g., shuttles, vanpool, etc.). RideCo is the only firm that operates a "Hub and Spoke" service model, which blends the efficiency of a first/last mile program (reduce distance between traveler's origin/distance and transit stop/station) with the convenience of an on-demand service (e.g., Uber, Lyft, etc.). The primary goal of the program is to take advantage of the new Milpitas BART Station and promote transit ridership by providing a safe and convenient option for commuters and residents to access existing transit services. For example, a commuter can request pickup at a virtual stop near his/her home through a mobile app and a RideCo vanpool will transport the commuter to a nearby transit station, which he/she can then take to the office. Please see the attachment for more detail.

3. Please provide the total not-to-exceed amount of the purchase and/or agreement/contract as well as the requested term.

Total Cost: \$ 1,084,732.80

Term: 18 months

Detailed cost breakdown explanation per year:

Hourly Vehicle Operations and Software Cost: \$34.00

RideCo Hourly Cost: \$5.10

Annual Hours of Service: 3,120

Vehicles: 7

Annual Operating Cost: $(\$34.00 + \$5.10) \times 3,120 \times 7 = \$853,944.00$

Marketing: \$75,000

Total Annual Cost: \$928,944 (prorates to \$1,355,916 over 18 months)

Local Match (Developer Contribution): 20% (subtract from Total Cost)

Contract Amount: \$1,084,732.80

4. For goods: What are the unique performance features of the product/brand requested that are not available in any other product/brand? For services: What unique qualifications, rights, degrees, certifications, licenses and/or experience does this vendor possess?

Traditionally, micro-transit services operate as either "point to point" or "first-last mile" programs. The Measure B Grant required "innovative service models" and Measure B staff indicated that these two service models were not considered innovative enough. We selected RideCo to partner with us on the grant because they are the only firm to have designed and validated an innovative model they call "Hub and Spoke" in Calgary, AB. RideCo worked with us to customize the Hub and Spoke model to Milpitas for use in our Measure B Grant Application. The VTA awarded Milpitas the grant to operate this specific service model and RideCo is the only firm with the necessary product features to do so. While some vendors have some of the required features no other vendor has been able to demonstrate all the required features to successfully execute this service model. Please see the attachment for more detail.

5. What other products/services have been examined and rejected, and why? (Please provide a specific meaningful explanation, one vendor and one feature at a time. For products be sure to clearly identify the product by name and model number and include the name, address, email, and telephone number of the company representative whose product you tested.)

Transloc: Transloc is a competitor of RideCo but they do not have the technical ability to align micro-transit trips with the arrival and departure schedules of high-frequency fixed-route transit connections. RideCo is the only platform that intelligently aligns micro-transit trips with fixed-route schedules so that passengers arrive "just on time". Beyond reduced wait times, this has a major impact on how efficient the algorithm is at pooling passengers, which results in a lower cost per passenger. There is no indication that Transloc is capable of providing us with the efficiency required to make this service successful.

Via Mobility: Via does not provide a "guaranteed arrival times" feature; they only provide an "estimated time of arrival". Providing passengers with certainty that they will make their connection in time is a critical component of this "Hub and Spoke" program. RideCo provides guaranteed arrival times that align with the departure of fixed-route schedules. Please see the attachment for more detail.

6. If justification is based on matching and/or intermixing with existing equipment (standardization or sole brand only), list the quantity, manufacturer, brand, and model of the existing equipment, and identify measurable cost savings consistent with the sole brand requirements identified on page one of the request form (attach calculations as necessary).

N/A

I HEREBY CERTIFY THAT:

1. I have read and understand the City's requirements for competitive bidding, as well as the criteria for justification for sole source and sole brand procurements.
2. I have gathered the required technical information and have made a concentrated effort to review comparable and/or equal equipment/service.
3. There is validity as to the information contained herein justifying my request for sole source or sole brand procurement and meeting the City's criteria.
4. A sole source or sole brand procurement in this case would withstand a possible audit or a vendor's protest.

Requestor: **Jay Lee**

Digitally signed by Jay Lee
Date: 2021.02.25 18:20:22 -08'00'

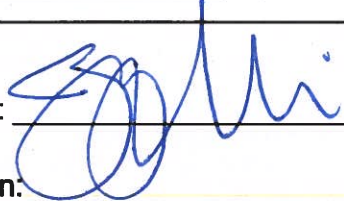
Date: 2/25/21

Department Head: 

Date: 02/26/2021

PURCHASING DIVISION USE ONLY:

APPROVED: Yes

Purchasing Agent: 

Date: 16 Sept 2021

Purchasing Agent's Written Determination:

See Attached email exchange from C. Schroeder and L. Cai dated 29 Mar 2021

SOLE SOURCE OR SOLE BRAND REQUEST

A. OVERVIEW

Purchasing recognizes that departments often invest a great deal of time and effort in selecting a source or brand, prior to submitting a requisition to Purchasing. Even though the departmental review process prior to the submittal of a requisition may be sound, it is highly recommended to quickly engage with Purchasing as soon and early in the process as possible to ensure all documentation and justifications for the request are consistent with the Municipal Code.

Likewise, Purchasing can be an effective partner in a competitive review process given adequate time and involvement in your requirement definition.

In an effort to expedite sole source or sole brand requisitions through Purchasing, you are directed to review the Sole Source or Sole Brand Request form herein. If the Department feels the request meets the criteria, follow the instructions in filling out the form and attach it to the requisition. After review, if Purchasing concurs with your sole source or sole brand justification, the requisition may be expedited without the competitive solicitation requirements.

This is an internal City review process. Departments are directed to use discretion in their discussion with vendors so as to not compromise any competitive advantage that Purchasing may utilize; in the event the sole source or sole brand justification is rejected.

Rather than merely a shift of the review burden, this process acknowledges the significant effort a department may undertake when identifying a vendor or brand and provides you with the method by which to make requisitioning efforts more efficient adhering to the City's Purchasing Ordinance.

In order for Purchasing to accept a request for sole source/sole brand, the certification form referenced is made a part of the **Purchasing Agent's written determination** as provided by the Municipal Code must be signed by the Department Head. The completed form will remain on file for audit purposes.

B. PROCEDURE

Sole source or sole brand procurements are an exception to competitive solicitation requirements and, therefore, require a detailed justification. In processing sole source or sole brand requests for supplies, equipment and/or services (except for consultant services or contracts with other governmental agencies), Purchasing adheres to and is governed by the principles set forth in City of Milpitas Municipal Code Section I-2-3.06 - Sole Source Procurement or Section I-2-3.14 - Standardization as approved by the City Council.

If the requesting Department is requesting a particular vendor, brand or product, staff must

make this fact clear on your requisition. If approved, the request will then be restrictive and non-competitive and will fall into a sole source or sole brand category.

Such a request should not be made unless Department staff is confident that the request is **reasonable and appropriately justified to meet the City's requirements and withstand any possible audit or scrutiny.** The City's requirements and the format for submitting such requests are contained herein.

The following factors DO NOT apply to sole source requests and should not be included in any sole source and/or sole brand justification request. They will not be considered and only tend to confuse the evaluation process and delay the procurement.

1. Personal preference or experience with or for a particular product or vendor.
2. Cost, vendor performance, and/or local service (these are generally considered award factors in competitive bidding).
3. Features which exceed the minimum department requirements.
4. Explanation of the need and/or basic use for the equipment, unless the information **relates to a request for "unique factors"** (refer to question three from the Sole Source/Sole Brand Request form). In other words, it is not appropriate to only state the Department is requesting a specific tree trimmer so staff can trim trees, instead explain why this particular trimmer with these exact performance specifications is the only one that will meet the **Department's need(s).**
5. **A request for "no substitution" submitted without justification. This is just a sole source or sole brand request without justification and will be rejected**

RideCo Program Description & Sole Source Justification

The City of Milpitas, in partnership with RideCo, anticipates receiving a \$1,084,732 grant from the Santa Clara County Valley Transportation Authority (VTA) through its 2016 Measure B Innovative Transit Service Models Competitive Grant Program to operate an innovative transit program for the City's residents, workers, and visitors. The primary goal of the program is to take best advantage of the new BART connection within Milpitas and promote transit ridership by offering a more convenient transportation service. Traditionally micro-transit services operate as either "point to point" or "first-last mile" programs. The Measure B Grant required "innovative service models" and Measure B staff indicated that these two service models were not considered innovative enough. We selected RideCo to partner with us on the grant because they are the only firm to have designed and validated an innovative model they call "Hub and Spoke".

The Hub and Spoke service model is an innovative variant of a traditional First Last Mile program that provides flexible and convenient mobility to, from, and between transit hubs and key points of interest. In this case, 4 "hubs" have been selected. Three are located at key transit stations and one at City Hall. "Spokes" are placed citywide such that every resident is within a ¼ mile or a 5-minute walk of a predetermined virtual stop on the "spoke". Riders will be able to take OnDemand rides from any spoke to one of the hubs, or from one of the hubs to any spoke, or from one hub to another (e.g., from a transit stop to City Hall). This model intelligently blends the efficiency of a first last mile program with the convenience of a city wide OnDemand service. Milpitas will be just the second transit agency globally to launch such a program. This type of service was launched by RideCo in Calgary, Alberta with great success. RideCo was also recently selected by Los Angeles Metro to plan and implement the largest microtransit program ever in a two-year, two-phase procurement.

RideCo worked with us to customize the Hub and Spoke model in Milpitas for use in our Measure B Grant Application. The VTA awarded Milpitas the grant to operate this specific service model and RideCo is the only firm with the necessary product features to do so. While some vendors have some of the required features no other vendor has been able to demonstrate all the required features to successfully execute this service model.

RideCo is the only qualified firm that deploys first-mile last-mile services that align microtransit trips with the arrival and departure schedules of high frequency fixed-route transit connections. Schedules are configured in their platform to ensure passengers make their transfers on-time. In the case of first-mile trips, riders are offered trip options that drop them off at their transit connection several minutes prior to its scheduled departure time. In last-mile trips, riders are offered trip options that depart a few minutes after the scheduled arrival of their high-frequency fixed-route trip. Each booking in the system is provided with a firm arrival time that will not be violated. This arrival time considers both historical and real time traffic analytics, predictive weather, and road conditions. Other qualified vendors have not consistently demonstrated the ability to give firm arrival times that are specifically aligned with high-frequency fixed-route schedules. Instead, they typically provide only an Estimated Time of Arrival (ETA). Of all the on-demand microtransit software providers in the market today, only RideCo has demonstrated a consistent track record of aligning firm arrival times with the schedules of high-frequency fixed-route transit schedules.

This unique functionality has two critical implications:

1. RideCo has a unique track record of consistently achieving the highest productivity in first-mile last-mile projects – often 30% better than otherwise qualified vendors.
2. RideCo ensures that passengers arrive just on time which limits their trip duration and reduces the wait time between trips. Riders no longer need to plan the timing of their trip themselves – the platform ensures they arrive on time.

Specific examples of two prominent competitors are provided below.

1. **Transloc:** Transloc is a competitor of RideCo with many microtransit pilots throughout the US. Transloc does not have the technical ability to align microtransit trips with the arrival and departure schedules of high-frequency fixed-route transit connections. This has a number of consequences. As the Measure B grant is intended for innovative first last-mile solutions, connection into high-frequency fixed-route transit will represent a large percentage of our trips. RideCo is the only platform that intelligently aligns microtransit trips with fixed-route schedules so that passengers arrive "just on time". Beyond the customer experience benefit of reduced wait times, this has a major impact on how efficient the algorithm is at pooling passengers. Generally, the higher the pooling rate means that the cost per passenger is lower. Cost per passenger is an important success metric in this program and there is no indication from historical service that Transloc is capable of providing us with the efficiency required to make this service successful.
2. **Via Mobility:** Via does not provide a "guaranteed arrival times" feature; their system only provides an "estimated time of arrival". Providing passengers certainty that they will make their connection in time is a critical component of this "Hub and Spoke" program. RideCo provides guaranteed arrival times that align with the departure of fixed-route schedules.

Cost per passenger is an important measure of success in this project. We were required to estimate this in our grant application, and we are obligated to report this number to the VTA. Because the hourly cost of operating a vehicle is fixed, the cost per passenger is heavily influenced by the productivity of the service. Productivity means the number of passengers transported per vehicle per hour. In Microtransit services, the productivity depends on the algorithm's ability to efficiently pool passengers by selecting the optimal shared routes. RideCo achieves industry-leading productivity of 7.9 passengers per vehicle hour in their first last-mile service in Calgary. The next best competitor is Via, but their most successful First Last Mile program only achieves a productivity of approximately 4.9 passengers per vehicle hour. This reduction in productivity would mean Mipitas would need to have more vehicles on the road to transport the same number of people. This would lead to both higher gross operating costs and higher cost or passenger.



To: Jay Lee, City of Milpitas
From: Ben Brubaker-Zehr, RideCo
Re: VTA Funded OnDemand Transit Program
June 15, 2021

The City of Milpitas, in partnership with RideCo, anticipates receiving a \$1,084,732 grant from the Santa Clara County Valley Transportation Authority (VTA) through its 2016 Measure B Innovative Transit Service Models Competitive Grant Program to operate an innovative transit program for the City's residents, workers, and visitors. The primary goal of the program is to take best advantage of the new BART connection within Milpitas and promote transit ridership by offering a more convenient transportation service. Traditionally micro-transit services operate as either "point to point" or "first-last mile" programs. The Measure B Grant required "innovative service models" and Measure B staff indicated that these two service models were not considered innovative enough. We selected RideCo to partner with us on the grant because they are the only firm to have designed and validated an innovative model they call "Hub and Spoke".

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Ben Brubaker-Zehr

Regional Director

Ben Brubaker-Zehr

Zachary DeVine

From: Lauren Lai
Sent: Monday, 29 March, 2021 21:10
To: Christopher Schroeder
Subject: Re: RideCo

Hi Chris -- Thanks for that background. Concur and approve sole source.



Lauren Lai, CPA, MPA

Finance Director / Risk Manager

455 East Calaveras Boulevard, Milpitas CA 95035

Phone (408)586-3111

Email llai@ci.milpitas.ca.gov

www.ci.milpitas.ca.gov

From: Christopher Schroeder <cschroeder@ci.milpitas.ca.gov>
Sent: Friday, March 26, 2021 3:09 PM
To: Lauren Lai <llai@ci.milpitas.ca.gov>
Subject: RideCo

Lauren:

This is for a large project (Pilot Program) funded by a grant from Valley Transportation Authority (VTA). The award letter VTA issued is for "Milpitas On Demand" and RideCo is specifically named as the co-applicant. This program was specifically designed for Milpitas and the assumption is that the "co-applicant" will perform the work. I reviewed this with Legal (Kevin Wang of BBK) and he did not see any problems. Ashwini and the Milpitas team have been working on this project for over a year; I am inclined to approve the purchase for all the reasons detailed in the sole source but I wanted you to see it first.

Please advise?

Chris



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution of the City Council of the City of Milpitas Declaring that Certain Approximately 1.07-Acres of City Owned Land “Exempt Surplus Land” Under the Surplus Land Act (Government Code Section 54420 et Seq.); and Considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; Adopting Findings of Fact and a 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 a 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 Project
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	12/14/2021
Staff Contact:	Steve Erickson, Engineering Director 408-586-3301
<u>Recommendations:</u>	Adopt a Resolution of the City Council of the City of Milpitas Declaring that Certain Approximately 1.07-Acres of City Owned Land “Exempt Surplus Land” Under the Surplus Land Act (Government Code Section 54420 et Seq.); and Considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; Adopting Findings of Fact and a 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 a 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 Project

Background:

The Santa Clara Valley Water District (SCVWD) owns and maintains waterways within the City of Milpitas and recently completed improvements to Upper Berryessa Creek and portions of Lower Berryessa Creek to improve flood capacity. SCVWD desires to continue its plan of flood control improvements within Milpitas to reduce the potential of flooding and intends to construct significant flood protection improvements along a 1-mile segment of Lower Penitencia Creek.

Construction work along Lower Penitencia Creek is underway and will extend from McCarthy Boulevard to San Andreas Drive, and will include raising of levees, installation of steel and concrete floodwalls, and construction of new storm drain outfalls at City pump stations located at California Circle and San Andreas Drive. The foregoing work by SCVWD shall hereafter be referred to as the “Project. A vicinity map (**Attachment 1**) showing the limit of the Project is included in the Agenda packet.

SCVWD needs to acquire right of way from the City of Milpitas for the purpose of constructing and perpetually maintaining the new permanent flood control levee and floodwall infrastructure. On June 15, 2021, the City Council approved and authorized the City Manager to Execute a Right-Of-Way Agreement with the Santa Clara Valley Water District for the Purchase of Easements and a fee interest in certain City Owned Land for Lower Penitencia Creek Flood Protection Improvements. However, the Water District has now determined that less right of way from the City is required and has requested the City approve and execute a revised a Right-Of-Way Agreement for the purchase of two easements (together, the “Easements”) and the sale of

approximately 1.07 acres of City owned land adjacent to McCarthy Boulevard and California Circle (the “City Owned Land”) to allow SCVWD to complete construction of the Project. This revised Right-Of-Way Agreement will supersede what was previously approved by the City Council. The locations of the Easements and the City Owned Land proposed to be sold to the SCVWD are shown on **(Attachment 2)**.

Analysis:

The SCVWD Lower Penitencia Creek flood control improvement project (“Project”) is a benefit to Milpitas and will provide 100-year flood protection for homes, schools, and businesses and will maintain Federal Emergency Management Agency (FEMA) levee accreditation along the Lower Penitencia Creek east levee located between California Circle and Berryessa Creek.

SCVWD is the lead agency for the Project pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Res. Code §§ 21000, et seq.) and the State CEQA Guidelines (14 CCR §§ 15000, et seq.). As the lead agency, SCVWD is responsible for assuring that an adequate analysis of the Project’s environmental impacts. After first issuing a Notice of Preparation and a Draft Environmental Impact Report (“DEIR”) SCVWD prepared a Final Environmental Impact Report for the Project, which included the DEIR, appendices, comments on the DEIR, responses to comments on the DEIR, and revisions to the DEIR (collectively, “FEIR”), and in November 2017 SCVWD certified the FEIR, took certain other actions regarding CEQA including making a Statement of Overriding Considerations, and approved the Project.

The City is a “responsible agency” for the Project under State CEQA Guidelines section 15381 because it is not the lead agency for the Project, but it does have discretionary approval power over the Project in that it has discretion to approve the sale of City property and enter into a right of way agreement in connection with the construction of the Project.

Pursuant to State CEQA Guidelines section 15096 and in its limited role as a responsible agency under CEQA, as to those resources within the City’s power and authority as a responsible agency under CEQA it appears that the FEIR contains a complete, objective and accurate reporting of the Project’s impacts. Further, in its limited role as a responsible agency under CEQA, it appears that: (1) there are no feasible alternatives to the Project which would avoid or substantially lessen the Project’s potentially significant environmental impacts but still achieve most of the Project’s objectives; (2) there are no additional feasible mitigation measures which would eliminate or reduce the Project’s potentially significant impacts to a level of less than significant; (3) the Statement of Overriding Considerations adopted by the SCVWD are supported by substantial evidence and the Overriding Considerations outweigh the Project’s potentially significant impacts. After certifying the FEIR and approving the Project, SCVWD determined that minor modifications to the Project were necessary, and evaluated the potential environmental impact of these minor modifications in an Addendum to the FEIR dated February 2020; as memorialized in the Addendum, SCVWD concluded that the modifications would not create any new significant environmental impacts or substantially increase the severity of previously identified significant impacts.

The approval of a Right-of-Way Agreement **(Attachment 3)** is recommended to allow the sale of the Easements and the City Owned Land to the SCVWD for the Project. The requested Easements total 1,784 square-feet and are for maintenance driveway access off McCarthy Boulevard south of Dixon Landing Road. The City Owned Land that the District has requested to purchase is located between McCarthy Boulevard and State Route 880, and adjacent to California Circle south of Dixon Landing Road **(Attachment 2)**.

The City Owned Land is considered surplus due to it being non-buildable and of little value to the City. While the land is not necessary for the City’s use, it is not subject to the Surplus Land Act (Government Code § 54220 et seq.) (the “Act”) pursuant to section 54221(f)(1)(D) of the Act, which exempts surplus land that “a local agency is transferring to another local, state, or federal agency for the [transferee] agency’s use.” See also Surplus Land Act Guidelines (Final), § 103(b)(3)(D) (clarifying which agency’s use is relevant for exemption). Both the City and SCVWD are “local agencies” as defined under section 54221(a)(1) of the Act, and the land will be used by SCVWD to further its flood control improvement project as described above. The Act does “not apply to the disposal of exempt surplus land as defined in Section 54221 by ... any local agency.” Gov’t C. § 54222.3. Under section 54221(b)(1) of the Act, the City Council must take formal action at a regular meeting declaring the City Owned Land “exempt surplus land” and make written findings to suppo

such determination. Staff has prepared a resolution for City Council consideration that makes the required written findings. The District has offered \$96,000 to purchase the Easements and the City Owned Land. Staff has reviewed the offer and determined it to be fair and a benefit to the City.

Policy Alternative:

Alternative: Do not enter into the Right-of-Way Agreement with the SCVWD for the sale of the surplus City Owned Land to benefit the lower Penitencia Creek Flood Control Project.

Pros: None

Cons: A denial would result in a delay in the construction of needed flood control improvements within Milpitas.

Reason not Recommended: A significant portion of the City is within a FEMA Special Flood Hazard Zone and these SCVWD flood control improvements will help alleviate the potential and severity of flooding within the City. The approval of the Right-of-Way Agreement for the sale of the Easements and the surplus City Owned Land is recommended to allow the Project to continue to move forward on schedule.

Fiscal Impact:

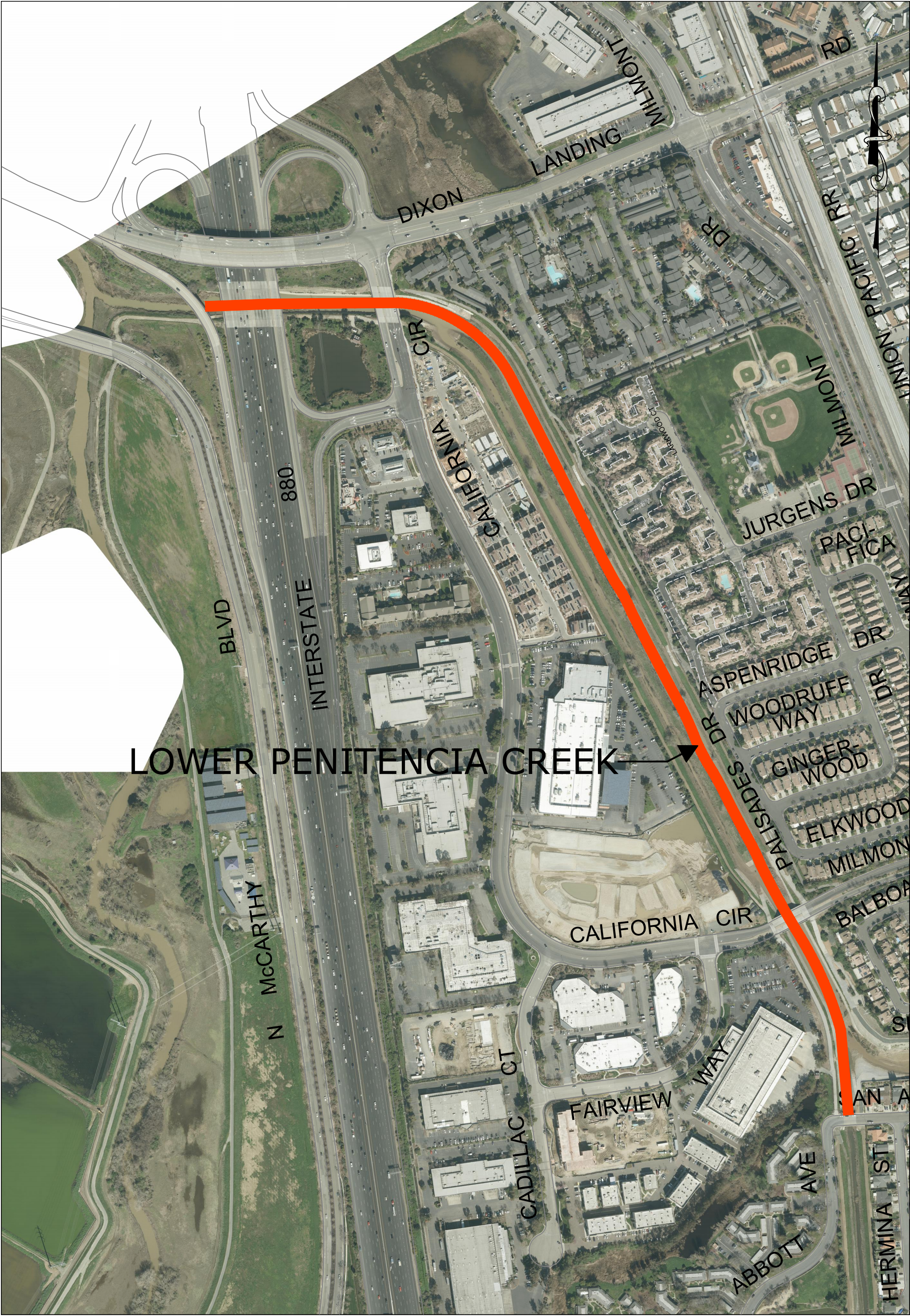
The sale of the surplus City Owned Land to the SCVWD for the benefit of the Lower Penitencia Creek Flood Control Project will generate \$96,000 in funding for the City's General Fund.

Recommendations:

Adopt a Resolution of the City Council of the City of Milpitas Declaring that Certain Approximately 1.07-Acres of City Owned Land "Exempt Surplus Land" Under the Surplus Land Act (Government Code Section 54420 et Seq.); and Considering the Environmental Impact Report and Addendum for the Lower Penitencia Creek Improvements Project; Adopting Findings of Fact and a 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 a 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.

Attachments:

1. Project Vicinity Map
2. City Easements & Parcels Requested
3. Right of Way Agreement
4. Resolution
5. SCVWD's Lower Penitencia Creek Improvement Project FEIR, SCVWD's CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.



LOWER PENITENCIA CREEK

LOWER PENITENCIA CREEK

File No 4033-54
APN 022-30-041
FEE (46,062 SF)

File No 4033-61
APN 022-37-000
FEE (460 SF)

File No 4033-62
APN 022-30-041
EASEMENTS
(590 SF and 1,194 SF)



RIGHT OF WAY AGREEMENT

FC 121 (01-22-20)

Project:	Lower Penitencia Creek Improvement Project
Grantor:	The City of Milpitas, a municipal corporation
	4033-54, 4033-61,
Real Estate File No.:	4033-62
Project/Charge No.:	40334005

This is an agreement between the SANTA CLARA VALLEY WATER DISTRICT, hereinafter referred to as "Valley Water", and The City of Milpitas, a municipal corporation, hereinafter referred to as "Grantor" (whether singular or plural). It is agreed between the parties hereto as follows:

1. WHOLE AGREEMENT

This constitutes the entire agreement of the parties. The performance of this agreement constitutes the entire consideration of the property or interest described in said document (hereinafter called "the property") and shall constitute the entire payment of all claims including all interest and damages including severance.

2. DELIVERY OF DOCUMENT

Deed Document No. 4033-54, 4033-61, in the form of a Grant Deed; and Deed Document No. 4033-62, in the form of an Easement Deed, covering the property particularly described therein has been executed and delivered by Grantor to Carlos Herrera, Real Estate Agent for Valley Water for the purpose of conveying said property to Valley Water.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

- A. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve Valley Water of all further obligation or claims on this account, or on account of the location or construction of the proposed public improvement.
- B. Valley Water requires property interests described in Deed Document No. 4033-54, 4033-61, 4033-62 for Valley Water purposes, a public use for which Valley Water has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Valley Water is compelled to acquire the property.

Both Grantor and Valley Water recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation.

The compensations set forth herein for the property is in compromise and settlement, in lieu of such litigation.

3. PURCHASE AND TITLE

Valley Water shall pay Grantor the sum of \$96,000.00 for the property conveyed by the above document when title thereto vests in Valley Water free and clear of all liens, encumbrances, taxes, assessment and leases (recorded and/or unrecorded), except:

- A. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code if unpaid at the close of escrow.
- B. Covenants, conditions, restrictions, and reservations of record, or contained in the above referenced deed.
- C. Easements or rights of way over said land for public or quasi public utility or public street purposes, if any.

Valley Water shall also pay all costs of escrow and recording fees incurred in this transaction including documentary stamp tax, if required by law, and title insurance policy expenses.

4. PRORATION OF TAXES

In the event that Valley Water acquires fee title under the terms of this agreement, taxes shall be prorated in accordance with the California Revenue and Taxation Code Section 5086 as of the date of recordation of the deed conveying title to Valley Water.

Valley Water shall have the authority to deduct and pay from the amount shown in clause 3, above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes together with penalties and interest thereon, and/or delinquent and unpaid nondelinquent assessments which have become a lien at the close of escrow.

5. PAYMENT OF MORTGAGE OR DEED OF TRUST

Any and all moneys due under this agreement shall, upon demand, be made payable to the beneficiary or mortgagee entitled thereto under any trust deed or mortgage upon the property up to and including the total amount of any unpaid indebtedness secured by such trust deed or mortgage.

6. LEASE WARRANTY

Grantor warrants that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and Grantor further agrees to hold Valley Water harmless and reimburse Valley Water for any and all losses and expenses occasioned to Valley Water by reason of any tenancy of the property held by any tenant of Grantor for any period exceeding one month.

7. DISMISSAL OF EMINENT DOMAIN

Grantor consents to the dismissal as to the property of any eminent domain action by Valley Water wherein the property is included and also waives any and all claims to any money that may now be on deposit in that action. This agreement is full consideration for all claims of damage that may have arisen by reason of any such eminent domain action and/or the public project for which this property is acquired.

8. POSSESSION

Grantor shall have the right to retain possession of the property up to and including the date of recording of the deed conveying title to the property acquired herein to Valley Water upon compliance by Grantor with the conditions of this agreement.

9. ESCROW

This transaction will be handled through an escrow with:

Fidelity National Title Company, escrow No. FSBC-TO14000420-EB

10. LANDSCAPING AND APPURTENANCES

All existing landscape and appurtenances that are attached to the property are included in the purchase price and shall be transferred free of liens and without seller warranty. Items to be transferred shall include, but not be limited to, any and all existing electrical, mechanical, lighting, in-ground landscaping, including trees and shrubs, and irrigation systems. It is also understood that Valley Water will be removing landscape and appurtenances related to LMD95-1. Furthermore, Grantor shall release Valley Water from any liability for the removal of all said landscape and appurtenances within the area to be used for flood improvement construction.

11. CONTAMINATION

The acquisition price of the property being acquired stated herein above reflects the fair-market value of the property without the presence of contamination. If the property is found to be contaminated by the presence of hazardous waste which requires mitigation under Federal, State or local law, Valley Water's estimated costs of remediation will be withheld from the purchase price in escrow until said remediation is complete to the satisfaction of the appropriate regulatory agency and Valley Water. Grantor may elect to remediate any such contamination to the satisfaction of the appropriate regulatory agency at Grantor's sole expense. In such case, Grantor and Valley Water agree that escrow will close only after said clearance is delivered to Valley Water.

Valley Water has executed this agreement
as of:

SANTA CLARA VALLEY WATER DISTRICT

By _____
Rick L. Callender, Esq.
Chief Executive Officer

ATTEST: MICHELE L. KING, CMC

Clerk/Board of Directors

Grantor has executed this agreement as of: _____

The City of Milpitas, a municipal
corporation

By: _____

Name: _____

Title: _____

Address:

Multiple Locations
Milpitas, CA

Real Estate File No.: **4033-54, 4033-61,**
4033-62

Recommended for Approval:

By _____
Senior Real Estate Agent

By _____
Real Estate Services Unit Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING THAT CERTAIN APPROXIMATELY 1.07-ACRES OF CITY OWNED LAND “EXEMPT SURPLUS LAND” UNDER THE SURPLUS LAND ACT (GOVERNMENT CODE SECTION 54420 ET SEQ.); CONSIDERING THE ENVIRONMENTAL IMPACT REPORT AND ADDENDUM FOR THE LOWER PENITENCIA CREEK IMPROVEMENTS PROJECT; ADOPTING FINDINGS OF FACT AND A 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 A RIGHT-OF-WAY AGREEMENT WITH THE SANTA CLARA VALLEY WATER DISTRICT FOR THE PURCHASE OF EASEMENTS AND CITY OWNED LAND FOR THE LOWER PENITENCIA CREEK IMPROVEMENTS PROJECT

WHEREAS, the Santa Clara Valley Water District (“SCVWD”) owns and maintains waterways within the City of Milpitas (“City”) and recently completed improvements to Upper Berryessa Creek and portions of Lower Berryessa Creek to improve flood capacity; and

WHEREAS, SCVWD desires to continue its plan of flood control improvements within Milpitas to reduce the potential of flooding and intends to construct significant flood protection improvements along a 1-mile segment of Lower Penitencia Creek. Construction work along Lower Penitencia Creek will extend from McCarthy Boulevard to San Andreas Drive, and will include raising of levees, installation of steel and concrete floodwalls, and construction of new storm drain outfalls at City pump stations located at California Circle and San Andreas Drive (together, the “Project”); and

WHEREAS, SCVWD is the lead agency for the Project pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Res. Code §§ 21000, et seq.) and the State CEQA Guidelines (14 CCR §§ 15000, et seq.). As the lead agency, SCVWD is responsible for assuring that an adequate analysis of the Project’s environmental impacts is completed; and

WHEREAS, after first issuing a Notice of Preparation and a Draft Environmental Impact Report (“DEIR”) SCVWD prepared a Final Environmental Impact Report for the Project (SCH No. 2015062026), which included the DEIR, appendices, comments on the DEIR, responses to comments on the DEIR, and revisions to the DEIR (collectively, “FEIR”), and in November 2017 SCVWD certified the FEIR, took certain other actions regarding CEQA including making a Statement of Overriding Considerations, and approved the Project; and

WHEREAS, after certifying the FEIR and approving the Project, SCVWD determined that minor modifications to the Project were necessary, and evaluated the potential environmental impact of these minor modifications in an Addendum to the FEIR dated February 2020; as memorialized in the Addendum, SCVWD concluded that the modifications would not create any new significant environmental impacts or substantially increase the severity of previously identified significant impacts; and

WHEREAS, SCVWD needs to acquire right of way from the City of Milpitas for the purpose of constructing and perpetually maintaining the Project. SCVWD has requested the City enter into a Right-of-Way Agreement (the “ROW Agreement”), substantially in the form attached hereto as **Exhibit A**, for the purchase of, among other real property interests, approximately 1.07 acres of City owned land adjacent to McCarthy Boulevard and California Circle (the “City Owned Land”) to allow SCVWD to complete construction of the Project. The location of the City Owned Land proposed to be sold to the SCVWD is shown on the Site Map attached hereto as **Exhibit B**; and

WHEREAS, the City is a “responsible agency” for the Project under State CEQA Guidelines section 15381 because it is not the lead agency for the Project, but it does have discretionary approval power over the Project in that it has discretion to approve the sale of City property and enter into a right of way agreement in connection with the construction of the Project; and

WHEREAS, the City Council, at its agendized public meeting on December 14, 2021, independently reviewed and considered the FEIR, the Addendum, and all other related documents in the record before it; and

WHEREAS, all the procedures of CEQA have been met, and the FEIR and Addendum prepared in connection with the Project are sufficiently detailed so that all of the potential effects of the Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with CEQA; and

WHEREAS, the City Owned Land is not necessary for the City's use and is therefore surplus, as defined in the Surplus Land Act (Government Code § 54220 *et seq.*) (the "Act"); and

WHEREAS, the City Owned Land is exempt from the Act pursuant to section 54221(f)(1)(D) of the Government Code, because the City "is transferring [the City Owned Land] to another local, state, or federal agency for the [transferee] agency's use"; and

WHEREAS, both the City and SCVWD are "local agencies" as defined under section 54221(a)(1) of the Government Code, and the land will be used by SCVWD to further its flood control improvement project as described above; and

WHEREAS, the Act does "not apply to the disposal of exempt surplus land as defined in Section 54221 by ... any local agency" pursuant to Government Code section 54222.3; and

WHEREAS, the Project is a benefit to Milpitas and will provide 100-year flood protection for homes, schools, and businesses and will maintain Federal Emergency Management Agency (FEMA) levee accreditation along the Lower Penitencia Creek east levee located between California Circle and Berryessa Creek; and

WHEREAS, all of the findings and conclusions made by Milpitas pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

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

1. The recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council has considered the full record before it, which includes but is not limited to such things as the staff report, testimony by staff and the public, the FEIR, the Addendum, and other materials and evidence submitted or provided to the City Council.
3. Pursuant to State CEQA Guidelines section 15096 and in its limited role as a responsible agency under CEQA, the City Council has reviewed and considered the FEIR, the Addendum, SCVWD's certification of the FEIR and approval of the Project, and SCVWD's CEQA Findings of Fact and Statement of Overriding Considerations, and the City Council incorporates those items herein by reference. As to those resources within the City's power and authority as a responsible agency under CEQA, the City Council exercises its independent judgment and finds that the FEIR and Addendum contain a complete, objective and accurate reporting of the Project's impacts.
4. In its limited role as a responsible agency under CEQA, the City Council concurs with the CEQA Findings of Fact and Statement of Overriding Considerations approved by SCVWD, and hereby adopts the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program attached hereto as **Exhibit "C"** and incorporated herein by this reference. The City Council further concurs with SCVWD and finds that: (1) there are no feasible alternatives to the Project which would avoid or substantially lessen the Project's potentially significant environmental impacts but still achieve most of the Project's objectives; (2) there are no additional feasible mitigation measures which would eliminate or reduce the Project's potentially significant impacts to a level of less than significant; (3) the Statement of

Overriding Considerations adopted by the SCVWD are supported by substantial evidence and the Overriding Considerations outweigh the Project's potentially significant impacts.

5. The City Council finds and declares that the City Owned Land is "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(D), because the City is selling it to SCVWD, another local agency, for SCVWD's use.
6. The City Council hereby approves and authorizes 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 and any and all other documents necessary to effectuate the transaction with any modifications deemed necessary by the City Attorney.
7. The documents and materials that constitute the record of proceedings for this Resolution are located at the City's office located at the Office of the City Engineer, Milpitas, California, and are maintained by the City Clerk.
8. The City Council hereby authorizes and directs staff to file and have posted a Notice of Determination with the County Clerk and with the State Clearinghouse within 5 working days of the adoption of this Resolution.

PASSED AND ADOPTED this _____ day of _____, 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

Lower Penitencia Creek Improvements Project

Addendum to the Final Environmental Impact Report

State Clearinghouse No. 2015062026

Valley Water Project No. 40334005

February 3, 2020

Prepared by:

Environmental Planning Unit
Watershed Stewardship and Planning Division
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3614

Valley Water Board of Directors

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1. Background

Santa Clara Valley Water District (Valley Water) prepared a Lower Penitencia Creek Improvements Project Environmental Impact Report (EIR) to provide the public, responsible agencies, and trustee agencies with information about the environmental effects of the proposed project. The EIR was prepared in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). Valley Water Board of Directors adopted a resolution certifying the EIR on November 28, 2017.

The project would provide 1% flood protection for residents, businesses, and infrastructure along Lower Penitencia Creek within the City of Milpitas (Figure 1 in Appendix A). The project site is located in a developed area within the lower portion of Coyote Creek watershed. The project area extends from approximately a mile north of the Lower Penitencia Creek confluence with Coyote Creek to San Andreas Drive.

As approved, the project includes floodwalls in Reaches 2, 3, and 4, setback replacement levee and wetland bench in Reach 1, earthen ramps on the east bank of Reach 3, and bridge headwalls. In addition, the project also includes maintenance activities such as restoration of maintenance roads, hydroseeding, and stabilization in disturbed areas.

After certification of the Final EIR and approval of the project (Valley Water 2017) it was determined during design development that minor modifications would be necessary. This addendum is prepared to evaluate minor changes and additions to the project design. Proposed project modifications include floodwall design change and addition of two small floodwall segments. In addition, sediment removal activities and construction of the San Andreas Drive Bridge headwalls would no longer occur.

2. CEQA Considerations

This Addendum describes the addition/changes to the approved Lower Penitencia Creek Improvements Project Final EIR and the evaluations of new project activities necessary to achieve compliance with the California Environmental Quality Act (CEQA). The project additions/changes described herein do not require revisions to the adopted findings of the EIR or meet the criteria used to evaluate significance under CEQA, and therefore do not require the preparation of a subsequent EIR. Under CEQA, if changes to a project or its circumstances occur, or new information becomes available after adoption of the EIR, the lead agency must prepare a subsequent EIR or otherwise prepare a subsequent negative declaration, an Addendum, or no further documentation (CEQA Guidelines §15162 (c)).

The appropriate level of review is based on whether changes to the project, or to project circumstances, or changes resulting from new information not known at the time of approval of the original project, create new significant effects or substantial increase in the severity of previously identified effects. Under CEQA Guidelines §15164, an addendum to an adopted negative declaration may be prepared only if minor technical changes or addition are necessary or none of the conditions are described in CEQA Guidelines §15162 (i.e., no new significant environmental effects or a substantial increase in the severity of the previously identified significant effects) calling for the preparation of a subsequent EIR or negative declaration have occurred.

As described in the analysis below, the proposed changes would not result in new significant impacts or a substantial increase in severity of significant impacts identified in the certified Final EIR. Therefore, preparation of a subsequent MND or EIR is not required. Based on the information contained in this report, Valley Water, as a lead agency, has determined that an addendum to the EIR is appropriate level of review necessary to comply with CEQA. This addendum will be considered by Valley Water in conjunction with the EIR when taking action on this project.

3. Description of Proposed Changes to the Project

The Final EIR, on page 2-9 to 2-18, describes the project improvements along Lower Penitencia Creek. However, several aspects of the project design have been modified and removed since the project approval. The proposed project changes include a floodwall design change, two additional small floodwall segments, and elimination of sediment removal and San Andreas Drive Bridge headwalls activities (Figure 2 in Appendix A). Proposed changes are described below.

In Reach 1, the proposed project originally included an installation of approximately 50 feet of sheetpile floodwall at the northwest corner of Interstate 880 bridge. The proposed design modifications would change the floodwall type from sheetpile to concrete and the length of floodwall would decrease from 50 feet to 43 feet. The floodwalls would be constructed to be 3 to 5 feet in height.

In Reach 2, the proposed project originally included an installation of approximately 25 feet of sheetpile floodwall on top of existing northeast bank levee near I-880. The proposed changes would modify the project to include two additional floodwall segments in this reach. The first additional concrete floodwall would be approximately 90 feet long and 4.5 feet tall. The floodwall would be installed on the northeast bank of the channel near California Circle. The second additional concrete floodwall would be approximately 44 feet long and 5.5 feet tall. The floodwall would be installed on the northeast bank of the channel near I-880.

In Reach 4, the project originally included a raised levee, sheetpile floodwall with a closeable gate-type opening, and San Andreas Drive Bridge headwalls. The proposed project changes would remove the San Andreas Drive Bridge headwalls element from the project. The headwalls are no longer needed as part of the project.

As evaluated in the Final EIR, the proposed project originally included sediment removal activities in Reaches 2, 3 and 4. However, the sediment removal activities have been withdrawn from the project as part of the proposed changes. No sediment removal activities would occur throughout the project site. The project footprint and construction techniques remain unchanged. No new staging areas and access routes are proposed.

4. Environmental Analysis

The following analysis discusses the potential impacts from changes to floodwall designs, addition of two floodwall segment, elimination of the sediment removal activities, and removal of San Andreas Drive Bridge headwalls activities to the project description relative to the impacts identified in the Final EIR. Only those resource areas that have the potential to be affected by the proposed changes are discussed below.

The proposed changes would not result in any new significant or substantially worse significant impacts to the following resource areas: Geology, Soils, and Seismicity; Hazards and Hazardous

Materials; Land Use and Planning; Recreation; Utilities and Service Systems; and Growth Inducement. The proposed changes are not anticipated to result in any significant or substantially worse impacts because the nature/extent of the proposed modifications would be similar to the activities evaluated in the Final EIR.

Resource areas analyzed include the following: Aesthetics, Air Quality; Biological Resources; Cultural Resources; Greenhouse Gas Emissions and Energy Use; Hydrology and Water Quality; Noise and Vibration; and Traffic and Transportation. As discussed below, potential environmental impacts to Noise and Vibration may occur from additional construction activities associated with the proposed project changes. The proposed project modifications would not result in any substantial changes to the Final EIR analysis for the listed resource areas.

Aesthetics

As described in Section 3, the project changes include floodwall design change in Reach 1 and two small floodwall segments in Reach 2. The proposed design changes would modify the sheetpile walls in Reaches 1 and 2 to be concrete floodwalls. The proposed floodwall design changes represent less than 4 percent of the entire project reach. The additional floodwall segments would be aesthetically matched in the form of height, color, and texture to the concrete segments. The proposed project modifications would not create a new substantial source of glare and visual impact.

Potential impacts to scenic vistas, visual character, light and glare remain consistent with the impacts evaluated in the Final EIR. In the Final EIR, on page 3.2-1 to 3.2-24, the impacts range from none to less than significant. No change in visual impacts from the original design is proposed. No additional mitigation is proposed. Therefore, the proposed project changes would not result in a new impact on aesthetic resources beyond those impacts discussed in the Final EIR.

Air Quality

In the Final EIR, page 3.3-11, air quality modeling efforts were considered to be conservative as it relied upon excavation and fill volumes presented in the Valley Water's 2016 Planning Study Report. In addition, the models reflect impacts for initial bridge modifications at Milmont Drive and concrete floodwalls throughout the entire project site. Since the publication of the Draft EIR, the project designed has been further refined. Therefore, the models described in the Final EIR provide a conservative overestimate on air quality impacts. In addition, the Final EIR includes Mitigation Measure AQ-1 (Implement Construction NOx Emissions Reduction) which requires Valley Water or its contractor to develop a construction plan demonstrating that off-road equipment and material hauling vehicles will not result in average daily NOx emissions of more than 50 pounds per day during project construction. Implementation of this mitigation measure would ensure that emissions from individual construction phases for each reach and combined reach emissions would not exceed the Bay Area Air Quality Management District's (BAAQMD) significance threshold. This mitigation measure requires the contractor or Valley Water to not exceed more than 54 pounds per day of NOx emissions during project construction.

In Reach 2, the addition of two floodwall segments is relatively small in comparison with the original air quality projections, which were estimated in a conservative model in the EIR, so emissions generated would remain less than those disclosed in the EIR. Removal of the San Andreas Drive Bridge headwalls and sediment removal activities are not expected to contribute

or produce any new project emissions and could potentially reduce emissions to less than what was evaluated in the Final EIR. The Final EIR concluded air quality impacts to range from less than significant to less than significant with mitigation. No changes to air quality impacts expected because emissions associated with design modifications are within estimates already evaluated in the Final EIR and removal of certain design elements further reduces emissions for the overall project. Therefore, the proposed project changes would not result in any new impact on air quality beyond those impacts discussed in the Final EIR.

Cultural Resources

The overall project footprint remains unchanged, with minor changes to floodwall designs in Reaches 1 and 2. In the Final EIR, page 3.5-16 to 3.5-18, the project work area was evaluated for potential impacts to cultural resources. No archaeological, historical, or paleontological resources were identified during field studies. However, the project site is located in an area that is sensitive for the presence of Native American village sites, which often contain burials. Project construction has the potential to uncover human remains, although such remains were not identified during the field inventory. Implementation of Valley Water's Best Management Practices (BMPs) would require construction activities to halt immediately within 100 feet of buried human remains and that both the Santa Clara County Coroner and a qualified archeologist to be contacted.

The proposed project changes would not result in any new work footprint. The proposed changes are located within the project area evaluated in the Final EIR. Potential impacts to cultural resources remain consistent with the Final EIR with impacts ranging from none to less than significant. Therefore, the proposed project changes would not result in any new impact on cultural resources beyond those discussed in the Final EIR.

Greenhouse Gas Emissions and Energy Use

Valley Water determined that the Sacramento Metropolitan Air Quality Management District (SMAQMD) and BAAQMD established the "bright line" annual threshold of 1,100 MT CO₂e for GHG emissions is an appropriate significance threshold against which to evaluate the project's construction related emissions. The "bright line" threshold is the proposed threshold for projects and represents the threshold under which they are not anticipated to result in a significant impact regarding global climate change.

The project would generate GHG emissions during construction of the various project elements. Construction-related GHG emission would result from the combustion of fossil-fueled construction equipment, material hauling, and worker trips. These emissions were estimated for construction activities using CalEEMod version 2013.2.2 and using modified construction equipment and quantity assumptions from similar channel improvement projects. The project's total construction related GHG emissions are estimated at 901 MT CO₂e. Project construction would be spread over two years and the annual GHG emissions would be less than 901 MT CO₂e. The project's total construction-related GHG emissions are less than the SMAQMD and BAAQMD bright line annual threshold of 1,110 MT CO₂e.

The proposed changes would eliminate the San Andreas Drive Bridge headwalls and sediment removal activities from the project. Therefore, the truck trips associated with those activities would no longer occur. These proposed changes are expected to reduce the project's construction-related GHG emissions. In addition, implementation of the Valley Water BMP AQ-1 (Use Dust Control Measures) would further reduce greenhouse gas emissions generated by minimizing

idling and requiring proper maintenance of equipment. These measures would reduce overall emissions from vehicles and equipment, including GHG emissions. The impact remains less than significant as reported in the EIR.

Potential impacts to GHG emissions and energy use remain consistent with the Final EIR with impacts ranging from none to less than significant. Therefore, the proposed project would not result in any new impact on GHG emissions and energy use beyond those discussed in the Final EIR.

Traffic and Transportation

The proposed project changes are all within the project footprint evaluated in the Final EIR. Construction of additional floodwall segments would not result in additional traffic and transportation impacts other than those already evaluated in the Final EIR. Construction activities associated with the San Andreas Drive Bridge headwalls and sediment removal would no longer occur. Therefore, traffic and transportation impacts are expected to be less than the original proposed project.

Potential impacts to traffic and transportation remain consistent with the Final EIR with impacts ranging from none to less than significant. Therefore, the proposed project would not result in any new impact on traffic or transportation beyond those discussed in the Final EIR.

Biological Resources

Impacts to biological resources would not be substantially different from the biological resource impacts identified in the Final EIR. The impact area from ground disturbance would be similar to the project footprint area evaluated in the Final EIR. In addition, the same BMPs and mitigation measures described in Section 3.4 of the Final EIR would apply. Implementation of the floodwall design changes and construction of the two small floodwall segments would not create new significant impacts or substantially increase the severity of biological impacts beyond those discussed in the Final EIR.

In addition to the project modification, sediment removal activities and construction of the San Andreas Drive Bridge headwalls would no longer occur as part of the project. As a result, biological impacts identified in the Final EIR would remain unchanged or possibly reduced by elimination of certain design elements. Therefore, the proposed project would not result in any new impact on biological resources beyond those discussed in the Final EIR.

Hydrology and Water Quality

The Final EIR on pages 3.9-1 to 3.9-20 discusses the environmental impacts to Hydrology and Water Quality from the floodwalls. The proposed modifications include floodwall design changes, construction of two small floodwalls, and elimination of sediment removal activities and the San Andreas Drive headwalls construction. The Final EIR evaluated construction and operation for project activities including the construction of floodwalls. Hydrology and water quality impacts include increase in erosion, suspended sediment loads, turbidity, dissolved oxygen, and water temperature. However, BMPs AQ-1 (Use Dust Control Measures), BI-3 (Remove Temporary Fills), HM-7 (Restrict Vehicle Equipment Cleaning to Appropriate Conditions), HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), HM-9 (Ensure Proper Hazardous Materials Management), HM-10 (Utilize Spill Prevention Measures), WQ-1 (Conduct Work from

Top of Bank), WQ-4 (Limit Impacts from Staging and Stockpiling Materials), WQ-6 (Limit Impact of Concrete Near Waterways), WQ-11 (Maintain Clean Conditions at Work Sites), WQ-15 (Prevent Water Pollution), and WQ-16 (Prevent Stormwater Pollution) would minimize adverse water quality effects. The proposed project changes would occur within the work footprint evaluated in the Final EIR. Construction of the additional floodwall segments would not result in additional hydrology and water quality impacts. In addition, hydrology and water quality impacts associated with the construction of San Andreas Drive Bridge headwalls and sediment removal activities would no longer occur. The revised floodwall designs would not result in any additional temporary impacts to jurisdictional waters.

Potential impacts to hydrology and water quality remain consistent with the Final EIR with impacts ranging from none to less than significant. Therefore, the proposed project change would not result in any new impact on hydrology and water quality beyond those discussed in the Final EIR.

Noise and Vibration

The proposed project modifications would use the same methods as those evaluated in the Final EIR. However, the construction of additional floodwall segments would require additional materials, workdays, and equipment. Additional equipment and workdays would not substantially increase project noise and vibration levels beyond those already evaluated in the Final EIR. Construction noise and vibration levels, at a given time, would be similar to the levels identified in the Final EIR.

The Final EIR on pages 3.11-13 to 3.11-17 discusses noise and vibration impacts associated with project construction and operation activities. Implementation of Mitigation Measure NO-1 (Implement Noise- and Vibration-reducing Measures) requires Valley Water or construction contractor to implement several strategies aimed to minimize noise and vibration levels experienced by nearby receptors. Mitigation Measure NO-1 (Implement Noise- and Vibration-reducing Measures) would reduce the construction related noise levels by 5 to 15 dB. Although construction noise would temporary and limited to work hours, project construction would result in a substantial increase in noise levels. Construction activities are expected to temporary generate up to 85+ dB, which is above the existing ambient noise levels of 70+ dB. Despite implementation of the mitigation measures, construction activities would result in substantial temporary increase in ambient noise levels.

Noise impacts associated with the design and construction changes would remain significant and unavoidable as identified in the Final EIR. Construction activities would result in temporary increase in ambient noise levels in the project vicinity above levels existing without the project. In addition to the significant and unavoidable impacts described above, the project would make a cumulatively considerable contribution to significant cumulative noise impacts during project construction. Implementation of applicable mitigation measures and BMPs of the proposed project changes noise impacts are consistent with those already evaluated in the Final EIR.

5. Conclusion

Based on the analysis above, none of the conditions described in CEQA Guidelines §15162 occur as a result of the proposed project modifications. The proposed project modifications include change of a sheetpile floodwall to a concrete floodwall and two additional small floodwall segments. Sediment removal activities and construction of the San Andreas Drive Bridge headwalls would no longer occur. Activities associated with the proposed minor changes would

not create new significant environmental impacts or substantially increase the severity of previously identified significant impacts. There are no significant changes to the project circumstances, and there is no new information requiring revisions of the previous CEQA findings. Therefore, Valley Water, as Lead Agency has determined that the addendum to the Lower Penitencia Creek Improvements Project Final EIR is the appropriate level of review under CEQA Guidelines §15164.

6. References

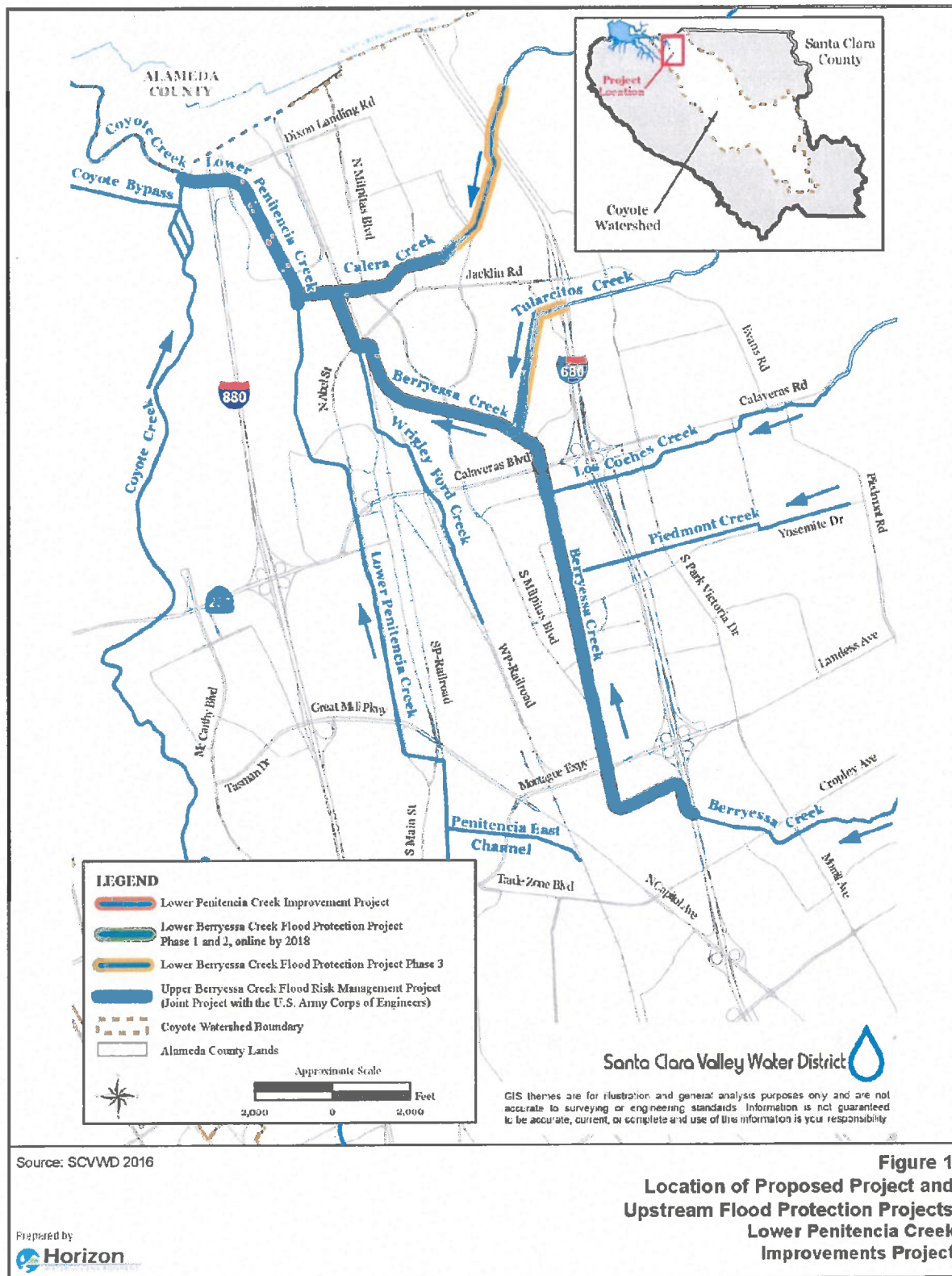
City of Milpitas, 2015.

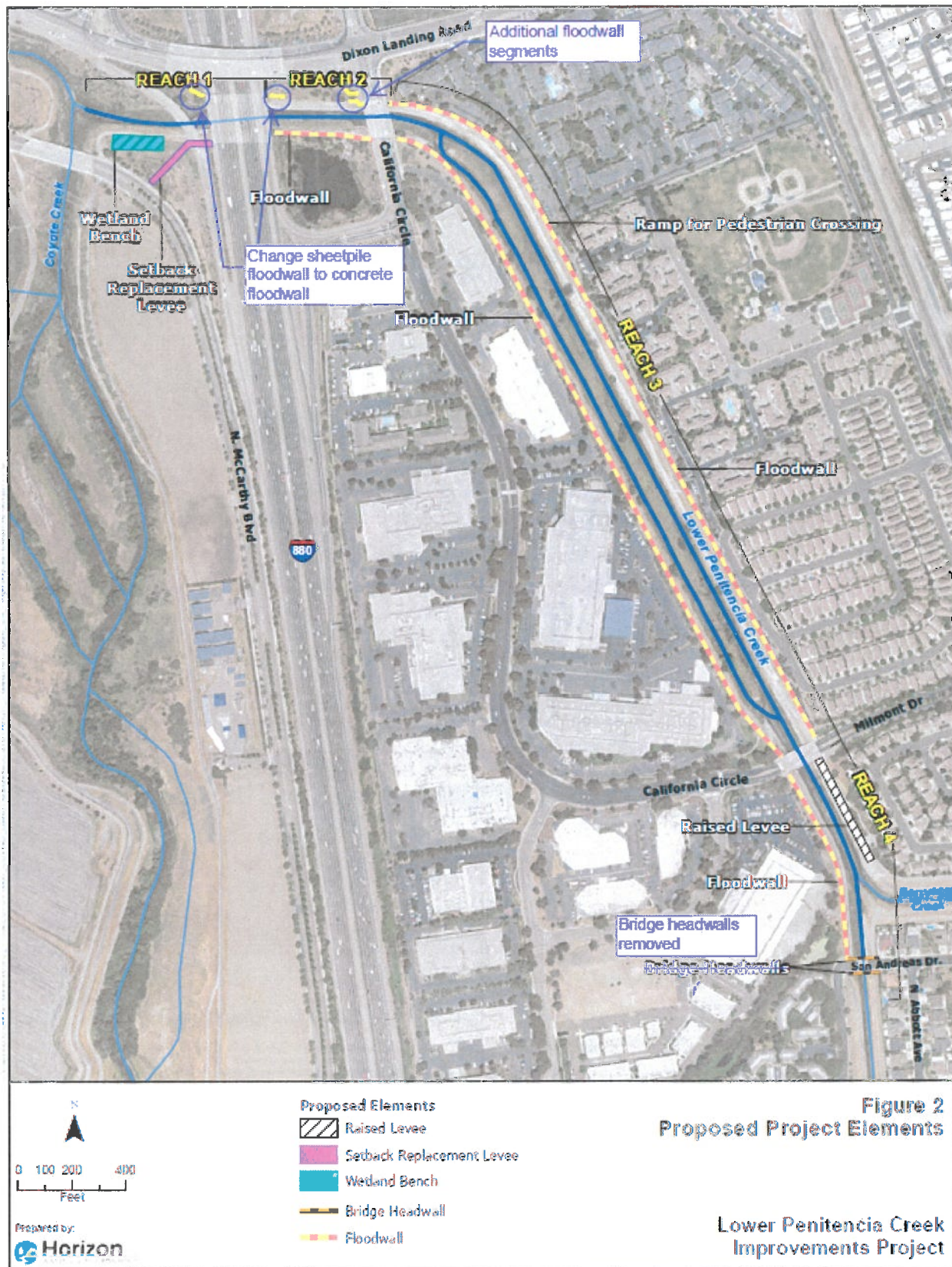
City of Milpitas General Plan. Adopted December 1994 and amended in April 2015.

Valley Water, 2017.

Lower Penitencia Creek Improvements Project. Adopted November 2017.

Appendix A





CONFORMED COPY

File No.: 17-0714

Agenda Date: 11/28/2017

Item No.: 6.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Lower Penitencia Creek Improvements Project - Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; and Approving the Project.

RECOMMENDATION:

- A. Consider the Potential Environmental Effects of the Lower Penitencia Creek Improvements Project (Project) as presented in the Final Environmental Impact Report (EIR);
- B. Adopt the Resolution CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS OF FACT, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE LOWER PENITENCIA CREEK IMPROVEMENTS PROJECT; and
- C. Approve the Project.

SUMMARY:

Background and Project Description

In December 2011, the District Board certified an EIR for the Lower Berryessa Creek Program which includes capital improvements to six program elements: (1) Lower Berryessa Creek; (2) Lower Calera Creek; (3) Upper Calera Creek element 1; (4) Upper Calera Creek element 2; (5) Tularcitos Creek; and (6) Lower Penitencia Creek. The 2011 EIR (State Clearinghouse Number 2007092084) evaluated environmental impacts of improvements to the Upper Calera Creek elements 1 and 2, Tularcitos Creek and Lower Penitencia Creek at a programmatic level because the specifics of their design and timing of implementation for these elements were not developed at the time. The District has now prepared a project specific Final EIR for the proposed improvements to the Lower Penitencia Creek element.

Lower Penitencia Creek is situated in the northeasterly portion of Santa Clara County within a developed area in the City of Milpitas. Two tributaries, Berryessa Creek and Penitencia East Channel, flow into Lower Penitencia Creek. Lower Penitencia Creek itself flows into Coyote Creek. The Project extends from the Lower Penitencia Creek/Coyote Creek confluence upstream to the San

Andreas Drive Bridge, located just upstream of Lower Penitencia Creek/Lower Berryessa Creek confluence.

In its current condition, Lower Penitencia Creek has capacity to accommodate the existing 1-percent flood flow without overtopping its levees. However, upstream capital improvements to the Lower Berryessa Creek, Lower Calera Creek, and Tularcitos Creek and Upper Berryessa Creek will increase the 1-percent flow in Lower Penitencia Creek. Construction of improvements to Lower Berryessa and Upper Berryessa Creeks are currently in progress. After the upstream projects are completed, the increased 1-percent flow from the Berryessa Creek delivered to Lower Penitencia Creek will exceed the existing flow conveyance capacity of Lower Penitencia Creek. The Project will be necessary to prevent flooding in the project vicinity during a future 1-percent event. The Project would also maintain the Federal Emergency Management Agency (FEMA) certification of the existing east levee between California Circle and Berryessa Creek.

The proposed project includes improvements to ensure the increased 1-percent flow is contained with required freeboard. Proposed project improvements include sheet pile floodwalls, raised levees, and an in-channel wetlands planting bench.

EIR Preparation and Public Review Process

Pursuant to the California Environmental Quality Act (CEQA), the District, as the lead agency for the Project, prepared a Draft EIR to evaluate environmental impacts of the proposed Project. The Draft EIR was made available for review and comment by the public, regulatory agencies, and other parties, agencies, and organizations for a 47-day period from May 18, 2017 to July 3, 2017.

During the public comment period, District received comment letters from Native American Heritage Commission, California Department of Fish and Wildlife (CDFW), San Francisco Bay Regional Water Quality Control Board (Regional Board), Citizens Committee to Complete the Refuge, and Santa Clara Valley Transportation Authority. Staff considered these comments and incorporated them if appropriate prior to preparing the Final EIR.

CDFW and the Regional Board have regulatory authority over the Project. CDFW commented mainly on issues relating to potential project impacts on wildlife and habitats and associated avoidance/mitigation measures, while the Regional Board commented on project design and alternatives as well as project impacts on wetlands, waters, and beneficial uses. In some comments the agencies requested additional information or clarifications on project elements or environmental analysis, and in others they suggested revisions to the analysis and some of the avoidance/mitigation measures included in the EIR. With respect to additional information or clarification, if such information is available, the District included them in its responses and the Final EIR text. With respect to suggested changes to EIR measures, to the extent possible and as appropriate, the District incorporated the agencies' recommendations; if the District disagreed with the recommendations, the responses explained why the changes would not be necessary.

The Final EIR includes comments on the Draft EIR, responses to those comments, minor revisions to the Draft EIR text made in response to comments and other information, and a Mitigation Monitoring

and Reporting Program.

Summary of Environmental Impacts

An executive summary of the Final EIR is included as Attachment 2.

The Final EIR identifies no impacts or less than significant impacts to the following resource areas: Aesthetics, Agriculture and Forestry Resources, Cultural Resources, Land Use, Greenhouse Gas Emissions and Energy, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, and Utilities and Service Systems.

The Final EIR concludes that the Project would result in significant impacts relating to air quality, biological resources, geology, soils and seismicity, hazards and hazardous materials, and traffic and transportation. Most of these significant impacts are short term impacts relating to construction. Implementation of applicable District's best management practices (BMPs) along with proposed mitigation measures identified in the Final EIR would reduce these significant impacts to less-than-significant levels.

The Final EIR concludes that several impacts relating to noise and vibration would remain significant despite implementation of feasible mitigation measures. As described in the Project Description chapter, the District intends to construct the Project over the course of two years. While the Final EIR finds that construction noise and vibration would be temporary, the use of heavy equipment and construction vehicles during construction would result in noise levels above the city's established standards and would temporarily increase ambient noise levels at locations near residences and other sensitive receptors, and potentially expose them to groundborne vibration. The District would implement Mitigation Measure NOI-1 to reduce this impact. This mitigation measure requires that the District and/or its contractor to implement numerous noise- and vibration-reducing measures, where appropriate, during construction. Examples of these measures include equipping project equipment and vehicles with mufflers and silencers, shutting off mobile noise-generating equipment and machinery when not in use, utilizing vibration damping devices and noise/vibration shields. The District will also notify residences and other sensitive receptors within 500 feet of the Project site prior to initiation of construction, and if necessary, the District would consider modifying construction activities to minimize vibration when constructing near residences and other sensitive receptors. Mitigation Measure NOI-1 would reduce the severity of the Project's temporary noise and vibration impacts, but not to levels of less-than significant. Thus, this impact would be significant and unavoidable.

Statement of Overriding Considerations

CEQA requires the decision-making body to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. When a lead agency approves a project, which will result in significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency must adopt a statement of overriding considerations (CEQA Guidelines, section 15093).

The Board's Ends Policy No. E-3, adopted December 21, 2004 and most recently revised July 22, 2013, state the District's mission to provide "... a healthy and safe environment for residents, businesses and visitors, as well as for future generations." Similarly, Sections 4(c)(1) and 4(c)(2) of the District Act cite flood protection within several of its objectives and purposes. Failure to provide flood protection proposed by this Project would put hundreds of homes and business at risk, with a large cost of recovery in the event of a flood. Other impacts of flooding may include close of essential transportation arteries, interruptions in emergency service, likely losses to instruction time at area public and private schools, loss of use of affected public facilities such as parks, and at the extreme, loss of human life. The Project would minimize these risks while reducing the need and associated impacts of channel maintenance (e.g., sediment removal).

FINANCIAL IMPACT:

The estimated cost for construction of the Project is \$14.3 million (2017 dollars). The Project would be funded from California Department of Water Resources Proposition 1E, Round 2 Stormwater Flood Management Grant 4600010375 and District's Stream Stewardship funds.

CEQA:

A Final EIR has been prepared for the Project and is before the Board for certification. The Final EIR is available for the Board and public review at the Clerk of the Board's office and on the District's website (<http://valleywater.org/LowerPenitenciaReportsandDocuments.aspx>).

ATTACHMENTS:

Attachment 1: Resolution

Attachment 2: Final Environmental Impact Report Executive Summary

UNCLASSIFIED MANAGER:

Ngoc Nguyen, 408-630-2632

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION No. 17- 74

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE
MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS OF FACT, AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE LOWER PENITENCIA CREEK
IMPROVEMENTS PROJECT**

WHEREAS, the Santa Clara Valley Water District ("SCVWD"), the lead agency under the California Environmental Quality Act ("CEQA") §21067, has prepared a Final Environmental Impact Report (EIR) for the Lower Penitencia Creek Improvements Project ("Project"). The SCVWD is hereby certifying said EIR, issuing written findings regarding the potential for the Project to result in significant environmental effects, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program in accordance with CEQA Guidelines §15090, 15091, and 15093.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of Santa Clara Valley Water District that:

1. The Board certifies the Final EIR, certifying that:
 - A. The Final EIR has been completed in compliance with CEQA and is adequate for Board consideration of the Project.
 - B. The Board of Directors has reviewed and considered the information contained in the Final EIR and the record including, but not limited to, technical reports, oral written comments provided by the public and state and local agencies; responses to said comments contained in the Final EIR; and other matters deemed material and relevant prior to making a decision on the Project.
 - C. The Final EIR reflects the independent judgement and analysis of the District.
2. Changes have been incorporated into the Project which avoid, and /or substantially lessen most of the significant environmental effects identified in the Final EIR. The District has responsibility for ensuring the implementation of such changes during implementation of the Project.
3. Specific economic, legal, social, technological, and other considerations make mitigation measure for certain significant environmental effects infeasible. The findings of fact contained in Exhibit 1 state the overriding considerations that support the Project described in the Final EIR.
4. The findings of fact and Statement of Overriding Considerations contained in Exhibit 1, attached hereto and incorporated by reference, are supported by substantial evidence in the record.

Resolution No. 17-74

5. The Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Appendix I in Volume 3 of the Final EIR, and incorporated herein by this reference, is hereby adopted. Implementation of the MMRP to avoid or substantially lessen significant environmental effects is required as a condition of approval of the Project.
6. The documents and materials which constitute the record of proceedings upon which this decision is based are available from the Clerk of the Board of the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, CA 95118-3614.
7. The Chief Executive Officer is hereby authorized and directed, on behalf of the District's Board of Directors, to execute any such documents and to perform any such acts as may be deemed necessary or appropriate to accomplish the intent of this resolution.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on November 28, 2017:

AYES: Directors N. Hsueh, G. Kremen, B. Keegan, L. LeZotte, R. Santos
NOES: Directors None
ABSENT: Directors T. Estremera, J. Varela
ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By: 
JOHN L. VARELA
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk/Board of Directors

EXHIBIT 1 TO BOARD RESOLUTION 17- 74

CEQA Findings of Fact and Statement of Overriding Considerations Approval of the Lower Penitencia Creek Improvements Project

Regarding the Final Environmental Impact Report for the
Lower Penitencia Creek Improvements Project
State Clearinghouse No. 2015062026

This document presents Findings of Fact and a Statement of Overriding Considerations by the Board of Directors of the Santa Clara Valley Water District (Board) regarding the Final Environmental Impact Report (Final EIR) for the Lower Penitencia Creek Improvements Project, for which Santa Clara Valley District (District) is acting as CEQA lead agency. The Findings and Statement presented herein were prepared in compliance with the California Environmental Quality Act (CEQA) and the State's CEQA Guidelines. Substantial evidence supporting all findings made herein is contained in the Environmental Impact Report (EIR) and/or record of proceedings.

1. Project Background

1.1 Project Description Summary

The Lower Penitencia Creek Improvements Project (proposed project) includes several flood management improvements along four reaches of Lower Penitencia Creek (approximately one mile total), to increase the flow conveyance capacity of the channel. Key improvements include: sheetpile floodwalls, earthen fill, a wetland bench, a relocated and raised levee, bridge headwalls, sediment removal, maintenance road improvements, and revegetation. The proposed project is located along Lower Penitencia Creek within a developed area in the City of Milpitas. The project improvements are necessary to avoid flooding in the project area during the future 1-percent (or 100-year) flow. This is the streamflow event that has a 1-percent likelihood of occurring in any given year and the proposed project is estimated to accommodate 6,900 cubic feet per second (cfs) at the Lower Penitencia Creek channel. The proposed project extends from just upstream of the confluence with Berryessa Creek downstream to the confluence with Coyote Creek. The land surrounding the proposed project is a mix of residential and office park/commercial land uses.

The Lower Penitencia Creek Improvements Project is one of six elements evaluated in the *Lower Berryessa Creek Program Environmental Impact* (Program EIR), prepared in 2011. The Lower Penitencia Creek Project reach was evaluated at a programmatic level of detail. At the time the Program EIR was prepared, future water surface elevations and flow rates during the 1-percent flow on Lower Penitencia Creek Project could only be estimated at a general level of detail. Upstream improvement projects including the

District's Lower Berryessa Creek and Lower Calera Creek Flood Protection Improvements Project and the USACE's Upper Berryessa Creek Flood Risk Management Project are currently under construction and will increase the future 1-percent flow of Lower Penitencia Creek. Now that detailed designs have been developed, the future 1-percent flow and resulting surface elevation can be estimated. The proposed project would accommodate the increased 1-percent flow without overtopping the Lower Penitencia Creek banks.

Table 1 below summarizes the project elements proposed for each reach.

Table 1. Proposed Project Elements

Reach or Bridge	Project Elements
Reach 1: Coyote Creek to I-880	Relocated and raised south bank levee with maintenance road on crest Wetland bench on south bank Approximately 50 feet of sheetpile floodwall to the north of channel
Reach 2: I-880 to California Circle	Sheetpile floodwall on top of existing south/west bank levee Approximately 25 feet of sheetpile floodwall on top of existing north/east bank levee near I-880 Removal of about 70 cy of sediment from the concrete-lined channel) Relocated access ramp to City's pump station Maintenance road improvements
Reach 3: California Circle to Milmont Drive	Sheetpile floodwalls on top of existing west and east bank levees Earthen fill to floodwall to allow the existing Penitencia Creek Trail to cross over the new floodwall Removal of about 1,500 cy of accumulated sediment from low-flow channel Maintenance road improvements
Reach 4: Milmont Drive to San Andreas Drive	Sheetpile floodwalls on top of existing west bank levee Raising of existing east bank levee by up to 6 ft Removal of about 730 cy of sediment from the concrete-lined channel Maintenance road improvements
San Andreas Drive Bridge	Headwalls on the downstream and upstream faces of San Andreas Drive bridge

Volume 2, Chapter 2 of the Final EIR (FEIR) provides a full description of the proposed project. Chapter 2 in Volume 2 also includes a table summarizing District Best Management Practices (BMPs) that would be applied during construction and operation of the project.

Santa Clara Valley Water District (District) is the lead agency for the proposed project. The District is a public agency and owns and maintains the flood control channel.

1.2 Type of EIR

The Lower Penitencia Creek Improvements Project EIR has been prepared in compliance with the California Environmental Quality Act (CEQA, Public Resources Code § 21000 et seq.). The proposed project has been evaluated in a project EIR as defined in CEQA Guidelines § 15161. The EIR focuses on potential changes to the environment that would result from the implementation of the proposed project, for both the nearer-term construction and longer-term operational phases.

1.3 Project Objectives

The proposed project would meet the following objectives:

- Convey the Lower Berryessa Creek 1-percent design flow (6,900 cfs) that is delivered to Lower Penitencia Creek;
- Meet required water surface elevations at the confluences of Lower Penitencia Creek with Coyote Creek and Berryessa Creek;
- Minimize the need for seasonal removal of sediment and non-woody vegetation;
- Maintain existing FEMA accreditation of the east levee located between California Circle and Berryessa Creek; and
- Ensure the project improvements meet FEMA certification requirements.

2. Environmental Review Process and the DEIR

A Notice of Preparation (NOP) for the Draft EIR (DEIR) was circulated to a project-specific mailing list and to the State Clearinghouse. The 30-day NOP comment period commenced on June 11, 2015 and ended on July 10, 2015. The NOP and written comments received are included in Volume 3, Appendix A of the FEIR. The District considered written comments received during the scoping period in preparing the DEIR. The District did not hold a public scoping meeting.

A public Notice of Availability of the DEIR was mailed to the State Clearinghouse; to federal, state, and local agencies; and to organizations and individuals that had expressed interest in receiving the DEIR. The DEIR public review period commenced on May 18, 2017 and ended on July 3, 2017. The District held a public hearing at Joseph Weller Elementary School in Milpitas to receive comments on the DEIR on May 22, 2017.

The District evaluated and considered all comments received from persons or agencies who reviewed the DEIR. The District has prepared written responses to all comments on the DEIR. In total, the District received five comment letters on the DEIR, containing 46 comments, from organizations and public agencies. The FEIR includes comments on the DEIR, responses to those comments, minor revisions to the DEIR text made in response to comments and other information, and a Mitigation Monitoring and Reporting Program (MMRP). The revisions shown in the FEIR include insertions shown as underlined text and deletions shown in strikeout format.

On November 28, 2017, the District's Board of Directors (Board), at a public meeting considered the information contained in the FEIR as well as public comments, if any, on the proposed project during the public meeting.

3. Environmental Impacts and Findings of Fact

Pursuant to Public Resources Code § 21081 and CEQA Guidelines § 15091, a public agency may not approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR. "Feasible" means "capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative or mitigation measure promotes the Project's underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

The Board has made one or more of these specific written findings regarding each significant impact associated with the proposed project. Those findings are presented below, together with the facts and reasons in support of the findings. The Board certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the FEIR.

3.1 Environmental Impacts Found to have No Impact or be Less Than Significant

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the Board hereby determines that the proposed project will have no impact or less than significant impacts for the impacts listed in Table 2. For each impact, Table 2 presents a brief rationale for the determination, and a reference to the FEIR section that presents facts and reasons supporting the determination.

Table 2. Effects Found to be Less than Significant or Have No Impact

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
<i>Agriculture and Forestry Resources</i>			
N/A (see Section 3.1.3 of FEIR)	N/A	The project area is not used or zoned for agricultural or forestry activities. The proposed project would not alter land use designations or farmland/timberland classifications designated at either the local or state level. No Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest lands, or lands under a Williamson Act contract would be converted by or conflict with the proposed project. Therefore, no impact on agriculture or forestry resources would result.	FEIR, Volume 2, page 3.1-2
<i>Mineral Resources</i>			
N/A (see Section 3.1.3 of FEIR)	N/A	The project area does not have any designated mineral resources zones, nor does it contain any significant oil or gas resource-producing areas. According to the California Department of Conservation's Division of Mines and Geology, the project area is classified as a mineral resource zone in which inadequate information indicates that no significant mineral deposits are present, or in which it is judged that little likelihood exists for their presence (Stinson et al. 1987). In addition, the proposed project would not involve any activities that could directly affect mineral production sites or prevent future availability of mineral resources. Therefore, no impact on mineral resources would result.	FEIR, Volume 2, page 3.1-3
<i>Population and Housing</i>			
N/A (see Section 3.1.3 of FEIR)	N/A	Throughout the construction phase, approximately 40 workers would be employed. It is anticipated that the regional or local labor force could meet the project's construction and workforce requirements. Some workers might temporarily relocate from other areas. Operation and maintenance activities of the proposed project would be conducted by the District's existing workforce. The proposed project does not include construction of new homes or businesses, would not remove obstacles to growth, and would not displace any housing units or people. The proposed project would not induce substantial population growth. As such, there would be no impact on population and housing.	FEIR, Volume 2, page 3.1-3
<i>Public Services</i>			
N/A (see Section 3.1.3 of FEIR)	N/A	The proposed would not increase the need for public services or government facilities. The project is located within an urbanized area of Milpitas and is currently served by existing public services (e.g., police and fire protection, schools, and parks). Operation and maintenance activities would not be substantially different from existing maintenance and operation activities; therefore, construction and	FEIR, Volume 2, page 3.1-3

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		operation of the proposed project would not substantially affect public services. No impact would occur.	
<i>Aesthetics</i>			
AES-1	Have a substantial adverse effect on a scenic vista	There are no scenic vistas in the project area and the proposed project would have no impact on scenic vistas.	FEIR, Volume 2, page 3.2-16
AES-2	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	There are no state-designated scenic highways in the project vicinity, therefore, no impact would occur.	FEIR, Volume 2, page 3.2-16
AES-3	Substantially degrade the existing visual character or quality of the site and its surroundings	Project construction could result in temporary impacts on the visual character and quality of the site and its immediate vicinity. Earth-moving activities and heavy equipment would be visible, and vehicles have potential to generate dust clouds, which could be distracting to nearby receptors. Implementation of District BMPs AQ-1 and WQ-11 would help reduce dust emitted from operating construction equipment and ensure work areas are kept tidy. Construction activities and construction traffic are common visual elements in urbanized areas, and would appear similar to existing construction activities and construction traffic from the nearby Waterstone and iStar development projects. Given the moderate visual sensitivity of pedestrians and low visual sensitivity from the perspective of motorists, the replacement levees would not have a substantial adverse effect on the site's visual character or visual quality. The relocated levee would be hydroseeded with native and naturalized grass seeds and mulch. Implementation of District BMP BI-8 would require that a qualified biologist or vegetation specialist select ecologically appropriate seed control mixes, which would ensure that newly planted vegetation appears consistent with vegetation seen in the project vicinity and includes local native plant species. Although an estimated 33 trees with diameter breast height (dbh) of 6 inches or more would require removal, the trees would be replaced in compliance with the City of Milpitas Tree Maintenance and Protection ordinance. Floodwalls would be consistent with the linear form of the channel and adjacent levees. The District would select a color coating that blends in with the surrounding environment. For these reasons, the floodwalls would not substantially degrade the project area's visual character and visual quality. The new concrete headwalls would be visible to motorists using North Abbott Avenue and San Andreas Drive, and to recreationists using the Penitencia	FEIR, Volume 2, page 3.2-16

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		Creek Trail/maintenance road. Given the low-to-moderate visual sensitivity of motorists, the short durations of views for motorists, and because recreationists would continue to have views of the creek channel, the headwalls would not result in a substantial adverse effect on the sites visual character or quality. This impact would be less than significant.	
AES-4	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	Project construction would generally occur between the hours of 7:00 A.M. and 7:00 P.M., Monday through Friday. Construction may occur infrequently on weekends. Because nighttime construction would occur infrequently and would be of short duration, adverse effects on nighttime views would be less than significant. No new lighting would be installed for the proposed project. The new headwalls at the San Andreas Drive bridge would be composed of concrete, which has a smooth finish and would not generate a substantial source of glare. The floodwalls would be composed of painted, smooth coated steel. Since the District would select neutral color and non-reflective coating for the sheet pile walls, the finish of the floodwalls would not generate a new substantial source of glare. This impact is less than significant.	FEIR, Volume 2, page 3.2-23
<i>Air Quality</i>			
AQ-1	Conflict with or obstruct implementation of the applicable air quality plan	The proposed project would involve temporary construction emissions, would not result in induced growth, and would not result in a permanent new source of emissions. In addition, the proposed project would not affect land uses anticipated in the City of Milpitas General Plan for long-range air quality planning, and would not facilitate further growth. Because construction would occur during two four-month periods, construction emissions generated by the project would not conflict with applicable air quality plans, and this impact would be less than significant.	FEIR, Volume 2, page 3.3-14
AQ-4	Expose sensitive receptors to substantial pollutant concentrations	The pollutants of concern and toxic air contaminants (TACs) that would affect sensitive receptors are particulates, specifically particulate matter of aerodynamic radius of 10 microns or less (PM ₁₀) and particulate matter of aerodynamic radius of 2.5 microns or less (PM _{2.5}) contained in fugitive dust, and diesel particulate matter (DPM) from construction equipment. Because construction would occur during two four-month periods, construction (8 months total over a two-year timeframe), and that construction activities occurring within a specific reach near a specific sensitive receptor would take place during only a portion of that period, project construction would not emit substantial quantities of DPM. DPM exposure for short durations is generally not quantified, as cancer potency factors are based on lifetime exposure and there is considerable uncertainty in trying to evaluate the cancer risk from project activities that would last only a small fraction of a lifetime (California Governor's Office of Environmental Health Hazard Assessment 2015). With implementation of District BMP AQ-1, the	FEIR, Volume 2, page 3.3-19

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		proposed project would not pose long-term or substantial health risks to nearby residents and workers in the vicinity of the project's construction reaches. The impact on sensitive receptors from fugitive dust and other TACs would be less than significant.	
<i>Biological Resources</i>			
BIO-1b	Impacts on essential fish habitat	The proposed project contains essential fish habitat (EFH) associated with Pacific Coast Salmon, Pacific Groundfish, and Coastal Pelagics Fishery Management Plans. Proposed project activities would have limited effects on potential EFH, but such impacts may occur because of in-channel activities. Implementation of District BMPs HM-7, HM-10, WQ-1 through WQ-9, BI-2, BI-3, and BI-8 would reduce potential impacts to water quality and fish habitat. Due to the limited extent of impacts on tidal waters that could serve as EFH, the loss of EFH and associated effects on fish species regulated by FMPs would be very low. With implementation of these District BMPs, the proposed project would affect only a very small proportion of EFH and associated species in South San Francisco Bay. Therefore, project impacts on EFH are considered less than significant.	FEIR, Volume 2, page 3.4-39
BIO-1d	Impacts on burrowing owls	District levees do not provide important burrowing owl (<i>Athene cunicularia</i>) nesting or roosting habitat. Furthermore, no suitable breeding habitat (i.e., burrows) for the burrowing owl was detected within the project area during the reconnaissance survey, and previous surveys of the site have failed to find any burrowing owls at this location. Temporary impacts on potential foraging habitat are not expected to affect appreciably the regional populations of this species. Implementation of District BMP BI-11 would further reduce impacts on burrowing owls by removing trash from work areas and thereby reducing the attraction of burrowing owl predators to the area. For these reasons, this impact is considered less than significant.	FEIR, Volume 2, page 3.4-42
BIO-1f	Impacts on special-status birds	Special-status bird species including Bryant's savannah sparrow, tricolored blackbird, white-tailed kite, golden eagle, and American peregrine falcon occur in the project area as non-breeding migrants, transients, or foragers. However, these species are not known or expected to breed or occur in large numbers in the project area due to a lack of suitable breeding habitat. Project construction might result in a temporary direct impact through the alteration of foraging patterns but would not result in loss of individuals. Implementation of District BMP BI-11 would also further reduce impacts on non-nesting special-status birds by minimizing attraction of predators. This impact would be less than significant.	FEIR Volume 2, page 3.4-45
BIO-1h	Impacts on special-status bats	Only two special-status bats have potential to occur in the project area: the pallid bat (<i>Antrozous pallidus</i>) and western red bat (<i>Lasiurus blossevillei</i>), both of which are California species of special concern. Pallid bats are not expected to roost in the project area but may occasionally occur in the	FEIR, Volume 2, page 3.4-49

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		project area as nonbreeding migrants, transients, or foragers, but they are expected to occur in low numbers, if at all. Western red bats do not breed in the project area, so no maternity roosts would be affected. This species roosts solitarily in foliage. Due to the limited project impacts on trees, it is unlikely that any red bat roosting sites would be affected; in the event that such an impact does occur, any roosting red bat would be able to flee before the tree is removed. Project activities may result in a temporary impact on foraging individuals through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during project activities). However, due to the abundance of suitable foraging habitat in the project area and the mobility of these bats, as well as the relatively low proportion of potential foraging habitat that would be disturbed due to the project, habitat impacts on bats would not be substantial. In addition, implementation of District BMP BI-11 would minimize the attraction of predators and bats to construction work areas. Impacts would be less than significant.	
BIO-2	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	Willow riparian woodland was mapped within the project area above the ordinary high water mark (OHWM), the majority of which occurs on a berm that stretches from California Circle to Milmont Drive between the main channel and secondary channel in Reach 3. This berm would be used as Staging Area B during project construction but the proposed project would not result in removal or pruning of woody riparian vegetation such as trees. Temporary impacts due to staging of equipment and materials on the central berm would occur on up to approximately 1.93 acres of willow riparian woodland due to trampling of herbaceous vegetation. However, herbaceous vegetation that is disturbed by proposed project activities is expected to begin to regrow within one growing season. Additionally, the recent disturbance of herbaceous vegetation on the berm due to sediment removal activities (conducted in 2015) associated with the District's Stream Maintenance Program further reduces its quality as habitat for wildlife. Compared to riparian vegetation dominated by trees and shrubs, herbaceous riparian vegetation provides relatively low functions and values for wildlife. The project would not result in removal or pruning of woody riparian vegetation, including trees, from the willow riparian woodland habitat on the berm. Implementation of District BMPs WQ-1, WQ-4, WQ-5, WQ-9, and BIO-8 would minimize the project's effects on riparian vegetation by limiting disturbance, preventing erosion and sedimentation, and minimizing the introduction or spread of invasive weeds within the understory. As a result, impacts of project activities on riparian vegetation would not have substantial ecological effects and thus would be less than significant.	FEIR, Volume 2, page 3.4-52

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
BIO-4	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	Lower Penitencia Creek is expected to function as a wildlife movement corridor, connecting primarily urban-associated habitats with San Francisco Bay–associated habitats to the north. In the areas upstream of I-880, the Lower Penitencia Creek channel likely does not function as a high-quality movement corridor for most species, particularly special-status species. Nevertheless, the ruderal habitats present may represent the most feasible means of dispersal through the surrounding urban matrix for common urban-dwelling species in the project area, such as raccoons (<i>Procyon lotor</i>) and California ground squirrels (<i>Otospermophilus beecheyi</i>). Installation of new floodwalls has the potential to impede wildlife movement across the channel. However, the frequency of wildlife movement across the channel in Reaches 2, 3, and 4 is expected to be low as habitat values on both sides of the channel are similarly low. For animals that can swim the channel and thus cross perpendicular to the channel in its current condition, floodwalls could obstruct wildlife dispersing perpendicular to the channels, which would need to travel around the floodwalls. However, some of these animals (such as raccoons) can likely scale the new floodwalls. In addition, many terrestrial species are unlikely to swim the channel even in its existing condition. Rather, these species are expected to cross the channel at existing crossings. In addition, in the area downstream of I-880, no floodwalls are proposed, thus allowing terrestrial animals that currently cross the channel to be able to continue crossing in this location. Therefore, impacts on wildlife movement are considered less than significant.	FEIR, Volume 2, page 3.4-57
BIO-5	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	The City of Milpitas general plan outlines goals and objectives in preserving and protecting biological resources, including trees that are protected under the City of Milpitas tree ordinance within the District’s right-of-way (ROW). The project would conform with local policies to protect biological resources, which would be a less than significant impact. About 33 trees within the project area are of sufficient diameter to be protected by the City ordinance. However, no trees in the project area have been designated as heritage trees by the City of Milpitas. Implementation of District BMP WQ-4 would ensure staging and stockpiling areas are sited in disturbed areas away from vegetation and trees. Thus, many of the City-protected trees would be protected in place. The District would comply with the City Tree Protection Ordinance, including obtaining a permit from the City to remove protected trees, and planting replacement trees as required by the City permit. Because the District would comply with applicable city tree protection and the project would conform to city policies to protect biological resources, impacts related to conflicts with local policies or ordinances protecting biological resources would be less than significant.	FEIR, Volume 2, page 3.4-58

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
BIO-6	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan	The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project site is outside of the boundaries of the Santa Clara Valley Habitat Plan (VHP). There would be no impact.	FEIR, Volume 2, page 3.4-59
<i>Cultural Resources</i>			
CR-1	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5	No historical resources, as defined in Section 15064.5 of the State CEQA Guidelines, were identified within the project site. As a result, the proposed project would not cause a substantial adverse change to a historical resource and there would be no impact.	FEIR, Volume 2, page 3.5-16
CR-2	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5	No archaeological resources were identified within the project site as a result of background research or the field survey. District BMP CU-1 requires that construction activities halt immediately within 100 feet of a find and that both the Santa Clara County Coroner and a qualified archaeologist be contacted to evaluate the discovery site and determine whether construction may resume. Implementation of BMP CU-1 and compliance with Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 would ensure that construction-related impacts on archaeological resources are less than significant.	FEIR, Volume 2, page 3.5-16
CR-3	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Research indicates that the geological matrix of the project site has a low sensitivity for the presence of paleontological resources. The proposed project would not be anticipated to directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Therefore, no impacts on paleontological resources or unique geologic features would result from the proposed project.	FEIR, Volume 2, page 3.5-17
CR-4	Disturb any human remains, including those interred outside of formal cemeteries	The project site is located in an area that is sensitive for the presence of Native American village sites, which often contain burials. As a result, disturbance of native ground during project construction has the potential to uncover human remains, although such remains were not identified during the field inventory. District BMP CU-1 requires that construction activities halt immediately within 100 feet of any buried human remains and that both the Santa Clara County Coroner and a qualified archaeologist	FEIR, Volume 2, page 3.5-17

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		be contacted. Implementation of BMP CU-1 would ensure that disturbance to human remains is less than significant.	
CR-5	Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074	No Tribal Cultural Resources (TCRs), as defined in PRC Section 21074, were identified within the project site. In the event of an accidental discovery of a TCR that is also a historical or unique archaeological artifact, BMP CU-1 would be implemented to ensure that construction activities halt and that a qualified archaeologist is contacted. If a tribal cultural resource cannot be avoided, an Action Plan will include notification of the appropriate Native American tribe, and consultation with the tribe regarding acceptable recovery options. With implementation of BMP CU-1, the proposed project would not cause a substantial adverse change to a TCR and be considered less than significant.	FEIR, Volume 2, page 3.5-17
<i>Geology, Soils, and Seismicity</i>			
GEO-1:	Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: rupture of a known earthquake fault or strong seismic ground shaking	The proposed project is not located within an Alquist–Priolo zone and the possibility of ground rupture in the project area is considered low. The probability of strong seismic ground shaking in the project area is high and seismic ground shaking is an existing hazard for existing structures, roads, levees, and other related facilities. The proposed project incorporates recommendations from a project-specific geotechnical report and would be designed to withstand expected ground shaking during a major seismic event. Therefore, this impact would be less than significant.	FEIR, Volume 2, page 3.6-9
GEO-3:	Result in substantial soil erosion or the loss of topsoil	The proposed project would involve substantial earthwork activities that include ground disturbance, and the initial phases of construction, particularly site grading and soil stockpiling, as well as in-channel dewatering and sediment removal, could result in loose soil being exposed to erosive forces such as rainfall and high winds. Implementation of District BMPs AQ-1, BI-3, HM-7, WQ-1, WQ-2, WQ-4, WQ-5, WQ-7, WQ-9, WQ-10, and WQ-16 would reduce surface erosion and mitigate any loss of topsoil during construction-related activities. The District would implement a Stormwater Pollution Prevention Plan (SWPPP) to control stormwater runoff from the project area, which would minimize soil erosion and transport. Implementation of the above-mentioned BMPs and SWPPP would ensure that soil erosion and transport effects would be less than significant during construction.	FEIR, Volume 2, page 3.6-11
GEO-5:	Be located on expansive soil, as defined in Table 18-	A site-specific geotechnical investigation identified soils with expansive potential as occurring on site (Kleinfelder 2016). Proposed floodwalls would be composed of sheetpiles extending below the	FEIR, Volume 2, page 3.6-14

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
	1-B of the Uniform Building Code (1994), creating substantial risks to life or property	relatively shallow layer of expansive soils and would not be susceptible to damage caused by soil expansion. Levee fill material and other fill placed as part of the project would be low-plasticity material not subject to potentially harmful shrink-swell behavior. In addition, expansive soils would be removed and the ground surface compacted prior to placement of fills, substantially reducing the potential for expansive soils to damage project improvements. This impact is less than significant.	
GEO-6:	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	The project would not involve removal, relocation, or construction of sewer, septic, or wastewater disposal systems. The project would have no impact.	FEIR, Volume 2, page 3.6-14
<i>Greenhouse Gas Emissions and Energy Use</i>			
GHG-1	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	Construction-related greenhouse gas (GHG) emissions would result from the combustion of fossil-fueled construction equipment, material hauling, and worker trips. The proposed project's anticipated combined annual emissions of 901 metric tons (MT) carbon dioxide equivalents (CO ₂ e) would be less than the Sacramento Metropolitan Air Quality Management District's (SMAQMD's) and Bay Area Air Quality Management District's (BAAQMD's) annual threshold of 1,100 MT CO ₂ e. Implementation of District BMP AQ-1 would further reduce GHG emissions generated by minimizing idling construction equipment, requiring proper maintenance and tuning of vehicles and equipment, and requiring proper inflation of tires. In addition, maintenance activities following project completion would be similar to current practice. Minor new maintenance activities involving periodic visual inspections along the floodwalls and repair of the floodwalls/headwalls if necessary would result in only minor amount of GHG emissions well below the operational threshold of 1,100 MT CO ₂ e. This impact would be less than significant.	FEIR, Volume 2, page 3.7-8
GHG-2	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases	The proposed project would be consistent with the measures outlined in local general plans and climate action plans. The proposed project does not conflict with the most recent list of California Air Resources Board's early action strategies. The proposed project would minimize construction waste and implement other energy-reducing measures with consideration of other AB 32 target sectors such as natural resources, transportation, and land use. The project's operational and maintenance activities would be similar to that of other existing and ongoing activities. No impact would occur.	FEIR, Volume 2, page 3.7-9

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
GHG-3	Cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and increase the need for energy resources	The proposed project's construction activities would require the consumption of energy (fossil fuels) for construction equipment, worker vehicles, and truck trips. However, the consumption of energy for the project's equipment and vehicles would be minimized by the reuse on site of excavated soils, minimization of vehicle idling, and short construction period duration. The proposed project's effects on energy resources would be less than significant. Although no District BMPs are necessary to reduce this impact to a less-than-significant level, implementation of District BMP AQ-1 would reduce the project's effect by requiring minimization of idling times and requiring that all equipment be maintained and tuned properly.	FEIR, Volume 2, page 3.7-10
<i>Hazards and Hazardous Materials</i>			
HAZ-2	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	Construction of the proposed project would require the use of heavy equipment that require hazardous materials, such as oils, grease, or fuels, could accidentally spill during project construction. The handling, storage, and disposal of hazardous materials is subject to numerous regulations. Construction equipment and vehicles would be stored at designated staging areas throughout for the duration of construction activities. In addition, the proposed project would prepare and implement a SWPPP. Implementation of SWPPP measures and adherence to local, state, and federal hazardous materials regulations and implementation of District BMPs HM-7, HM-8, HM-9, and HM-10 would minimize the potential for impacts related to accidental release of hazardous materials associated with transport, use, or disposal of hazardous materials. This impact would be less than significant.	FEIR, Volume 2, page 3.8-10
HAZ-3	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school	Construction activities would be temporary and would involve the use of construction trucks and equipment. Hazardous materials used during construction would be limited to fuel associated with the equipment and would generally not involve substantial hazardous emissions of toxics that would be considered an acute health hazard. Health risks associated with construction air pollutant emissions would be less than significant. The handling, storage, and disposal of hazardous materials would be subject to local, state, and federal regulations pertaining to hazardous materials. While small quantities of hazardous materials could be released into the environment during project construction, implementation of District BMPs HM-7, HM-8, HM-9, and HM-10 would ensure that the potential for exposing individuals at nearby schools to hazardous materials used during construction would be less than significant. Maintenance activities would be similar to those that currently take place and could involve use of small quantities of hazardous materials. Similar to the construction phase, implementation of District BMPs HM-7, HM-8, HM-9, and HM-10 would ensure that the potential for exposing individuals at nearby schools to hazardous materials used during project operation would be less than significant.	FEIR, Volume 2, page 3.8-11

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
HAZ-4	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	There are no hazardous waste sites listed pursuant to California Government Code Section 65962.5 identified and the proposed project is not located on a Cortese list site. Therefore, there would be no impact.	FEIR, Volume 2, page 3.8-11
HAZ-5	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, such that the project could result in a safety hazard for people residing or working in the project area	The project area is located more than 2 miles from an airport and would not involve construction of aboveground structures that could interfere with air traffic; therefore, impacts related to safety hazards in the vicinity of an airport are not applicable and there would be no impact.	FEIR, Volume 2, page 3.8-12
HAZ-6	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	The Santa Clara County Operational Area Operations Plan does not include an adopted emergency response plan or emergency evacuation plan that specifies a specific emergency response or evacuation route within the project area. Therefore, this topic is not applicable to the proposed project and there would be no impact.	FEIR, Volume 2, page 3.8-12
HAZ-7	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	The use of construction and maintenance equipment and possible fuel storage could pose a potential wildfire risk. This risk is especially high when vegetation is being cleared and workers and machines are operating among vegetative fuels that can be flammable. Any piling of cleared vegetation could also become a fire fuel, which is considered a fire risk. Implementation of District BMP HM-12 would ensure that construction and maintenance equipment is equipped with spark arrestors and that work crews have appropriate fire suppression equipment available when construction takes place during the high fire danger period. In addition, compliance with regulations within the Public Resources Codes (PRC) would further minimize the risk of wildfire hazards during project construction. Therefore, this impact would be less than significant.	FEIR, Volume 2, page 3.8-12

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
<i>Hydrology and Water Quality</i>			
HYD-1	Violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality	The District would implement BMPs AQ-1, BI-3, WQ-1, WQ-4, WQ-5, WQ-6, WQ-7, WQ-9, WQ-10, WQ-11, WQ-15, WQ-16, HM-7, HM-8, HM-9, and HM-10 to meet water quality standards and not degrade water quality or substantially increase turbidity of the downstream receiving waters. The proposed project would be required to comply with applicable water quality permits such as the National Pollutant Discharge Elimination System (NPDES) Construction General Permit which requires that a stormwater pollution prevention plan (SWPPP) is prepared. The SWPPP would include appropriate erosion control, spill prevention, and other construction BMPs intended to prevent polluted dewatered surface water or groundwater from being discharged into waterbodies. Construction activities would be phased and only a portion of the channel would be dewatered at a given time within the four-month summer construction period of each construction year. All creek water in the dewatered areas would be removed and creek flows and runoff would be diverted around the work areas using water-tight coffer dams located at the upstream and downstream ends of the construction areas. Diversion of creek and runoff water would only occur during the summer dry season (June 15 through October 15). By limiting in-water construction work to the dry season, implementing appropriate BMPs, and adhering to the SWPPP and NPDES Construction General permit conditions, the project would minimize the potential for soil erosion at construction areas, and promote stabilization and revegetation of disturbed areas after construction is complete. Therefore, impacts to water quality associated with temporary soil discharges and increases in turbidity would be less than significant.	FEIR, Volume 2, page 3.9-12
HYD-2	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level	Construction activities that involve excavation would likely encounter groundwater resources, and dewatering would be required. Given that dewatering activities would be temporary in nature, occur in a phased manner by channel reach, and would occur only during dry-season months (mid-June to mid-October), and that the zone of groundwater to be potentially affected is relatively shallow; adverse effects on groundwater levels would be less than significant.	FEIR, Volume 2, page 3.9-14
HYD-3	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which	Project construction activities are not expected to substantially alter existing drainage patterns. During the construction phase, on-site drainage would continue to flow towards Lower Penitencia Creek. Instream dewatering would occur in portions of the project area; however, diversions would be temporary and during the summer dry season, when creek flows are at their minimum. All material associated with dewatering activities would be removed upon completion of instream work. In addition, implementation of District BMPs, such as BMP BI-3, WQ-4, WQ-5, WQ-6, and WQ-8, would	FEIR, Volume 2, page 3.9-15

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
	would result in substantial erosion, or siltation on- or off-site	limit temporary changes to existing drainage patterns and surface runoff. The project would not substantially alter drainage patterns such that substantial changes in on- or off-site erosion and siltation would occur. This impact would be less than significant.	
HYD-4	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site	During construction activities, temporary instream dewatering would occur in portions of the project area. Implementation of District BMPs, such as BMP BI-3, WQ-4, and WQ-5, would limit temporary changes to existing drainage patterns and surface runoff. These BMPs would minimize effects on drainage patterns by ensuring proper removal of temporary diversion structures or cofferdams after work is complete, and staging equipment and construction materials away from the channels. As such, impacts on existing drainage patterns during project construction would be less than significant. After construction of the proposed project, the creek would continue to have capacity to convey the 100-year flow without overtopping of the creek banks at the two Caltrans bridges across Lower Penitencia Creek (I-880 and I-880 southbound ramps) and would not increase flood hazards to areas downstream of the Lower Penitencia Creek/Coyote Creek confluence. The proposed project would be beneficial by providing flood protection for Milpitas residents and businesses adjacent to the creek. Therefore, this impact would be less than significant.	FEIR, Volume 2, page 3.9-16
HYD-5	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	. In Reaches 1 through 3, a total of 7,742 square feet of impervious surfaces would be created through widening of maintenance roads/trails paved with asphaltic concrete. In Reach 4, a total of 1,112 square feet of existing road/trails paved with asphaltic concrete would be replaced with aggregate base. As a result, the project would result in a net increase of 6,630 square feet of new impervious surfaces. Due to the small amount of new impervious surface, the project is not subject to the source control, site design, and stormwater requirements specified in the San Francisco Bay RWQCB's Municipal Regional Permit (Order R2-2015-0049, NPDES Permit No. CAS612008). However, the project design would be consistent with the policies of the Municipal Regional Permit by minimizing runoff generation, promoting infiltration of storm water, and using vegetated areas to filter pollutants from the stormwater before it enters the creek. The project also includes landscaping consistent with the guidelines contained in Section C.3.a.i(8) of the Municipal Regional Permit. Native plants would be installed throughout the project site. This impact would be less than significant.	FEIR, Volume 2, page 3.9-17
HYD-6	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard	The proposed project would not include the construction or modification of any homes in a flood hazard area. During construction, coffer dams would be temporarily installed within the channel to divert flows around the construction work areas. However, because construction activities would take place during the summer months when flood hazards are essentially non-existent, temporary use of cofferdams and staging of equipment and materials in Staging Area B are not anticipated to impede or redirect flood flows. In the long-term, the project would involve placement of new structures within	FEIR, Volume 2, page 3.9-18

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
	delineation map; or place structures within a 100-year flood hazard area structures which would impede or redirect flood flows	the 100-year flood hazard area (e.g., new levee, wetland bench, and floodwalls). However, because the purpose of the proposed project is to improve flood protection and because the new structures would be designed to accommodate 100-year flood flows, the proposed project would not be expected to impede or redirect those flows.	
HYD-7	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam	The proposed project would not increase the flood risks due to failure of any levee or upstream dams. The proposed project addresses issues of inadequate flood protection provided by the existing levees and would increase the conveyance and floodwater storage capacity of Lower Penitencia Creek, thereby reducing potential flood damage resulting from failure of the Coyote Creek levees. The potential effects of sea-level rise were taken into consideration as the proposed project was designed to accommodate an expected increase of 55 inches (2.59 feet) in sea level over the proposed project's 50-year design life. As such, the project's impact of reducing potential flooding would be beneficial.	FEIR, Volume 2, page 3.9-19
HYD-8	Inundation by seiche, tsunami, or mudflow	The project site is not located along the ocean coastline, adjacent to any large waterbodies, or within a tsunami hazard area. The project site is not adjacent to any steep slopes and would not be at risk for damage by mudflows. Inundation by seiche, tsunami, or mudflow would not occur; there would be no impact.	FEIR, Volume 2, page 3.9-19
<i>Land Use</i>			
LU-1	Physically divide an established community	Project construction and staging would generally occur within existing District ROW and easements along the channel. Following project construction, use of the trails and maintenance roads along both sides of the creek would be similar to existing conditions and project components would not preclude use or future development of trails. Project construction would not result in adverse effects related to physical division of an established community. This impact would be less than significant.	FEIR, Volume 2, page 3.10-3
LU-2	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect	The proposed project would not permanently alter existing land uses or introduce new land uses into the area. Additionally, the proposed project would not preclude future use and development of trails along Lower Penitencia Creek or prevent or substantially inhibit recreational use of the creek. The proposed project has been designed to retain existing recreational trails within the project site. Since existing and proposed recreational trails would be retained and there would be no conflicts with existing land use plans or policies, this impact would be less than significant.	FEIR, Volume 2, page 3.10-4

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
LU-3	Conflict with any applicable habitat conservation plan or natural community conservation plan	No habitat conservation plans or natural community conservation plans apply in the project area. Therefore, no impact related to conflicts with habitat conservation plans or natural community conservation plans would occur.	FEIR, Volume 2, page 3.10-5
<i>Noise</i>			
NOI-3	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project	The proposed project would reduce the need for periodic sediment removal, while other maintenance activities in the project area would continue to be similar to current activities. I-880 would continue to be the dominant source of noise in the area and, given their placement, the floodwalls along Reaches 3 and 4 may help reduce highway-related noise levels for residences east of the project area. Thus, there would be no permanent increase in ambient noise levels. This impact would be less than significant.	FEIR, Volume 2, page 3.11-16
NOI-5	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	The Mineta San Jose International Airport is the closest public airport to the project site and the noise contours from its master plan do not overlap the project area. Therefore, there would be no impact.	FEIR, Volume 2, page 3.11-17
NOI-6:	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels	No private airports are located within 19 miles of the project site. Thus, the proposed project would not affect people residing or working within the vicinity of a private airstrip and there would be no impact.	FEIR, Volume 2, page 3.11-17
<i>Recreation</i>			
REC-1	Increase the use of existing neighborhood and regional parks or other recreational	Impacts related to increased use of other nearby recreational facilities would not be substantial and would not result in physical deterioration of these other recreational facilities. Once project	FEIR, Volume 2, page 3.12-4

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
	facilities such that substantial physical deterioration of the facility would occur or be accelerated	construction is complete, the Penitencia Creek Trail would be re-open for public use. Therefore, the impact would be less than significant.	
REC-2	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment	The proposed project involves construction of a pedestrian crossing over the Reach 3 floodwall to allow for continued use of the existing Penitencia Creek Trail. In most resource sections, the environmental effects of the pedestrian crossing are described collectively with other project components; based on that approach, the proposed project was found to result in significant impacts in the area of air quality, biological resources, geology, hydrology, noise, transportation, utilities, and hazardous materials. However, construction of the pedestrian crossing would not result in significant impact to these resources areas due to its small size and the limited scale of potential effects. There are no sensitive resources at the pedestrian crossing work area and construction associated with this facility would be short in duration and thus generate minimal air pollutant emissions, greenhouse gas emissions, and noise and vibration. Implementation of District BMPs AQ-1, BI-3, WQ-4, WQ-5, WQ-9, WQ-10, and WQ-16 would minimize the potential for soil erosion at construction areas, and promote stabilization and revegetation of disturbed areas after construction is complete. This impact would be considered less than significant.	FEIR, Volume 2, page 3.12-5
Traffic			
TRA-2	Conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways	The number of construction trips that the proposed project would add to the I-880 freeway would be less than 1 percent of its capacity in both directions in both the AM and PM peak hours. Based on this comparison, the proposed project would not result in a substantial impact on freeway segments, and no additional analysis is required. All signalized study intersections are projected to operate at an acceptable level of service (LOS) D or better during the AM and PM peak hours under both "Existing plus Project Conditions" and "Existing Conditions plus Approved and Pending Developments and Project" scenarios. Once construction is complete, maintenance activities would be similar to current practice with the exception of occasional repair and maintenance of the new floodwalls and headwalls, and thus only minimal truck trips would be generated for project's maintenance. Therefore, the proposed project would not result in a substantial adverse effect at the study intersections. Conflicts with the Santa Clara Valley Transit Authority's (VTA's) Congestion Management Program or the City of Milpitas LOS standards would be less than significant.	FEIR, Volume 2, page 3.13-20

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
TRA-3	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks	There are no airports in the project vicinity. As such, the proposed project would not affect existing air traffic patterns during construction or operation. There would be no impact.	FEIR, Volume 2, page 3.13-24
<i>Utilities and Service Systems</i>			
UTL-1	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board	The proposed project would not generate wastewater during operation of the project and therefore would not require construction of any new wastewater treatment facilities. During the construction phase, the use of portable restrooms would generate a minimal volume of wastewater to be off-hauled by the contractor for disposal at the San Jose–Santa Clara Regional Wastewater Facility. This impact would be less than significant.	FEIR, Volume 2, page 3.14-6
UTL-2	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	The proposed project would not require any new water supply or water treatment facilities. Project construction would require some amount of water for dust control purposes, but this amount of water would not be anticipated to be substantial and would be supplied by a water truck rather than the City of Milpitas' municipal system. Therefore, no impact related to construction of new water treatment facilities or insufficient existing entitlements would occur.	FEIR, Volume 2, page 3.14-6
UTL-3	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	The proposed project would involve improvements to Lower Penitencia Creek, which collects and conveys flow from several local storm drain facilities and tributaries. Throughout construction, all local stormwater facilities would remain in operation. Portions of the creek would be dewatered during construction by diverting creek flow into pipes that would convey the flow around the construction area and back into the creek downstream from the construction area. Dewatering would only occur during summer dry season when flows in the storm drains would be minimal. In general, effects on any existing stormwater drainage facilities in or near the project area would not be substantial, and the proposed project would not require or result in the construction of additional stormwater drainage facilities. Finally, the proposed project would not substantially increase impervious areas or otherwise increase the generation of stormwater. This impact would be less than significant.	FEIR, Volume 2, page 3.14-7
UTL-4	Have sufficient water supplies available to serve	Project construction would use recycled water for dust control and street cleaning. The wetlands plantings in Reach 1 would be flooded during high tides on a daily basis and would not require	FEIR, Volume 2, page 3.14-8

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
	the project from existing entitlements and resources, or are new or expanded entitlements needed	irrigation. Once project is complete, water may be used to clean graffiti from structures, but that use would be infrequent and amount of water used would be negligible. Mitigation planting in upland areas would require watering to establish. To the extent possible, recycled water would be used for irrigation. Water use associated with the proposed project would be minimal. This impact would be less than significant.	
UTL-5	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	The proposed project would not generate substantial volumes of wastewater that during construction or operation. Short-term increases in wastewater generated by construction workers would not substantially increase the volume of wastewater in the system such that treatment capacity would be an issue at the San Jose–Santa Clara Regional Wastewater Facility. Therefore, impacts regarding wastewater treatment capacity would be less than significant.	FEIR, Volume 2, page 3.14-8
UTL-6	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	The total volume of excess soil or sediment requiring off-site disposal or re-use is estimated at 2,300 cubic yards with about 90 percent of the excavated soil and sediment to be reused on-site. Excess spoils would be sent to local landfills in Santa Clara County and Alameda County and would not result in a significant impact on existing capacity. This impact would be less than significant.	FEIR, Volume 2, page 3.14-8
UTL-7	Comply with federal, state, and local statutes and regulations related to solid waste	The proposed project would involve excavation and demolition of existing structures, which could generate relatively large volumes of construction waste. Excavated material would be reused when feasible. By using sheetpiles to construct the floodwalls instead of cast-in-place concrete piles, which are commonly used, the proposed project would generate substantially less construction waste. The proposed project would generate modest amounts of typical construction wastes, such as lumber, wire, metals, and plastics. All project-related waste would be handled, classified, temporarily stored, transported, and disposed of in conformance with applicable federal and state solid waste regulations. Once project is complete, maintenance activities such as trash removal, vegetation management, and maintenance road grading would continue as before, and new maintenance activities would involve periodic repair and maintenance of floodwalls and headwalls. However, these activities would only generate small amounts of solid waste. This impact would be less than significant.	FEIR, Volume 2, page 3.14-9

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
UTL-8	Potential disruption and/or relocation of existing utilities	Buried underground utilities may be encountered during project construction Use of tall equipment under existing electric transmission lines would be a potential hazard as a contact between the equipment and power lines could disrupt operation of the powerlines. To avoid that hazard, the project design avoids locating floodwalls directly under the PG&E transmission lines. A number of underground utility lines are present within the project area, including water supply, wastewater, natural gas, and power lines. The District will require the contractor to notify Underground Service Alert North prior to start of excavation or demolition activities and will coordinate with line utility owners and operators to ensure that project construction does not damage the lines or disrupt service. During project operation, the proposed project would not be anticipated to affect, or have the potential to affect, existing utilities. This impact would be less than significant.	FEIR, Volume 2, page 3.14-10
<i>Cumulative Impacts</i>			
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Aesthetics (cumulative)	The geographic scope of the cumulative aesthetics evaluation is the project site and the nearby areas within visual sight lines. Because the topography of the project vicinity is relatively level and the area is mostly urbanized, proposed improvements would only be visible from nearby viewpoints. Nearby development would be similar to existing urban development in the area and would be guided by the City of Milpitas General Plan as to allowable uses and size and bulk of structures. Based on the above and given the existing urbanized appearance of the area, there would be no significant cumulative impact to aesthetics when considering the proposed project and other projects in the area. The proposed project and other projects would not result in adverse effects on scenic resources, or substantially alter the visual character of the area. When considering the proposed project along with other projects, there would not be a significant cumulative impact on aesthetics.	FEIR, Volume 2, page 4-4
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Cultural Resources (cumulative)	The geographic scope of cumulative cultural resources evaluation includes the project area and immediate surroundings. Construction of the proposed project and other development projects in Milpitas could lead to cumulative loss of significant historic, archaeological, or paleontological resources. There are no historical resources and no known archaeological resources within the project site. The District would implement BMPs to ensure that archaeological resources, including Native American human remains are protected from damage and properly studied, recovered, and curated in the event that they are found during project construction. State law requires other development projects to similarly protect archaeological resources and human remains uncovered during construction of those projects. When considering the proposed project along with other projects, there would not be a significant cumulative impact on cultural resources.	FEIR, Volume 2, page 4-4

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Geology, Soils, and Seismicity (cumulative)	The geographic scope of geology, soils, and seismicity evaluation includes the project area and immediate surroundings. Other projects in Milpitas would be required to comply with California Building Code requirements. The proposed project and other developments would be designed to withstand seismic hazards (e.g., liquefaction) and expansive and corrosive soils. When considering the proposed project along with other projects, there would not be a significant cumulative impact to geology, soils, or seismicity.	FEIR, Volume 2, page 4-4
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Hazards and Hazardous Materials (cumulative)	With the exception of activities conducted by the District's SMP, there are no other cumulative projects that would be located within the same footprint as the proposed project. No known hazardous waste sites are located at the project site; however due to the urbanized nature of the area, potential exists for project excavations to encounter contaminated soil or groundwater. District BMPs would be implemented to ensure that contaminated media, if encountered, are handled in compliance with federal and state laws regarding hazardous wastes. Other nearby cumulative construction projects would also be required to follow federal and state laws regarding contaminated soil or groundwater. Based on the lack of the known contamination in the project area, and legal requirements for handling of contaminated media if encountered in the future, the potential for other nearby projects to contribute to cumulative impacts regarding hazardous materials is low. There would not be a significant cumulative impact to hazards or hazardous materials.	FEIR, Volume 2, page 4-4
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Land Use (cumulative)	The proposed project would not divide an established community or change land use at the project site or vicinity. The proposed project would also not conflict with local plans such as the City of Milpitas General Plan, Milpitas Trails Master Plan or the City of Milpitas' Bikeway Master Plan. Similar to the proposed project, other projects are subject to planning, environmental review, and permitting processes. Through those processes, inconsistencies with relevant plans and policies would be resolved before project implementation. There would not be a significant cumulative impact to land use.	FEIR, Volume 2, page 4-5
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Recreation (cumulative)	Similar to the proposed project, other nearby projects including the Upper Berryessa Creek Flood Protection Project and the Upper Penitencia Creek Project have the potential to affect recreational trails in their respective project areas during construction. However, because these projects and the proposed project are in different stages of development, it is unlikely that they would be under construction simultaneously. The District's Lower Berryessa Creek Flood Protection Improvement Project adjoins the proposed project area and would temporarily affect recreational trails during construction. However, construction of Phase 1 of the Lower Berryessa Creek project, which is closest to the Lower Penitencia Creek Improvements Project area, has been completed and will not occur concurrently with construction of the proposed project. Construction of Phase 2 of the Lower Berryessa Creek project may overlap construction of the proposed project, but would be over 0.5 mile	FEIR, Volume 2, page 4-5

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		from the Lower Penitencia Creek project area. When considering the proposed project along with other projects, there would not be a significant cumulative impact to recreation.	
N/A (topic dismissed in Section 4.3.1, Table 4-1 of FEIR)	Utilities and Service Systems (cumulative)	For aboveground and belowground utilities, the geographic scope for evaluating cumulative impacts includes the project area and immediate surrounding areas. With regards to solid waste management, the geographic scope includes Santa Clara County. The Lower and Upper Berryessa Creek projects are under construction and include plans to relocate aboveground and underground utilities lines as necessary. Buried underground utilities may be encountered during project construction activities. To prevent significant disruption of service, affected parties will be notified in advance of possible service disruptions and safety protocols would be implemented to avoid damage, or potentially hazardous accident conditions (e.g., explosion from striking a natural gas pipeline). Other development projects would conform to the City of Milpitas General Plan and would not result in increased demand on utility and service systems beyond that which can be accommodated by existing and planned infrastructure. Milpitas is served by the San Jose/Santa Clara Water Pollution Control Plant, which has prepared a Master Plan to accommodate expected future increases in wastewater treatment growth in the plant's service area. Population growth within Santa Clara County would result in increased generation of solid waste; however, this would be offset by the requirements for increased re-use and diversion of solid waste included in the CIWMA. Existing solid waste facilities in the County have many years of estimated capacity to accommodate solid wastes, and overall capacity would be increased by the Newby Island Sanitary Landfill Rezoning and Recyclery Project. That project would provide 15.12 million cubic yards of additional landfill capacity. When considering the proposed project along with other projects, there would not be a significant cumulative impact to utilities and services systems.	FEIR, Volume 2, page 4-5
CUM-1	Cumulative Impacts on Air Quality	The impact analysis in FEIR Section 3.3.4 concluded that the project's NOx emissions would be reduced to a level of less-than-significant with the implementation of BMP AQ-1 and Mitigation Measure AQ-1. As a result, these measures would reduce the project's emissions to a level such that the project would not make a considerable contribution to cumulative air quality impacts even when considering the other projects occurring in the area.	FEIR Volume 2, page 4-15
CUM-2	Cumulative Impact on Biological Resources	As discussed in FEIR Section 3.4, <i>Biological Resources</i> , the proposed project could adversely affect special-status species or habitat used by special-status species including longfin smelt, Central California Coast steelhead, western pond turtles, burrowing owls, Alameda song sparrow and San Francisco common yellowthroat, salt marsh harvest mouse, special-status bats, and Congdon's tarplant. Implementation of various District BMPs (including HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, WQ-16, BI-2, BI-3, BI-8, BI-10, BI-11) related	FEIR Volume 2, page 4-16

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		to water quality and biological resources would minimize the project's potential impacts on those species. Other projects in close proximity could also result in impacts on western pond turtles and special-status birds and bats, resulting in a significant cumulative impact. Implementation of the District BMPs and Mitigation Measures BIO-1 through BIO-12 would ensure the project's contribution to cumulative impacts on special-status species would not be cumulatively considerable. Similar to the proposed project, other projects such as the Lower Berryessa Creek Flood Protection Project and Upper Berryessa Creek Flood Protection Project would impact waters of the U.S./state. Collectively, these projects could result in significant cumulative impacts on waters of the U.S./state. Implementation of Mitigation Measure BIO-13 would ensure that the wetland bench supports ecological functions of wetland vegetation and the project's contribution to cumulative impacts to jurisdictional wetlands and waters of the U.S./state would not be cumulatively considerable.	
CUM-3	Cumulative Impacts on Hydrology and Water Quality	As discussed in FEIR Volume 2, Section 3.8, <i>Hydrology and Water Quality</i>, the created wetland bench would provide storage for flood waters and increased areas of tidal wetlands that would benefit water quality. The project would continue existing drainage patterns while reducing flood risks. During in-water construction work, the District would divert creek water around work areas. A SWPPP would also be implemented to prevent discharge of pollutants from construction activities. A number of BMPs would also be implemented to prevent release of pollutants into the creek. Without the proposed project, the Lower Penitencia Creek would not have the capacity to convey the 1-percent flood event and flood hazards would increase once the Lower and Upper Berryessa flood protection projects are completed. The proposed project would increase the capacity of Lower Penitencia Creek to convey increased 1-percent flows from the improved Upper and Lower Berryessa Creek without overtopping of the Lower Penitencia Creek banks. Therefore, the proposed project would not increase downstream flood hazards and its contribution to cumulative hydrologic impacts would not be cumulatively considerable.	FEIR Volume 2, Section 4.3.3, page 4-15
CUM-5	Cumulative Impacts on Traffic Patterns and Safety Hazards	There is a possibility that the presence of slow-moving vehicles and equipment associated with both the proposed project and other projects could result in temporary safety hazards on local roads. This would be a significant cumulative impact. Implementation of District BMP TR-1 and	FEIR Volume 2, pages 4-18 to 4-19

Impact Number	Impact Title	Rationale for No Impact or Less than Significant Impacts	Reference
		Mitigation Measure TRA-1 (Traffic Control Plan), would minimize traffic safety hazards on local roads, including San Andreas Drive, where capacity would be temporarily reduced during construction of the San Andreas Drive bridge headwall. With implementation of these measures, the proposed project's contribution to this cumulative impact would not be cumulatively considerable.	

3.2 Significant Environmental Impacts That Have Been Reduced to a Less than Significant Level

The District hereby finds that the following significant environmental impacts can and will be mitigated to a less-than-significant level based upon the implementation of the mitigation measures in the FEIR. These findings are based on the discussion of impacts in the detailed resource area impact analyses in Volume 2, Chapter 3 of the FEIR and the cumulative impacts discussed in Volume 2, Chapter 4 of the FEIR, as well as relevant responses to comments and revisions in the FEIR. For each impact, the following information is presented: the CEQA finding, the applicable mitigation measure(s), the rationale for the finding, and a reference to the FEIR section providing further facts and reasoning supporting the finding.

3.2.1 Air Quality

Impact AQ-2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

The proposed project would emit criteria pollutants through the combustion of fossil fuels by construction equipment, worker vehicles, and material hauling trucks. In addition, the proposed project's grading and excavation activities would disturb soils and generate fugitive dust (particulate matter emissions). The proposed project would result in construction emissions of nitrogen oxides (NO_x) that exceed the BAAQMD thresholds for grading activities, if project construction activities were performed concurrently. The emissions would contribute to existing air quality impairments during the construction period. Implementation of District BMP AQ-1 would reduce NO_x and other criteria pollutant emissions by minimizing idling times of construction equipment and requiring equipment to be properly maintained and tuned in accordance with manufacturer's specifications. In addition, BMP AQ-1 would also minimize fugitive dust emissions during construction. However, the proposed project's NO_x emissions would still exceed the BAAQMD NO_x significance criteria even with implementation of District BMP AQ-1, and thus this impact is significant. As discussed in Volume 2, Section 3.3 of the FEIR, implementation of Mitigation Measure AQ-1 would reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure AQ-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure AQ-1: Implement Construction NO_x Emission Reductions. *The District or its contractor(s) will develop a construction plan demonstrating that off-road equipment (greater than 50 horsepower) and material hauling vehicles used during project construction (i.e., owned, leased, and subcontracted vehicles) will not result in average daily NO_x emissions of more than 54 pounds per day, which will require achieving a project-wide fleet-average of at least 22 percent NO_x reduction compared to unmitigated emissions. As part of developing this construction plan, the District or its contractor(s) will conduct additional air quality modeling to confirm that the NO_x emissions threshold will be met. This limit of 54 pounds per day of NO_x emissions shall be achieved through a combination of approaches, including phasing of construction activities in a manner that reduces the daily emissions generated from the proposed project; the use of late model engines (e.g., Tier 3 or 4 engines), low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or add-on devices such as particulate filters; and/or other options as such become available.*

Rationale for Finding. Implementation of Mitigation Measure AQ-1 would ensure that emissions from individual construction phases for each reach and combined reach emissions would not exceed the BAAQMD's significance thresholds, particularly for NO_x. Use of Tier 3 engines would be sufficient to reduce NO_x emissions by at least 22 percent such that the average daily emissions were less than the BAAQMD threshold of 54 pounds per day. The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, this impact would be less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.3.4, page 3.3-14.

Impact AQ-3: 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.

As discussed in Volume 2, Section 3.3.2 of the FEIR, the BAAQMD has established significance thresholds that also apply to cumulative impacts; specifically, a project that does not exceed the significance thresholds established for any criteria pollutant would not considerably contribute to cumulative air quality impact. As discussed in Impact AQ-2 above, during construction of the proposed project, NO_x emissions would exceed the BAAQMD threshold, even with implementation of District BMP AQ-1. This would be a significant impact. As discussed in Volume 2, Section 3.3 of the FEIR, implementation of Mitigation Measure AQ-1 would reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure AQ-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure AQ-1: Implement Construction NO_x Emission Reductions. See Impact AQ-2 above for full text.

Rationale for Finding. Implementation of Mitigation Measure AQ-1 would ensure the proposed project's emissions are reduced to a level such that it would not make a considerable contribution to cumulative air quality impacts even when considering the other projects occurring in the area. This impact would be less than cumulatively considerable with mitigation.

Reference. FEIR Volume 2, Section 3.3.4, page 3.3-18.

Impact AQ-5: Create objectionable odors affecting a substantial number of people.

Construction activities could generate odors related to excavated material and the operation of gasoline- or diesel-powered equipment. Odors may also be associated with decaying organic material contained in excavated or dredged material. The proposed project might cause odor impacts to nearby sensitive receptors if some excavated or dredged material is not immediately removed from the project site and is located in close proximity to sensitive receptors. Implementation of District BMP AQ-2 would reduce odor impact by requiring that potentially odorous materials be removed as soon as possible. However, it is possible that some excavated or dredged material could not be immediately removed from the project site and if such material is located near sensitive receptors, the impact would be significant. As discussed in Volume 2, Section 3.3 of the FEIR, implementation of Mitigation Measure AQ-2 would reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, the Mitigation Measure AQ-2 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure AQ-2: Locate Stockpiles of Odorous Materials at a Distance from Sensitive Receptors. *The District will require that contractors handle stockpiles of potentially odorous excavated or dredged material, or other potentially odorous materials, in a manner that avoids affecting residential areas or other sensitive receptors to the extent feasible. Stockpiles will be placed as far as possible from these receptors and will be covered if immediate off-site disposal is not feasible.*

Rationale for Finding. Implementation of Mitigation Measure AQ-2 would ensure that any stockpiled material remaining on the project site would be placed at a distance as far as possible from sensitive receptors until they could be removed. Potential odors generated from operation of construction equipment would be temporary. Therefore, the potential for the proposed project to create objectionable odors that would affect a substantial number of people would be less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.3.4, page 3.3-19.

3.2.2 Biological Resources

Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The project has the potential for adverse effects on special-status species. The analysis is organized by sub-topics and species type (described below). Species listed in FEIR Table 3.2-4 as absent from the project area are not described herein as they would not be affected by the proposed project. All species listed in FEIR Table 3.2-4 as present, may be present, or absent as breeders could potentially be affected by the project and are analyzed in this section, except three bird species which have special status only when nesting and would not be expected to nest at the project site. The three bird species that have special status only when nesting are the Northern harrier, loggerhead shrike, and yellow warbler.

Impact BIO-1a: Impacts on longfin smelt and steelhead.

In-channel construction activities, including channel dewatering, would be limited to dry season to reduce the potential for longfin smelt and steelhead to be present in the project area. During project construction, longfin smelt (*Spirinchus thaleichthys*) (state listed as threatened) and Central California Coast steelhead (*Oncorhynchus mykiss*) (federally listed as threatened) could potentially occur, albeit infrequently and in low numbers, in the reach of Lower Penitencia Creek within the project boundary. Neither of these species is expected to spawn in the project area; however, small numbers of these species may occasionally stray into the project area.

The proposed project would not result in the permanent loss of aquatic habitat for fish. However, temporary dewatering of portions of the project area would occur. The loss of instream cover, such as vegetation, due to dewatering may adversely affect fish. Removal of vegetation could also result in loss of substrate used by fish for foraging. However, Lower Penitencia Creek provides relatively low-quality habitat for fish species due to its channelized nature, lack of high-quality habitat complexity, and regular disturbance of habitats due to frequent maintenance. Furthermore, the habitat is expected to reestablish

rapidly following completion of construction. The project activities are not expected to result in a substantial long term change in the amount or suitability of aquatic habitat available to steelhead and longfin smelt.

Potential increases in erosion and sedimentation and other water quality impacts may result from the project construction activities. The construction of floodwalls would require the installation of sheet piles. Sounds generated by pile driving have the potential to adversely affect fish. However, the proposed project's use of a Giken silent piler would reduce effects of pile driving to levels that are not expected to cause injury or mortality of fish. Additionally, minor spills of petrochemicals, hydraulic fluids, and solvents may occur during vehicle and equipment refueling.

Implementation of District BMPs BI-3, BI-8, HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, and WQ-16 would minimize adverse effects in water quality. These BMPs include numerous preventive measures to reduce erosion, control sediment, prevent spills, and protect water quality. By implementing these BMPs, impacts on longfin smelt and steelhead would be minimized. Nevertheless, the proposed project could result in residual impacts on these species because complete avoidance of individuals may not be accomplished while still meeting the proposed project goals. As a result, impacts on special-status fish are conservatively considered significant. As discussed in Volume 2, Section 3.4 of the FEIR, implementation of Mitigation Measure BIO-1 would reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure BIO-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-1: Exclude Fish Prior to Dewatering Activities. *Prior to conducting dewatering activities, a qualified biologist will use nets to exclude fish from the construction area. During a falling tide, a block net will be placed at the upper end of the reach to be dewatered. Subsequently, qualified biologists will walk from the upper to lower end of the reach with a seine stretched across the channel to encourage fish to move out of the construction area. When the lower end of the construction area is reached, a second block net will be installed to isolate the construction reach. This procedure will be repeated a minimum of three times on each dewatered reach to ensure that no longfin smelt or steelhead remain in the construction area. Mesh size will not exceed 9.5 millimeters to ensure that longfin smelt are adequately excluded from this area.*

Rationale for Finding. Implementation of this mitigation measure would reduce significant impacts on longfin smelt or steelhead by excluding fish from the project area prior to dewatering activities.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-35.

Impact BIO-1c: Impacts on western pond turtles.

Suitable habitat for western pond turtle is present in the proposed project. Project construction may affect aquatic habitat used by western pond turtles for foraging or dispersal, upland habitat used for nesting, and/or individuals. Implementation of District BMPs BI-3, BI-8, BI-10, HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, and WQ-16 would minimize temporary impacts on western pond turtles during project construction by minimizing the potential for water quality degradation that could impact the species and minimizing the potential for entrapment of individuals. However, should construction activities occur when turtles are present, injury or mortality of individuals could result. Construction-

related impacts on individual western pond turtles could have a significant impact on the local population and are considered significant. As discussed in Volume 2, Section 3.4 of the FEIR, implementation of Mitigation Measure BIO-2 would reduce impacts on western pond turtle to a less-than-significant level.

The proposed project would not result in the permanent loss of aquatic habitat for turtles. Temporary impacts on aquatic and brackish marsh habitat that provides potential foraging habitat for turtles would be temporarily affected during levee relocation, bench excavation, and dewatering activities. In addition, grassland and willow riparian woodland habitat that could be used by small numbers of western pond turtles for dispersal and nesting would be temporarily disturbed during project construction. Some ruderal grassland would be converted to coastal brackish marsh which would provide greater habitat value for western pond turtle. The temporary loss of aquatic, brackish marsh, willow riparian woodland, and upland dispersal habitat during construction is not expected to result in a substantial adverse effect as this habitat is infrequently used by a small number of turtles. Dewatering activities would temporarily restrict in-channel movement by western pond turtles but given that the affected area is relatively small and limited to turtle movement, this impact would be less than significant.

Lastly, the floodwalls could create barriers to dispersal of turtles, which may increase their vulnerability to predation as they traverse the floodwalls. However, upstream from California Circle, western pond turtles are not currently able to disperse overland between the creek and other water bodies due to existing urban development along both side of the channel. And, along Reach 2, the floodwalls would not substantially affect overland movement due to the presence of an existing chain-link fence surrounding the adjacent California Circle stormwater pond and pump station. Thus, for these reasons, the floodwalls would not substantially affect overland movement by western pond turtles; this impact would be less than significant.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure BIO-2 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-2: Conduct Preconstruction Surveys for Western Pond Turtles and Relocate if Necessary. *A qualified biologist will conduct pre-construction surveys for western pond turtles and their nests. If an adult or juvenile western pond turtle is found, project activities near the turtle will not commence until the individual has left the area, or captured and relocated to suitable habitat outside of the activity area by a qualified biologist. If an active western pond turtle nest is detected within the construction area, a 25-foot buffer zone around the nest will be established and maintained during the nesting season (April 1 through August 31). The buffer zone will remain in place until the young have left the nest, as determined by a qualified biologist.*

Rationale for Finding. Implementation of Mitigation Measure BIO-2 would identify and relocate any western pond turtles present in the project area before the start of construction. This measure would minimize the potential for harm to or loss of individual western pond turtles and their nests and would reduce this impact to less than significant.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-40.

Impact BIO-1e: Impacts on the Alameda song sparrow and San Francisco common yellowthroat.

The Alameda song sparrow (*Melospiza melodia pusillula*) and San Francisco common yellowthroat

(*Geothlypis trichas sinuosa*) (both California species of special concern) are associated with marsh habitats, and both are known to nest in the project area. The project is expected to result in temporary impacts on 0.87 acre of coastal brackish marsh, the highest quality habitat for the species in the project area. Heavy ground disturbance, noise, and vibrations caused construction activities in the project area could disturb foraging or roosting individual Alameda song sparrows and San Francisco common yellowthroats, cause them to move away from work areas, or otherwise affect their behavior.

Implementation of District BMPs BI-5, BI-6, and BI-11 would identify active nests prior to the start of construction, reduce construction-related disturbances to nests, and minimize the attraction of nest predators. However, if preconstruction surveys are conducted too far in advance of the onset of construction activities, active nests may be established and subsequently disturbed when construction activities are initiated. Similarly, if there is an extended break in construction activities at a site, active nests may become established in the project work area and subsequently be disturbed when project activities resume. The loss of active nests of Alameda song sparrows or San Francisco common yellowthroats would be a significant impact because a relatively large number of breeding birds could be affected. This could result in a substantial effect on local and regional populations, which would be a significant impact. As discussed in Volume 2, Section 3.4 of the FEIR, implementation of Mitigation Measures BIO-3 and BIO-4 would reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, the Mitigation Measures BIO-3 and BIO-4 are feasible and are hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-3: Conduct Preconstruction Surveys for Nesting Birds. *A qualified biologist will conduct preconstruction surveys for nesting birds. Surveys will be conducted no more than 7 days prior to the initiation of construction activities during the bird nesting season (January 15 through August 31) in any given area. The survey will cover the portions of the project work area where construction activities will occur as well as a 250-foot buffer for raptors and a 50-foot buffer for non-raptors. During each survey, the biologist will inspect all trees and other potential nesting habitats (e.g., shrubs, ruderal grasslands, wetlands, and buildings) in and immediately adjacent to the impact areas for nests. If a lapse in project-related work of 1 week or longer occurs, another focused survey will be conducted before project work can be reinitiated.*

Mitigation Measure BIO-4: Implement Buffer Zones for Nesting Birds. *If an active nest is found sufficiently close to the project work area (i.e., within 250 feet for raptors or 50 feet for non-raptors), a qualified biologist will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 50 feet for non-raptors and 250 feet for raptors). No construction activities will be performed within the buffer until the young have fledged or the nest has been determined to be inactive by a qualified biologist.*

If the qualified biologist determines that a reduced buffer size is appropriate given conditions in the vicinity of the nest, type of construction activity that would occur near the nest, and the species of the nesting bird, the biologist will monitor bird behavior in relation to work activities. If the birds do not indicate that they are habituated to project activities during the initial 2 days of attempting work within a reduced buffer, the standard buffer will be implemented. Project activities within the reduced buffers will not resume until the District has consulted with CDFW and both the qualified biologist and CDFW confirm that the birds' behavior has normalized, or until the nest is no longer active.

Rationale for Finding. With the implementation of Mitigation Measures BIO-3 and BIO-4, disturbance of the nests of Alameda song sparrows and San Francisco common yellowthroats would be avoided to the extent feasible, and this impact would be reduced to less than significant.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-43.

Impact BIO-1g: Impacts on salt marsh harvest mouse.

Small areas of suitable habitat for salt marsh harvest mouse (*Reithrodontomys raviventris*), a federally listed and state-listed endangered species and a state-designated fully protected species exists in the project area. Suitable habitat for the salt marsh harvest mouse is present in the form of a small patch of pickleweed and alkali bulrush located between North McCarthy Boulevard and I-880 and a small patch of brackish marsh between I-880 and Coyote Creek. This habitat is, however, located at the margins of the species' known occupied habitat around the Bay, the low quality of habitat (i.e., small patch of pickleweed and alkali bulrush vegetation), and the species is unlikely to occur in the project area due to the limited extent of suitable habitat within the project area and the isolation of these small patches of suitable habitat from larger expanses of more suitable habitat. For these reasons, the project site does not provide sufficient habitat to support a sustained salt marsh harvest mouse population. If salt marsh harvest mice are present during construction of the replacement levee and use of Staging Area A, they may be crushed or injured by personnel or equipment. Individuals that vacate the area because of increased levels of noise and disturbance might be exposed to increased competition from conspecifics already occupying the area to which they are displaced and to increased levels of predation because of unfamiliarity with the new area or lack of sufficient cover. Removal of vegetation might expose individual mice to predation. During construction, implementation of District BMPs BI-10 and BI-11 would reduce impacts on this species by avoiding entrapment of mice and minimizing predation. Project construction activities would result in temporary impacts to vegetated wetland habitat, which is considered salt marsh harvest mouse habitat. As discussed under Impact BIO-1a, temporarily impacted vegetated wetland habitat is expected to re-establish within 1 to 2 years after construction is completed. In addition, the proposed wetland bench would provide approximately 0.29 acre of additional tidal habitat for the species. Despite implementation of BMPs BI-10 and BI-11 and the proposed creation of additional habitat through the wetland bench, if a transient mouse evades the mouse exclusion fence and is seriously harmed or injured, or if the wetland bench does not successfully establish suitable salt marsh harvest mouse habitat, the impact would be significant. As discussed in Volume 2, Section 3.4 of the FEIR, implementation of Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO-8 would reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO-8 are feasible and are hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-5: Develop and Conduct Worker Environmental Awareness Program. Before any construction activities begin, the District will conduct a training session for all construction personnel. At a minimum, the training will include descriptions of the salt marsh harvest mouse, its habitats, the importance of the species, the general measures that are being implemented to conserve this species as they relate to the proposed project, and the boundaries within which project activities may be accomplished.

Mitigation Measure BIO-6: Implement Hand Removal of Vegetation in Reach 1 and Staging Area A. Prior

to the start of project activities within Reach 1 and Staging Area A, herbaceous vegetation will be removed from work areas to eliminate cover for salt marsh harvest mice, thereby discouraging them from occurring in work areas. A qualified biologist familiar with salt marsh harvest mouse biology will conduct a preconstruction survey prior to vegetation removal and will monitor the vegetation removal process. Vegetation will be removed using hand-held equipment (e.g., weed-whackers). This will allow any small mammals, including salt marsh harvest mice, to escape the project area under the cover of vegetation, and will encourage movement of such small mammals toward available vegetated habitat outside the project area. All herbaceous vegetation that could potentially conceal a salt marsh harvest mouse within the work area will be removed. All vegetation that is removed will be hauled off site and will not be left on the site, as it could provide potential cover for small mammal species. The area of vegetation removal will extend approximately 2-3 feet beyond (downstream from) the boundary of the work area, to create an open area that discourages salt marsh harvest mice from approaching the exclusion barrier described in the Mitigation Measure BIO-7.

Mitigation Measure BIO-7: Install Exclusion Barrier and Conduct Salt Marsh Harvest Mouse Preconstruction Survey. The District will install a barrier at the downstream-most limits of the work area to exclude salt marsh harvest mice from the work area. The barrier will be installed after vegetation clearing and prior to the start of earth movement. Barriers will be installed, perpendicular to the creek channel under the guidance of a qualified biologist. The barrier will consist of a 3-foot-tall fence of tight cloth, smooth plastic, or sheet-metal (or similar material approved by USFWS) toed into the soil at least 3 inches deep and supported with stakes placed on the inside of the barrier.

A qualified biologist will conduct a preconstruction survey of the area from which vegetation was removed prior to construction access. The biologist will monitor installation of the barrier.

If a salt marsh harvest mouse, or an animal that could be a harvest mouse (e.g., a similar species of mouse), is observed within the exclusion barrier during project activities, all work that could result in the injury or death of the individual will stop immediately and the qualified biologist will be notified immediately. The animal will be allowed to leave the area on its own and will not be handled.

Mitigation Measure BIO-8: Salt Marsh Harvest Mouse Habitat Monitoring Plan. To ensure that habitat created at the wetland bench on the south bank of Reach 1 will be suitable for the salt marsh harvest mouse, the District will hire a restoration ecologist and qualified salt marsh harvest mouse biologist to develop a Salt Marsh Harvest Mouse Habitat Monitoring Plan, which will contain the following components:

- summary of habitat impacts and proposed acres of habitat creation
- location of habitat creation site(s) and description of existing site conditions
- habitat design, including the following:
 - existing and proposed site hydrology
 - grading plan if appropriate, including bank stabilization or other site stabilization features
 - soil amendments and other site preparation elements as appropriate

- *planting plan*
- *irrigation and maintenance plan*
- *remedial measures/adaptive management, etc.*
- *monitoring plan (including performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include quantifiable measurements of wetland vegetation type (e.g., dominance by native hydrophytes).*

The District will implement the Salt Marsh Harvest Mouse Habitat Monitoring Plan. This mitigation measure will ensure the creation of tidal marsh and non-tidal wetland habitat suitable for the salt marsh harvest mouse, which will compensate for any permanent loss of habitat due to project implementation.

Rationale for Finding. Implementation of Mitigation Measures BIO-5, BIO-6, and BIO-7 would reduce impacts associated with loss of salt marsh harvest mouse individuals due to project-related construction activities, through worker training, hand removal of vegetation, and exclusion of known individuals, and implementation of Mitigation Measure BIO-8 would ensure that the project wetland bench results in suitable habitat for the salt marsh harvest mouse. Due to the low quality of salt marsh harvest mouse habitat within the project area, the low potential for (and magnitude of) project impacts to this species, and the predominantly temporary nature of the impacts, the creation of up to 0.29 acre of additional habitat would adequately compensate for impacts to this species and its habitats. Therefore, with these measures implemented, project-related impacts would be reduced to a less than significant level.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-46.

Impact BIO-1i: Impacts on Congdon's tarplant.

Ruderal grasslands in the project area provide marginally suitable habitat for Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), a California Rare Plant Rank (CRPR) 1B.1 species, and two populations of Congdon's tarplant have been documented by the California Natural Diversity Database (CNDDDB) in the project vicinity (CNDDDB 2016). If Congdon's tarplant is present within the project work area, construction activities, such as grading, bench excavation, and floodwall construction could affect the plants through direct or indirect disturbance of populations and disturbance, modification, or destruction of suitable habitat. Implementation of District BMPs BI-7, BI-8, and WQ-4 would minimize impacts on Congdon's tarplant from survey work, erosion and non-native competition, and staging and stockpiling. Since publication of the DEIR, a focused survey for Congdon's tarplant was completed for the project on August 7, 2017 during the species' blooming period. No individuals of Congdon's tarplant were detected during the survey. Typically these survey results are valid for a 3-year timeframe, meaning that once Congdon's tarplant has been determined to be absent from a project site, it is unlikely for the plant to be established within the next three years. It is likely the proposed project would not result in impacts on Congdon's tarplant if construction would occur before August 2020. However, in the event construction commences after August 2020, there is a possibility that Congdon's tarplant could establish within the project site and damage to the species from construction would be significant. As discussed in Volume 2, Section 3.4 of the FEIR, Mitigation Measures BIO-9 and BIO-10 would be implemented to address this significant impact if construction commences after August 2020.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project

which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measures BIO-9 and BIO-10 are feasible and are hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-9: Conduct Focused Preconstruction Survey for Congdon's Tarplant. *In the event that project construction starts after August 2020, a qualified biologist will conduct a focused survey for Congdon's tarplant in the ruderal grassland habitat within the project area. The survey will be conducted during the species' blooming period (May-November). If a population of Congdon's tarplant is identified in the project area, the District will implement Mitigation Measure BIO-10 (Compensate for Congdon's Tarplant Impacts).*

Mitigation Measure BIO-10: Compensate for Congdon's Tarplant Impacts. *If a population of Congdon's tarplant is identified in the project work area during the preconstruction survey (per Mitigation Measure BIO-9), a qualified biologist will conduct an impact assessment to determine if project impacts would be expected to cause the loss of the occurrence. The entire occurrence, will be mapped and individuals counted.*

Mitigation will be achieved either by preserving an existing, similarly sized occurrence of Congdon's tarplant of similar quality under a conservation easement, or through collection of seed and establishment of a new population on suitable habitat. Congdon's tarplant is a species that tolerates both non-native plant associates and disturbance, and has shown success in transplant activities.

If a new population is to be established, seed from the population to be affected will be collected, cleaned of extraneous plant material, and stratified by storage over the winter in cool temperatures. A qualified plant ecologist will identify a suitable relocation site that is mesic and underlain by alkaline soils, preferably as similar as possible to the soils where the seed was collected. The seed will be applied to the new habitat. A Congdon's Tarplant Management and Monitoring Plan will be prepared and approved by the District. The plan will provide monitoring and include the following information:

- *Clear statement of population and management goals for the newly established population and surrounding habitat;*
- *Population success criteria for interim monitoring years;*
- *Final success criteria*

Rationale for Finding. Implementation of Mitigation Measures BIO-9 and BIO-10 would identify and compensate for the loss of any occurrences of Congdon's tarplant present in the project area and would thereby reduce the significant impact on the species to less than significant.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-49.

Impact BIO-1j: Introduction of invasive species.

The project area contains several invasive plant species. Project construction activities, such as grading and soil disturbance, may create conditions suitable for additional spreading of invasive plant species, and weed propagules may be spread on ground-disturbing equipment to the project area or from the project area to other sites. Furthermore, bare upland soils left after construction of temporary access roads and relocation of the levee may encourage growth of weedy species, and mulching or erosion control mixes

may include and thus introduce invasive, non-native species. In addition to the introduction of invasive plant species, without proper procedures, mitten crabs (*Eriocheir sinensis*) and other aquatic invasive invertebrates, such as the New Zealand mud snail (*Potamopyrgus antipodarum*), Quagga mussel (*Dreissena bugensis*), or zebra mussel (*Dreissena polymorpha*), could inadvertently be introduced into or spread within the project area. The spread of these and other non-native invasive species into areas formerly unoccupied could result in a significant impact on special-status species, native habitats, and communities. Implementation of District BMPs BI-1, BI-8, HM-7, and WQ-9 would reduce the potential for infestation of natural areas by invasive species by protecting local ecotypes and avoiding the spread of non-native species. However, District BMPs may not be sufficient to avoid new invasions or the spread of invasive species. Because of the potential for degradation of a wide variety of natural communities and effects on native populations and special-status species that could occur because of such invasions, this impact would be significant. As discussed in Volume 2, Section 3.4 of the FEIR, Mitigation Measures BIO-11 and BIO-12 would be implemented to address this significant impact.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, the Mitigation Measures BIO-11 and BIO-12 are feasible and are hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-11: Clean Construction Equipment. *The District will require that equipment used during project construction be cleaned of any visible sediment or vegetation clumps before being used in the project area, or before being used in a different watershed after use in the project area, to avoid spreading pathogens or exotic/invasive species.*

Mitigation Measure BIO-12: Dispose of Invasive Plants. *The District will require that any invasive plants found within the project area be removed and disposed of in a sanitary landfill, incinerated off site, or disposed of in a high-temperature composting facility that can compost using methods known to kill weed seeds.*

Rationale for Finding. Implementation of Mitigation Measures BIO-11 and BIO-12 would minimize the potential for introduction or spread of non-native species and would thereby reduce this impact to less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-51.

Impact BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), waters of the U.S., and waters of the state through direct removal, filling, hydrological interruption, or other means.

Construction activities associated with the proposed project would result in both temporary and permanent disturbance of wetland and aquatic communities representing jurisdictional wetlands and other waters of the U.S./state. During project construction, implementation of District BMPs BI-2, BI-3, BI-8, BI-10, BI-11, HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, and WQ-16 would minimize impacts on wetlands functions during project construction by minimizing the potential for water quality degradation.

Construction activities could result in hydrologic interruption (e.g., dewatering or diversion), vegetation removal, degradation of water quality (e.g., increased sedimentation and turbidity), and other temporary

direct impacts on wetlands and other waters. In addition, direct impacts would occur due to the conversion of wetlands and other waters to upland habitat. FEIR Table 3.4-5 summarizes the project's estimated temporary and permanent impacts on waters and wetlands of the U.S. and waters of the State. The project would result in 0.14 acre of permanent impacts to wetlands of the U.S. and State, and 0.90 acre of temporary impacts to wetlands of the U.S. and State. Since the created wetland bench would convert 0.08 acre of non-tidal saline wetland to coastal brackish marsh habitat, the net permanent impact on wetlands would be 0.06 acre. The project's estimated temporary and permanent impacts on waters of the State take into consideration effects within the channel's riparian zone. After construction is complete, the newly created bench is expected to create up to 0.29 acre of tidal marsh habitat. The new tidal and non-tidal wetlands habitat would be below the OHWM and would be considered water of the U.S. and State. Nevertheless, the proposed project would result in temporary loss of habitat functions and values, particularly those provided by vegetated wetlands, such as sediment stabilization, sediment/toxicant retention, nutrient removal/transformation, and aquatic and terrestrial wildlife species habitat. Thus, the project would result in temporary loss of ecologically valuable wetlands.

Impacts to other waters of the U.S. and State are considered less than significant because there would be no permanent loss of this habitat; the habitat would re-establish similar functions and values to existing immediately after construction; BMPs will prevent deleterious water quality impacts.

The 0.29 acre of habitat to be created by the wetland bench would offset the proposed project's permanent (0.06 acre) and temporary (0.90 acre) removal of wetland habitat as well as the conversion of 0.08 acre due to conversion of non-tidal seasonal saline wetland to coastal brackish marsh. Among the 0.29-acre wetland habitat to be established, 0.12 acre would offset the net permanent removal of 0.06 acre of wetland habitat at a 2:1 ratio (created wetland: permanently removed wetland), which would be appropriate for addressing permanent impacts. In addition, the created wetland would provide higher quality habitat than the permanently removed wetlands. Regarding the project's temporary impact on wetlands, temporarily impacted wetland habitat is expected to return to pre-construction conditions within one to two years; nevertheless, the remaining 0.17 acre of the overall 0.29-acre wetland bench would offset the 0.98-acre temporary impact at a roughly 2:1 ratio (created/restored wetland: temporarily impacted wetland). However, if the wetland bench does not successfully establish a vegetated wetland as expected, the impact on wetland is considered significant. As discussed in Volume 2, Section 3.4 of the FEIR, Mitigation Measure BIO-13 would be implemented to address this impact and reduce it to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, the Mitigation Measure BIO-13 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure BIO-13: Wetlands Mitigation and Monitoring Plan. As described in Section 2.6.1, the proposed project includes the creation of a wetland bench on the south bank of Reach 1.

To ensure that vegetated wetlands successfully establish on the bench, the District will develop a Wetlands Mitigation and Monitoring Plan, which will contain the following components:

- *Summary of habitat impacts and acreage of wetland creation*
- *Location of wetland creation site(s) and description of existing site conditions*

- *Mitigation design, including the following:*
 - *Existing and proposed site hydrology*
 - *Grading plan if appropriate, including bank stabilization or other site stabilization features*
 - *Soil amendments and other site preparation elements as appropriate*
 - *Planting plan to establish the target coastal brackish marsh habitat. Species composition will be determined by hydrology and soils but is anticipated to be similar to adjacent wetlands. Dominant species may include: alkali bulrush, hardstem bulrush, California bulrush, and broadfruit bur reed. Temporarily impacted non-tidal seasonal saline wetlands will be replanted. Dominant species may include: creeping wild-rye, alkali heath, California gray rush, and pickleweed.*
 - *Maintenance plan*
 - *Remedial measures/adaptive management, etc.*
- *Monitoring plan (including performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.).*

The District will implement the Wetlands Mitigation and Monitoring Plan.

Rationale for Finding. Implementation of Mitigation Measure BIO-13 would ensure that the created bench supports vegetated wetlands following the completion of the project. Due to the low quality of the wetlands that would be impacted, the predominately temporary nature of the impacts, and the relative speed at which temporarily impacted wetlands are expected to regenerate, the creation of up to 0.29 acre of additional wetland habitat on the bench in Reach 1 would adequately compensate for impacts to this habitat. Therefore, project-related impacts would be less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.4.4, page 3.4-53.

3.2.3 Geology, Soils, and Seismicity

Impact GEO-2: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction; or landslides.

A project-specific geotechnical investigation identified subsurface layers of clay and alluvium occurring throughout the project area; soil conditions and the high groundwater table increase the potential for seismically induced liquefaction to occur at the project site. Therefore, this impact is considered significant. As discussed in Volume 2, Section 3.6 of the FEIR, Mitigation Measure GEO-1 would be implemented to reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure GEO-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure GEO-1: Incorporate the 2017 Geotechnical Design Report Recommendations into the Final Design and Construction of the Proposed Project. Based on the draft Geotechnical Design Report (Kleinfelder 2017), the District will incorporate the following recommendations (or substantially similar recommendations) in the design plans and specifications:

- The sheet pile floodwalls will be designed to resist active lateral pressures based on an equivalent fluid weight of 45 pounds per cubic foot (pcf) above the groundwater table and 25 pcf for submerged conditions. If full drainage is not provided in the floodwalls, the sheet pile design would include hydrostatic pressure.
- The sheet pile floodwalls will be able to tolerate the total and differential seismic settlements, as estimated by reach in the final Geotechnical Design Report.
- Levee fill materials will not contain organic material and meet the gradation and plasticity specifications as defined in the final Geotechnical Design Report.
- Prior to general site grading, existing vegetation, organic topsoil, and any debris will be stripped and disposed of outside the construction limits. Stripping depths will be on the order of 3 to 6 inches (or as approved onsite by the geotechnical engineer). Topsoil or any other organic laden materials will not be incorporated into any levee embankment. Where applicable, the gravelly material of the levee maintenance road will be removed prior to placing levee embankment fill.
- All areas to receive engineered fill will be scarified to a depth of 8 inches, uniformly moisture conditioned to a range between one and four percent above optimum moisture content, and compacted to at least 90 percent of the maximum dry density as determined by ASTM Test Method D1557 (Modified Proctor).
- Existing abandoned utility lines, wells and/or foundations (including backfill material) encountered during project activities will be removed and disposed of offsite.
- New levee embankment fill slopes will be constructed at a slope no steeper than 2:1 (H:V). New embankment fill placed on top of the existing levee may require a key into the existing levee slope, or benched into existing levee material after scarification and recompaction of existing fill occurs.

Rationale for Finding. To meet or exceed safety standards, the proposed project would be designed and constructed in accordance with Mitigation Measure GEO-1. The mitigation measure requires implementation of design and/or construction measures to ensure that new levees and structures minimize the potential risk of structural failure resulting from seismically induced liquefaction or ground failure. Implementation of Mitigation Measure GEO-1 would reduce potential hazards from on-site ground failure, liquefaction, or landslide during construction and operation to a level that is less than significant.

Reference. FEIR Volume 2, Section 3.6.4, page 3.6-10.

Impact GEO-4: 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.

Within the project area, underlying soils and levee material have been augmented with fill of mixed

composition with alluvium layers below. Given the shallow groundwater table within the project area, some soils may be subject to liquefaction, which could pose a significant impact on the structural stability and strength of the project components. Smaller scale slumps or lateral spreading may occur on more gradually sloped topographic features, such as channel banks, if underlain by liquefiable or inadequately compacted soils. During construction, ground-disturbing and excavation activities and placement of new soils would temporarily create potentially unstable slopes. Therefore, the potential for unstable soils as a result of the project are significant. As discussed in Volume 2, Section 3.6 of the FEIR, Mitigation Measure GEO-1 would be implemented to reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure GEO-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure GEO-1: Incorporate 2017 Geotechnical Design Report Recommendations into the Final Design and Construction of the Proposed Project. See Impact GEO-1 above for full text.

Rationale for Finding. Any areas at risk of liquefaction and slope instability would be identified and the risk would be abated by implementing design criteria and recommendations provided in the Geotechnical Report, as required by Mitigation Measure GEO-1. The geotechnical report provides detailed recommendations for site preparation, removal of deleterious materials, the degree of compaction and stability for slopes, design loads for floodwalls, physical characteristics of fill material, and methods for placement of fills. Implementation of Mitigation Measure GEO-1 would reduce potential liquefaction and slope instability risks to a level that is less than significant.

Reference. FEIR Volume 2, Section 3.6.4, page 3.6-12.

3.2.4 Hazards and Hazardous Materials

Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The potential exists for encountering contaminated soil during excavation of the levees along Lower Penitencia Creek and contaminated groundwater during dewatering work. The District would implement BMP HM-9 which requires all field personnel to follow appropriate procedures regarding containment and storage of chemicals, and references applicable legal requirements relating to discharge of hazardous materials/wastes. This BMP would minimize the potential for release of hazardous materials during construction. If hazardous materials were present in excavated soil or groundwater during excavation and sediment removal activities, a release to the environment could occur and construction workers and the public could be exposed to hazardous materials in soil and groundwater during construction. This impact is considered significant. As discussed in Volume 2, Section 3.8 of the FEIR, Mitigation Measure HAZ-1 would be implemented to reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure HAZ-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure HAZ-1: Develop and Implement Soil and Groundwater Management Plan. *Prior to initiating ground-disturbing construction activities, the District will develop a Soil and Groundwater Management Plan, prepared by state registered hazardous waste investigation and remediation professionals. The plan will include a health and safety plan; emergency notification protocols; and handling and sampling procedures for site workers in accordance with OSHA and Santa Clara County Hazardous Materials Compliance Division requirements. The plan will describe protocols for offsite disposal of contaminated soils and disposal and/or treatment of contaminated groundwater. In addition, the plan will include coordination and notification protocols and requirements for any inadvertent releases of hazardous materials within the vicinity of any schools. Once complete and approved by the Santa Clara County Hazardous Materials Compliance Division, the plan will be incorporated in the construction specifications for the proposed project.*

Rationale for Finding. With implementation of Mitigation Measure HAZ-1, the District would be required to prepare and implement a soil and groundwater management plan. The plan would include a health and safety plan and protocols for appropriate disposal of contaminated soil or groundwater if encountered. Implementation of Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level.

Reference. FEIR Volume 2, Section 3.8.4, page 3.8-8.

3.2.5 Traffic and Transportation

Impact TRA-1: Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Traffic generated by construction vehicles could result in a substantial traffic increases due to the relatively small traffic volume on Milmont Drive and San Andreas Drive and would constitute a significant impact. In addition, the Penitencia Creek Trail runs along the east side of the channel from the California Circle bridge and ends on the north side of the Milmont Drive bridge. Temporary closure of this trail during construction activities would result in temporary conflicts with the City of Milpitas Trail Master Plan and City of Milpitas Bikeway Master Plan. Implementation of BMP TR-1, which requires that fences, barriers, lights, flagging, guards, and signs be installed around the work areas, would help increase public awareness and minimize traffic safety impacts on pedestrians and bicyclists but would not effectively avoid that conflict. The effects on pedestrian and bicycle mobility, and temporary conflicts with goals and objectives established in the City of Milpitas General Plan, Trail Master Plan, and Bikeway Master Plan are considered significant. As discussed in Volume 2, Section 3.13 of the FEIR, Mitigation Measure TRA-1 would be implemented to reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, the Mitigation Measure TRA-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure TRA-1: Traffic Control Plan. *The District will develop a traffic control plan in accordance with professional traffic engineering standards to reduce the effects of project construction activities and traffic on surrounding local roads, bicycle and pedestrian facilities, and emergency access.*

The District and/or its contractor will coordinate development and implementation of this plan with the City of Milpitas. Components of the Traffic Control Plan will include, but not be limited to, the following:

- *Restrict truck access to truck routes designated by the City.*
- *Confine heavy truck traffic such as material hauling to California Circle.*
- *Prohibit work-site access via residential streets (e.g., Milmont Drive and San Andreas Drive) to the extent feasible. Should construction staging require use of Milmont Drive and San Andreas Drive by heavy vehicles for brief periods, the District and/or its contractor will coordinate with the City of Milpitas to obtain approval.*
- *Provide advance construction warning signage for lane reduction at San Andreas Drive during headwall construction at the bridge.*
- *Provide advance notification of necessary closures of sidewalks on San Andreas Drive and maintain pedestrian access during construction of the headwalls where safe to do so. For the San Andreas Drive sidewalk closures, detour pedestrians away from construction activity to the sidewalk on the opposite side of the street. For the Penitencia Creek Trail closure, route pedestrians along the existing sidewalks on California Circle and Milmont Drive, where appropriate.*
- *To accommodate the temporary closure of the Penitencia Creek Trail along Reach 3 and the narrowing of travel lanes on the San Andreas Drive bridge, provide signage that indicates where bicycles and motor vehicles should share the roadway, and detour bikes to Milmont Drive and California Circle, where appropriate.*
- *Traffic handling plans for San Andreas Drive shall be prepared and implemented in accordance with Caltrans and California Manual on Uniform Traffic Control Devices (MUTCD) standards. The traffic handling plans shall demonstrate how two-way traffic operations can be maintained during work hours (e.g., use of flaggers) and when construction activity ends each day.*
- *Notify and consult with emergency service providers such as police and fire stations, hospitals, and schools prior to the start of construction. The District will maintain emergency access at all times, by whatever means necessary, to expedite and facilitate the passage of emergency vehicles.*

Rationale for Finding. Implementation of Mitigation Measure TRA-1 would ensure that a traffic control plan is developed and implemented to minimize effects related to truck traffic on residential streets and minimize pedestrian and bicycle safety impacts during construction. This measure would reduce temporary conflicts with goals and objectives, including measures of effectiveness, outlined in the City of Milpitas General Plan, City of Milpitas Trail Master Plan, City of Milpitas Bikeway Master Plan, and VTA's Transportation Impact Analysis Guidelines. This impact would be less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.13.4, page 3.13-18.

Impact TRA-4: Substantially increase hazards due to a design feature or incompatible uses.

The presence of large, slow-moving construction-related vehicles and equipment among the general-purpose traffic on roadways in the project area could result in substantial safety hazards, especially on nearby residential streets. In addition, construction of the proposed headwalls at the San Andreas Drive

bridge may require temporary lane closures or narrowing of travel lanes creating potential traffic safety hazards near the corner of San Andreas Drive and North Abbott Avenue (approximately 50 feet west of the bridge) as there would be limited space at this sharp turn and driver visibility may be somewhat limited. As a result, construction at this location may temporarily increase vehicular safety hazards and pose a significant impact related to traffic safety. Implementation of BMP TR-1, which requires that fences, barriers, lights, flagging, guards, and signs be installed around work areas, would help increase public awareness and minimize traffic safety impacts on pedestrians and bicyclists. However, the presence of construction vehicles and equipment would still pose a significant impact related to traffic safety. As discussed in Volume 2, Section 3.13 of the FEIR, Mitigation Measure TRA-1 would be implemented to reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure TRA-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure TRA-1: Traffic Control Plan. See Impact TRA-1 above for full text.

Rationale for Finding. The presence of slow-moving construction vehicles and equipment would pose a significant impact related to traffic safety. Implementation of Mitigation Measure TRA-1 would reduce this impact by requiring development of a traffic control plan that would account for movement of construction vehicles and equipment and recommend warnings devices, signage, and traffic controls to prevent hazards to other road users. The District would require the contractor to implement the traffic control plan during construction, which would reduce this impact to less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.13.4, page 3.13-24.

Impact TRA-5: Result in inadequate emergency access.

The presence of slow-moving construction trucks and vehicles could delay or obstruct the movement of emergency vehicles on local roads in the project vicinity. Additionally, the temporary lane reduction at the San Andreas Drive bridge crossing would reduce roadway capacity and could substantially increase the response time for emergency vehicles traveling through the work area. This impact is considered significant. As discussed in Volume 2, Section 3.13 of the FEIR, Mitigation Measure TRA-1 would be implemented to reduce this impact to a less-than-significant level.

Finding. The District finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact. Specifically, Mitigation Measure TRA-1 is feasible and is hereby adopted to mitigate significant effects from the above stated Impact to a less-than-significant level.

Mitigation Measure TRA-1: Traffic Control Plan. See Impact TRA-1 above for full text.

Rationale for Finding. Mitigation Measure TRA-1 requires the preparation and implementation of a construction-period traffic control plan. The plan would identify effects on traffic flow from construction activities and traffic, and specify measures to ensure that affected roadways remain open for use by emergency responders at all times. The District would require the construction contractor to adhere to the plan throughout construction. This measure would reduce this impact to less than significant with mitigation.

Reference. FEIR Volume 2, Section 3.13.4, page 3.13-25.

3.3 Significant Environmental Impacts That Cannot Be Avoided or Reduced to a Less than Significant Level

3.3.1 Introduction

The Board hereby finds that the following significant environmental impacts cannot feasibly be mitigated to a less-than-significant level. These findings are based on the discussion of impacts in the detailed resource area impact analyses in Volume 2, Chapter 3 of the FEIR and cumulative impacts discussed in Volume 2, Chapter 4 of the FEIR. For each impact, the following information is presented: the CEQA finding, feasible mitigation measure(s) that would reduce the severity of the impact (but not to a level that is less-than-significant), the rationale for the finding, and a reference to the FEIR section providing further facts and reasoning supporting the finding.

3.3.2 Noise and Vibration

Impact NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or, in the applicable standards of other agencies.

During project construction, heavy equipment would be operating in the project area and could generate noise levels affecting residences and other sensitive receptors near the construction work areas. The noises associated with construction activities would be temporary and would cease once construction is complete. If scrapers and trucks were operated together in close proximity, this equipment would generate combined noise levels of 106 A-weighted decibels (dBA) at the nearest sensitive receptor (residences) at a distance of 10 feet from Reach 3 of the project site. If operated simultaneously, residences located within 50 feet could experience noise levels at 91.5 dBA. These levels would exceed the Federal Transit Authority's (FTA) significance threshold of 90 dBA. Construction activities temporarily exposing nearby residences to noise levels exceeding the FTA standards would be a significant impact.

When averaged over 24 hours, construction noise would likely result in a 3 decibel (dB) increase in community noise levels. Because the existing community noise levels in the project vicinity already exceed the residential community noise threshold in General Plan Policy G-I-1, additional noise generated by project construction would be inconsistent with Policy G-I-1. Although this impact would be temporary, occurring only during the two four-month construction periods, it would be significant.

As discussed in Section 3.11 of the FEIR, Mitigation Measure NOI-1 would reduce this Impact, but not to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the Project to reduce this Impact. Specifically, the following mitigation measure is feasible and is hereby adopted to reduce this Impact. However, the application of this mitigation measure does not reduce this impact to a less-than-significant level. No other feasible mitigation is available to reduce this Impact to a less-than-significant level.

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures. *The District and construction contractor will implement the following noise- and vibration-reducing measures during all construction activities, unless as specified below, to minimize impacts on nearby sensitive receptors:*

- *All noise-producing project equipment and vehicles using internal combustion engines will be equipped with mufflers; air-inlet silencers, where appropriate; and any other shrouds, shields, or noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) will be equipped with shrouds and noise control features that are readily available for those types of equipment.*
- *Mobile noise-generating equipment and machinery will be shut off when not in use.*
- *Ensure proper tuning of vibration-causing equipment.*
- *Vibration damping devices will be used to the extent feasible.*
- *Use of vibratory equipment will be limited to the extent feasible.*
- *Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction will be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust will be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used, such as drills rather than impact equipment, whenever feasible.*
- *Electric stationary equipment (e.g., generators) will be used where feasible.*
- *Noise and/or vibration shields, such as sound aprons or temporary enclosures with sound-absorbing material, will be used on or around construction equipment, particularly if construction activities are conducted after 7:00 pm. For all construction activities occurring within 60 feet of residences at any time of day temporary noise and vibration barrier will be installed between the project site and the nearest sensitive receptors. Following the completion of construction activities within that distance, the barrier will be removed.*

The District will notify all residences and other sensitive receptors within 500 feet of the project site prior to the initiation of the proposed construction activities. The notification will provide the name and contact information, including a phone number, of a District representative for use before and during construction activities to address any questions or concerns regarding the project’s construction activities or anticipated noise and vibration levels. If any occupants or other sensitive receptors report sensitive operations that could be affected, construction activities will be modified to minimize vibration near those buildings. Potential modifications include limiting the hours of operation for pieces of equipment that are major vibration sources and maximizing the distance between these pieces of equipment and sensitive buildings.

Rationale for Finding. Mitigation Measure NOI-1 requires the District and its construction contractor to implement several strategies aimed at minimizing the noise and vibration levels experienced by nearby sensitive receptors. This mitigation measure also requires installation of temporary noise barriers, which

would be anticipated to attenuate noise levels at the receptor by 5 to 15 dB (FTA 2006). Despite implementation of these strategies, there would still be a potential for construction activities near sensitive receptors to result in noise levels that exceed the 90 dBA FTA threshold. Residences located within 50 feet of construction activities may experience noise levels that exceed the FTA threshold. In addition, even after implementation of Mitigation Measure NOI-1, construction noise could temporarily cause a 3 dB day-night average sound level (L_{dn}) or more increase in ambient noise levels at the property lines of nearby residential parcels. Based on this information, this noise impact would be significant and unavoidable during the construction phase.

Conclusion. For the above reasons, the construction noise impacts associated with the Project would remain significant and unavoidable. This impact would be a short-term significant unavoidable impact for nearby residential parcels.

Reference. FEIR Volume 2, Section 3.11, page 3.11-11.

Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

During construction, heavy machinery operating in the project area would generate ground-borne vibration. Table 3.11-5 in the FEIR presents distances at which vibration levels would reach damage thresholds (based on Caltrans guideline) and annoyance levels (based on FTA guidelines).

The Waterstone and iStar residential developments would be sufficiently close to the project site that residents would perceive vibrations caused by project construction and would be annoyed by those vibrations. The annoyance thresholds would be temporarily exceeded for the short period of time when heavy construction equipment operates near the buildings and residents.

Based on its distance from the project area, the BAPS Shri Swaminarayan Mandir religious institution would experience vibration levels of 69 vibration decibels (VdB), which is above the perception threshold, but below the annoyance level threshold of 75 VdB for institutional uses. Some commercial buildings located on California Circle or Fairview Way may experience vibrations above the 65 VdB level threshold, which could affect sensitive equipment such as electron microscopes, lithographic equipment, and optical microscopes (if present). Vibrations-produced by construction equipment operating near buildings containing equipment sensitive to vibrations could temporarily interfere with operation of the sensitive equipment. Based on this information, construction-related vibration impacts would have a significant impact. As discussed in Section 3.11 of the FEIR, Mitigation Measure NOI-1 would reduce this impact, but not to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the Project to reduce this Impact. Specifically, the following mitigation measure is feasible and is hereby adopted to reduce the severity of this Impact. However, the application of this mitigation measure does not reduce this impact to a less-than-significant level. but not to a less-than-significant level. No other feasible mitigation is available to reduce this Impact to a less-than-significant level.

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures. See full text of measure in Impact NOI-1 analysis above.

Rationale for Finding. Implementation of Mitigation Measure NOI-1 would ensure that occupants of

nearby residences and buildings are contacted prior to the initiation of construction activities. This measure also contains several measures that would reduce the amount of ground-borne vibration that occurs. However, due to the proximity of nearby institutional uses and the limits on how much vibration dampening can be achieved, Mitigation Measure NOI-1 would not reduce all construction-related vibration to below the annoyance level for institutional uses or below levels that could temporarily interfere with operation of sensitive equipment in nearby buildings. Even after implementation of these measures, vibration impacts may still exceed the vibration annoyance thresholds for sensitive receptors or interference thresholds for sensitive equipment. Even with implementation of Mitigation Measure NOI-1, this vibration impact would be significant and unavoidable during project construction.

Conclusion. For the above reasons, the construction groundborne vibration and groundborne noise impacts associated with the Project would remain significant and unavoidable. This impact would be a short-term significant unavoidable impact for nearby residential parcels, an institution, and commercial buildings.

Reference. FEIR Volume 2, Section 3.11, page 3.11-14.

Impact NOI-4: Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

As discussed in Section 3.11.3 of the FEIR, there are multiple existing residences within 10-120 feet of the project area and other sensitive receptors, including a daycare, hotel, and religious institution, within 550 feet. Residences at the Waterstone and iStar developments would be located within 10 feet of the project area. According to noise contours in the City of Milpitas General Plan Noise Element, the project area currently experiences ambient noise levels of 65+ to 70+ dB, mainly due to the proximity of transportation infrastructure, including I-880 and an active railroad corridor. Construction activities would temporarily and intermittently generate noise levels above 70 dB, the ambient noise level in the vicinity of I-880 and the maximum noise level considered conditionally acceptable (see Table 3.11-2 of the FEIR) for sensitive receptors near the project area and above 100 dB for the nearest residences. Because project construction would temporarily generate noise levels up to 100+ dBA, which would be substantially above existing ambient noise levels in the vicinity, this impact would be significant.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the Project to reduce this Impact. Specifically, the following mitigation measure is feasible and is hereby adopted to reduce the severity of this Impact. However, the application of this mitigation measure does not reduce this impact to a less-than-significant level. No other feasible mitigation is available to reduce this Impact to a less-than-significant level.

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures. See full text of measure in Impact NOI-1 analysis above.

Rationale for Finding. Implementation of Mitigation Measure NOI-1 would ensure that several noise-reduction measures are implemented. Although construction noise would be temporary and would be limited to daytime hours, it would still represent a substantial increase over ambient noise levels. Mitigation Measure NOI-1 would reduce the level of construction-generated noise by 5 to 15 dB (FTA 2006). However, construction activities would still result in temporary construction-period noise up to 85+ dB, which is substantially above existing ambient noise levels of 70+ dB. Despite implementation of these strategies, construction activities would still result in substantial temporary increase in ambient noise

levels experienced by nearby residences. This noise impact would be significant and unavoidable during the construction phase.

Conclusion. For the above reasons, the construction noise impacts associated with the proposed project would remain significant and unavoidable.

Reference. FEIR Volume 2, Section 3.11, page 3.11-16.

3.3.3 Cumulative Impacts

Impact CUM-4: Cumulative Impacts on Noise and Vibration

As described in FEIR Volume 2, Section 3.11, *Noise*, project construction activities would generate noise that would exceed FTA noise exposure thresholds and the City's General Plan Policy (6-I-1) which calls for avoiding noise level increases of 3dB or more than 65 dB L_{dn} at residential property lines. Construction would also cause vibration exceeding annoyance levels at nearby residences. The following projects would be located within 0.25 mile of the project site and could be under construction simultaneously with the proposed project: the Waterstone Residential Project, iStar Residential Project, Springhill Marriott, and Holiday Inn/ 1100 Cadillac Court. Construction of these projects would generate noise exceeding FTA thresholds and the City's thresholds for residential noise exposure and would result in significant temporary increases in ambient noise. Cumulative noise impacts would be significant. Implementation of Mitigation Measure NOI-1 (Implement Noise- and Vibration-reducing Measures) would minimize noise and vibration impacts associated with construction of the proposed project but would not reduce construction noise to a level below the FTA threshold for exposure of residential uses and the project would still likely result in a 3 dB L_{dn} or more increase in ambient noise levels at the property lines of nearby residential properties. The project would temporarily result in a substantial increase in ambient noise levels above existing noise levels, construction of the proposed project would result in a temporary but cumulatively considerable contribution to significant cumulative noise impacts.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the Project to reduce the severity of this Impact. Specifically, the following mitigation measure is feasible and is hereby adopted to reduce this Impact. However, the application of this mitigation measure does not reduce this impact to a less-than-significant level. No other feasible mitigation is available to reduce this Impact to a less-than-significant level.

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures. See Impact NOI-1 above for text.

Rationale for Finding. Mitigation Measure NOI-1 would minimize noise and vibration impacts associated with construction of the proposed project through various measures such as equipping equipment engines with mufflers or other noise-reducing features, shutting off equipment and machinery when not in use, tuning vibration-causing equipment, using noise and/or vibration shields, and notifying residences and other sensitive receptors within 500 feet of the project site prior to construction activities. However, as described in FEIR Volume 2, Section 3.11, this mitigation measure would not minimize such levels below the FTA threshold for exposure of residences. Given the number of other development projects planned in close proximity to the proposed project, the proposed project's contribution to significant cumulative noise impacts would be cumulatively considerable.

Reference. FEIR Volume 2, Section 4.3.3, page 4-17.

4. Finding on Growth-Inducing Impacts

According to State CEQA Guidelines § 15126.2(d), an EIR must discuss the growth-inducing impacts of a project. Specifically, an EIR must discuss ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. This discussion is presented in Volume 2, Section 4.2 of the FEIR.

Finding. The Board finds that the Project would not induce substantial unplanned population growth in the city of Milpitas, Santa Clara County, or other nearby cities, would not generate a substantial demand for new housing, and would not remove an obstacle to growth. Therefore, the proposed project would not be growth-inducing.

Rationale for Finding. A project may induce growth by creating jobs that attract economic or population growth to the area, promoting the construction of homes that would bring new residents to the area, or removing an existing obstacle that impedes growth in the area.

The proposed project would not involve new development or infrastructure that could directly induce substantial population growth in the project area. Construction-related jobs would increase in the Bay Area in the short term and would be anticipated to draw from the existing work force. The proposed project would not displace any existing housing units or persons, or create any housing units. Minimal, if any, job growth would be associated with operation of the proposed project, and would not generate sufficient economic activity to result in substantial population growth.

Adequate flood protection is one type of public service, though not the only, that is needed to support additional growth in the city of Milpitas. Other factors that influence residential, commercial or industrial growth in the region include the general plans and other policies of Milpitas, Santa Clara County, and other nearby cities, as well as the availability of water supply, wastewater treatment and disposal capacity, public schools, and transportation services. Economic factors also affect development rates and locations of development.

The proposed project would provide improved flood protection for existing residents and businesses and new residential developments that are currently being constructed near the Lower Penitencia Creek flood zone. Increased flood protection is necessary since future flows within Penitencia Creek are expected to increase as a result of upstream land use changes. The city of Milpitas is highly built out and the proposed project would not change current land uses in the project vicinity. Future and ongoing development in the city of Milpitas has been addressed in the City's general plan and other land use planning documents. As previously stated, the proposed project would not increase future density of local housing development or significantly increase economic activity.

Reference: FEIR Volume 2, Section 4.2, page 4-1.

5. Findings on Rejected Mitigation Measures Suggested in DEIR Comments

Comments on the DEIR suggested two additional mitigation measures should be provided in addition to those described in the DEIR. The Native American Heritage Commission (NAHC) (Comment A-1) suggested

that a mitigation measure for inadvertent finds of Tribal Cultural Resources (TCRs) should be added to Section 3.5, *Cultural Resources*, of the DEIR. The NAHC (Comment A-2) also suggested that a mitigation measure for inadvertent finds of human remains should be added to the Cultural Resources section.

Finding/Rationale. The Board finds that changes or alterations have been required in, or incorporated into, the Project to adequately reduce this Impact. Specifically, District BMP CU-1 was revised in the FEIR to address inadvertent impacts to unknown TCRs and inadvertent finds of human remains. In addition, the text under Impact CR-2 has been revised to acknowledge that the District will comply with the processes outlined in Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 as requested by NAHC.

Reference: FEIR Volume 1, pages 3-9 to 3-12.

6. Findings on Project Alternatives

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects.” As described in Section III, “feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made after EIR certification, the lead agency decision making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that same impact. See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515. Nevertheless, Chapter 6 of the Project EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the Project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

6.1 Alternatives Considered in Detail in the EIR

6.1.1 No Project Alternative

Description. CEQA Guidelines § 15126.6(e)(1) requires that the no project alternative be described and analyzed “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” The no project analysis is required to discuss “the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and

consistent with available infrastructure and community services" (CEQA Guidelines § 15126.6[e][2]).

Under the No Project Alternative, no new construction activities would occur. In Reach 1, the south levee would not be relocated or raised and no wetland bench would be constructed. Floodwalls would not be constructed and headwalls would not be added to the San Andreas Drive bridge. Ongoing maintenance activities, including sediment removal and vegetation management currently ongoing under the District's SMP, would continue in the future. This alternative would not meet the proposed project's primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would not meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would not maintain certification of the east levee or meet FEMA certification standards. Additionally, the alternative would not minimize the need for removal of sediment and non-woody vegetation.

Comparative Impacts. The No Project Alternative would avoid all of the impacts associated with construction of the proposed project because no construction or ground disturbing activities would occur. Impacts that would be avoided include temporary noise and ground-borne vibrations in proximity to sensitive receptors (considered significant and unavoidable), air pollutant emissions from construction equipment and vehicles, temporary impacts on water quality, traffic delays, and effects on biological resources. Future maintenance of the channel would continue under the District's SMP and sediment removal would occur more frequently than under the proposed project, resulting in greater periodic disturbance of aquatic and riparian habitat.

The existing flood management infrastructure within Lower Penitencia Creek would continue to function and convey the current 1-percent (or 100-year) design discharge of 4,830 cfs. However, because USACE's Upper Berryessa Creek Flood Risk Management Project and the District's Lower Berryessa Creek Flood Protection Improvements Project will increase upstream conveyance capacity, greater flows will be conveyed to Lower Penitencia Creek after construction of those two projects is completed. Lower Penitencia Creek's 1-percent flow is projected to increase to an estimated 6,900 cfs after completion of the Lower and Upper Berryessa Creek projects. Lower Penitencia Creek would lack capacity to convey those increased flows during the 100-year discharge event under this alternative. In the event of a 100-year flood event, the No Project Alternative would likely result in substantial flood damage to nearby land uses, including residential, office space, the District's maintenance roads, nearby public roads, I-880, and the Penitencia Creek Trail. Flood damage and subsequent clean-up efforts could result in significant environmental effects, including erosion; adverse water quality effects; and impacts on biological resources, cultural resources, traffic and circulation, noise, air quality, recreational resources, and utilities and service systems.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible because it would not meet the following basic Project objective of conveying Lower Penitencia Creek's 1-percent design flow, would not meet the required water surface elevations at the confluences of Coyote and Lower Berryessa creeks, and would not maintain certification of the east levee or meet FEMA certification standards. Additionally, in the event of a 100-year flood event, the No Project Alternative could result in severe flood damage affecting nearby residential and commercial uses, and could threaten the safety of human lives.

Reference: FEIR Volume 2, Section 5.3.1, page 5-6.

6.1.2 Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal

Description. Under this alternative, the south bank levee in Reach 1 would be raised by about 4 feet but would not be relocated and would not involve creation of a wetland bench in Reach 1. Like the proposed project, floodwalls would be constructed in Reaches 2, 3, and 4, and headwalls would be constructed on the downstream and upstream sides of the existing San Andreas Drive bridge. Maintenance for Alternative 1 would involve periodic sediment removal in Reaches 2 and 4, which would be more frequent than under the proposed project. As with the proposed project, other routine maintenance activities would involve vegetation management along the channel and periodic maintenance and repair for the floodwalls and San Andreas Drive bridge headwalls.

The primary difference between this alternative and the proposed project is that the Reach 1 replacement levee would not be setback from the creek and a wetlands bench would not be created in Reach 1. Alternative 1 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. However, this alternative would not minimize the need for removal of sediment and non-woody vegetation.

Comparative Impacts. Alternative 1 would have less severe construction impacts associated with relocating the replacement levee and constructing the wetland bench in Reach 1 than the proposed project. Alternative 1 would have less potential to disturb special-status species and habitat used by special-status species in this area. Temporary impacts on aquatic resources would also be reduced because Reach 1 construction would mostly or completely avoid disturbance of the seasonal wetlands on the south bank.

Alternative 1 would result in similar construction-related impacts as the proposed project, including temporary transportation and traffic impacts, use of hazardous materials, air emissions, noise and vibration, and impacts on hydrology and water quality. Alternative 1 also would increase operational impacts associated with increased sediment removal in Reaches 2 and 4 compared to the proposed project. These would include emissions from operation of excavation equipment and impacts on biological resources and water quality. Future maintenance of the channel would continue under the District's SMP and sediment removal would occur more frequently than under the proposed project because the project is designed to accommodate greater accumulation of sediment before removal is required. More frequent sediment removal would result in periodic disturbance of aquatic and riparian habitat that would be greater than if the proposed project were implemented. Additionally, the enhancements to Reach 1 tidal wetlands included in the proposed project would not be achieved, and the current degraded and isolated conditions of Reach 1 wetlands, which provide marginal habitat value, would continue indefinitely.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for the following separate and independent reasons:

- Compared to the proposed project, this alternative would not fully meet the project objectives as it would not minimize the need for removal of sediment and non-woody vegetation.

- This alternative is undesirable from a policy standpoint because it would require more frequent sediment removal work in Reaches 2 and 4, and therefore result in somewhat greater operational impacts on air quality, traffic, noise, biological resources, and water quality. It would also not avoid or reduce any other significant impacts associated with the Project.

Reference: FEIR Volume 2, Section 5.3.3, page 5-7.

6.1.3 Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls

Description. Under Alternative 2, the south bank levee in Reach 1 would be relocated and raised by about 4 feet and a 50-foot-wide wetland bench would be established immediately south of the existing channel. Floodwalls would be constructed in Reaches 2, 3, and 4. In Reach 3, the west bank floodwall would have a total height of 18.5 feet when viewed from inside the channel, but it would be partially below grade and extend about 4 feet above the existing levee. In Reach 3, the west bank levee would be removed and a new depressed maintenance road would be required within the creek channel and be surfaced with articulated concrete blocks, adding about 1.2 acres of new hardscape to the channel. In Reach 3, a 25- to 45-foot-wide wetland bench would be constructed within the west side of the channel adjacent to the new depressed maintenance road. Wetland vegetation would be planted in the bench. The channel access road would be located between the floodwall and the wetland bench.

The primary differences between Alternative 2 and the proposed project are as follows: (1) the west bank floodwall in Reach 3 for Alternative 2 would be substantially taller (when viewed from inside the channel) than the floodwall proposed as part of the project; (2) Alternative 2 would include a wetland bench in Reach 3, which is not part of the proposed project; and (3) an in-channel maintenance road would be built at the base of the west bank floodwall in Reach 3.

Comparative Impacts. Compared to the proposed project, Alternative 2 may result in similar or greater impacts to aesthetic resources due to the taller floodwall on the west bank of Reach 3. Although the Reach 3 floodwall would only be 4 feet tall when viewed from areas outside the channel, due to construction of the wetland bench and depressed access road, it would be about 18.5 feet tall when viewed from within the channel or from the Penitencia Creek Trail on the east bank of the creek. This could result in greater visual impacts compared to the proposed project. Recreationists using the Penitencia Creek Trail would have unobstructed views of the taller floodwall and armored maintenance road at its base. The vegetation in the Reach 3 wetland bench would contribute to the aesthetic enjoyment for recreationists using the Penitencia Creek Trail.

The increased hardscape in the channel due to the taller Reach 3 floodwall and depressed maintenance road of Alternative 2 could result in increased pollutant flows to the creek, adversely affecting water quality. This would be partially offset by the wetland bench between the road and the creek channel, which would help to filter pollutants from storm runoff before they reach the creek.

Alternative 2 also would have greater construction-related impacts than the proposed project due to construction of the depressed maintenance road and wetland bench in Reach 3 (due to greater excavation required). Because the Reach 3 floodwall would be much taller than the floodwall proposed as part of the project, it may require a pile foundation, which would increase the amount of construction noise and

vibration affecting residences to the west of Reach 3. Alternative 2 would exacerbate the significant and unavoidable construction-related noise and vibration impacts resulting from the proposed project. Construction of the taller floodwall and depressed maintenance road components would result in increased haul truck trips (due to greater excavation and importing of construction materials) and therefore greater traffic impacts during construction. The excess soil generated by this alternative would be greater than for the proposed project; therefore, this alternative would exacerbate project-related impacts with regard to solid waste disposal. This alternative would also result in greater air emissions and noise impacts from operating equipment and vehicles.

The increased hardscape of Alternative 2 would replace existing aquatic and riparian habitat located on the side slope and base of the existing earthen levee which would be removed. Once construction is complete, Alternative 2 would create more wetland habitat than the proposed project, though Alternative 2 would also result in more impacts to riparian habitat than the proposed project. The wetland bench in Reach 3 would be planted with native species adapted to tidal conditions and may provide habitat for common and special-status species. Up to 3 acres of wetland vegetation would be established in this reach. This would be partially offset by the elimination of the Reach 3 central berm, which provides existing riparian habitat and would be retained by the proposed project.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that although this alternative would create more wetland habitat than the proposed project, this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- This alternative is undesirable from a policy standpoint because it would result in greater impacts on existing riparian habitat and would create more in-stream hardscape through development of the depressed maintenance road.
- This alternative would also result in more adverse construction-related impacts associated with traffic, noise, vibration, hazards and hazardous materials, utilities and services systems, and air quality.

Reference: FEIR Volume 2, Section 5.3.4, page 5-8.

6.1.4 Alternative 3: Reach 1 Raised Levee, Reach 3 Concrete Channel Lining, and Floodwalls

Description. Under Alternative 3, the south levee in Reach 1 would be raised by up to 4 feet but would not be relocated. Floodwalls would be constructed in Reaches 2, 3, and 4; the floodwall in Reaches 3 and 4 would be substantially shorter than the proposed project floodwalls. In Reach 3, the central berm would be excavated and removed. Throughout the entire length of this reach, the channel would be lined with concrete (trapezoidal shape, 1:1 side slopes). Maintenance of activities such as graffiti removal would likely be greater due to the amount of concrete that would be exposed in Reach 3. However, this alternative would reduce vegetation management activities compared to the proposed project and existing conditions. Like the proposed project, headwalls would be constructed on the downstream and upstream sides of the existing San Andreas Drive bridge.

The primary differences between Alternative 3 and the proposed project are as follows: (1) the Reach 1

levee would not be relocated and a wetland bench would not be constructed for Alternative 3; (2) the central berm in Reach 3 would be removed and replaced by a concrete-lined channel. Alternative 3 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. This alternative would only partially meet objective to minimize the need for removal of sediment and non-woody vegetation. Alternative 2 would minimize vegetation removal because about 8 acres of vegetation would be permanently replaced with concrete lining, but the need for future sediment removal would not be minimized.

Comparative Impacts. This alternative would reduce project impacts associated with relocation of the replacement levee and construction of a wetland bench in Reach 1. Because Alternative 3 would not include these features, which would involve substantial excavation and ground disturbance, it would avoid impacts on buried cultural resources and biological resources, including aquatic habitats and special-status species. However, it also would not realize the beneficial biological resources impacts from creating wetland habitat within the Reach 1 wetland bench. Additionally, concrete lining of Reach 3 would replace about 8 acres of existing aquatic and riparian habitat with concrete lining. The 8-acre increase in hardscape within the channel would have adverse effects on water quality as the pollutant-filtering properties of a natural vegetated channel bottom would be eliminated. Increased concrete lining would tend to raise water temperatures, which would diminish the channel's habitat value for aquatic special-status species.

Alternative 3 would result in greater construction-related traffic, noise, vibration, and air quality impacts due to excavation and removal of the Reach 3 berm and installing concrete lining in the Reach 3 channel. These activities would require substantially more haul truck trips in comparison to the proposed project. Lining the channel with concrete also would result in loss of about 8 acres riparian and aquatic habitat throughout Reach 3, most of which occurs on the berm and some of which is used by special-status species; this would adversely affect the ecological functions the existing creek channel may provide.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following reason:

- This alternative is undesirable from a policy standpoint because it would not reduce any significant impacts associated with the project including those on air quality, traffic, noise, and biological resources. In comparison to the proposed project, concrete lining of the channel would require substantially more haul truck trips and would likely have greater impacts on air quality, traffic, hazards and hazardous materials, and noise and vibration impact. This alternative could also result in greater impacts on water quality such as increased water temperature due to concrete lining of the channel.

Reference: FEIR Volume 2, Section 5.3.4, page 5-9.

6.2 Alternatives Rejected as Infeasible in the EIR

In addition to the alternatives described above, the DEIR considered but dismissed the following alternatives: Off-stream Detention Basin alternative, Bypass Channel to Coyote Creek alternative, an annual sediment removal alternative, and a Geomorphic Channel Planted with Woody Riparian Trees and Reduced Channel Access Roads Alternative.

6.2.1 Off-Stream Detention Basin Alternative

Description. This alternative was considered in the District’s Planning Study Report (2016) and would involve constructing an off-stream detention basin. Based on the future 1-percent design flow of approximately 6,900 cfs on Lower Penitencia Creek at the Lower Berryessa Creek confluence, approximately 650 acre-feet of water would need to be detained. The RWQCB suggested considering off-stream detention as a flood management strategy in comment 5 of its EIR scoping comment letter dated July 28, 2015 (see Volume 3, Appendix A of the FEIR).

This alternative would require 43-65 acres of land near the creek to create a detention basin with a depth of 10-15 feet that would contain 650 acre-feet of flood water. In addition, this alternative would require acquisition of substantial amount of land, demolition of large numbers of existing structures, and possibly relocation of residents and/or businesses.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- This alternative would require far more earth movement than the proposed project and would result in greater construction noise impacts than the proposed project. For both the proposed project and this alternative, construction noise impacts would be significant and unavoidable, but the impact would be more severe for this alternative. Similarly, this alternative would result in more significant impacts to air quality, and traffic that would be more severe than for the proposed project.
- Given the high housing demands in Milpitas and greater Silicon Valley, it would be highly unlikely for the District to successfully acquire areas adjacent to the creek channel in urbanized Milpitas at a reasonable cost, which possibly includes costs to relocate nearby residential uses and businesses..

Reference: FEIR Volume 2, Section 5.4, page 5-10.

6.2.2 Bypass Channel to Coyote Creek Alternative

Description. This alternative was considered in the planning phase of the project and is described in the District’s Planning Study Report (2016). Under this alternative, a 2,500-foot-long bypass channel would be constructed across McCarthy Ranch Boulevard, I-880, and Cadillac Court. This bypass channel would also cross four privately owned parcels, three of which have been developed with commercial buildings and parking lots. While a feasibility analysis has not been completed for this alternative, it would require breaching of the Coyote Creek and Lower Penitencia Creek levees. It would also require easements to tunnel below existing residential and industrial developments, as well as I-880, and design of this alternative may be constrained due to the presence of critical underground utility lines.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- Based on preliminary evaluation, this alternative could result in adverse thermal effects on fish habitat as water is discharged from a bypass to Coyote Creek (which has been designated as critical habitat for California Central Coast steelhead).
- This alternative would be very costly as it would require the District to successfully acquire private parcels affected, which could possibly include relocating existing businesses.
- This alternative would entail substantial excavation and would likely result in greater construction impacts than the proposed project related to traffic, noise, air pollutant emissions, and greenhouse gas emissions and potentially greater impacts on residential and commercial uses.

Reference: FEIR Volume 2, Section 5.4, page 5-11.

6.2.3 Annual Sediment Removal Alternative

Description. Under this alternative, an increased volume of sediment would be removed from the channel on an annual basis, which is more frequent than existing conditions.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- This alternative would not meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would not meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would not maintain certification of the east levee, and would not meet FEMA certification standards. This alternative would also not meet the objective to minimize the need for removal of sediment and non-woody vegetation.
- This alternative is also undesirable from a policy standpoint. Dewatering of the creek during the dry season is required to remove sediment, and would dry out the creek for several months. The disruption and drying of the creek would stress the ecosystem. Full regrowth of vegetation generally takes more than one year, thus annual sediment removal would prevent full revegetation of the creek channel. By conducting such work on an annual basis, only poor-quality habitat would develop.

Reference: FEIR Volume 2, Section 5.4, page 5-11.

6.2.4 Geomorphic Channel Alternative - Planted with Woody Riparian Trees and Reduced Channel Access Roads

Description. The RWQCB suggested this approach in comment 6 of its EIR scoping comment letter of July 28, 2015 (see FEIR Volume 3, Appendix A). This alternative would result in a wooded stream channel with higher roughness coefficients than the existing channel or the channel that would be constructed by the proposed project. To accommodate the design 1-percent flow, this alternative would require either enlarging the channel or constructing substantially higher floodwalls to convey the design flow.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- It is uncertain if the channel could be enlarged sufficiently (due to limited space on either side of the channel) or if floodwalls could be constructed of sufficient height to meet the project objectives of conveying Lower Penitencia Creek's 1-percent design flow and meeting the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks.
- If the design flow cannot be met, this alternative would not fully meet project objectives as it would not maintain certification of the east levee, and would not meet FEMA certification standards. It is unlikely that this alternative would meet the project objective of minimizing the need for removal of sediment and non-woody vegetation, as the entire project reach is tidal and even a geomorphic channel would be subject to ongoing deposition of tidal sediment.
- Enlarging the channel in Reaches 2, 3, and 4 would require the acquisition of substantial amounts of existing developed real estate and would be cost-prohibitive.
- Enlarging the channel option would require substantially more earth movement than the proposed project and would result in greater construction noise impacts than the proposed project. Construction noise impacts would be more severe under this alternative. Similarly, this alternative would result in significant impacts to air quality, and traffic that would be more severe than for the proposed project.
- If taller floodwalls were constructed, the floodwalls would result in substantially greater impacts than the project with respect to aesthetics, air quality, construction noise and vibration, and hazards and hazardous materials.
- The floodwall option would cost more to implement than the proposed project because floodwalls are relatively expensive to construct and construction costs increase significantly with increased wall height.

Reference: FEIR Volume 2, Section 5.4, page 5-12.

6.3 Rejection of Alternative Proposed in Comments on the Draft EIR

Comments on the DEIR suggested one alternative in addition to those described in the DEIR. The RWQCB (Comment C-17) suggested that the EIR evaluate an alternative that provides incremental flood control benefits aside from the offsite storage for 650-acre-feet of water.

Finding/Rationale. The Board finds that specific economic, legal, social, technological, or other considerations make hydroelectric plants infeasible, and hereby rejects this alternative. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- Based on the limited availability of floodplain area to provide such incremental flood control benefits, the District determined that such an alternative was not feasible. The Milpitas area is in extremely short supply of housing, including affordable housing. As there are no vacant

properties available for conversion to flood control purposes, this alternative was not considered.

- Such an alternative would also not meet the basic project objectives including the ability to convey the future 1-percent design flow from Lower Berryessa Creek.

Reference: FEIR Volume 1, Response to Comment C-17, page 3-55.

7. Absence of Significant New Information

The FEIR consists of the following: Responses to Comments on the DEIR (Volume 1), Main Body of the EIR (Volume 2), and Appendices (Volume 3). The Responses to Comments include comments made on the DEIR, responses to those comments, and minor revisions to the DEIR text in response to comments and other staff-initiated changes.

In addition, the Board was provided with and considered the proposed project's Mitigation Monitoring and Reporting Program (also Appendix I in the FEIR).

The comments, responses, and minor revisions to the DEIR text do not amount to significant new information, because they do not include identification of new or worsened significant impacts associated with the proposed project or mitigation measures, or new potentially feasible Project alternatives or mitigation measures considerably different from others previously analyzed that warrant consideration.

The Board hereby finds that responses to comments made on the DEIR, and the minor revisions to the DEIR text, merely clarify, amplify, or make insignificant modifications in an adequate EIR, and that this information is not "significant" within the meaning of CEQA Guidelines §15088.5. The Board further finds that incorporating the responses to comments and the minor revisions to the DEIR text does not deprive the public of a meaningful opportunity to comment on the Project or its effects, and that no information has been added to the DEIR that would warrant recirculation of the DEIR pursuant to CEQA Guidelines §15088.5. This finding is based upon all the information presented in the FEIR and the record of proceedings.

8. Statement of Overriding Considerations

8.1 Introduction

Section 15093 of the CEQA Guidelines states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reason to support its actions based on the final EIR

and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

This Statement of Overriding Considerations describes the anticipated economic, social, and other benefits or other considerations of the Project to support the decision to proceed with the Project even though not all of the identified impacts are mitigated to a less-than-significant level.

8.2 Impacts that Remain Significant

After implementation of the mitigation measures adopted above, most of the adverse effects associated with the Project would be reduced to a less-than-significant level. However, some impacts would remain significant and unavoidable following the implementation of identified mitigation measures. Unavoidable adverse impacts are listed below. Section 3.3 describes in detail each significant unavoidable impact, feasible mitigation measures, and why it cannot be reduced to less-than-significant levels.

Impact NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies

Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels

Impact NOI-4: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project

Impact CUM-4: Cumulative Impacts on Noise and Vibration

8.3 Overriding Considerations Justifying Project Approval

Having adopted all feasible mitigation measures, rejected as infeasible alternatives to the Project discussed above, and identified all significant and unavoidable impacts, the Board hereby balances the benefits of the Project against its significant and unavoidable impacts, and hereby finds that the Project's benefits outweigh and override its significant and unavoidable impacts. The Board finds that the following Project benefits set forth below outweighs the Project's significant and unavoidable impacts.

8.3.1 Increased Flood Protection

Implementation of the proposed project would prevent unacceptable flood risks in the communities surrounding Lower Penitencia Creek. The District Act, which establishes the District, cites flood protection within several of its objectives and purposes (see Sections 4(c)(1) and 4(c)(2) of the Act). Similarly, the District's Ends Policy No. E-3 discusses a healthy and safe environment for residents, businesses and visitors, and establishes goals of providing flood protection and reducing potential for flood damage. Failure to provide this flood protection would put hundreds of homes and business at risk, with a large cost of recovery in the event of a flood. Other impacts of flooding may include closure of essential transportation arteries, interruptions in emergency service, likely losses of instruction time at area public

and private schools, loss of use of affected public facilities such as parks, and at the extreme, loss of human life. The proposed project would minimize these risks while also reducing the impacts of channel maintenance (e.g., sediment removal).

In consideration of flood protection needs, and the analysis of proposed project outcomes presented in the FEIR, the Board finds that the economic, social, and environmental benefits of meeting the proposed project's goals and objectives outweigh the significant and unavoidable noise and cumulative noise impacts associated with the proposed project.

9. Custodian of Records

The documents and other materials that constitute the record of proceedings on which the Project findings are based are available from the Clerk of the Board at the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, CA 95118. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).

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District website link to EIR:

<http://valleywater.org/LowerPenitenciaReportsandDocuments.aspx>

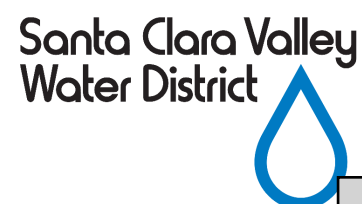
Lower Penitencia Creek Improvements Project

Final Environmental Impact Report

State Clearinghouse No. 2015062026

VOLUME 2: MAIN BODY

October 2017



SANTA CLARA VALLEY WATER DISTRICT

**Lower Penitencia Creek Improvements Project
Milpitas, California**

Final Environmental Impact Report

Volume 2 – Main Body

State Clearinghouse No. 2015062026

Prepared for:

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October 2017

EXECUTIVE SUMMARY

Introduction

The Santa Clara Valley Water District (District) prepared this ~~Draft~~ Environmental Impact Report (DEIR) to provide the public, responsible agencies, and trustee agencies with information about the environmental effects of the proposed Lower Penitencia Creek Improvements Project (proposed project). This DEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.).

Project Objectives

The proposed project is necessary to avoid flooding in the project area during the projected future 1-percent (or 100-year) flow. The proposed project would meet the following objectives:

- Convey the Lower Berryessa Creek 1-percent design flow that is delivered to Lower Penitencia Creek;
- Meet required water surface elevations at the confluences of Lower Penitencia Creek with Coyote Creek and Berryessa Creek;
- Minimize the need for seasonal removal of sediment and non-woody vegetation;
- Maintain existing FEMA accreditation of the east levee located between California Circle and Berryessa Creek; and
- Ensure the project improvements meet FEMA certification requirements.

Project Location

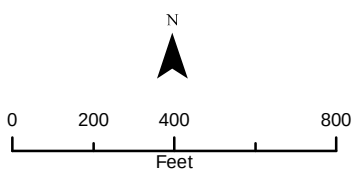
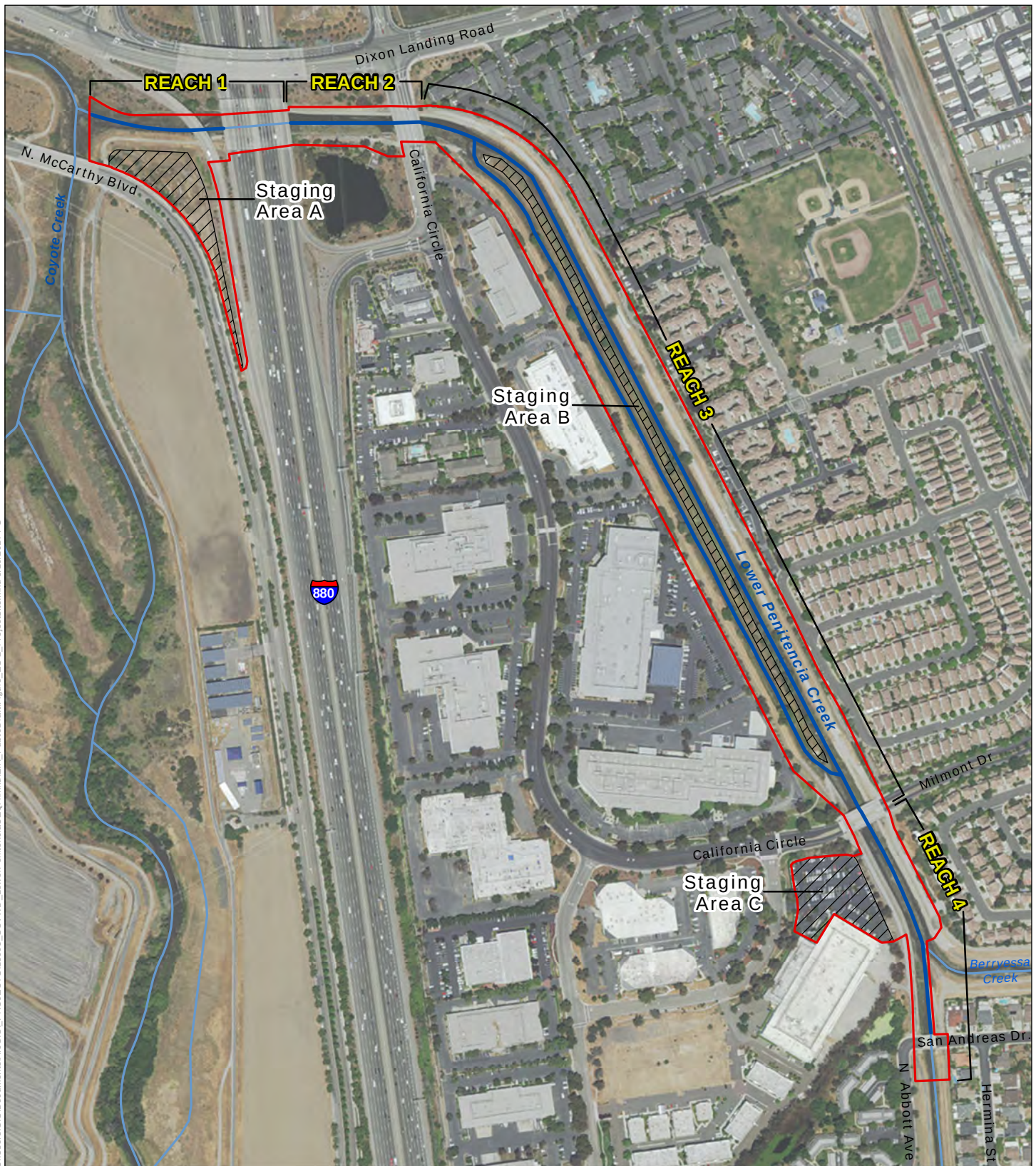
The proposed project is located on Lower Penitencia Creek within a developed area in the City of Milpitas. **Figure ES-1 and Figure ES-2** show the project location. The proposed project area extends from just upstream of the confluence with Berryessa Creek downstream to the confluence with Coyote Creek. The land surrounding the proposed project is a mix of residential and office park/commercial land uses.

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Figure ES-1
Project Location

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- Project Boundary
- Staging Area

Figure ES-2
Project Site

Project Planning and Development

Lower Penitencia Creek Improvements Project is one of six elements evaluated in the *Lower Berryessa Creek Program Environmental Impact Report* (Program EIR). The District prepared this Program EIR in 2011, and evaluated the Lower Penitencia Creek Project reach at a programmatic level of detail.

At the time the Program EIR was prepared, future water surface elevations and flow rates during the 1% flow (i.e., the streamflow rate with a 1-percent estimated likelihood to be equaled or exceeded in any given year) on Lower Penitencia Creek Project could only be estimated at a general level of detail. Upstream improvement projects (i.e., the District's Lower Berryessa Creek and Lower Calera Creek Flood Protection Improvements Project and the USACE's Upper Berryessa Creek Flood Risk Management Project) are currently under construction and will increase the future 1% flow of Lower Penitencia Creek. Now that the detailed designs of the upstream projects are known, the future 1% flow and resulting water surface elevations can be estimated with precision. The proposed project would accommodate the increased future 1% flow without overtopping of the Lower Penitencia Creek banks.

The District developed and analyzed various conceptual design alternatives to achieve the project objectives. These conceptual design alternatives included different combinations of infrastructure upgrades, which were refined through the District's Natural Flood Protection (NFP) evaluation process to develop four potentially feasible design alternatives:

- Design Alternative 1: widen the California Circle crossing, construct floodwalls, raise a levee, and construct wetland bench in Reach 2;
- Design Alternative 2A: widen the California Circle and Milmont Drive crossings, construct floodwalls, relocate and raise the Reach 1 levee, and construct wetland benches in Reaches 1 and 2;
- Design Alternative 4: widen the California Circle and Milmont Drive crossings, construct floodwalls, relocate and raise the Reach 1 levee, and construct wetland benches in Reaches 1 and 3; and
- Design Alternative 6: widen the California Circle crossing, construct floodwalls, raise the Reach 1 levee, remove the central berm in Reach 3, and line the channel with concrete.

Based on the NFP evaluation process, District staff initially determined that Design Alternative 2A would best meet the project objectives. As part of the design process, the District modeled the 1-percent flow that would occur under "interim" and "ultimate" conditions. The interim condition is defined as the future flow that would result after construction of the District's Lower Berryessa Creek Flood Protection Project and the USACE's Upper Berryessa Flood Risk Management Project had been completed. These two projects are currently under construction and will be completed in 2018, at which time the 1-percent (or 100-year) interim flow at the confluence of Lower Penitencia Creek with Coyote Creek will increase from 4,830 cubic feet per second (cfs) to 6,900 cfs. The ultimate condition is the future flow that would result after the channel improvements to Upper Berryessa Creek upstream of I-680 are completed. The 1 percent ultimate flow is 8,720 cfs, which is 26 percent greater than the interim flow. Construction of channel improvements to Upper Berryessa Creek upstream of I-680 are not expected to occur for at least 10 years or longer. Due to the uncertainty as to when the ultimate flow condition would be achieved, Alternative 2A was

refined such that the proposed project would convey the 1-percent interim flows of 6,900 cfs without overtopping of the Lower Penitencia Creek banks.

For all of the project design alternatives, interim flows could be conveyed without modifying the existing bridges at California Circle and Milmont Drive. Thus, modifications of those two bridges, which were originally considered as part of Design Alternative 2A, are not proposed as part of the proposed project or project alternatives (described further in Chapter 5, *Alternatives*). As described above, throughout the initial planning phase, the District refined Alternative 2A to develop the proposed project. Proposed project elements are described in more detail in the following sections.

Proposed Project

The proposed project would include various improvements along the four reaches included in the project area, including: sheetpile floodwalls, earthen fill, a wetland bench, a relocated and raised levee, bridge headwalls, sediment removal, maintenance road improvements, and revegetation. **Table ES-1** summarizes the project elements proposed for each reach.

Table ES-1. Proposed Project Elements

Reach or Bridge	Project Elements
Reach 1 Coyote Creek to I-880	Relocated and raised south bank levee with maintenance road on crest Wetland bench on south bank <u>Approximately 50 feet of sheetpile floodwall to the north of channel</u>
Reach 2 I-880 to California Circle	Sheetpile floodwall on top of existing south/west bank levee <u>Approximately 25 feet of sheetpile floodwall on top of existing north/east bank levee near I-880</u> Removal of about 70 cy of sediment from the concrete-lined channel) Relocated access ramp to City's pump station Maintenance road improvements
Reach 3 California Circle to Milmont Drive	Sheetpile floodwalls on top of existing west and east bank levees Earthen fill to floodwall to allow the existing Penitencia Creek Trail to cross over the new floodwall Removal of about 1,500 cy of accumulated sediment from low-flow channel Maintenance road improvements
Reach 4 Milmont Drive to San Andreas Drive	Sheetpile floodwalls on top of existing west bank levee Raising of existing east bank levee by up to 6 ft Removal of about 730 cy of sediment from the concrete-lined channel Maintenance road improvements
San Andreas Drive Bridge	Headwalls on the downstream and upstream faces of San Andreas Drive bridge

Project Construction

Construction Activities

Construction activities and processes would differ based on the type of improvement. Construction of floodwalls would generally entail shallow excavation and fill to create a working platform for installation of sheetpiles. A specialized piece of equipment called a Giken silent piler would be used to install the sheetpile walls. Construction of the wetland bench would involve excavation in the existing south bank of Reach 1 to lower the ground surface elevation to below mean high tide level. Excavated soil would either be used to create the replacement levee in Reach 1 and raise Reach 4 east bank levee or disposed of at an offsite location. Construction of the new south bank levee in Reach 1 would entail removal of the existing levee down to grade level and preparation of the ground surface to receive new fill.

In-channel work would occur between mid-June and mid-October when channel flow is lowest. Dewatering would be temporary and would be necessary throughout the project area. In total, about 5,100 linear feet of channel would be dewatered. During in-channel work, water would be diverted into pipes and routed around the work areas by a temporary cofferdam. Diverted water would be returned to the creek downstream of the project area. At the end of each dry-period construction season, disturbed areas would be hydroseeded to provide erosion protection and prevent eroded sediment being washed into the creek.

Construction Staging Areas and Access

Construction would generally occur within existing District right-of-way (ROW) and easements along the channel. Three staging areas adjacent to the project site may be used during project construction for staging of equipment and construction materials.

I-880, Dixon Landing Road, and California Circle would be the primary construction access routes to the project area.

Construction Workers and On-haul and Off-haul Estimates

The proposed project would require up to 40 construction workers on site, although less than 20 workers would likely be on site on a typical workday. It is expected that all excavated soil would be reused on site, and approximately ~~3,430~~^{3,500} cubic yards (cy) of ~~fill~~^{concrete} would be delivered and placed on site. About 2,300 cy of sediment would be removed from the low-flow channel for disposal off-site.

Construction Schedule

Project construction is anticipated to occur over 2 years, during 2018 and 2019. In-channel construction activities, as described above, would occur between June 15 and October 15 each year, while activities on the levee crests or outside the channel may occur outside the June 15 to October 15 dry season. Project construction would primarily occur on weekdays between the hours of 7:00 a.m. and 7:00 p.m. Less frequently, construction may also occur on weekend days between the hours of 7:00 a.m. and 7:00 p.m, which is allowed by the Milpitas Noise Abatement Ordinance. On rare occasions, construction may be necessary before 7:00 a.m. or after 7:00 p.m; construction during those hours would be very infrequent and would occur only with advance approval from the City of Milpitas. No construction activities would

occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Project Operations

Following project construction and similar to current practice, routine maintenance activities would be conducted within the project area as needed. These activities include trash and debris removal, vegetation management (e.g., mowing the channel banks, removing vegetation along maintenance roads), maintenance road grading, management of wildlife conflicts, graffiti removal, and fence repair. These routine maintenance activities would continue to occur under the District's Stream Maintenance Program (SMP), an ongoing countywide program that provides maintenance standards and guides maintenance activities for the District to meet its designated flood protection mandates throughout Santa Clara County. In addition, the newly installed floodwalls and San Andreas Drive bridge headwalls would be visually inspected on a periodic basis (one to two times per year) and would be repaired as-needed. Once constructed, the proposed project would reduce the need for routine sediment removal in the channel.

Public Involvement Process

EIR Scoping

An NOP for the proposed project was prepared in accordance with State CEQA Guidelines Section 15082 and circulated to the State Clearinghouse on June 11, 2015. The scoping period continued for 30 days and concluded on July 10, 2015. During the scoping period, the District received comment letters from the California Department of Transportation and the San Francisco Bay Regional Water Quality Control Board. All of the comments contained in the scoping letters have been incorporated and/or addressed as appropriate in this EIR.

Draft EIR Public Comment Period

The District ~~is circulating this~~ circulated the DEIR for a 45-day public review and comment period.

Interested parties ~~are~~ were encouraged to submit written comments on ~~this~~ the DEIR. All comments ~~must be received~~ were due by 5:00 p.m. on July 3, 2017 and directed to:

Michael Coleman, Environmental Planner II
 Santa Clara Valley Water District
 5750 Almaden Expressway
 San Jose, CA 95115
 mcoleman@valleywater.org

Written comments on the DEIR received by the Distirict during the public review period ~~will be~~ were addressed in ~~the~~ this Final EIR (Volume 1, Response to Comments on the Draft EIR).

Areas of Known Controversy and Issues to Be Resolved

State CEQA Guidelines Section 15123(b) requires that an Executive Summary identify "areas of controversy known to a lead agency including issues raised by agencies and the public."

The following issues were raised by agencies in response to the EIR NOP and may be considered controversial:

- Possible flooding effects due to sea-level rise in the vicinity of the I-880/Dixon Landing Road interchange;
- Construction-period impacts on I-880 and other highways (e.g., vehicle queues on ramps);
- Accurate description of project components not evaluated in the Lower Berryessa Program EIR; and
- Potential effects on the I-880 creek crossing.

Each issue is addressed in this EIR.

Significant Impacts

This section presents the significant impacts that were identified in the DEIR. This is not a comprehensive discussion of impacts of the proposed project; the reader is directed to Table ES-2 (Summary of Impacts and Mitigation Measures) which is presented at the end of this chapter for additional information. Environmental resource topics with the potential for significant environmental impacts are as follows:

- Air Quality
- Biological Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Noise and Vibration
- Traffic and Transportation

Sections 3.2 through 3.14 of this DEIR address each of these environmental resource topics and the environmental consequences of the proposed project in more detail.

Significant and Unavoidable Impacts

The following impacts have been identified as significant and unavoidable:

- Impact NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in the applicable standards of other agencies
- Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels
- Impact NOI-4: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

The project would also make a cumulatively considerable contribution to significant cumulative noise impacts during project construction.

Alternatives Considered

The District considered the following alternatives to the proposed project:

- No Project Alternative
- Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal
- Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls
- Alternative 3: Reach 1 Raised Levee, Reach 3 Concrete Channel Lining, and Floodwalls

In addition, during project planning, the District considered several additional alternatives, but ultimately dismissed them from further analysis for one or more of the following reasons: (1) they would not sufficiently meet the proposed project objectives; (2) they were determined to be infeasible; or (3) they would not avoid or substantially reduce one or more significant impacts of the proposed project.

No Project Alternative

Under the No Project Alternative, no new construction activities would occur. The flood control channel would remain in its current condition. Ongoing maintenance activities, including sediment removal and vegetation management currently occurring under the District's SMP, would continue in the future. Although this alternative would avoid all impacts associated with construction of the proposed project, this alternative would not meet project objectives. Flood hazards and flooding impacts would increase under this alternative. In the event of a 100-year flood event, substantial damage to nearby land uses including residential, office space, the District's maintenance roads, nearby public roads, I-880, and the Penitencia Creek Trail. Flood damage and subsequent clean-up efforts could also result in adverse effects related to water quality, geology and soils, biological resources, cultural resources, recreational resources, noise, traffic and circulation, utilities and service systems, and air quality.

Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal

Under this alternative, the south bank levee in Reach 1 would be raised but would not be relocated. Floodwalls would be constructed in Reaches 2, 3, and 4 and would be of similar height as those for the proposed project. As with the proposed project, headwalls would be constructed on both sides of the existing San Andreas Drive bridge.

Alternative 1 would result in similar construction-related impacts as the proposed project, including temporary transportation and traffic impacts, use of hazardous materials, air emissions, noise and vibration, and impacts on hydrology and water quality. Alternative 1 also would increase operational impacts associated with increased sediment removal in Reaches 2 and 4 compared to the proposed project, resulting in periodic disturbance of aquatic and riparian habitat that would be greater than if the proposed project were implemented. Additionally, the enhancements to Reach 1 tidal wetlands included in the proposed project would not be achieved, and the current degraded and isolated conditions of Reach 1 wetlands, which provide marginal habitat value, would continue indefinitely.

Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls

Under Alternative 2, the south bank levee in Reach 1 would be relocated and raised, which would create space for establishing a 50-foot-wide wetland bench immediately south of the existing channel. Floodwalls would be constructed in Reaches 2, 3, and 4. In Reach 3, the west bank floodwall would have a total height of 18.5 feet when viewed from inside the channel, but it would be partially below grade and extend about 4 feet above the crest of the existing levee. This alternative would create enhanced tidal wetlands in Reach 1, similar to the proposed project. In Reach 3, a 25 to 45-foot-wide wetland bench and depressed channel access road would be constructed.

Alternative 2 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. However, this alternative would not minimize the need for removal of sediment and non-woody vegetation.

This alternative would result in increased construction-related impacts due to excavation of the depressed maintenance road and Reach 3 wetland bench, and therefore would result in greater construction-related traffic, air quality, and noise impacts than the proposed project. Additionally, this alternative would involve greater excavation work than the proposed project and would therefore result in greater effects on existing landfill capacity. The increased hardscape in the channel due to the Reach 3 floodwall and depressed maintenance road could result in increased pollutant flows to the creek, adversely affecting water quality. This would be partially offset by the wetland bench between the road and the creek channel, which would help to filter pollutants from storm runoff before they reach the creek.

In the long term, up to 3 acres of wetland habitat would be established in Reach 3, which would provide habitat for common and special-status species. This wetland bench would offset loss of riparian habitat loss due to elimination of the Reach 3 central berm.

Alternative 3: Reach 1 Raised Raise, Reach 3 Concrete Channel Lining, and Floodwalls

Under Alternative 3, the south levee in Reach 1 would be raised and floodwalls would be constructed in Reaches 2, 3, and 4. The central berm in Reach 3 would be excavated and removed, and the entire channel would be lined with concrete. Alternative 3 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. This alternative would only partially meet objectives to minimize the need for removal of sediment and non-woody vegetation. Alternative 3 would minimize vegetation removal because about 8 acres of vegetation would be permanently replaced with concrete lining, but the need for future sediment removal would not be minimized.

Alternative 3 would result in greater construction-related traffic, noise, vibration, and air quality impacts due to excavation and removal of the Reach 3 berm and installing concrete lining in the Reach 3 channel. These activities would require substantially more haul truck trips in comparison to the proposed project. Lining the channel with concrete also would

result in loss of about 8 acres riparian and aquatic habitat throughout Reach 3, most of which occurs on the berm and some of which is used by special-status species; this would adversely affect the ecological functions the existing creek channel may provide.

Environmentally Superior Alternative

Among the alternatives considered in this EIR (not including consideration of the proposed project), Alternative 2 is considered the environmentally superior alternative. When considering the proposed project against Alternative 2, however, the proposed project is environmentally superior. Alternative 2 would permanently create greater wetlands in the project area than the proposed project, but would also result in permanent removal of more riparian habitat and creation of more in-stream hardscape than the proposed project. Alternative 2 would also result in greater construction-related impacts associated with traffic, noise, vibration, hazards and hazardous materials, utilities and service systems, and air quality. While the proposed project would expose residents to significant and unavoidable construction noise and vibration impacts, Alternative 2 would increase the severity of those impacts.

Summary of Impacts and Levels of Significance

Table ES-2 summarizes the impact of the proposed project, mitigation measures, and levels of significance.

Table ES-2. Summary of Impacts and Mitigation Measures for the Proposed Project

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
<i>Aesthetics</i>			
AES-1: Have a substantial adverse effect on a scenic vista	NI	None	NI
AES-2: Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway	NI	None	NI
AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings	LS	None	LS
AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	LS	None	LS
<i>Air Quality</i>			
AQ-1: Conflict with or obstruct implementation of the applicable air quality plan	LS	None	LS
AQ-2: Violate any air quality standard or contribute substantially to an existing or projected air quality violation	S	Mitigation Measure AQ-1	LM
AQ-3: 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)	S	Mitigation Measure AQ-1	LM
AQ-4: Expose sensitive receptors to substantial pollutant concentrations	LS	None	LS
AQ-5: Potential to create objectionable odors affecting a substantial number of people during construction	S	Mitigation Measure AQ-2	LM

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
Biological Resources			
BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	S	Mitigation Measures BIO-1 through BIO 12	LM
BIO-1a: Impacts on longfin smelt and steelhead	S	Mitigation Measure BIO-1	LM
BIO-1b: Impacts on essential fish habitat	LS	None	LS
BIO-1c: Impacts on western pond turtles	S	BIO-2	LM
BIO-1d: Impacts on burrowing owls	LS	None	LS
BIO-1e: Impacts on the Alameda song sparrow and San Francisco common yellowthroat	S	Mitigation Measures BIO-3 and BIO-4	LM
BIO-1f: Impacts on non-nesting special-status birds	LS	None	LS
BIO-1g: Impacts on salt marsh harvest mouse	S	Mitigation Measures BIO 5 through BIO-8	LM
BIO-1h: Impacts on special-status bats	LS	None	LS
BIO-1i: Impacts on Congdon's tarplant	S	Mitigation Measures BIO-9 and BIO-10	LM
BIO-1j: Introduction of invasive species	S	Mitigation Measures BIO-11 and BIO-12	LM
BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	LS	None	LS
BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), waters of the U.S., and waters of the state through direct removal, filling, hydrological interruption, or other means	S	Mitigation Measure BIO-13	LM

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	LS	None	LS
BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	LS	None	LS
BIO-6: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan	NI	None	NI
Cultural Resources			
CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5	NI	None	NI
CR-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5	LS	None	LS
CR-3: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	NI	None	NI
CR-4: Disturb any human remains, including those interred outside of formal cemeteries.	LS	None	LS
CR-5: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in public resources code Section 21074	NI LS	None	NI LS
Geology, Soils and Seismicity			
GEO-1: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42); or strong seismic ground shaking	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
GEO-2: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction; or landslides	S	Mitigation Measure GEO-1	LM
GEO-3: Result in substantial soil erosion or the loss of topsoil	LS	None	LS
GEO-4: 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	S	Mitigation Measure GEO-1	LM
GEO-5: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	LS	None	LS
GEO-6: 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	NI	None	NI
Greenhouse Gas Emissions			
GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	LS	None	LS
GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	NI	None	NI
GHG-3: Cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and increase the need for energy resources	LS	None	LS
Hazards and Hazardous Materials			
HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	S	Mitigation Measure HAZ-1	LM
HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school	LS	None	LS
HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	NI	None	NI
HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, such that the project could result in a safety hazard for people residing or working in the project area	NI	None	NI
HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	NI	None	NI
HAZ-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	LS	None	LS
Hydrology and Water Quality			
HYD-1: Violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality	LS	None	LS
HYD-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)	LS	None	LS
HYD-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, or siltation on- or off-site	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
HYD-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site	LS	None	LS
HYD-5: 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	LS	None	LS
HYD-6: Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place structures within a 100-year flood hazard area structures which would impede or redirect flood flows	NI	None	NI
HYD-7: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam	B	None	B
HYD-8: Inundation by seiche, tsunami, or mudflow	NI	None	NI
Land Use and Planning			
LU-1: Physically divide an established community	LS	None	LS
LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect	LS	None	LS
LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	NI	None	NI
Noise and Vibration			
NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	S	Mitigation Measure NOI-1	SU

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	S	Mitigation Measure NOI-1	SU
NOI-3: A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project	LS	None	LS
NOI-4: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project	S	Mitigation Measure NOI-1	SU
NOI-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	NI	None	NI
NOI-6: For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels	NI	None	NI
Recreation			
REC-1: 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	LS	None	LS
REC-2: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment	LS	None	LS
Traffic and Transportation			
TRA-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit	S	Mitigation Measure TRA-1	LM

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
TRA-2: Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways	LS	None	LS
TRA-3: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks	NI	None	NI
TRA-4: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	S	Mitigation Measure TRA-1	LM
TRA-5: Result in inadequate emergency access	S	Mitigation Measure TRA-1	LM
Utilities and Service Systems			
UTL-1: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board	LS	None	LS
UTL-2: Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	NI	None	NI
UTL-3: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	LS	None	LS
UTL-4: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed	LS	None	LS
UTL-5: 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	LS	None	LS
UTL-6: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
UTL-7: Comply with federal, state, and local statutes and regulations related to solid waste	LS	None	LS
UTL-8: Potential disruption and/or relocation of existing utilities	LS	None	LS
<i>Significant Cumulative Impacts</i>			
CUM-1: Cumulative Impacts on Air Quality	S	Mitigation Measure AQ-1	NCC
CUM-2: Cumulative Impacts on Biological Resources	S	Mitigation Measures BIO-1 through BIO-13	NCC
CUM-3: Cumulative Impacts on Hydrology and Water Quality	S	None	NCC
CUM-4: Cumulative Impacts on Noise and Vibration	S	Mitigation Measure NOI-1	CC
CUM-5: Cumulative Impacts on Traffic Patterns and Safety Hazards	S	Mitigation Measure TRA-1	NCC

Notes:

LS = Less than Significant; LM = Less than Significant with Mitigation; N/A = Not Applicable; CC = Cumulatively Considerable Contribution; NCC = Not Cumulatively Considerably; B = Beneficial; NI = No Impact; S = Significant; SU = Significant and Unavoidable

Lower Penitencia Creek Improvements Project Final Environmental Impact Report

State Clearinghouse No. 2015062026

VOLUME 2: MAIN BODY

October 2017



SANTA CLARA VALLEY WATER DISTRICT

**Lower Penitencia Creek Improvements Project
Milpitas, California**

Final Environmental Impact Report

Volume 2 – Main Body

State Clearinghouse No. 2015062026

Prepared for:

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Acronyms and Abbreviations

A

AAI	All Appropriate Inquiries
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda–Contra Costa Transit District
AIS	Aerial Information Systems, Inc.
APE	area of potential effect
ASTM	American Society for Testing and Materials
ATCM	Airborne Toxic Control Measure

B

BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin Plan the Bay	Water Quality Control Plan for the San Francisco Basin San Francisco Bay
Bay Area	San Francisco Bay Area
BCDC	San Francisco Bay Conservation and Development Commission
bgs	below ground surface
BIA	U.S. Bureau of Indian Affairs
BMP	best management practices

C

CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CalEEMod	California Emissions Estimator Model
Cal EMA	California Emergency Management Agency
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
Cal-IPC	California Invasive Plant Council
Cal OES	Governor's Office of Emergency Services
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Standards Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDOC	California Department of Conservation

CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (Superfund Act)
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
CH ₄	methane
CIWMA	California Integrated Waste Management Act of 1989
cm	centimeter
CMP	Congestion Management Program
CNEL	Community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
cy	cubic yards
D	
dB	decibel
dBA	A-weighted decibel
DEIR	draft environmental impact report
District	Santa Clara Valley Water District
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
E	
EFH	Essential Fish Habitat
EIR	environmental impact report
EO	Executive Order
ESA	Endangered Species Act
F	
F&G Code	California Fish and Game Code
FEIR	final EIR
FEMA	Federal Emergency Management Agency
FMP	fishery management plan
FTA	Federal Transit Administration

G

GC	General Commercial
GHG	greenhouse gas
GIS	geographic information system
GPS	global positioning system
GWP	global warming potential

H

H ₂ S	hydrogen sulfide
Handbook	<i>Santa Clara Valley Water District Best Management Practices Handbook</i>
HAP	hazardous air pollutant
HCM	<i>Highway Capacity Manual</i>
HCP	habitat conservation plan
HFCs	hydrofluorocarbons
HSLA	Hazardous Substance Liability Assessment
HTL	high tide line
Hz	Hertz

I

I-	Interstate
in/sec	inches per second
IP	Industrial Park
IPCC	International Panel on Climate Change

L

L _{dn}	day-night average sound level
L _{eq}	equivalent sound level
L _{max}	maximum sound level
L _{min}	minimum sound level
LOS	level of service
LUST	leaking underground storage tank

M

MBTA	Migratory Bird Treaty Act
MCLs	Maximum Contaminant Levels
MFH	Multi-family Residential, Very High Density
MFM	Multi-family Residential, Medium Density
mgd	million gallons per day
MHHW	mean high high water
MHW	mean high water
MLD	Most Likely Descendent
MLLW	mean lower low water
MMI	Modified Mercalli Intensity
MMRP	Mitigation Monitoring and Reporting Program

MMT CO ₂ e	million metric tons of carbon dioxide equivalent
MS ₄	municipal separate storm sewer system
msl	mean sea level
MT CO ₂ e	metric tons of carbon dioxide equivalent
MTC	Metropolitan Transportation Commission
MUTCD	<i>California Manual on Uniform Traffic Control Devices</i>
MW	Manufacturing and Warehousing
N	
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NAVD88	North American Vertical Datum of 1988
NCCP	natural community conservation plan
NEHRP	National Earthquake Hazards Reduction Program
NFP	Natural Flood Protection
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NMFS	National Marine Fisheries Service
NO ₂	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOP	Notice of Preparation of an EIR
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act of 1977
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Resources
NSF	National Science Foundation
NWIC	Northwest Information Center
O	
O ₃	ozone
OEHHA	California Governor's Office of Environmental Health Hazard Assessment
OHW	ordinary high water mark
OSHA	U.S. Department of Labor, Occupational Safety and Health Administration
P	
Pb	lead
PCE	passenger car equivalents
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment

PM _{2.5}	particulate matter of aerodynamic radius of 2.5 microns or less
PM ₁₀	particulate matter of aerodynamic radius of 10 microns or less
Porter-Cologne	Porter-Cologne Water Quality Control Act
POS	Parks and Open Space
ppb	parts per billion
ppd	pounds per day
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
Program	Lower Berryessa Creek Program
Program EIR	<i>Lower Penitencia Creek Program Environmental Impact Report</i>
proposed project	Lower Penitencia Creek Improvements Project
PVC	polyvinyl chloride
R	
RCPS	Regional Climate Protection Strategy
RCRA	Resource Conservation and Recovery Act of 1976
REC	recognized environmental condition
RMP	risk management plan
ROG	reactive organic gases
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
S	
Santa Clara Permittees	Santa Clara Valley Urban Runoff Pollution Prevention Program
SAR	Second Assessment Report
SB	Senate Bill
SBWR	South Bay Water Recycling Program
SCVWD	Santa Clara Valley Water District
SF ₆	sulfur hexafluoride
SFEI	San Francisco Estuary Institute
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act of 1990
SIP	State Implementation Plan
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMP	Stream Maintenance Program
SO _x	sulfur dioxide
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
T	
TAC	toxic air contaminant
TCP	traditional cultural properties
TCR	tribal cultural resource

TDB	travel demand management
TFCA	Transportation Fund for Clean Air
U	
USA North	Underground Service Alert–Northern California
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
V	
V/C	volume to capacity
VdB	vibration decibels
VegCAMP	Vegetation Classification and Mapping Program
VOC	volatile organic compound
vph	vehicles per hour
VTa	Santa Clara Valley Transportation Authority
W	
WRCC	Western Regional Climate Center
°F	degrees Fahrenheit
µg/m ³	micrograms per cubic meter
µin/sec	micro-inch per second

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EXECUTIVE SUMMARY

Introduction

The Santa Clara Valley Water District (District) prepared this ~~Draft~~ Environmental Impact Report (DEIR) to provide the public, responsible agencies, and trustee agencies with information about the environmental effects of the proposed Lower Penitencia Creek Improvements Project (proposed project). This DEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.).

Project Objectives

The proposed project is necessary to avoid flooding in the project area during the projected future 1-percent (or 100-year) flow. The proposed project would meet the following objectives:

- Convey the Lower Berryessa Creek 1-percent design flow that is delivered to Lower Penitencia Creek;
- Meet required water surface elevations at the confluences of Lower Penitencia Creek with Coyote Creek and Berryessa Creek;
- Minimize the need for seasonal removal of sediment and non-woody vegetation;
- Maintain existing FEMA accreditation of the east levee located between California Circle and Berryessa Creek; and
- Ensure the project improvements meet FEMA certification requirements.

Project Location

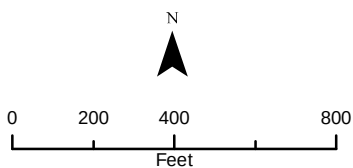
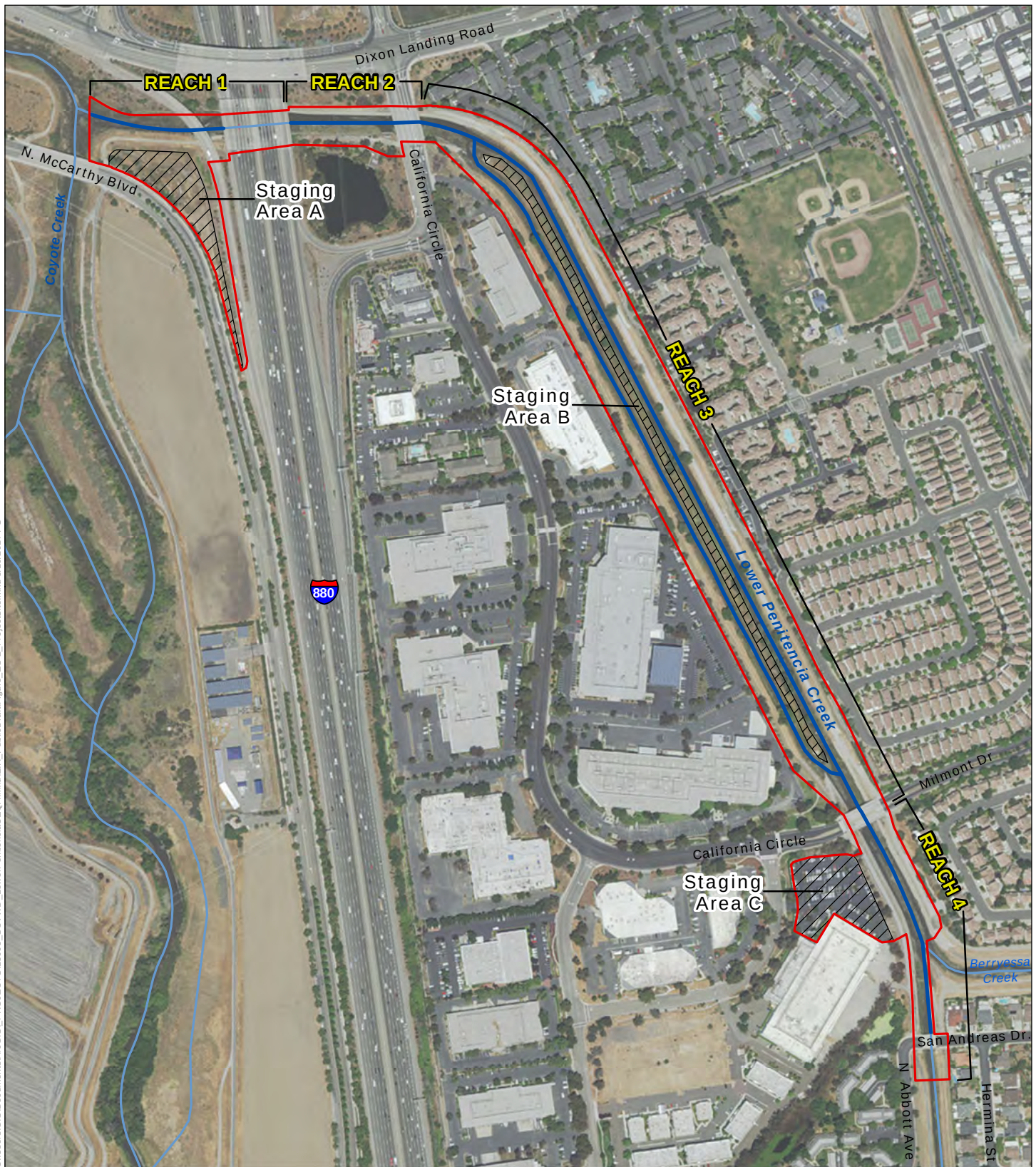
The proposed project is located on Lower Penitencia Creek within a developed area in the City of Milpitas. **Figure ES-1 and Figure ES-2** show the project location. The proposed project area extends from just upstream of the confluence with Berryessa Creek downstream to the confluence with Coyote Creek. The land surrounding the proposed project is a mix of residential and office park/commercial land uses.

C:\Users\GIS\Documents\ArcGIS\PROJECTS\15005 - SCVWD - LowerPenitenciaCreek\mxd\Figure 2-1. Project Location.mxd PG 10/7/2016



Figure ES-1
Project Location

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-  Project Boundary
-  Staging Area

Figure ES-2
Project Site

Project Planning and Development

Lower Penitencia Creek Improvements Project is one of six elements evaluated in the *Lower Berryessa Creek Program Environmental Impact Report* (Program EIR). The District prepared this Program EIR in 2011, and evaluated the Lower Penitencia Creek Project reach at a programmatic level of detail.

At the time the Program EIR was prepared, future water surface elevations and flow rates during the 1% flow (i.e., the streamflow rate with a 1-percent estimated likelihood to be equaled or exceeded in any given year) on Lower Penitencia Creek Project could only be estimated at a general level of detail. Upstream improvement projects (i.e., the District's Lower Berryessa Creek and Lower Calera Creek Flood Protection Improvements Project and the USACE's Upper Berryessa Creek Flood Risk Management Project) are currently under construction and will increase the future 1% flow of Lower Penitencia Creek. Now that the detailed designs of the upstream projects are known, the future 1% flow and resulting water surface elevations can be estimated with precision. The proposed project would accommodate the increased future 1% flow without overtopping of the Lower Penitencia Creek banks.

The District developed and analyzed various conceptual design alternatives to achieve the project objectives. These conceptual design alternatives included different combinations of infrastructure upgrades, which were refined through the District's Natural Flood Protection (NFP) evaluation process to develop four potentially feasible design alternatives:

- Design Alternative 1: widen the California Circle crossing, construct floodwalls, raise a levee, and construct wetland bench in Reach 2;
- Design Alternative 2A: widen the California Circle and Milmont Drive crossings, construct floodwalls, relocate and raise the Reach 1 levee, and construct wetland benches in Reaches 1 and 2;
- Design Alternative 4: widen the California Circle and Milmont Drive crossings, construct floodwalls, relocate and raise the Reach 1 levee, and construct wetland benches in Reaches 1 and 3; and
- Design Alternative 6: widen the California Circle crossing, construct floodwalls, raise the Reach 1 levee, remove the central berm in Reach 3, and line the channel with concrete.

Based on the NFP evaluation process, District staff initially determined that Design Alternative 2A would best meet the project objectives. As part of the design process, the District modeled the 1-percent flow that would occur under "interim" and "ultimate" conditions. The interim condition is defined as the future flow that would result after construction of the District's Lower Berryessa Creek Flood Protection Project and the USACE's Upper Berryessa Flood Risk Management Project had been completed. These two projects are currently under construction and will be completed in 2018, at which time the 1-percent (or 100-year) interim flow at the confluence of Lower Penitencia Creek with Coyote Creek will increase from 4,830 cubic feet per second (cfs) to 6,900 cfs. The ultimate condition is the future flow that would result after the channel improvements to Upper Berryessa Creek upstream of I-680 are completed. The 1 percent ultimate flow is 8,720 cfs, which is 26 percent greater than the interim flow. Construction of channel improvements to Upper Berryessa Creek upstream of I-680 are not expected to occur for at least 10 years or longer. Due to the uncertainty as to when the ultimate flow condition would be achieved, Alternative 2A was

refined such that the proposed project would convey the 1-percent interim flows of 6,900 cfs without overtopping of the Lower Penitencia Creek banks.

For all of the project design alternatives, interim flows could be conveyed without modifying the existing bridges at California Circle and Milmont Drive. Thus, modifications of those two bridges, which were originally considered as part of Design Alternative 2A, are not proposed as part of the proposed project or project alternatives (described further in Chapter 5, *Alternatives*). As described above, throughout the initial planning phase, the District refined Alternative 2A to develop the proposed project. Proposed project elements are described in more detail in the following sections.

Proposed Project

The proposed project would include various improvements along the four reaches included in the project area, including: sheetpile floodwalls, earthen fill, a wetland bench, a relocated and raised levee, bridge headwalls, sediment removal, maintenance road improvements, and revegetation. **Table ES–1** summarizes the project elements proposed for each reach.

Table ES–1. Proposed Project Elements

Reach or Bridge	Project Elements
Reach 1 Coyote Creek to I-880	Relocated and raised south bank levee with maintenance road on crest Wetland bench on south bank <u>Approximately 50 feet of sheetpile floodwall to the north of channel</u>
Reach 2 I-880 to California Circle	Sheetpile floodwall on top of existing south/west bank levee <u>Approximately 25 feet of sheetpile floodwall on top of existing north/east bank levee near I-880</u> Removal of about 70 cy of sediment from the concrete-lined channel) Relocated access ramp to City's pump station Maintenance road improvements
Reach 3 California Circle to Milmont Drive	Sheetpile floodwalls on top of existing west and east bank levees Earthen fill to floodwall to allow the existing Penitencia Creek Trail to cross over the new floodwall Removal of about 1,500 cy of accumulated sediment from low-flow channel Maintenance road improvements
Reach 4 Milmont Drive to San Andreas Drive	Sheetpile floodwalls on top of existing west bank levee Raising of existing east bank levee by up to 6 ft Removal of about 730 cy of sediment from the concrete-lined channel Maintenance road improvements
San Andreas Drive Bridge	Headwalls on the downstream and upstream faces of San Andreas Drive bridge

Project Construction

Construction Activities

Construction activities and processes would differ based on the type of improvement. Construction of floodwalls would generally entail shallow excavation and fill to create a working platform for installation of sheetpiles. A specialized piece of equipment called a Giken silent piler would be used to install the sheetpile walls. Construction of the wetland bench would involve excavation in the existing south bank of Reach 1 to lower the ground surface elevation to below mean high tide level. Excavated soil would either be used to create the replacement levee in Reach 1 and raise Reach 4 east bank levee or disposed of at an offsite location. Construction of the new south bank levee in Reach 1 would entail removal of the existing levee down to grade level and preparation of the ground surface to receive new fill.

In-channel work would occur between mid-June and mid-October when channel flow is lowest. Dewatering would be temporary and would be necessary throughout the project area. In total, about 5,100 linear feet of channel would be dewatered. During in-channel work, water would be diverted into pipes and routed around the work areas by a temporary cofferdam. Diverted water would be returned to the creek downstream of the project area. At the end of each dry-period construction season, disturbed areas would be hydroseeded to provide erosion protection and prevent eroded sediment being washed into the creek.

Construction Staging Areas and Access

Construction would generally occur within existing District right-of-way (ROW) and easements along the channel. Three staging areas adjacent to the project site may be used during project construction for staging of equipment and construction materials.

I-880, Dixon Landing Road, and California Circle would be the primary construction access routes to the project area.

Construction Workers and On-haul and Off-haul Estimates

The proposed project would require up to 40 construction workers on site, although less than 20 workers would likely be on site on a typical workday. It is expected that all excavated soil would be reused on site, and approximately ~~3,430~~^{3,500} cubic yards (cy) of ~~fill~~^{concrete} would be delivered and placed on site. About 2,300 cy of sediment would be removed from the low-flow channel for disposal off-site.

Construction Schedule

Project construction is anticipated to occur over 2 years, during 2018 and 2019. In-channel construction activities, as described above, would occur between June 15 and October 15 each year, while activities on the levee crests or outside the channel may occur outside the June 15 to October 15 dry season. Project construction would primarily occur on weekdays between the hours of 7:00 a.m. and 7:00 p.m. Less frequently, construction may also occur on weekend days between the hours of 7:00 a.m. and 7:00 p.m, which is allowed by the Milpitas Noise Abatement Ordinance. On rare occasions, construction may be necessary before 7:00 a.m. or after 7:00 p.m; construction during those hours would be very infrequent and would occur only with advance approval from the City of Milpitas. No construction activities would

occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Project Operations

Following project construction and similar to current practice, routine maintenance activities would be conducted within the project area as needed. These activities include trash and debris removal, vegetation management (e.g., mowing the channel banks, removing vegetation along maintenance roads), maintenance road grading, management of wildlife conflicts, graffiti removal, and fence repair. These routine maintenance activities would continue to occur under the District's Stream Maintenance Program (SMP), an ongoing countywide program that provides maintenance standards and guides maintenance activities for the District to meet its designated flood protection mandates throughout Santa Clara County. In addition, the newly installed floodwalls and San Andreas Drive bridge headwalls would be visually inspected on a periodic basis (one to two times per year) and would be repaired as-needed. Once constructed, the proposed project would reduce the need for routine sediment removal in the channel.

Public Involvement Process

EIR Scoping

An NOP for the proposed project was prepared in accordance with State CEQA Guidelines Section 15082 and circulated to the State Clearinghouse on June 11, 2015. The scoping period continued for 30 days and concluded on July 10, 2015. During the scoping period, the District received comment letters from the California Department of Transportation and the San Francisco Bay Regional Water Quality Control Board. All of the comments contained in the scoping letters have been incorporated and/or addressed as appropriate in this EIR.

Draft EIR Public Comment Period

The District is ~~circulating this~~ circulated the DEIR for a 45-day public review and comment period.

Interested parties ~~are~~ were encouraged to submit written comments on ~~this~~ the DEIR. All comments ~~must be received~~ were due by 5:00 p.m. on July 3, 2017 and directed to:

Michael Coleman, Environmental Planner II
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95115
mcoleman@valleywater.org

Written comments on the DEIR received by the Distirict during the public review period ~~will be~~ were addressed in ~~the~~ this Final EIR (Volume 1, Response to Comments on the Draft EIR).

Areas of Known Controversy and Issues to Be Resolved

State CEQA Guidelines Section 15123(b) requires that an Executive Summary identify "areas of controversy known to a lead agency including issues raised by agencies and the public."

The following issues were raised by agencies in response to the EIR NOP and may be considered controversial:

- Possible flooding effects due to sea-level rise in the vicinity of the I-880/Dixon Landing Road interchange;
- Construction-period impacts on I-880 and other highways (e.g., vehicle queues on ramps);
- Accurate description of project components not evaluated in the Lower Berryessa Program EIR; and
- Potential effects on the I-880 creek crossing.

Each issue is addressed in this EIR.

Significant Impacts

This section presents the significant impacts that were identified in the DEIR. This is not a comprehensive discussion of impacts of the proposed project; the reader is directed to Table ES-2 (Summary of Impacts and Mitigation Measures) which is presented at the end of this chapter for additional information. Environmental resource topics with the potential for significant environmental impacts are as follows:

- Air Quality
- Biological Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Noise and Vibration
- Traffic and Transportation

Sections 3.2 through 3.14 of this DEIR address each of these environmental resource topics and the environmental consequences of the proposed project in more detail.

Significant and Unavoidable Impacts

The following impacts have been identified as significant and unavoidable:

- Impact NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in the applicable standards of other agencies
- Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels
- Impact NOI-4: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

The project would also make a cumulatively considerable contribution to significant cumulative noise impacts during project construction.

Alternatives Considered

The District considered the following alternatives to the proposed project:

- No Project Alternative
- Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal
- Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls
- Alternative 3: Reach 1 Raised Levee, Reach 3 Concrete Channel Lining, and Floodwalls

In addition, during project planning, the District considered several additional alternatives, but ultimately dismissed them from further analysis for one or more of the following reasons: (1) they would not sufficiently meet the proposed project objectives; (2) they were determined to be infeasible; or (3) they would not avoid or substantially reduce one or more significant impacts of the proposed project.

No Project Alternative

Under the No Project Alternative, no new construction activities would occur. The flood control channel would remain in its current condition. Ongoing maintenance activities, including sediment removal and vegetation management currently occurring under the District's SMP, would continue in the future. Although this alternative would avoid all impacts associated with construction of the proposed project, this alternative would not meet project objectives. Flood hazards and flooding impacts would increase under this alternative. In the event of a 100-year flood event, substantial damage to nearby land uses including residential, office space, the District's maintenance roads, nearby public roads, I-880, and the Penitencia Creek Trail. Flood damage and subsequent clean-up efforts could also result in adverse effects related to water quality, geology and soils, biological resources, cultural resources, recreational resources, noise, traffic and circulation, utilities and service systems, and air quality.

Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal

Under this alternative, the south bank levee in Reach 1 would be raised but would not be relocated. Floodwalls would be constructed in Reaches 2, 3, and 4 and would be of similar height as those for the proposed project. As with the proposed project, headwalls would be constructed on both sides of the existing San Andreas Drive bridge.

Alternative 1 would result in similar construction-related impacts as the proposed project, including temporary transportation and traffic impacts, use of hazardous materials, air emissions, noise and vibration, and impacts on hydrology and water quality. Alternative 1 also would increase operational impacts associated with increased sediment removal in Reaches 2 and 4 compared to the proposed project, resulting in periodic disturbance of aquatic and riparian habitat that would be greater than if the proposed project were implemented. Additionally, the enhancements to Reach 1 tidal wetlands included in the proposed project would not be achieved, and the current degraded and isolated conditions of Reach 1 wetlands, which provide marginal habitat value, would continue indefinitely.

Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls

Under Alternative 2, the south bank levee in Reach 1 would be relocated and raised, which would create space for establishing a 50-foot-wide wetland bench immediately south of the existing channel. Floodwalls would be constructed in Reaches 2, 3, and 4. In Reach 3, the west bank floodwall would have a total height of 18.5 feet when viewed from inside the channel, but it would be partially below grade and extend about 4 feet above the crest of the existing levee. This alternative would create enhanced tidal wetlands in Reach 1, similar to the proposed project. In Reach 3, a 25 to 45-foot-wide wetland bench and depressed channel access road would be constructed.

Alternative 2 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. However, this alternative would not minimize the need for removal of sediment and non-woody vegetation.

This alternative would result in increased construction-related impacts due to excavation of the depressed maintenance road and Reach 3 wetland bench, and therefore would result in greater construction-related traffic, air quality, and noise impacts than the proposed project. Additionally, this alternative would involve greater excavation work than the proposed project and would therefore result in greater effects on existing landfill capacity. The increased hardscape in the channel due to the Reach 3 floodwall and depressed maintenance road could result in increased pollutant flows to the creek, adversely affecting water quality. This would be partially offset by the wetland bench between the road and the creek channel, which would help to filter pollutants from storm runoff before they reach the creek.

In the long term, up to 3 acres of wetland habitat would be established in Reach 3, which would provide habitat for common and special-status species. This wetland bench would offset loss of riparian habitat loss due to elimination of the Reach 3 central berm.

Alternative 3: Reach 1 Raised Raise, Reach 3 Concrete Channel Lining, and Floodwalls

Under Alternative 3, the south levee in Reach 1 would be raised and floodwalls would be constructed in Reaches 2, 3, and 4. The central berm in Reach 3 would be excavated and removed, and the entire channel would be lined with concrete. Alternative 3 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. This alternative would only partially meet objectives to minimize the need for removal of sediment and non-woody vegetation. Alternative 3 would minimize vegetation removal because about 8 acres of vegetation would be permanently replaced with concrete lining, but the need for future sediment removal would not be minimized.

Alternative 3 would result in greater construction-related traffic, noise, vibration, and air quality impacts due to excavation and removal of the Reach 3 berm and installing concrete lining in the Reach 3 channel. These activities would require substantially more haul truck trips in comparison to the proposed project. Lining the channel with concrete also would

result in loss of about 8 acres riparian and aquatic habitat throughout Reach 3, most of which occurs on the berm and some of which is used by special-status species; this would adversely affect the ecological functions the existing creek channel may provide.

Environmentally Superior Alternative

Among the alternatives considered in this EIR (not including consideration of the proposed project), Alternative 2 is considered the environmentally superior alternative. When considering the proposed project against Alternative 2, however, the proposed project is environmentally superior. Alternative 2 would permanently create greater wetlands in the project area than the proposed project, but would also result in permanent removal of more riparian habitat and creation of more in-stream hardscape than the proposed project. Alternative 2 would also result in greater construction-related impacts associated with traffic, noise, vibration, hazards and hazardous materials, utilities and service systems, and air quality. While the proposed project would expose residents to significant and unavoidable construction noise and vibration impacts, Alternative 2 would increase the severity of those impacts.

Summary of Impacts and Levels of Significance

Table ES-2 summarizes the impact of the proposed project, mitigation measures, and levels of significance.

Table ES–2. Summary of Impacts and Mitigation Measures for the Proposed Project

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
<i>Aesthetics</i>			
AES-1: Have a substantial adverse effect on a scenic vista	NI	None	NI
AES-2: Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway	NI	None	NI
AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings	LS	None	LS
AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	LS	None	LS
<i>Air Quality</i>			
AQ-1: Conflict with or obstruct implementation of the applicable air quality plan	LS	None	LS
AQ-2: Violate any air quality standard or contribute substantially to an existing or projected air quality violation	S	Mitigation Measure AQ-1	LM
AQ-3: 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)	S	Mitigation Measure AQ-1	LM
AQ-4: Expose sensitive receptors to substantial pollutant concentrations	LS	None	LS
AQ-5: Potential to create objectionable odors affecting a substantial number of people during construction	S	Mitigation Measure AQ-2	LM

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
Biological Resources			
BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	S	Mitigation Measures BIO-1 through BIO 12	LM
BIO-1a: Impacts on longfin smelt and steelhead	S	Mitigation Measure BIO-1	LM
BIO-1b: Impacts on essential fish habitat	LS	None	LS
BIO-1c: Impacts on western pond turtles	S	BIO-2	LM
BIO-1d: Impacts on burrowing owls	LS	None	LS
BIO-1e: Impacts on the Alameda song sparrow and San Francisco common yellowthroat	S	Mitigation Measures BIO-3 and BIO-4	LM
BIO-1f: Impacts on non-nesting special-status birds	LS	None	LS
BIO-1g: Impacts on salt marsh harvest mouse	S	Mitigation Measures BIO 5 through BIO-8	LM
BIO-1h: Impacts on special-status bats	LS	None	LS
BIO-1i: Impacts on Congdon's tarplant	S	Mitigation Measures BIO-9 and BIO-10	LM
BIO-1j: Introduction of invasive species	S	Mitigation Measures BIO-11 and BIO-12	LM
BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	LS	None	LS
BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), waters of the U.S., and waters of the state through direct removal, filling, hydrological interruption, or other means	S	Mitigation Measure BIO-13	LM

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	LS	None	LS
BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	LS	None	LS
BIO-6: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan	NI	None	NI
Cultural Resources			
CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5	NI	None	NI
CR-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5	LS	None	LS
CR-3: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	NI	None	NI
CR-4: Disturb any human remains, including those interred outside of formal cemeteries.	LS	None	LS
CR-5: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in public resources code Section 21074	NI LS	None	NI LS
Geology, Soils and Seismicity			
GEO-1: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42); or strong seismic ground shaking	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
GEO-2: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction; or landslides	S	Mitigation Measure GEO-1	LM
GEO-3: Result in substantial soil erosion or the loss of topsoil	LS	None	LS
GEO-4: 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	S	Mitigation Measure GEO-1	LM
GEO-5: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	LS	None	LS
GEO-6: 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	NI	None	NI
Greenhouse Gas Emissions			
GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	LS	None	LS
GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	NI	None	NI
GHG-3: Cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and increase the need for energy resources	LS	None	LS
Hazards and Hazardous Materials			
HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	S	Mitigation Measure HAZ-1	LM
HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school	LS	None	LS
HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	NI	None	NI
HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, such that the project could result in a safety hazard for people residing or working in the project area	NI	None	NI
HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	NI	None	NI
HAZ-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	LS	None	LS
Hydrology and Water Quality			
HYD-1: Violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality	LS	None	LS
HYD-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)	LS	None	LS
HYD-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, or siltation on- or off-site	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
HYD-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site	LS	None	LS
HYD-5: 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	LS	None	LS
HYD-6: Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place structures within a 100-year flood hazard area structures which would impede or redirect flood flows	NI	None	NI
HYD-7: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam	B	None	B
HYD-8: Inundation by seiche, tsunami, or mudflow	NI	None	NI
Land Use and Planning			
LU-1: Physically divide an established community	LS	None	LS
LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect	LS	None	LS
LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	NI	None	NI
Noise and Vibration			
NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	S	Mitigation Measure NOI-1	SU

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	S	Mitigation Measure NOI-1	SU
NOI-3: A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project	LS	None	LS
NOI-4: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project	S	Mitigation Measure NOI-1	SU
NOI-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	NI	None	NI
NOI-6: For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels	NI	None	NI
Recreation			
REC-1: 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	LS	None	LS
REC-2: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment	LS	None	LS
Traffic and Transportation			
TRA-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit	S	Mitigation Measure TRA-1	LM

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
TRA-2: Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways	LS	None	LS
TRA-3: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks	NI	None	NI
TRA-4: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	S	Mitigation Measure TRA-1	LM
TRA-5: Result in inadequate emergency access	S	Mitigation Measure TRA-1	LM
Utilities and Service Systems			
UTL-1: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board	LS	None	LS
UTL-2: Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	NI	None	NI
UTL-3: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	LS	None	LS
UTL-4: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed	LS	None	LS
UTL-5: 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	LS	None	LS
UTL-6: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
UTL-7: Comply with federal, state, and local statutes and regulations related to solid waste	LS	None	LS
UTL-8: Potential disruption and/or relocation of existing utilities	LS	None	LS
<i>Significant Cumulative Impacts</i>			
CUM-1: Cumulative Impacts on Air Quality	S	Mitigation Measure AQ-1	NCC
CUM-2: Cumulative Impacts on Biological Resources	S	Mitigation Measures BIO-1 through BIO-13	NCC
CUM-3: Cumulative Impacts on Hydrology and Water Quality	S	None	NCC
CUM-4: Cumulative Impacts on Noise and Vibration	S	Mitigation Measure NOI-1	CC
CUM-5: Cumulative Impacts on Traffic Patterns and Safety Hazards	S	Mitigation Measure TRA-1	NCC

Notes:

LS = Less than Significant; LM = Less than Significant with Mitigation; N/A = Not Applicable; CC = Cumulatively Considerable Contribution; NCC = Not Cumulatively Considerably; B = Beneficial; NI = No Impact; S = Significant; SU = Significant and Unavoidable

Chapter 1

INTRODUCTION

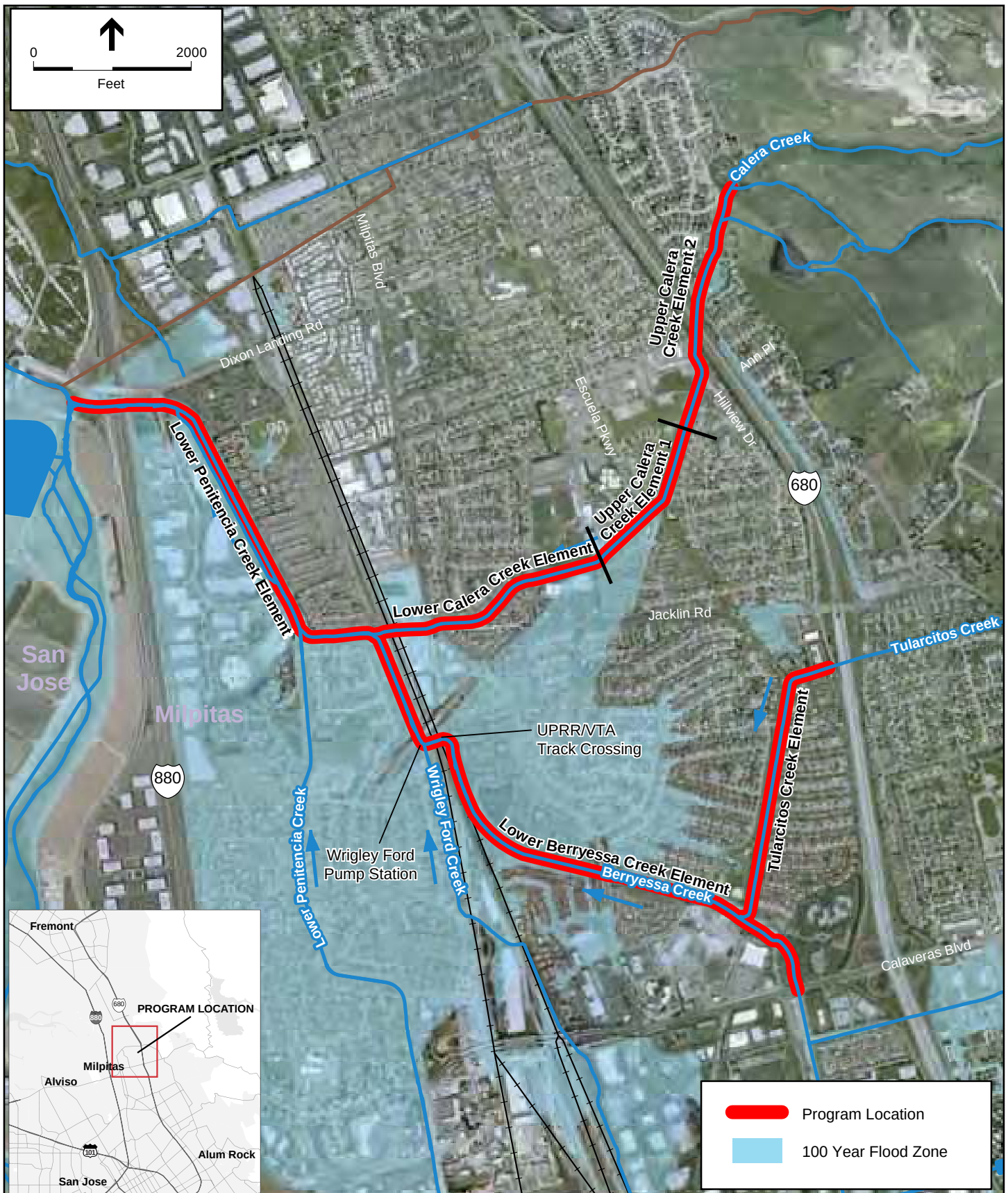
The Santa Clara Valley Water District (District) prepared this ~~draft~~ environmental impact report (EIR) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of implementing the proposed Lower Penitencia Creek Improvements Project (proposed project). This document was prepared in accordance with the requirements of the California Environmental Quality Act of 1970 (as amended) (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.).

1.1 Project Background

~~The District has approved and is planning~~ This project relates to capital improvements to Lower Penitencia Creek and several of its tributaries. The Lower Berryessa Creek Program (Program) consists of capital improvements to provide flood protection to portions of four creeks in the Berryessa Creek watershed. As shown in **Figure 1-1**, the Program is divided by geography and implementation sequence into six elements, each located in the City of Milpitas in Santa Clara County:

- Lower Berryessa Creek
 - Lower Berryessa Creek Element
- Calera Creek
 - Lower Calera Creek Element
 - Upper Calera Creek Element 1
 - Upper Calera Creek Element 2
- Tularcitos Creek
 - Tularcitos Creek Element
- Lower Penitencia Creek
 - Lower Penitencia Creek Element (the proposed project)

In 2011, the District prepared the *Lower Berryessa Creek Program Environmental Impact Report* (Program EIR); this ~~was a program-level EIR covering~~ covers all capital improvements on the four creeks. The 2011 Program EIR (State Clearinghouse Number 2007092084) evaluated environmental consequences of improvements to Lower Penitencia Creek at a programmatic level of detail and prescribed additional impact evaluation to occur when the project was further defined.



Source: ESA 2011

Figure 1-1.
Lower Berryessa Creek Program Area

Prepared by:



**Lower Penitencia Creek
Improvements Project**

This DEIR analyzes proposed improvements to Lower Penitencia Creek, the downstream-most element of the Program, which receives water conveyed by the upstream Program elements. The proposed project extends from the Lower Penitencia Creek/Coyote Creek confluence upstream to the San Andreas Drive bridge in Milpitas, California.

In its current condition, Lower Penitencia Creek has existing capacity to accommodate the existing 1-percent flood flow¹ without overtopping its levees. However, upstream capital improvements to the Program elements on Lower Berryessa Creek, Lower Calera Creek, and Tularcitos Creek and enlargement of the Upper Berryessa Creek channel, which is currently under construction by the U.S. Army Corps of Engineers, will increase the size of the 1-percent flow. After the other upstream elements of the Program are improved and Upper Berryessa Creek is enlarged, the increased 1-percent flow from the upstream channels delivered to Lower Penitencia Creek will exceed the existing flow conveyance capacity of Lower Penitencia Creek. Therefore, the District proposes the Lower Penitencia Creek Improvements Project (proposed project) to contain the projected 1-percent flow after completion of the upstream channel improvements, thereby preventing the 1-percent flow from overtopping the banks of Lower Penitencia Creek in the future.

The District has prepared the current project EIR analyzing, at a project-specific level of detail, the proposed improvements to Lower Penitencia Creek.

1.2 Overview of CEQA Requirements

CEQA's basic purposes are to:

- Inform governmental decision makers and the public about the potential significant environmental effects of proposed activities;
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant avoidable damage to the environment by requiring implementation of feasible mitigation measures or project alternatives that would substantially lessen any significant effects that a project would have on the environment; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

With certain exceptions, CEQA requires all state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before approving or carrying out those projects. CEQA establishes both procedural and substantive requirements that agencies must satisfy to meet CEQA's objectives. For example, the agency with principal responsibility for approving or carrying out a project (the lead agency) must first assess whether a proposed project would result in significant environmental impacts. If there is substantial evidence that the project would result in

¹ A 100-year flood event, sometimes referred to as a 1-percent flood event, has an estimated 1-percent probability of occurring in any given year.

significant environmental impacts, CEQA requires that the agency prepare an EIR, analyzing both the proposed project and a reasonable range of potentially feasible alternatives.

As described in the State CEQA Guidelines (14 CCR Section 15121[a]), an EIR is an informational document that assesses potential environmental effects of a proposed project and identifies mitigation measures and alternatives to the project that could reduce or avoid potentially significant environmental impacts. Other key CEQA requirements include developing a program for implementing and monitoring the success of the identified mitigation measures and carrying out specific public notice and distribution steps to facilitate public involvement in the environmental review process. As an informational document used in the planning and decision-making process, an EIR's purpose is not to recommend either approval or denial of a project. It is important to note that an EIR does not expand or otherwise provide independent authority for the lead agency to impose mitigation measures or avoid project-related significant environmental impacts, beyond the authority already provided within the lead agency's jurisdiction.

1.2.1 Intent and Scope of this Document

In proposing to construct and operate the project as identified in Chapter 2, *Project Description*, of this DEIR, the District is proposing to carry out and approve a discretionary project subject to CEQA (14 CCR Section 15378). The District will use the analyses presented in this DEIR, the public response to those analyses, and the whole of the administrative record to evaluate the proposed project's environmental impacts and to further modify, approve, or deny approval of the proposed project.

1.2.2 Baseline Conditions

Under CEQA, the environmental setting or "baseline" serves as a gauge to assess changes to existing physical conditions that would occur as a result of a proposed project. In accordance with State CEQA Guidelines Section 15125, for purposes of this DEIR, the environmental setting is the existing physical conditions at the time the Notice of Preparation of an EIR (NOP) was published (June 11, 2015). However, the project reach is within a larger maintenance program operated by the District that involves routine sediment removal and vegetation management activities. The existing physical conditions in the channel within the project area reflect a range of conditions that are influenced by routine maintenance activities. Since the NOP was published, the District has conducted maintenance work at the project site in November 2015, including sediment removal from the channel. As a result, the "existing conditions" (i.e., baseline conditions) of the project site range from the conditions in June 2015 to the conditions in late November 2015. The project site is also influenced by tidal fluctuations, and the range of sediment, vegetation growth, and tidal elevations and water quality that result from those fluctuations are evaluated equally in this analysis.

Please note, that since the NOP was published, two residential development projects, just west of Reach 3 (Waterstone and iStar), have been under construction during the preparation of this ~~Draft~~ EIR document. While no residents were living in the new townhomes at the time the ~~Draft~~ EIR was prepared, given the high housing demands in the Milpitas and South Bay Area, these developments will likely be inhabited by the time construction of the Lower Penitencia Creek Improvements Project begins. For this reason and for the purposes of this EIR, some analyses (e.g., Section 3.2, *Aesthetics*, and Section 3.11, *Noise and Vibration*) consider the proposed project's potential effects on these residents.

1.3 CEQA Process

1.3.1 Berryessa Creek Program EIR

As described above, the Lower Penitencia Creek Element is one of six elements evaluated in the Lower Berryessa Creek Program EIR. The District prepared the *Lower Berryessa Creek Program Final EIR* (SCH #2007092084) in December 2011. That Program EIR analyzed at a programmatic level of detail the environmental impacts of improving Lower Penitencia Creek. This EIR builds upon the analysis presented in the Program EIR by evaluating the environmental impacts of the proposed Lower Penitencia Creek improvements at a more specific project level of detail based on the current design of the improvements. The current project EIR evaluates potential project effects at greater level of detail than the programmatic design information available in 2011. Note that this EIR does not tier from the Program EIR, but evaluates the current project independently and entirely.

1.3.2 Notice of Preparation of an EIR

An NOP for the proposed project was prepared in accordance with State CEQA Guidelines Section 15082 and circulated to the State Clearinghouse on June 11, 2015. The scoping period continued for 30 days and concluded on July 10, 2015. The NOP presented general background information on the proposed project, the scoping process, and the environmental issues to be addressed in the EIR. Approximately 28 copies of the NOP were mailed or emailed to a broad range of stakeholders, including local, state, and federal regulatory agencies and jurisdictions and nonprofit organizations. The NOP is included in this DEIR in Appendix A, *Scoping Summary Report*.

1.3.3 Scoping Comments and Meetings

The District accepted written comments on the proposed project, the scoping process, and the environmental issues to be addressed during the 30-day scoping period. During the scoping period, two comment letters were received: one from the California Department of Transportation and one from the San Francisco Bay Regional Water Quality Control Board. Copies of comment letters received during the scoping period are included in Appendix A, *Scoping Summary Report*.

1.3.4 Draft EIR

The District ~~has prepared the~~ DEIR, as informed by public and agency input received during the scoping period, to disclose potentially significant environmental impacts associated with the proposed project. Where any such impacts are significant, feasible mitigation measures and potentially feasible alternatives that would substantially lessen or avoid such effects are identified and discussed.

1.3.5 Public Review and Meetings

The DEIR ~~is currently undergoing~~ was available for public review for 45 days. The public review period ~~provides~~ provided the public an opportunity to comment on the DEIR to the lead agency. During the public review period, the District ~~will hold~~ held a public meeting. The meeting ~~will begin~~ began with a brief overview of the proposed project and the analysis and conclusions set forth in the DEIR. This introductory presentation ~~will then be~~ was followed by

the opportunity for interested members of the public to provide oral and written comments to the District regarding the proposed project and the DEIR.

This information ~~is~~was also included in the Notice of Availability of ~~this~~the DEIR.

1.3.6 Final EIR

Written and oral comments received in response to the DEIR ~~will be~~were addressed in a Response to Comments document that, together with the DEIR and any related changes to the substantive discussion in the DEIR, ~~will constitute the~~constitute this Final EIR (FEIR). The Response to Comments document is presented in Volume 1 of this FEIR. ~~The~~This FEIR, in turn, will inform the District's exercise of its discretion as a lead agency under CEQA in deciding whether or how to approve the proposed project.

1.3.7 Mitigation, Monitoring, and Reporting

CEQA requires lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that are adopted to avoid or substantially lessen significant effects on the environment. All adopted measures will be included in an MMRP to ensure CEQA compliance during project construction and operation (State CEQA Guidelines Section 15097[a]).

1.4 Organization of this ~~DEIR~~

This ~~volume of the~~ EIR contains the following components:

Executive Summary. A project summary, description of the issues of concern, list of project alternatives, and summary of environmental impacts and mitigation measures are provided in the *Executive Summary*.

Chapter 1, *Introduction*. This chapter describes the purpose and organization of the EIR and its preparation, review, and certification process.

Chapter 2, *Project Description*. This chapter summarizes the proposed project, including a description of the project need, purpose, and objectives; project area; project components, design alternatives, and construction activities; and other actions that would be taken under the proposed project.

Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures*. Section 3.1 is an introduction to the impact analysis conducted in this DEIR and describes resource topics that have been eliminated from further analysis. Sections 3.2 through 3.14 describe the environmental resources and potential environmental impacts of the proposed project. Each of these chapters describes the existing setting and background information for the resource topic area under consideration. This background provides the reader with the basis to understand the conditions that could be affected by the proposed project. These chapters present impact evaluations and discuss the criteria used in determining the significance levels of the proposed project's environmental impacts. Each of these chapters also identifies mitigation measures to reduce, where possible, the adverse effects of potentially significant impacts.

Chapter 4, *Other Statutory Considerations*. This chapter addresses the proposed project's potential to contribute to cumulative impacts. Chapter 4 also outlines the proposed project's potential to induce growth and identifies significant, irreversible environmental changes resulting from the project.

Chapter 5, *Alternatives*. This chapter describes the process by which alternatives to the proposed project were developed, screened, and evaluated. This chapter also summarizes the likely environmental impacts of the alternatives and identifies the environmentally superior alternative.

Chapter 6, *Report Preparers*, lists the individuals involved in preparing this DEIR.

Chapter 7, *References*, provides a bibliography of printed references, websites, and personal communications used in preparing this DEIR.

Volume 3 of this FEIR is organized as follows:

Appendix A is the Scoping Summary Report, which includes the NOP issued by the District, a summary of the scoping process, comments received during the scoping period, and copies of comments received.

Appendix B contains a summary of local plans and policies relevant to the proposed project.

Appendix C contains the air quality and greenhouse gas emissions calculations used for the project's air quality and greenhouse gas emissions impact evaluations.

Appendix D contains the preliminary wetland delineation prepared for the proposed project.

Appendix E contains a table summarizing special-status plants that were evaluated for their potential occurrence in the project area.

Appendix F contains detailed descriptions of special-status animal species potentially occurring in the project area.

Appendix G contains noise calculations used to determine the proposed project's noise effects on the surrounding environment.

Appendix H includes the traffic impact analysis memorandum completed for the proposed project.

Appendix I contains the draft mitigation monitoring and reporting program prepared for the proposed project.

Appendix J contains the Notice of Availability and DEIR distribution list.

Appendix K includes the public meeting presentation and sign-in sheet.

1.5 Submittal of Comments

The District ~~is circulating~~ circulated the DEIR for a 45-day public review and comment period, as identified in the Notice of Availability. As discussed in Section 1.2.4 above, the District ~~will host~~ hosted a public meeting during this period at which oral and written comments will be received. The purpose of public circulation and the public meeting ~~is~~ was to provide agencies and interested individuals with opportunities to comment on or express concerns regarding the contents of ~~the~~ their DEIR.

~~Meeting attendees were allowed to submit~~ Written and oral comments concerning this ~~the~~ DEIR may be submitted at the public meeting described above, and written comments ~~can be provided at any time~~ were submitted during the DEIR public review period. ~~All written comments must be received by 5:00 p.m. on the final date of public review, as identified in the Notice of Availability.~~ Written comments ~~should be~~ were directed to the name and address listed below:

Michael Coleman, Environmental Planner II
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118
mcoleman@valleywater.org

Submittal of written comments via e-mail (Microsoft Word or Adobe PDF format) ~~is~~ was preferred. Written and oral comments received in response to ~~this~~ the DEIR during the public review period ~~will be~~ are addressed in a ~~the~~ Response to Comments section of the FEIR (Volume 1).

Chapter 2

PROJECT DESCRIPTION

2.1 Overview

The District prepared this EIR in accordance with CEQA to identify and evaluate environmental effects of the proposed Lower Penitencia Creek Improvements Project (proposed project). During the CEQA process, the District considers the proposed project as a proposed activity only. Pending the outcome of the CEQA process, the proposed project will be submitted to the District Board of Directors for their review and approval.

The objective of this project description is to provide the public with a clear understanding of the proposed project, including its objectives, location, proposed elements, construction, built features, operation, and required permits and approvals. This project description does not presume that the proposed project is considered approved, nor will it necessarily be approved, until the environmental and planning process has been completed.

2.2 Project Objectives

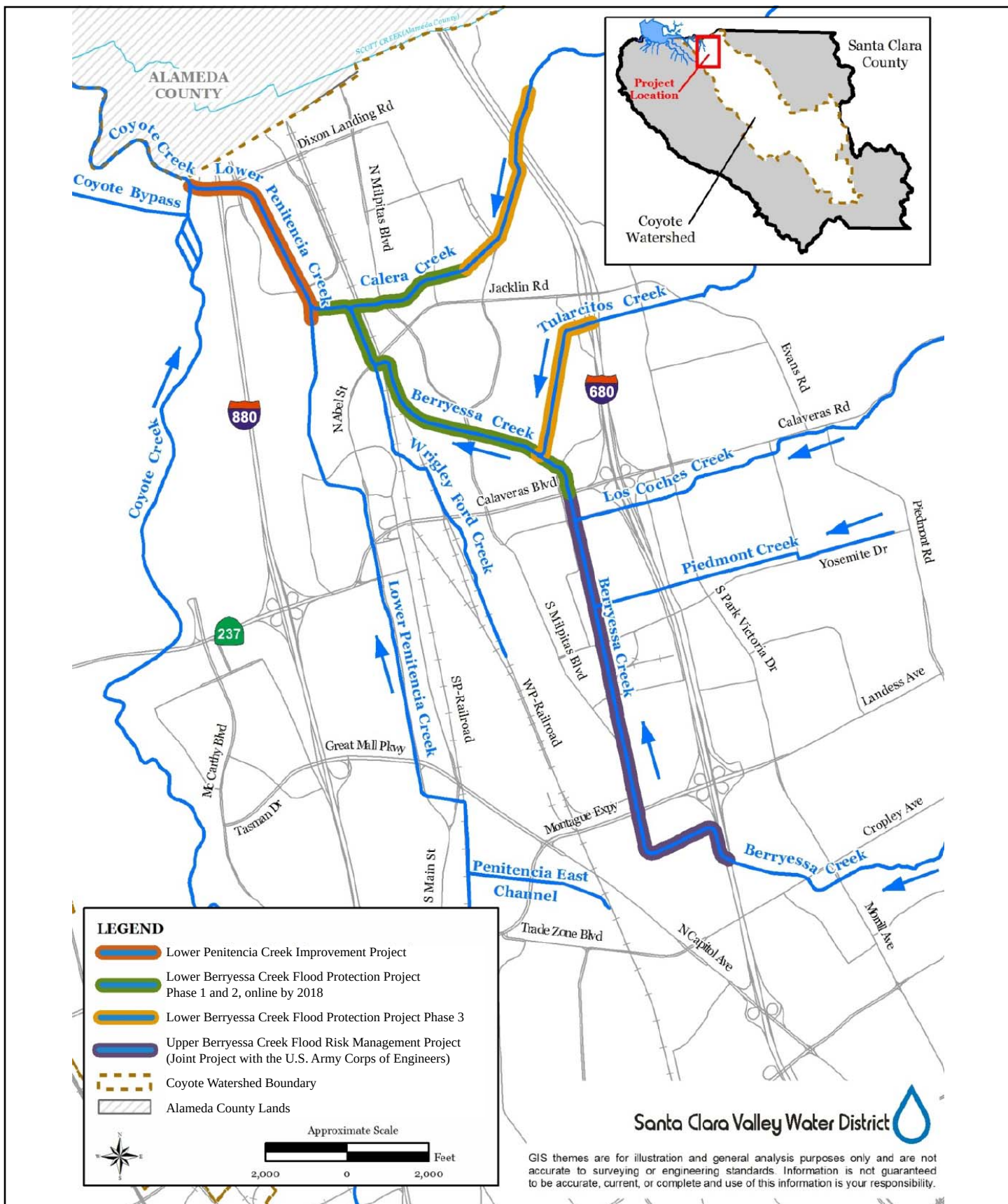
Lower Penitencia Creek is situated in the northeasterly portion of Santa Clara County within the city of Milpitas in the Berryessa Creek watershed (**Figure 2-1**). Lower Penitencia Creek is an open trapezoidal channel with both earth- and concrete-lined sections. Channel capacity improvements were constructed in 1955, 1962, 1965, and 1984. Lower Penitencia Creek's east levee, between California Circle and Berryessa Creek, is currently certified by the Federal Emergency Management Agency (FEMA), which means that the levee meets federal design, construction, maintenance, and operation standards to adequately reduce the risk of flooding from a major flood (i.e., a flood with a 1-percent chance of occurring in any given year), and areas behind the levee are shown as moderate-risk zones on FEMA flood maps. Two tributaries, Berryessa Creek and East Penitencia Channel, flow into Lower Penitencia Creek at the upstream terminus of the project area. Lower Penitencia Creek itself flows into Coyote Creek at the downstream terminus of the project area.

The Lower Berryessa Creek Element, a component of the Lower Berryessa Creek Program, is located directly upstream of Lower Penitencia Creek, and discharges to Lower Penitencia Creek. The District is currently constructing improvements to the Lower Berryessa Creek Element (hereinafter referred to as the Lower Berryessa Creek Project) (SCVWD 2017). The Lower Calera Creek Element discharges to Lower Berryessa Creek. Flood protection improvements to the Lower Calera Creek Element are currently under design, and are expected to be constructed in the next 2 to 3 years. The U.S. Army Corps of Engineers' (USACE's) Upper Berryessa Creek Flood Risk Management Project (USACE 2014), located directly upstream of the Lower Berryessa Creek Project, is also currently under construction. The location of these two projects in relation to the proposed project are shown in **Figure 2-2**.

C:\Users\GIS\Documents\ArcGIS\PROJECTS\15005 - SCVWD - LowerPenitenciaCreek\mxd\Figure 2-1 - Project Location.mxd PG 10/7/2016



Figure 2-1
Project Location



Source: SCVWD 2016

Figure 2-2. Location of Proposed Project and Upstream Flood Protection Projects

Prepared by:



Lower Penitencia Creek Improvements Project

Construction of USACE's Upper Berryessa Creek Flood Risk Management Project (Interstate 680 [I-680] to Calaveras Boulevard) is scheduled for completion in late 2017 (SCVWD 2016). The District began construction of the Lower Berryessa Creek Project (Calaveras Boulevard to Lower Penitencia Creek) in summer 2015 and expects to complete construction in late 2018 (SCVWD 2016). Together, the Upper and Lower Berryessa Creek projects will protect 3,400 homes, businesses, and public facilities from the 1-percent flood event (SCVWD 2011a).

After construction of the Lower Berryessa Creek and Upper Berryessa Creek projects is completed, the Upper and Lower Berryessa channels will have the capacity to convey the 1-percent flood event (i.e., the stream flow with a 1-percent likelihood of being equaled or exceeded in a given year; also referred to as the 100-year flow) downstream to Lower Penitencia Creek. Because these projects will contain the 100-year event within the channel without overtopping of banks, the amount of water conveyed downstream to Lower Penitencia Creek will increase (i.e., water that would have overflowed the creek banks onto surrounding areas will now remain within the channel). Under current conditions, the estimated 1-percent (100-year) design discharge for Lower Penitencia Creek at its confluence with Coyote Creek is 4,830 cubic feet per second (cfs). In the future (after completion of the Lower and Upper Berryessa Creek projects), Lower Penitencia Creek's 1-percent flow would increase to an estimated 6,900 cfs (SCVWD 2016). In its existing condition, Lower Penitencia Creek lacks the capacity to convey the projected future 1-percent flow.

A primary objective of the proposed Lower Penitencia Creek project is to convey the increased 1-percent flows from the improved Upper and Lower Berryessa Creeks to Coyote Creek without overtopping of the Lower Penitencia Creek banks. This would extend the flood protection benefits from the upper watershed projects downstream to the Coyote Creek/Lower Penitencia Creek confluence. The proposed project is intended to meet the following specific objectives:

- Convey the Lower Berryessa Creek 1-percent design flow;
- Meet required water surface elevations at the confluences of Lower Penitencia Creek with Coyote Creek and Berryessa Creek;
- Minimize the need for seasonal removal of sediment and non-woody vegetation;
- Maintain existing FEMA accreditation of the east levee located between California Circle and Berryessa Creek; and
- Ensure the project improvements meet FEMA certification requirements.

In the long term, the 1-percent or 100-year flow on Lower Penitencia Creek could increase to 8,720 cfs (i.e., the ultimate flow) if additional channel improvements are made to Berryessa Creek upstream of I-680, which is located about 4 miles upstream of the confluence of Lower Penitencia Creek and Lower Berryessa Creek (SCVWD 2016). Channel improvements upstream of I-680 are not currently planned by the District and would occur only after the District conducted additional planning studies and CEQA analysis of those improvements, which would take many years (SCVWD 2016). The proposed project would accommodate the 6,900-cfs flow in Lower Penitencia Creek projected to result from construction of the Upper Berryessa Creek Flood Risk Management Project by USACE and construction of the Lower Berryessa Creek Project by the District. The floodwalls included in the proposed project would be designed to accommodate the anticipated ultimate 8,720 cfs flow, however, as only a minor increase in floodwall heights is required above the 6,900-cfs floodwall heights. All other project elements would be designed to accommodate the projected 100-year flow of

6,900 cfs, which would result after the completion of improvements to Lower Berryessa Creek and Upper Berryessa Creek (currently under construction).

The proposed project would be necessary to prevent flooding in the project vicinity during a future 1-percent event. The proposed project is also necessary to maintain the existing FEMA accreditation¹ of the Lower Penitencia Creek east levee, located between California Circle and the Lower Berryessa Creek confluence, after construction of the Upper and Lower Berryessa Creek projects. If the Lower Penitencia Creek east levee were to be decertified by FEMA (i.e., if it no longer provided 100-year flood protection), a portion of Milpitas would be returned to the flood hazard zone.

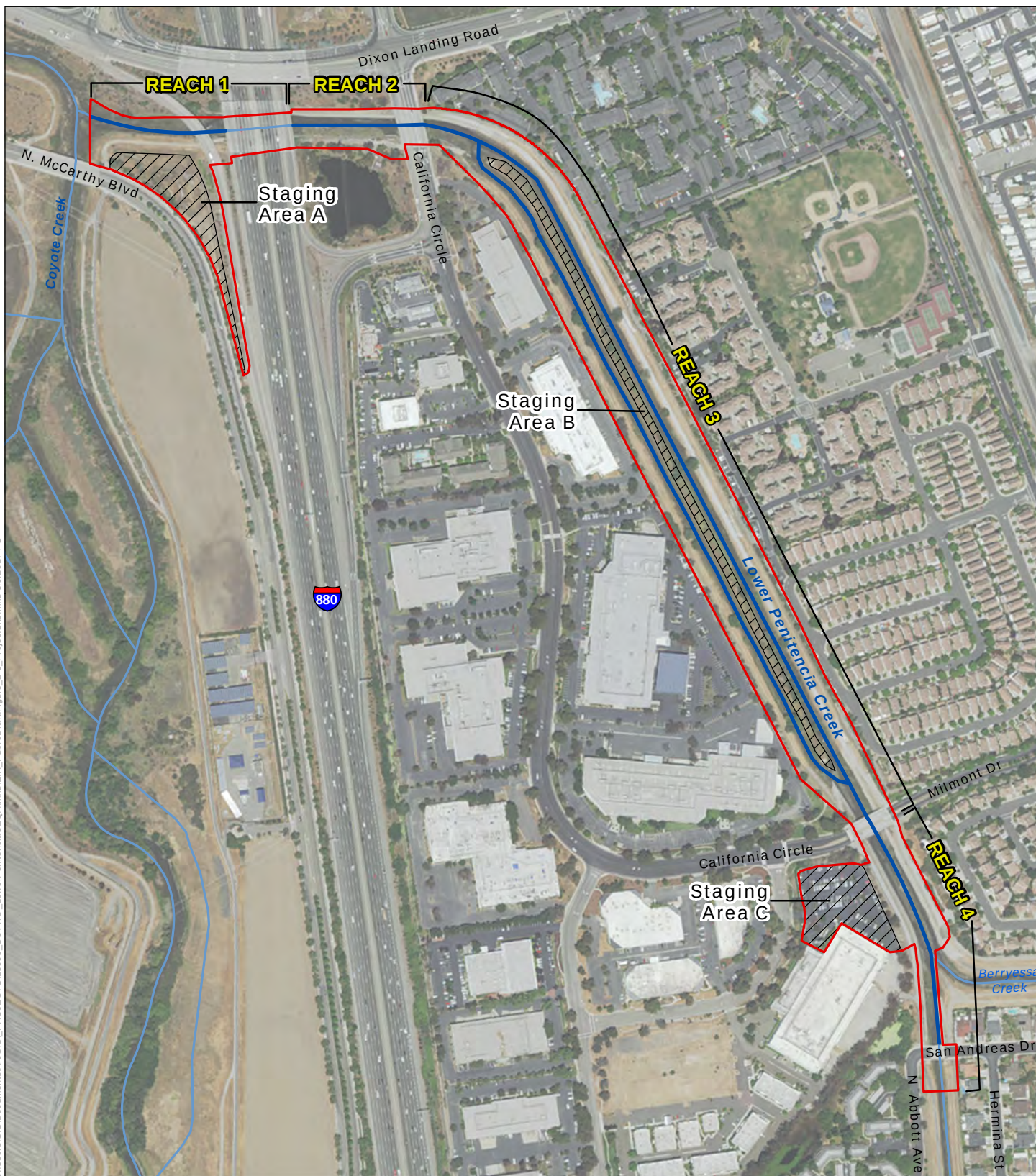
2.3 Proposed Project Location and Setting

The project area on Lower Penitencia Creek is located in the lower portion of the Coyote Creek watershed on the east side of the Santa Clara Valley. Lower Penitencia Creek receives streamflow from approximately 28.2 square miles of upstream catchment area in the watershed east and south of the project area. These upstream watershed lands consist mostly of hillslopes in the western portion of the Diablo Range. Closer to the project area, the lower watershed is urbanized, and storm runoff moves quickly through the City of Milpitas' storm drain system to the Lower Penitencia Creek channel. The main tributaries to Lower Penitencia Creek are the East Penitencia Channel and Lower Berryessa Creek. Lower Penitencia Creek flows through residential and office park/commercial areas in the City of Milpitas before reaching its confluence with Coyote Creek, which drains to south San Francisco Bay.

The proposed project is located in a developed area in the city of Milpitas, Santa Clara County, California. As shown in **Figure 2-3**, the upstream limit of the proposed project is upstream of the San Andreas Drive bridge, just upstream of Lower Penitencia Creek's confluence with Lower Berryessa Creek. The downstream limit of the proposed project is at the creek's confluence with Coyote Creek.

¹ FEMA has the responsibility of accrediting levee systems that are defined as providing protection from the base flood. FEMA has established a set of design, operation, and maintenance criteria that must initially be met and must continue to be met in order for a levee system to be recognized as providing a 1-percent annual level of flood protection on National Flood Insurance Program maps or Digital Flood Insurance Rate Maps.

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0 200 400 800
Feet

Project Boundary

Staging Area

Figure 2-3
Project Site

Prepared by:



Lower Penitencia Creek
Improvements Project

Within the project area, the total length of the affected creek channel is approximately 5,000 linear feet. The project area includes four reaches of Lower Penitencia Creek (Figure 2-3), as listed below:

- Reach 1: Coyote Creek confluence to Interstate 880 (I-880) (800 feet)
- Reach 2: I-880 to California Circle (500 feet)
- Reach 3: California Circle to Milmont Drive (3,000 feet)
- Reach 4: Milmont Drive to San Andreas Drive (800 feet)

The existing Lower Penitencia Creek channel is a trapezoidal flood control channel with both earth and concrete-lined sections, bounded on its north/east and south/west banks by earthen levees. In Reach 3, primary and secondary channels are separated by a central berm. Vehicular bridges for the I-880 southbound ramp, I-880, California Circle, Milmont Drive, and San Andreas Drive cross the creek channel in the project area. The banks and/or bed of Lower Penitencia Creek are lined with concrete at two areas: upstream of the California Circle Bridge and between the Milmont Drive Bridge and the Lower Berryessa Creek confluence. Additionally, a concrete-lined crossing at the southern end of the Reach 3 secondary channel allows vehicle access to the central berm in this reach. An unpaved maintenance road runs the length of the central berm. Existing maintenance roads are located on the levee crests on both sides of the creek in Reaches 2, 3, and 4. In Reach 1, a maintenance road is located on the south bank, but not on the north bank. Additionally, a depressed maintenance road is located along the inboard eastern levee between California Circle and Milmont Drive (Reach 3).

2.4 Relationship to Other District Activities

In an ongoing effort to ensure flood protection in the five watersheds under its jurisdiction, the District is currently engaged in several flood protection projects. Flood protection activities most closely associated with the proposed project include the Lower Berryessa Creek Project described in Chapter 1 and Section 2.2 of this chapter, the Upper Berryessa Creek Flood Risk Management Project, and the District's Stream Maintenance Program, described in Section 2.4.1 below. Additionally, the District has developed standard procedures (i.e., best management practices [BMPs]) that are applied during construction and operation of its flood protection projects. These BMPs are described in Section 2.4 and listed at the end of this chapter.

2.4.1 Stream Maintenance Program

The District's Stream Maintenance Program (SMP) provides maintenance standards and guides maintenance activities for the District to meet its designated flood protection mandates throughout Santa Clara County, including at the Lower Penitencia Creek channel. SMP activities are intended to maintain a channel to its original design and are not conducted (or allowed) to increase the flow conveyance capacity of a channel. The SMP includes many measures to avoid and minimize potential environmental impacts associated with maintenance activities. The SMP is an ongoing, countywide program that is included in this EIR's cumulative impact analysis (Chapter 4, Section 4.3).

The SMP covers sediment removal, vegetation management (including mowing of levee banks for fire safety purposes), streambank protection, management of wildlife conflicts, and minor maintenance activities such as fence repair and graffiti removal. In 2012, the District

prepared an EIR for updates to the SMP (SCVWD 2012). In 2014, programmatic permits were issued for SMP activities extending through 2023 (SCVWD 2014a).

The project area along Lower Penitencia Creek is maintained by the District in accordance with the SMP. Reaches 2, 3 and 4 (i.e., I-880 crossing to Lower Berryessa Creek confluence) of the Lower Penitencia Creek channel undergo periodic sediment removal and are classified as pre-mitigated areas for sediment removal activities. In 2015, the District removed accumulated sediment in Reaches 2, 3, and 4 of Lower Penitencia Creek to restore the design flow conveyance capacity of the channel. Sediment removal activities conducted under the SMP maintain the channel's current design capacity and do not provide any additional conveyance capacity beyond the existing channel design. Because the sediment removal area is classified as pre-mitigated, no additional mitigation was required for that activity. In contrast to SMP activities, the proposed project would increase the flow conveyance capacity of Lower Penitencia Creek. Following construction of the proposed project, the future maintenance of the channel would be conducted in compliance with the District's SMP.

2.4.2 District Best Management Practices

The District has developed, and regularly updates, the *Santa Clara Valley Water District Best Management Practices Handbook* (Handbook), which provides a comprehensive list of standard procedures that are consistently applied to design, development, construction, and operation of District projects, with the purpose of avoiding or minimizing adverse environmental effects (SCVWD 2014b). The Handbook provides general technical guidance and standardized procedures for all District projects; it does not address project-specific issues. The Handbook refers to these procedures as BMPs. Relevant BMPs from the Handbook are incorporated into the proposed project and are identified in the impact analyses in Chapter 3. The full text of relevant BMPs are presented in **Table 2-4** at the end of this chapter.

2.5 Project Development

At the time the *Lower Berryessa Creek Program Environmental Impact Report* (Program EIR) was developed in 2011, the District anticipated that a hydrologic and hydraulic analysis of the creek from just upstream of the Lower Berryessa Creek confluence downstream to I-880 was needed to determine the 100-year water surface elevation and hydraulic grade line throughout the Lower Penitencia Creek Project reach that would result from upstream improvements (i.e., the Lower Berryessa Creek Project and the USACE's Upper Berryessa Creek Flood Risk Management Project). Because this analysis was not complete at the time the Program EIR was developed, the Lower Penitencia Creek Improvements Project was evaluated at a more general level of detail in the Program EIR, without the specific understanding of project needs based on the forthcoming hydraulic analysis. The preliminary concept of the Lower Penitencia Creek Element entailed returning the channel to design capacity by removing accumulated sediment and vegetation in the channel and lowering the in-channel bench between the creek's confluence with Lower Berryessa Creek and California Circle. More specifically, the District envisioned removing accumulated sediment between California Circle and I-880, and within the reach downstream of I-880 (SCVWD 2011a).

Since publication of the Program EIR, the District has developed and analyzed a number of conceptual design alternatives that could fulfill the project objectives (identified in Section 2.2). The conceptual design alternatives included different combinations of infrastructure upgrades to improve flood protection at Lower Penitencia Creek. Conceptual design

alternatives were evaluated for their hydraulic and engineering conditions and were refined based on the District's Natural Flood Protection (NFP) evaluation process. The NFP evaluation is documented in the Staff-Recommended Alternative Report (SCVWD 2015) for the project. The NFP evaluation considered input received during meetings held during 2014 and 2015 from the City of Milpitas, members of the local community, and District experts.

Of the alternatives considered initially, four potentially feasible design alternatives were evaluated using the NFP process, and the results of that analysis are documented in the District's Staff-Recommended Alternatives Report (SCVWD 2015). The four design alternatives are:

- Design Alternative 1: widen the California Circle crossing, construct floodwalls, raise a levee, and construct wetland benches;
- Design Alternative 2A: widen the California Circle and Milmont Drive crossings, construct floodwalls, relocate a levee, and construct wetland benches in Reaches 1 and 2;
- Design Alternative 4: widen the California Circle and Milmont Drive crossings, construct floodwalls (including a taller floodwall), relocate a levee, and construct wetland benches; and
- Design Alternative 6: widen the California Circle crossing, construct floodwalls, raise a levee, remove the central berm in Reach 3, and line the channel with concrete.

Each design alternative was rated according to how well it would accomplish the project objectives. Based on the evaluation process, District staff determined that Design Alternative 2A would best meet the project objectives. Upon completion of hydraulic and geotechnical studies prepared for Alternative 2A, the District further refined Alternative 2A to develop the proposed project. Specifically, the District confirmed that the project would not require widening of the California Circle and Milmont Drive bridges, a wetland bench would be feasible in Reach 1 but not in Reach 2, and headwalls (see Section 2.6.1) would need to be installed on the upstream and downstream sides of the San Andreas Drive bridge. Chapter 5, *Alternatives*, analyzes potential environmental impacts of the other three potentially feasible design alternatives and indicates how these impacts compare to impacts of the proposed project.

2.6 Characteristics of the Proposed Project

The proposed project would meet project objectives for flood protection while accommodating daily tidal fluctuations and expected sea-level rise. The controlling factors for channel conveyance capacity are the 10-year tide and 100-year flow event (after completion of the upstream projects on Lower and Upper Berryessa Creek). The proposed project would be designed to accommodate an expected increase of 2.59 feet in sea level rise over the project's 50-year design life (SCVWD 2016). Proposed project elements for each reach are described below.

2.6.1 Proposed Project Elements

The proposed project includes the following elements: floodwalls in Reaches 2, 3, and 4; setback replacement levee and wetland bench in Reach 1; earthen ramps on the Reach 3 east

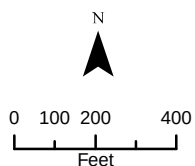
bank; bridge headwalls;² sediment removal; restoration of maintenance roads disturbed during construction; and hydroseeding and stabilization of disturbed areas. **Table 2-1** summarizes proposed project elements considered for each reach, and general descriptions of these elements are provided below. **Figures 2-4 and 2-5** show conceptual plan view and cross-section views of these elements, respectively.

Table 2-1. Proposed Project Elements Considered for Reach and Bridge Locations

Reach or Bridge	Project Elements
Reach 1 Coyote Creek to Highway 880	Relocated and raised south bank levee with maintenance road on crest Wetland bench on south bank <u>Approximately 50 feet of sheetpile floodwall to the north of channel</u>
Reach 2 I-880 to California Circle	Sheetpile floodwall on top of existing south/west bank levee <u>Approximately 25 feet of sheetpile floodwall on top of existing north/east bank levee near I-880</u> Removal of about 70 cy of sediment from the concrete-lined channel Relocated access ramp to City's pump station Maintenance road improvements
Reach 3 California Circle to Milmont Drive	Sheet pile floodwalls on top of existing west and east bank levees Earthen fill to floodwall to allow the existing Penitencia Creek Trail to cross over the new floodwall Maintenance road improvements Removal of accumulated sediment from low-flow channel
Reach 4 Milmont Drive to San Andreas Drive	Sheetpile floodwalls on top of existing west bank levee Raising of existing east bank levee by up to 6 feet Removal of about 730 cy of sediment from the concrete-lined channel Maintenance road improvements
San Andreas Drive Bridge	Headwalls on the downstream and upstream faces of San Andreas Drive bridge

² A headwall is an impervious wall connecting to a bridge over a stream channel to prevent high water from flowing onto the bridge deck.

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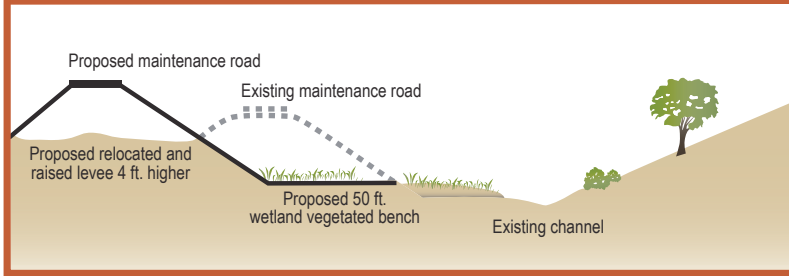
Prepared by:
Horizon
WATER AND ENVIRONMENT

- Proposed Elements
- Raised Levee
 - Setback Replacement Levee
 - Wetland Bench
 - Bridge Headwall
 - Floodwall

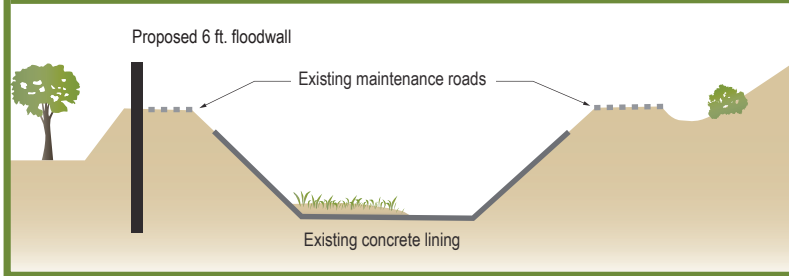
Figure 2-4
Proposed Project Elements

Lower Penitencia Creek
Improvements Project

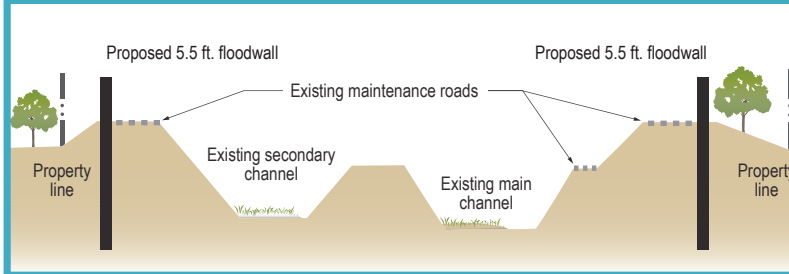
Reach 1 — Coyote Creek to Interstate 880



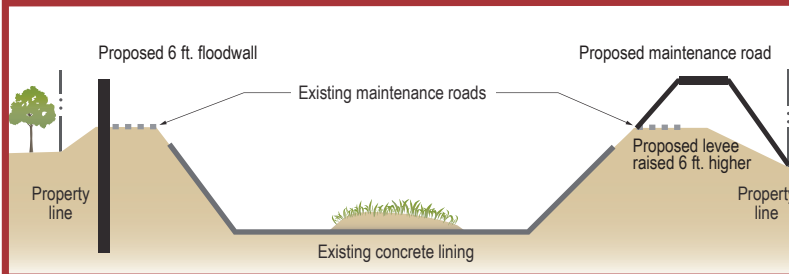
Reach 2 — Interstate 880 to California Circle



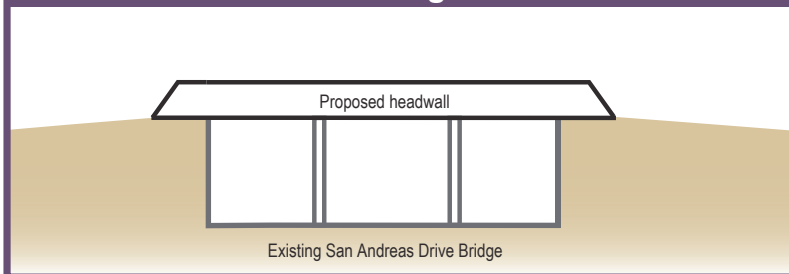
Reach 3 — California Circle to Milmont Drive



Reach 4 — Milmont Drive to San Andreas Drive



At San Andreas Drive Bridge Headwall



Source: SCVWD 2017

Figure 2-5. Conceptual Cross-Section View of Proposed Project Elements by Reach

Prepared by:



Lower Penitencia Creek Improvements Project

Floodwalls

New vertical sheet pile floodwalls would be constructed on top of the existing levees parallel to the creek channel in all four Reaches 2, 3, and 4. Floodwalls would provide increased flood protection and freeboard³ necessary to comply with FEMA requirements and the District's freeboard standards. Floodwalls would vary in height from approximately 5.5 to 6 feet above the levee crest along the Project. In Reaches 2 and 4, the floodwalls would be 6 feet tall; and in Reach 3, the floodwalls would be 5.5 feet tall. Floodwall heights are measured from the existing top of the levees. Some of the floodwalls would be installed on the outboard side slope of levees and would appear taller when viewed from outside the channel.

The floodwalls would be composed of overlapping coated-steel sheet piles driven into the ground. While the District has not yet selected a color coating, it is anticipated that the coating would be non-reflective and a neutral color selected to blend into the surrounding environment **Figure 2-6** (top two photos) shows example floodwalls comprised of coated sheet pile. Although the proposed floodwalls are currently in the design phase, the new floodwalls would appear similar to those shown in Figure 2-5. The sheet piles would be coated to prevent corrosion and improve aesthetics. Additional description of the floodwalls is provided by project reach below.

Reach 1. An approximately 50-foot-long section of floodwall would be constructed on the north/east levee near I-880.

Reach 2. A floodwall would be constructed on the outboard side of the south/west levee in Reach 2. To accommodate access to the California Circle Pump Station, which is located just south of the District's this levee, an 18-foot-wide ramp accessible from California Circle would be constructed behind the floodwall. A 26-foot-long segment of floodwall would be constructed on the north/east levee near I-880.

Reach 3. Floodwalls would be constructed on both sides of the channel in Reach 3. On the west bank of Reach 3, the floodwall would be constructed on the outboard side of the maintenance road. On the east bank of Reach 3, between Milmont Drive and the point at which the City trail merges with the District's maintenance road, the floodwall would be on the inboard side of the maintenance road. To the north of the trail merge, the floodwall would be on the outboard side of the maintenance road. The east levee floodwall in Reach 3 would include a pedestrian crossing to allow for continued use of the existing Penitencia Creek Trail (owned by the City of Milpitas) that parallels and connects with the trail located on the District's levee-crest maintenance road. The floodwall crossing would require raising the slope of the existing trail to meet the top of the proposed floodwall, building a rectangular earthen pad at the crest point, and building an earthen ramp connecting to the existing trail at the outboard base of the east levee. The existing grade of the Penitencia Creek Trail would be increased to meet the ramp. In both directions of the maintenance road, the grade would be sloped at no greater than 1:12 (vertical:horizontal) to ensure compliance with the Americans with Disabilities Act and conform to the existing maintenance road elevation. To buttress the ramps, sheet pile retaining walls would be installed.

³ In flood management terminology, freeboard is the height of a given structure above the flood level. FEMA encourages communities to adopt at least a 1-foot freeboard in designated floodways (FEMA 2017).

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Example photo of sheetpile floodwall installed for the Downtown Guadalupe Flood Protection Project in San Jose, California.



Example photo sheetpile floodwall installed for a project in Long Beach, California.



Photo depicting sheetpile wall installation for a project along Trabuco Creek in San Juan Capistrano, California.



Another photo showing sheetpile wall installation for a project along Trabuco Creek in San Juan Capistrano, California

Figure 2-6. Example Photos of Sheet Pile Walls

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Reach 4. A sheetpile floodwall would be installed on the west side of the channel, extending from Milmont drive to San Andreas Drive. The northern portion of floodwall would be installed on the outboard side of the levee (i.e., the outer side facing away from the creek), and the southern portion of floodwall would be located on the inboard side of the levee (i.e., the inner side facing toward the creek).

Raised Levee

On the east bank, the existing earthen levee would be raised by about 5.5 feet, from Milmont Drive to the Lower Berryessa Creek confluence, where it would connect to an existing raised levee along Lower Berryessa Creek.

Setback Replacement Levee

The existing south levee in Reach 1 would be removed and replaced with a taller earthen levee (approximately 2.5 feet taller than the existing levee) located up to 150 feet south of the existing levee. The new levee would have side slopes at a 3:1 to 2:1 (horizontal:vertical) gradient and a minimum top width of 18 feet. A maintenance road surfaced with crushed stone or armoring aggregate would be built on the levee crest. The new levee would have an 18-foot-wide road surfaced with compacted aggregate on its crest that would connect to McCarthy Road and the existing I-880 access gate. The road would be gated at either end and access would be restricted to District maintenance staff

Wetland Bench

A new approximately 0.29-acre bench⁴ would be created on the south bank of Reach 1. To create the Reach 1 bench, the existing south/west levee would be removed and a new earthen levee with a crest elevation approximately 2.5 feet higher than the removed levee and would be constructed farther south, away from the channel. The bench would be located between the existing North McCarthy Road embankment at its western end and to the existing I-880 southbound onramp embankment at its eastern end. The bench area would be excavated to an elevation that would experience tidal inundation. The newly created bench would be approximately 50 feet wide and planted with wetland vegetation to create tidal aquatic habitat. The relocated levee and wetland bench would increase the channel's flow conveyance capacity in Reach 1.

San Andreas Drive Bridge Headwalls

Without any improvements, the existing San Andreas Drive bridge in Reach 4 could be overtopped by backwater⁵ accumulating in the Lower Penitencia Creek channel during the 1-percent flow event. Therefore, to prevent overtopping by floodwaters, concrete headwalls would be constructed on the downstream and upstream faces of the bridge. The headwalls would connect with the east and west bank levees and floodwalls and would each be approximately 70 feet long. The headwalls would be approximately 1 foot thick and have a height of approximately 6.5 feet. Since the southern portion of floodwall along the west bank

⁴ A wetland bench is a horizontal area of the channel margin. While positioned higher than the main channel bottom, the wetland bench would be at an elevation that experiences periodic tidal inundation under mean higher high water conditions and is also inundated during moderate and larger creek flows during winter storm events. The bench would be vegetated with estuarine plants that are suited to both tidal and riverine conditions. The bench would create tidal aquatic habitat.

⁵ Backwater is water that has backed up in its course because of an obstruction, an opposing current, or tides.

of the channel would be on the inboard side of the levee, it would not obstruct pedestrian access to the trail on the west bank of Reach 4 from San Andreas Drive. The east bank would have a closeable gate-type opening between the floodwall and the bridge headwall. The gate-type opening would be designed so that a wood or metal barrier could be quickly deployed to close the opening to flood waters.

Sediment Removal

Accumulated sediment would be removed from the concrete-lined portions of Reaches 2 and 4 of the channel and an additional 1,500 cubic yards from the unlined channel in from Reach 3.

Maintenance Road Restoration

The District's maintenance roads along the channel would be disturbed during construction of the floodwalls in Reaches 2, 3, and 4. The project would restore the roads to conditions similar to existing conditions. Portions of the maintenance roads along the east bank of Reach 3 and on the west bank of Reach 4 which serve as public trails would be repaved with asphaltic concrete after floodwall construction has been completed. All other maintenance roads would be surfaced with aggregate. Additionally, a maintenance road surfaced with either crushed stone or aggregate base would be constructed on of the crest of the setback levee on the south bank of Reach 1, replacing the maintenance road on the crest of the existing levee (which would be removed).

Revegetation and Stabilization

Upon completion of construction, disturbed areas would be hydroseeded with native grasses to prevent erosion and establish upland habitat. Specific areas that would be hydroseeded include the side slopes of the Reach 1 setback levee; maintenance road shoulders in Reaches 2, 3 and 4; and construction staging areas. Note that the wetland bench in Reach 1 would not be hydroseeded. Woven, biodegradable erosion control blankets would be secured over the disturbed areas to prevent erosion while the grass establishes. The grass would grow through the blankets, which would biodegrade and disappear over time.

2.7 Project Construction

2.7.1 Construction Activities

Reach 2, 3, and 4 Floodwalls

Floodwalls would be constructed on or near the crests of existing levees and would require shallow excavation and fill to accommodate floodwall supports below the existing grade. A specialized piece of equipment called a Giken silent piler would be used to install the sheet pile walls. This particular machine uses a press-in method that emits less noise and vibration than other methods for pile installation. To the extent feasible, all equipment would be operated from the levee-crest maintenance roads.

Reach 1 Setback Replacement Levee and Wetland Bench

Construction of the Reach 1 improvements would require dewatering (i.e., draining) of the creek channel. Construction of the new south bank levee in Reach 1 would entail demolition

and removal of the existing Reach 1 south bank levee, as well as preparation of the ground surface to receive new fill. The existing levee would be removed down to grade level. The new levee would be set back from the creek channel and constructed using stockpiled soils, imported fill, or a combination of the two. Approximately 4,600 cubic yards would be excavated and ~~To the extent feasible, material excavated from the existing levee would be used to reconstruct the new levees.~~ The newly placed fill would be contoured and compacted to ensure the levees' structural stability. The levee slopes would be hydroseeded⁶ with native grasses for erosion protection.

A wetland bench would be excavated between the creek channel and the replacement levee in the existing south bank of Reach 1 using excavators and backhoes. As previously described, work in Reach 1 would entail lowering the ground surface to create the new, nearly level bench within the tidal range. Excavated soil would be used to create the replacement levee in Reach 1 or disposed of at an offsite location. The bench would be planted with native species adapted to tidal conditions to create new habitat.

San Andreas Drive Bridge Headwalls

Construction of new headwalls on the upstream and downstream faces of the San Andreas Drive bridge would require dewatering of the channel under and near the bridge. The existing chain-link fence on the bridge would be removed and concrete headwalls would be installed. The downstream headwall would tie into the Reach 4 west bank floodwall and the Lower Berryessa floodwall on the east bank. The upstream headwall would tie into the future floodwalls on both sides of the channel. Construction of the headwalls would take up to 2 months. During construction of each headwall, one lane of the two-lane bridge would be temporarily closed and the bridge would remain in use with reduced capacity. Traffic controls would be put in place to ensure safe and efficient movement of vehicles, bicyclists, and pedestrians over the bridge during the construction period. Refer to Section 3.13, *Transportation and Traffic*, for additional information regarding traffic control measures that would be implemented.

Sediment Removal

During construction in Reach 2 Approximately 70 cubic yards of accumulated sediment would be removed from the concrete-lined portions of the channel. During construction in Reach 4 approximately 730 cubic yards of accumulated sediment would be removed from the concrete-lined portions of the channel. During construction in Reach 3, approximately 1,500 cubic yards of accumulated sediment would be removed from the unlined earthen channel. This sediment would ~~either be reused on site or~~ off-hauled to the Newby Island Landfill, located just northwest of the project site.

Dewatering Activities

In-channel construction work for the proposed project would occur during the dry season, between mid-June and mid-October when channel flow is lowest. Channel dewatering would be required for construction of the relocated levee and wetland bench in Reach 1, sediment removal within Reaches 2 and 3, construction of headwalls to the San Andreas Drive bridge,

⁶ Hydroseeding is a planting process that uses a slurry of seed and mulch; it is often used as an erosion control technique on construction sites to stabilize bare soil and prevent erosion.

and sediment removal in Reach 4. Dewatering activities at these project areas would be temporary.

Additionally, depending on the layout of equipment needed to construct floodwalls on the south bank of Reach 2 and both banks of Reach 3, it would be necessary to dewater the entire length of Reaches 2 and 3 during construction of the floodwalls. In total, about 5,100 linear feet of channel would be dewatered. The work would be staged and only a portion of the channel length would be dewatered at any one time. Dewatering at any particular creek section would have a maximum duration of 4 months.

All water in the dewatered areas would be removed and creek flows and runoff diverted around the work areas. Water would be diverted into pipes and routed around the work areas by a temporary cofferdam. Diverted water would be returned to the creek downstream of the project area. This diversion would remain in place during construction of the Reach 1 wetland bench and replacement levee, the San Andreas Drive headwalls and sediment removal work area, and possibly the Reach 2 and 3 floodwalls.

Maintenance Road Improvements

The District's maintenance roads would be improved and restored similar to existing conditions. An approximately 18-foot-wide maintenance road consisting of either crushed stone or aggregate base would be constructed on the crest of the replacement levee on the south bank of Reach 1. Portions of the maintenance roads along the east bank of Reach 3 and on the west bank of Reach 4 would be repaved with asphaltic concrete after floodwall construction has been completed. The remaining portions of those roads would be surfaced with an aggregate base.

Construction-period Erosion Control

Prior to stripping of vegetative cover and site grading, erosion control features (e.g., silt fences, fiber rolls, drainage swales, detention ponds) would be installed in compliance with the proposed project's stormwater pollution prevention plan (SWPPP). These temporary features would be designed to prevent soil erosion at the construction areas. They would be removed at the end of construction, and the affected areas would be hydroseeded and permanently stabilized.

Hydroseeding and Slope Stabilization and Revegetation

Disturbed areas, including the side slopes of the setback replacement levee, maintenance road shoulders, and staging areas would be hydroseeded at the end of the dry-period construction season (likely in October) to provide erosion protection and prevent sediment erosion and transport to the channel. A hydroseed mix consisting of native and naturalized grass seeds, mulch, and tackifier would be sprayed onto the ground surface. In addition, biodegradable mats would be placed on top of disturbed areas, such as on relatively steep levee-side slopes, where necessary to prevent erosion.

For revegetation activities, the District will follow regional guidelines developed by the Phytophthoras in Native Habitats Work Group. This Work Group is a coalition of California native plant nursery managers, land management agencies, researchers, and non-profit organizations, created for the purpose of coordinating and developing comprehensive

program of management, monitoring, research, education and policy to minimize the spread of Phytophthora pathogens in restoration sites and native plant nurseries. The full text of the guidelines can be found at <http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy.Guidelines.final.092216.pdf> and http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration_guidance_FINAL-111716.pdf. Implementing the regional guidelines would require the District to follow sanitation, planting, and nursery guidelines through the following:

- If container plants are used for revegetation efforts, the District will require the nursery to implement the “Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries” (2016a).
- In preparation for and during restoration activities, the District and its contractors will follow the “Guidelines to Minimize Phytophthora Contamination in Restoration Projects” (2016b).

In addition, to the maximum extent practicable, the District will follow general site sanitation practices such as:

- The exterior and interior of all vehicles, construction equipment and tools should be clean and free of debris, soil and mud (including mud on tires, treads, wheel wells and undercarriage).
- Work shoes should be kept clean by inspection of shoe soles and removal of mud, debris, and soil off treads before moving to a new job site.
- Vehicles should stay on established roads whenever possible.

2.7.2 Construction Equipment

The following pieces of equipment would be used for project construction:

- | | |
|---------------------------|---|
| ▪ track-mounted excavator | ▪ backhoe |
| ▪ crane | ▪ compactor |
| ▪ dump truck | ▪ front-end loader |
| ▪ flat-bed delivery truck | ▪ water truck |
| ▪ concrete truck | ▪ diesel generators |
| ▪ grader | ▪ water hoses |
| ▪ bulldozer | ▪ pumps for dewatering |
| ▪ compactor | ▪ cement and mortar mixers |
| ▪ Giken silent piler | ▪ mowing equipment (e.g., weed eaters, commercial lawnmowers) |

2.7.3 Construction Staging Areas, Access, and Vehicle Trips

Project construction would generally occur within existing District right-of-way (ROW) and easements along the creek channel. As shown in Figure 2-3, in addition to the existing channel ROW, the vacant area south of the Reach 1 replacement levee may also be used as a staging area during project construction. This area, Staging Area A, is accessible from an existing District access road connecting to North McCarthy Boulevard and would be used for staging of equipment and construction materials.

Staging may also occur at the central berm between the primary and secondary channels in Reach 3 (Staging Area B) during floodwall construction and sediment removal activities. Prior to use of this staging area, the channel would be dewatered and water would be routed around the extent of Reach 3. Within Staging Area B, equipment and materials would be stored on the flat portions of the berm. The central berm is accessible via two existing concrete-lined ramps located at the northern and southern end of Reach 3. These ramps both connect to the levee crest road on the west bank in Reach 3.

In addition, the District may use Staging Area C throughout project construction. This potential staging area is located adjacent to Reach 4, southwest of the Milmont Drive bridge. The site is currently a paved parking lot with some landscaping. Any stockpiling of import, export, or reuse materials would also occur within the designated staging areas. Staging may also occur within channel easements or District ROW on District channel maintenance roads on both sides of the channel.

I-880 and the Dixon Landing Road exit would be the primary construction access route to the project area. Construction vehicles would access Reach 1 from North McCarthy Boulevard and the District maintenance road accessible from this roadway. Reach 2 would be accessed from California Circle and existing maintenance roads on both sides of the channel. Reach 3 would be accessed from California Circle, Milmont Drive, and the existing maintenance roads along the channel. Similarly, Reach 4 would be accessed from Milmont Drive and/or San Andreas Drive and existing maintenance roads along the channel.

The Penitencia Creek Trail on and at the toe of the east levee of Reach 3 would be temporarily closed to the public for the duration of Reach 3 construction.

Table 2-2 summarizes the anticipated number of potential worker trips and construction-related trips for the proposed project. The proposed project would require up to 40 construction workers on site, although 20 workers would likely be on site on a typical work day. The construction-related trip estimates are based on the District's Planning Study Report, which assumed that approximately 14,400 cubic yards of excavated soil would be reused on site, approximately 6,700 cubic yards of soil would be off-hauled, and approximately 3,500 cubic yards of concrete would be delivered and placed on site (SCVWD 2016). About 2,300 cubic yards of sediment would be removed from the low-flow channel for disposal off-site. The Planning Study Report estimates are conservative and it is likely that the project would actually require somewhat less concrete and earth movement. Since the DEIR was published, project design has advanced and the total volume of soil that would be excavated would be approximately 4,600 cubic yards. Assuming that this material would be reused for new levee construction, an additional 3,430 cubic yards of fill material would be imported to the project site for new levee construction. These excavation and fill quantities

were not available at the time the DEIR was published; Therefore, the construction-related trip estimates presented in Table 2-2 are overestimated and considered conservative.

Table 2-2. Construction-related Trips

Time Period	Average Employee Trips ¹	Average Heavy Vehicle Trips ²	Total Trips ³		
			To the Project Site	Out from the Site	Total
AM Peak Hour	40	3	40	3	43
PM Peak Hour	40	3	3	40	43
Daily	132	26	79	79	158

¹ Assumes one commute trip per employee per peak hour and miscellaneous trips such as deliveries, visitor trips, and lunch trips.

² Based on 10 cubic yards of material per heavy vehicle trip during the busiest 2-month work period, with truck trips evenly distributed throughout 8 hours of a typical day.

Source: Hexagon Transportation Consultants, Inc. 2016

2.7.4 Construction Schedule

The District intends to construct the proposed project over 2 years, during 2018 and 2019. In-channel construction activities, including channel dewatering, would occur between June 15 and October 15 each year, although some work outside the creek channel and revegetation planting may occur before June 15 or after October 15. Construction activities that could occur prior to June 15 include site preparation (e.g. vegetation clearing), staging of construction equipment and materials, and some earthwork outside of the channel (e.g. grading of maintenance roads). For the purposes of the EIR, it is assumed that the total number of work days would be equivalent to 4 months total each year. Although the phasing of construction has not yet been determined, for the purposes of this analysis, it is assumed that the first half of the construction activities would take place in 2018 and the second half would occur in 2019. While there is a possibility that construction delays could occur, the EIR analysis conservatively assumes a worse-case scenario that construction activities would be condensed within a 2-year timeframe.

Project construction would generally occur on weekdays during daytime hours (7:00 a.m. to 7:00 p.m.), which is consistent with the City of Milpitas noise ordinance. However, extended construction hours on weekends may occur infrequently if approved in advance by the City of Milpitas. No construction activities would occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

2.8 Project Operations

2.8.1 Maintenance Activities

Similar to current practice, maintenance activities may be conducted within the project area following project construction. These activities may include trash and debris removal, vegetation management (e.g., mowing the channel banks, removing vegetation along maintenance roads), maintenance road grading, management of wildlife conflicts, graffiti

removal, and fence repair. In addition to continuing these maintenance activities, the newly installed floodwalls and San Andreas Drive bridge headwalls would be visually inspected on a periodic basis (one to two times per year). If observed damage threatens the integrity of the structure, repairs would be completed to return them to the as-built design.

Once constructed, the proposed project would reduce the need for routine sediment removal in the channel. The proposed project would be designed so that sediment build-up can occur up to the mean high water mark and still ensure sufficient flow capacity to convey the 1-percent flow. During low tide, the majority of accumulated sediment would settle in the Reach 3 low-flow channel. Future sediment removal work in the channel would occur under the District's SMP and would be triggered once sediment accumulation exceeds design standards. Localized sediment removal work may be needed to keep culverts and ramps clear. Other post-construction maintenance activities in the project area would also continue under the District's SMP similar to current channel maintenance efforts.

2.9 Intended Uses of the EIR

As described in the State CEQA Guidelines (14 CCR Section 15121[a]), an EIR is a public information document that assesses potential environmental effects of a proposed project, as well as identifies mitigation measures and alternatives to the project that could reduce or avoid potentially significant environmental impacts (14 CCR Section 15121[a]). Other key requirements include developing a plan for implementing and monitoring the success of the identified mitigation measures, and carrying out specific noticing and distribution steps to facilitate public involvement in the environmental review process.

The EIR is an informational document used in the planning and decision-making process. It is not the purpose of an EIR to recommend either approval or denial of a project. The information contained in this EIR and the administrative record will be reviewed and considered by the District Board of Directors prior to making a decision to approve, disapprove, or modify the proposed project. In addition, the EIR will also be used by a responsible agency for purpose of deciding whether and how to approve the project. Responsible agencies are state or local agencies other than the lead agency which have some discretionary approval power over the project. In this instance, as listed in Table 2-3 below, the responsible agencies would include the Regional Water Quality Control Board, California Department of Fish and Wildlife, Caltrans, and City of Milpitas.

2.10 Permits and Approvals

Agencies expected to use this EIR in their decision making for permits and approvals required for implementation of the project are summarized in **Table 2-3** below. With respect to the floodwall and ramp in Reach 3, the District would also coordinate with the City of Milpitas as design of those facilities advances.

Table 2-3. Applicable Anticipated Permit and Regulatory Requirements for Project

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
U.S. Army Corps of Engineers (USACE)	Clean Water Act (CWA) Section 404/Rivers and Harbor Act Section 10	Regulates placement of dredge and fill materials into waters of the U.S., including wetlands	Individual Permit
<u>U.S. Fish and Wildlife Service (USFWS) / National Marine Fisheries Service (NMFS)</u>	<u>Endangered Species Act Section 7 / Magnuson-Stevens Fishery Conservation and Management Act</u>	<u>Potential Consultation between USACE and USFWS and/or NMFS if threatened or endangered species might be affected by the project</u>	<u>ESA Section 7 Consultation (likely informal consultation for project)</u>
Regional Water Quality Control Board San Francisco Bay Region	CWA Section 401	Water quality certification for placement of dredge and fill materials into waters of the U.S., including wetlands	401 Water Quality Certification is required for federal permits, such as CWA Section 404 Permits
	CWA Section 402	National Pollutant Discharge Elimination System (NPDES) program, which regulates discharges of pollutants	NPDES General Construction Permit
	Porter-Cologne Water Quality Control Act	Regulates discharges of materials to land and protection of beneficial uses of waters of the state	Waste Discharge Requirements
California Department of Fish and Wildlife	Fish and Game Code Section 1602	Applies to activities that will substantially modify a river, stream, or lake; includes reasonable conditions necessary to protect those resources	Streambed Alteration Agreement
California Department of Transportation (Caltrans)	Section 660 of the California Streets and Highways Code	Applies to Reaches 1 and 2 work in areas within Caltrans right-of-way	Encroachment permit

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
City of Milpitas	N/A	Applies to Reaches 1, 2, and 3 work on City of Milpitas property	Temporary and permanent easements
City of Milpitas	Tree Maintenance and Protection Ordinance	Applies to trees within the limits of the City of Milpitas	Permit for removal of street trees, protected trees, or heritage trees.

Table 2-4. District Best Management Practices Relevant to the Proposed Project

BMP Number and Title	BMP Text
<i>Air Quality</i>	
AQ-1: Use Dust Control Measures	The following Bay Area Air Quality Management District (BAAQMD) Dust Control Measures will be implemented: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; 4. Water used to wash the various exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, etc.) will not be allowed to enter waterways; 5. All vehicle speeds on unpaved roads shall be limited to 15 mph; 6. 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; 7. 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), and this requirement shall be clearly communicated to construction workers (such as verbiage in contracts and clear signage at all access points); 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications, and all equipment shall be checked by a certified visible emissions evaluator; 9. Correct tire inflation shall be maintained in accordance with manufacturer's specifications on wheeled equipment and vehicles to prevent excessive rolling resistance; and, 10. Post a publicly visible sign with a telephone number and contact person at the lead agency to address dust complaints; any complaints shall be responded to and take corrective action within 48 hours. In addition, a BAAQMD telephone number with any applicable regulations will be included.
AQ-2: Avoid Stockpiling Odorous Materials	Materials with decaying organic material, or other potentially odorous materials, will be handled in a manner that avoids impacting residential areas and other sensitive receptors, including: 1. Avoid stockpiling potentially odorous materials within 1,000 feet of residential areas or other odor sensitive land uses; and 2. Odorous stockpiles will be disposed of at an appropriate landfill.

BMP Number and Title	BMP Text
Biological Resources	
BI-1: Avoid Relocating Mitten Crabs	Sediment potentially containing Chinese Mitten Crabs will not be transported between San Francisco Bay Watersheds and Monterey Bay Watersheds, specifically: 1. Sediment removed from the San Francisco Bay watersheds will not be transported south of Coyote Creek Golf Drive in south San Jose, and the intersection of McKean and Casa Loma Roads; and, 2. Earth moving equipment used in the San Francisco Bay watershed will be cleaned before being moved to, and used in, the Pajaro Watershed.
BI-2: Minimize Impacts to Steelhead	Minimize potential impacts to salmonids by avoiding routine use of vehicles and equipment in salmonid streams between January 1 and June 15.
BI-3: Remove Temporary Fill	Temporary fill materials, such as for diversion structures or cofferdams, will be removed upon finishing the work or as appropriate. The creek channels and banks will be re-contoured to match pre-construction conditions to the extent possible. Low-flow channels within non-tidal streams will be contoured to facilitate fish passage and will emulate the preconstruction conditions as closely as possible, within the finished channel topography.
BI-5: Avoid Impacts to Nesting Migratory Birds	Nesting birds are protected by state and federal laws. The District will protect nesting birds and their nests from abandonment, loss, damage, or destruction. Nesting bird surveys will be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of birds, bird nests, or nesting migratory birds. Inactive bird nests may be removed with the exception of raptor nests. Birds, nests with eggs, or nests with hatchlings will be left undisturbed.
BI-6: Avoid Impacts to Nesting Migratory Birds from Pending Construction	Nesting exclusion devices may be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained throughout the nesting season or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete.
BI-7: Minimize Impacts to Vegetation from Survey Work	Survey cross-sections will be moved, within acceptable tolerances, to avoid cutting dense riparian vegetation and minimize cutting of woody vegetation, taking advantage of natural breaks in foliage. If the cross-section cannot be moved within the established acceptable tolerances to avoid impacts to dense riparian or woody vegetation, the survey section will be abandoned.
BI-8: Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes	Whenever native species are prescribed for installation the following steps will be taken by a qualified biologist or vegetation specialist:

BMP Number and Title	BMP Text
	1. Evaluate whether the plant species currently grows wild in Santa Clara County; and, 2. If so, the qualified biologist or vegetation specialist will determine if any need to be local natives, i.e., grown from propagules collected in the same or adjacent watershed, and as close to the project site as feasible. Also, consult a qualified biologist or vegetation specialist to determine which seeding option is ecologically appropriate and effective, specifically: 1. For areas that are disturbed, an erosion control seed mix may be used consistent with the SCVWD Guidelines and Standards for Land Use Near Streams, Design Guide 5, 'Temporary Erosion Control Options.' 2. In areas with remnant native plants, the qualified biologist or vegetation specialist may choose an abiotic application instead, such as an erosion control blanket or seedless hydro-mulch and tackifier to facilitate passive revegetation of local native species. 3. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable. 4. If a gravel or wood mulch has been used to prevent soil compaction, this material may be left in place [if ecologically appropriate] instead of seeding. Seed selection shall be ecologically appropriate as determined by a qualified biologist, per Guidelines and Standards for Land Use Near Streams, Design Guide 2: Use of Local Native Species.
BI-9: Restore Riffle/Pool Configuration of Channel Bottom	The channel bottom shall be re-graded at the end of the work project to as close to original conditions as possible. In salmonid streams, restore pool and riffle configurations to emulate pre-project instream conditions, taking into account channel morphological features (i.e., slope), which affects riffle/pool sequence.
BI-10: Avoid Animal Entry and Entrapment	All pipes, hoses, or similar structures less than 12 inches diameter will be closed or covered to prevent animal entry. All construction pipes, culverts, or similar structures, greater than 2-inches diameter, stored at a construction site overnight, will be inspected thoroughly for wildlife by a qualified biologist or properly trained construction personnel before the pipe is buried, capped, used, or moved. If inspection indicates presence of sensitive or state- or federally-listed species inside stored materials or equipment, work on those materials will cease until a qualified biologist determines the appropriate course of action. To prevent entrapment of animals, all excavations, steep-walled holes or trenches more than 6-inches deep will be secured against animal entry at the close of each day. Any of the following measures may be employed, depending on the size of the hole and method feasibility:

BMP Number and Title	BMP Text
	1. Hole to be securely covered (no gaps) with plywood, or similar materials, at the close of each working day, or any time the opening will be left unattended for more than one hour; or 2. In the absence of covers, the excavation will be provided with escape ramps constructed of earth or untreated wood, sloped no steeper than 2:1, and located no farther than 15 feet apart; or 3. In situations where escape ramps are infeasible, the hole or trench will be surrounded by filter fabric fencing or a similar barrier with the bottom edge buried to prevent entry.
BI-11: Minimize Predator Attraction	Remove trash daily from the worksite to avoid attracting potential predators to the site.
Cultural Resources	
CU-1: Accidental Discovery of Archaeological Artifacts, <u>Tribal Cultural Resources</u> , or Burial Remains	If historical or unique archaeological artifacts are accidentally discovered during construction, <u>or tribal cultural resources</u>, work in affected areas will be restricted or stopped until proper protocols are met. Work at the location of the find will halt immediately within 100³⁰ feet of the find. A “no work” zone shall be established utilizing appropriate flagging to delineate the boundary of this zone. A Consulting Archaeologist will visit the discovery site as soon as practicable for identification and evaluation pursuant to Section 21083.2 of the Public Resources Code and Section 15126.4 of the California Code of Regulations. If the archaeologist determines that the artifact is not significant, construction may resume. If the archaeologist determines that the artifact <u>or resource</u> is significant, the archaeologist will determine if the artifact <u>or resource</u> can be avoided and, if so, will detail avoidance procedures. If the artifact cannot be avoided, the archaeologist will develop within 48 hours an Action Plan which will include provisions to minimize impacts and, if required, a Data Recovery Plan for recovery of artifacts in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. <u>If a tribal cultural resource cannot be avoided, the Action Plan will include notification of the appropriate Native American tribe, and consultation with the tribe regarding acceptable recovery options.</u> If burial finds are accidentally discovered during construction, work in affected areas will be restricted or stopped until proper protocols are met. Upon discovering any burial site as evidenced by human skeletal remains, the County Coroner will be immediately notified and the field crew supervisor shall take immediate steps to secure and protect such remains from vandalism during periods when work crews are absent. No further excavation or disturbance within 30¹⁰⁰ feet of the site or any nearby area reasonably suspected to overlie adjacent remains may be made except as authorized by the County Coroner, California Native American Heritage Commission, and/or the County Coordinator of Indian Affairs.

BMP Number and Title	BMP Text
<i>Hazards & Hazardous Materials</i>	
HM-7: Restrict Vehicle and Equipment Cleaning to Appropriate Locations	Vehicles and equipment may be washed only at approved areas. No washing of vehicles or equipment will occur at job sites.
HM-8: Ensure Proper Vehicle and Equipment Fueling and Maintenance	No fueling or servicing will be done in a waterway or immediate flood plain, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators). 1. For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will not be able to come in direct contact with soil, surface water, or the storm drainage system. 2. All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation. 3. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. 4. All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use. 5. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain.
HM-9: Ensure Proper Hazardous Materials Management	Measures will be implemented to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means.

BMP Number and Title	BMP Text
	1. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered. 2. Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage. 3. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials will not contact soil and not be allowed to enter surface waters or the storm drainage system. 4. All toxic materials, including waste disposal containers, will be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water. 5. Quantities of toxic materials, such as equipment fuels and lubricants, will be stored with secondary containment that is capable of containing 110% of the primary container(s). 6. The discharge of any hazardous or non-hazardous waste as defined in Division 2, Subdivision 1, Chapter 2 of the California Code of Regulations will be conducted in accordance with applicable State and federal regulations. 7. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.
HM-10: Utilize Spill Prevention Measures	Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures: 1. Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean-up of accidental spills; 2. Equipment and materials for cleanup of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements; 3. Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means; 4. Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations), and all field personnel will be advised of these locations; and, 5. The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.
HM-11: Ensure Worker Safety in Areas with High Mercury Levels	To ensure worker safety is protected in areas with elevated mercury concentrations in exposed surfaces, personal protective equipment will be required during project construction to maintain exposure below levels established by the California Division of Occupational Safety and Health (Cal/OSHA).

BMP Number and Title	BMP Text
HM-12: Incorporate Fire Prevention Measures	1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors. 2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site. 3. An extinguisher shall be available at the project site at all times when welding or other repair activities that can generate sparks (such as metal grinding) is occurring. 4. Smoking shall be prohibited except in designated staging areas and at least 20 feet from any combustible chemicals or vegetation.
Hydrology/Water Quality	
WQ-1: Conduct Work from Top of Bank	For work activities that will occur in the channel, work will be conducted from the top of the bank if access is available and there are flows in the channel.
WQ-2: Evaluate Use of Wheel and Track Mounted Vehicles in Stream Bottoms	Field personnel will use the appropriate equipment for the job that minimizes disturbance to the stream bottom. Appropriately tired vehicles, either tracked or wheeled, will be used depending on the situation. Tracked vehicles (bulldozers, loaders) may cause scarification. Wheeled vehicles may cause compaction. Heavy equipment will not operate in the live stream.
WQ-3: Limit Impact of Pump and Generator Operation and Maintenance	Pumps and generators will be maintained and operated in a manner that minimizes impacts to water quality and aquatic species. 1. Pumps and generators will be maintained according to manufacturers' specifications to regulate flows to prevent dry-back or washout conditions. 2. Pumps will be operated and monitored to prevent low water conditions, which could pump muddy bottom water, or high water conditions, which creates ponding. 3. Pump intakes will be screened to prevent uptake of fish and other vertebrates. Pumps in steelhead creeks will be screened according to NMFS criteria. 4. Sufficient back-up pumps and generators will be onsite to replace defective or damaged pumps and generators.
WQ-4: Limit Impacts from Staging and Stockpiling Materials	1. To protect on-site vegetation and water quality, staging areas should occur on access roads, surface streets, or other disturbed areas that are already compacted and only support ruderal vegetation. Similarly, all

BMP Number and Title	BMP Text
	equipment and materials (e.g., road rock and project spoil) will be contained within the existing service roads, paved roads, or other pre-determined staging areas. 2. Building materials and other project-related materials, including chemicals and sediment, will not be stockpiled or stored where they could spill into water bodies or storm drains. 3. No runoff from the staging areas may be allowed to enter water ways, including the creek channel or storm drains, without being subjected to adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, silt screens). 4. The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited. 5. During the wet season, no stockpiled soils will remain exposed, unless surrounded by properly installed and maintained silt fencing or other means of erosion control. During the dry season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers.
WQ-5: Stabilize Construction Entrances and Exits	Measures will be implemented to minimize soil from being tracked onto streets near work sites: 1. Methods used to prevent mud from being tracked out of work sites onto roadways include installing a layer of geotextile mat, followed by a 4-inch thick layer of 1 to 3-inch diameter gravel on unsurfaced access roads. 2. Access will be provided as close to the work area as possible, using existing ramps where available and planning work site access so as to minimize disturbance to the water body bed and banks, and the surrounding land uses.
WQ-6: Limit Impact of Concrete Near Waterways	Concrete that has not been cured is alkaline and can increase the pH of the water; fresh concrete will be isolated until it no longer poses a threat to water quality using the following appropriate measures: 1. Wet sacked concrete will be excluded from the wetted channel for a period of four weeks after installation. During that time, the wet sacked concrete will be kept moist (such as covering with wet carpet) and runoff from the wet sacked concrete will not be allowed to enter a live stream. 2. Poured concrete will be excluded from the wetted channel for a period of four weeks after it is poured. During that time, the poured concrete will be kept moist, and runoff from the wet concrete will not be allowed to enter a live stream. Commercial sealants (e.g., Deep Seal, Elasto-Deck Reservoir Grade) may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If a sealant is used, water will be excluded from the site until the sealant is dry. 3. Dry sacked concrete will not be used in any channel. 4. An area outside of the channel and floodplain will be designated to clean out concrete transit vehicles.

BMP Number and Title	BMP Text
WQ-7: Isolate Work in Tidal Areas with Use of Cofferd Dam	For work in tidal areas, it is preferable to isolate one side of the channel with a cofferdam and allow flows to continue on the other side of the creek. If downstream flows cannot be diverted around the project site, the creek waters will be transmitted around the site through cofferdam bypass pipes. By isolating the work area from tidal flows, water quality impacts are minimized. 1. Installation of coffer dams will begin at low tide. 2. Waters discharged through tidal coffer dam bypass pipes will not exceed 10 percent in areas where natural turbidity is greater than 50 Nephelometric Turbidity Units (NTU) over the background levels of the tidal waters into which they are discharged. 3. Cofferdams in tidal areas may be made from earthen or gravel material. If earth is used, the downstream and upstream faces will be covered by a protected covering (e.g., plastic or fabric) and anchored to minimize erosion. 4. Cofferdams and bypass pipes will be removed as soon as possible but no more than 72 hours after work is completed. Flows will be restored at a reduced velocity to minimize erosion, turbidity, or harm to downstream habitat.
WQ-8: Minimize Hardscape in Bank Protection Design	Bank repair techniques appropriate to a given site based on hydraulic and other site conditions will be selected. 1. Biotechnical repair methods include construction with living materials; willow wattling; erosion control blankets; brush matting; and, installation of root wads and boulders in banks. 2. The repair will be designed and installed so that it will be self-sustaining and use vegetation that adds structural integrity to the stream bank.
WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	Disturbed areas shall be seeded with native seed as soon as is appropriate after activities are complete. An erosion control seed mix will be applied to exposed soils down to the ordinary high water mark in streams. 1. The seed mix should consist of California native grasses, (for example <i>Hordeum brachyantherum</i>; <i>Elymus glaucus</i>; and annual <i>Vulpia microstachyes</i>) or annual, sterile hybrid seed mix (e.g., <i>Regreen</i>™, a wheat x wheatgrass hybrid). 2. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable, or have other appropriate erosion control measures in place.
WQ-10: Prevent Scour Downstream of Sediment Removal	After sediment removal, the channel will be graded so that the transition between the existing channel both upstream and downstream of the work area is smooth, and continuous between the maintained and non-maintained areas, and does not present a sudden vertical transition (wall of sediment) or other blockage that could erode once flows are restored to the channel.

BMP Number and Title	BMP Text
WQ-11: Maintain Clean Conditions at Work Sites	The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials on a daily basis. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways. For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible, and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.
WQ-12: Manage Well or Exploratory Boring Materials	All materials or waters generated during drilling, well or exploratory boring construction, well development, pump testing, or other activities associated with wells or exploratory borings, will be safely handled, properly managed, and disposed of according to all applicable federal, state, and local statutes regulating such. In no case will these materials and/or waters be allowed to enter, or potentially enter, on- or off-site storm sewers, dry wells, or waterways. Such materials/waters must not be allowed to move off the property where the work is being completed.
WQ-13: Protect Groundwater from Contaminates Via Wells or Exploratory Borings	Any substances or materials that may degrade groundwater quality will not be allowed to enter any well or boring. Lubricants used on drill bits, drill pipe, or tremie pipe will not be comprised of oily or greasy substances or other materials that may degrade groundwater quality. Well openings or entrances will be sealed or secured in such a way as to prevent the introduction of contaminants.
WQ-15: Prevent Water Pollution	Oily, greasy, or sediment laden substances or other material that originate from the project operations and may degrade the quality of surface water or adversely affect aquatic life, fish, or wildlife will not be allowed to enter, or be placed where they may later enter, any waterway. The project will not increase the turbidity of any watercourse flowing past the construction site by taking all necessary precautions to limit the increase in turbidity as follows: 1. where natural turbidity is between 0 and 50 NTU, increases will not exceed 5 percent; 2. where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent; 3. where the receiving water body is a dry creek bed or storm drain, waters in excess of 50 NTU will not be discharged from the project. Water turbidity changes will be monitored. The discharge water measurements will be made at the point where the discharge water exits the water control system for tidal sites and 100 feet downstream of the discharge point for non-tidal sites. Natural watercourse turbidity measurements will be made in the receiving water 100 feet upstream

BMP Number and Title	BMP Text
	of the discharge site. Natural watercourse turbidity measurements will be made prior to initiation of project discharges, preferably at least 2 days prior to commencement of operations.
WQ-16: Prevent Stormwater Pollution	To prevent stormwater pollution, the applicable measures from the following list will be implemented: 1. Soils exposed due to project activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. In creeks, the channel bed and areas below the Ordinary High Water Mark are exempt from this BMP. 2. The preference for erosion control fabrics will be to consist of natural fibers; however, steeper slopes and areas that are highly erodible may require more structured erosion control methods. No non-porous fabric will be used as part of a permanent erosion control approach. Plastic sheeting may be used to temporarily protect a slope from runoff, but only if there are no indications that special-status species would be impacted by the application. 3. Erosion control measures will be installed according to manufacturer's specifications. 4. To prevent stormwater pollution, the appropriate measures from, but not limited to, the following list will be implemented: ▪ Silt Fences ▪ Straw Bale Barriers ▪ Brush or Rock Filters ▪ Storm Drain Inlet Protection ▪ Sediment Traps or Sediment Basins ▪ Erosion Control Blankets and/or Mats ▪ Soil Stabilization (i.e., tackified straw with seed, jute or geotextile blankets, etc.) ▪ Straw mulch. 5. All temporary construction-related erosion control methods shall be removed at the completion of the project (e.g., silt fences). 6. Surface barrier applications installed as a method of animal conflict management, such as chain link fencing, woven geotextiles, and other similar materials, will be installed no longer than 300 feet, with at least an equal amount of open area prior to another linear installation.

BMP Number and Title	BMP Text
<i>Transportation and Traffic</i>	
TR-1: Use Suitable Public Safety Measures	Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction, to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof.

Chapter 3

ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

3.1 Introduction

3.1.1 Introduction to Environmental Setting and Impact Analysis

Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures*, of this DEIR contains 13 sections that describe the environmental resources and environmental impacts of the proposed project. Sections 3.2 through 3.14 contain the following information about each resource topic:

- description of the environmental setting and background information about the resource topic to help the reader understand the resources that could be affected by the proposed project;
- summary of federal, state, and regional statutes, regulations, plans, and policies that are relevant to project activities or affected environmental resources;
- discussion of the criteria and thresholds used in determining the significance of the proposed project's environmental impacts;
- discussion of the impacts of the proposed project on environmental resources, including the significance of each impact and a summary table of impacts and levels of significance;
- discussion of BMPs from the District's Handbook (SCVWD 2014) and listed in Table 2-3 that would be applied to project activities to avoid or minimize impacts; and
- description of mitigation measures that would allow the District to avoid, minimize, or compensate for any significant impacts.

Appendix B includes relevant local plans and policies for each resource topic.

This EIR has been prepared at a project level. According to State CEQA Guidelines Section 15161, a project-level EIR should focus primarily on the changes in the environment that would result from development of all phases of the project, including construction and operation. Each section of Chapter 3 examines the construction and operation phases of the proposed project. Note that the proposed project's operational impact analysis evaluates the effects of new operation and maintenance activities that would occur within the project area, in addition to or beyond those existing maintenance activities already addressed under the District's ongoing SMP.

During the course of the EIR evaluation, it was determined that four CEQA checklist resource topics would result in no impacts based on the nature and scope of the proposed project activities. As such, the following resource topics have been eliminated from further analysis: agriculture and forestry resources, mineral resources, population and housing, and public services. A brief summary and description of these resource topics, along with the rationale for the no impact conclusions, are provided below in Section 3.1.3.

3.1.2 Impact Terminology and Use of Language in CEQA

The categories used to designate impact significance are described below:

- *No Impact (NI)* A project is considered to have no impact if there is no potential for impacts, or if the environmental resource does not exist within the project area or the area of potential effect. For example, there would be no impacts related to wastewater disposal if the project would not involve the production of wastewater.
- *Less than Significant (LS)* This determination applies if there is some impact, but the degree of impact does not qualify as significant according to the impact significance criteria for that resource.
- *Less than Significant with Mitigation (LM)* This determination applies to impacts that exceed significance criteria, but for which feasible mitigation is available to reduce the impacts to a less-than-significant level.
- *Significant (S)* This determination applies to impacts that exceed significance criteria without mitigation.
- *Significant and Unavoidable (SU)* This determination applies to impacts that are significant but (1) no feasible mitigation has been identified to reduce the impact to a less-than-significant level; or (2) feasible mitigation has been identified but the residual impact remains significant after mitigation is applied. Therefore, the impact is considered significant and unavoidable.

The analysis of potential impacts and mitigation measures is based on predetermined significance criteria. The significance criteria used in this EIR are generally taken from the Environmental Checklist Form included in Appendix G of the State CEQA Guidelines.

Where impacts are significant, feasible mitigation measures are presented. The DEIR evaluates the effectiveness of identified mitigation measures to reduce significant impact to less-than-significant levels.

In some cases, when impacts are not significant and thus no mitigation is required, the DEIR nevertheless discusses mitigation measures developed to address other significant impacts but would also reduce a less-than-significant impact in another topic area.

3.1.3 Sections Eliminated from Further Analysis

Agriculture and Forestry Resources

The project area is not used or zoned for agricultural or forestry activities. According to the California Department of Conservation (CDOC), the project area is located on land designated “urban and built-up land” (CDOC 2014, 2016). As a result, the proposed project would not

alter land use designations or farmland/timberland classifications designated at either the local or state level. No Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest lands, or lands under a Williamson Act contract would be converted by or conflict with the proposed project. Therefore, no impact on agriculture or forestry resources would result.

Mineral Resources

The project area does not have any designated mineral resources zones, nor does it contain any significant oil or gas resource-producing areas. According to the CDOC's Division of Mines and Geology (which became the California Geological Survey in 2006), the project area is classified as MRZ-1, a mineral resource zone in which adequate information indicates that no significant mineral deposits are present, or in which it is judged that little likelihood exists for their presence (Stinson et al. 1987). In addition, the proposed project would not involve any activities that could directly affect mineral production sites or prevent future availability of mineral resources. Therefore, no impact on mineral resources would result.

Population and Housing

The proposed project would provide flood protection along Lower Penitencia Creek and would primarily take place within the District's ROW. Throughout the construction phase, approximately 40 construction workers would be employed. It is anticipated that the regional or local labor force could meet the project's construction and workforce requirements. Although some workers might temporarily relocate from other areas, the increase in workers would be temporary and minimal. Operation and maintenance activities of the proposed project would be conducted by the District's existing workforce.

The proposed project does not include construction of new homes or businesses and would not remove obstacles to growth by extending any existing roads, water supply facilities, wastewater facilities, or other infrastructure. The proposed project would not displace any housing units or people. Additionally, the project area is surrounded by existing urban development. Ongoing and future redevelopment of the area is addressed by the City of Milpitas General Plan, which serves as a blueprint for land uses and development density in the City of Milpitas. The proposed project would not modify the general plan or change the types or densities of land uses allowed in the project vicinity. As such, the proposed project would not induce substantial population growth or result in impacts related to displacement of people or housing. There would be no impact on population and housing.

Public Services

The proposed project involves flood protection improvements along Lower Penitencia Creek and would not induce growth or increase population of the area. Therefore, it would not increase the need for public services or government facilities, including fire protection, police protection, schools, parks, or other services. During project construction, potential incidents could require law enforcement, fire protection, or emergency services; however, the project is located within an urbanized area of Milpitas and is currently served by existing public services (e.g., police and fire protection, schools, and parks). The temporary increase in such incidents would not be substantial and would not result in the need to construct new or physically altered governmental facilities to maintain acceptable service ratios or response times or meet performance objectives. Operation and maintenance activities described in Chapter 2, *Project Description*, would not be substantially different from existing maintenance and operation activities; therefore, operation of the proposed project would not change the

demand for public services and would not create a need for new or physically altered governmental facilities to maintain acceptable service ratios or response times or meet performance objectives of public service providers. Construction and operation of the proposed project would not substantially affect public services.

3.2 Aesthetics

3.1.1 Overview

This section describes concepts and terminology used in this section of the EIR to discuss aesthetic resources; the existing aesthetic resources within the project area; and pertinent state regulations regarding the protection of visual and scenic resources. The impacts on scenic resources, public views of scenic vistas, visual character of the potentially affected area, and light and glare effects from construction and operation of the proposed project are evaluated. Applicable BMPs are identified, and mitigation is proposed to address the impacts found to be significant.

Concepts and Terminology

Visual character, visual quality, and visual sensitivity are three terms used throughout this section. Visual character is the unique set of landscape features that combines to make a view, including native landforms, water, and vegetation patterns, as well as built features such as buildings, roads, and other structures. Visual quality is the intrinsic appeal of a landscape or scene due to the combination of natural and built features in the landscape. Natural and built features combine to form unique perspectives with varying degrees of visual quality, which is rated in this analysis as high, moderate, or low. A high visual quality rating indicates the presence of visual resources that are unique or exemplary of the region's natural or cultural scenic amenities. A moderate visual quality rating indicates visual resources typical or characteristic of the region's natural and/or cultural visual amenities. A low visual quality rating refers to areas generally lacking in natural or cultural visual resource amenities typical of the region.

Visual sensitivity reflects the level of interest or concern that viewers and responsible land management agencies have for a particular visual resource, with visual quality taken into account. Visual sensitivity is a measure of how noticeable proposed changes might be in a particular setting and is determined based on the distance from a viewer, the contrast of the proposed changes, and the duration that a particular view would be available to viewers. For example, areas such as scenic vistas, parks, trails, and scenic roadways typically have a high visual quality and visual sensitivity because these locales are publicly protected, appear natural, view durations are typically long, and close-up views are more commonly available.

3.1.2 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to aesthetics in relation to the proposed project.

State Laws, Regulations, and Policies

California Scenic Highway Program

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California. The state highway system includes designated scenic highways and those that are

eligible for designation as scenic highways. There are no state-designated scenic highways in Milpitas (California Department of Transportation [Caltrans] 2016); therefore, the proposed project would not be subject to the Scenic Highway Program.

3.1.3 Environmental Setting

Regional Setting

The City of Milpitas is characterized as a predominantly urban community located at the base of the Diablo Range and just east of the southern end of the San Francisco Bay. The foothills are sparsely settled and form a backdrop for many of the east-facing views from Milpitas.

According to the *City of Milpitas General Plan* (City of Milpitas 2002), the foothills and the tree-lined Coyote Creek corridor provide Milpitas with a scenic backdrop and visual reference points. General Plan Figure 4-6 shows specific hillsides, ridges, visually significant vegetation, and scenic routes that are critical in shaping the City's scenic identity. To maintain and improve the character and views of scenic resources from streets and maximize access to parks, open space, and other resources, the general plan establishes a well-integrated network of scenic routes. These are streets or corridors that pass through an area of scenic value, provide connectivity between such areas, or provide distant views of scenic resources. The general plan identifies various scenic resources, including scenic corridors, scenic connectors, major visual gateway, visually significant hilltop or ridge, visually significant vegetation, and visually significant hillsides. The following discussion describes how these terms are used in the general plan and describes designated scenic corridors and scenic connectors within the project area:

Scenic corridors are located along designated streets that pass through an area of scenic value and are subject to special development controls for the purpose of retaining and enhancing nearby views or maintaining unobstructed distant views. There are no scenic corridors in the project vicinity.

Scenic connectors are designated streets connecting or providing access to scenic corridors or distant views. Scenic connectors may not necessarily traverse an area of scenic value, but it is recommended that special design treatments (e.g., landscaping, undergrounding of utilities, and street furnishings) be undertaken to provide visual continuity with the scenic corridors. In the project vicinity, I-880 is a designated scenic connector; however, views of Lower Penitencia Creek are mostly obscured by the highway itself.

Major visual gateways are generally located at the terminus of a scenic corridor and scenic connector. The I-880 and Dixon Landing Road junction is designated as a major visual gateway in the general plan.

Visually significant vegetation generally occurs adjacent to creeks to the east of the urbanized area of Milpitas. There is no visually significant vegetation in the project vicinity.

Visually significant hilltops or ridges includes hilltops or ridges where scenic views are likely available; however, the project area is not located in these areas.

Visually significant hillside includes hillsides to the east of the urbanized area of Milpitas. The project area is not located in these areas.

Project Vicinity

The project area is characterized by the Lower Penitencia Creek channel itself and the surrounding land uses, including open space in the vicinity of the Coyote Creek/Lower Penitencia Creek confluence, single-family homes and condominiums, and commercial and office/industrial park buildings. Lower Penitencia Creek and the vegetation and trees within and along the channel provide important visual features as it introduces a natural element and variety into the developed urban landscape. The following viewer groups have visual access to the project site: recreation users, residents, motorists, office workers, and individuals that attend the nearby Hindu temple referred to as BAPS Shri Swaminarayan Mandir.

The visual quality, viewer types and volumes, and viewer exposures associated with the proposed project are described below. **Figure 3.2-1** shows the photo viewpoint locations, and **Figure 3.2-2** includes representative photos of the project area from public viewpoints. The following text describes key views of each project reach along with the visual quality and sensitivity of those views. Following the photos and descriptions, **Table 3.2-1** summarizes the viewer sensitivity of the major viewer types that would be affected by the proposed project.

Viewer Exposure, Visual Quality, and Visual Sensitivity

Reach 1

Reach 1 is visible to motorists and recreationists.

Motorists. For motorists traveling on North McCarthy Boulevard, views of Reach 1 are available from a short segment of the road. Outside that segment, views of the creek are obscured due to the road's elevation above the reach and the railing located along the road. Similarly, fleeting views looking westward at Reach 1 are also available from the I-880 southbound on-ramp, which is considered a scenic connector in the *City of Milpitas General Plan* (2002) but is not a state-designated scenic highway. Due to the high speed of travel on I-880 and because views of the creek are somewhat obscured by the highway itself, no photos of Reach 1 were captured from this highway. For these reasons, the visual sensitivity of motorists is considered low.

Recreationists. In comparison to motorists, recreationists (e.g., walkers and joggers) using the sidewalks along North McCarthy Boulevard would have clearer and longer duration views of Reach 1, consisting of the creek channel, some trees, grasses and other low-lying shrubs, and the District maintenance road. Figure 3.2-2, Photo 1 shows a view of Reach 1 looking northeast from the sidewalk along the northbound side of North McCarthy Boulevard. Figure 3.2-2, Photo 2 presents a close-up view (looking eastward) of the proposed Reach 1 levee setback area and Staging Area A from the sidewalk along the eastern side of North McCarthy Boulevard. The creek and low-lying vegetation in the Reach 1 work area provide visual contrast to the nearby urban environment, are characteristic of the region's natural visual amenities, and are judged to have moderate visual quality.

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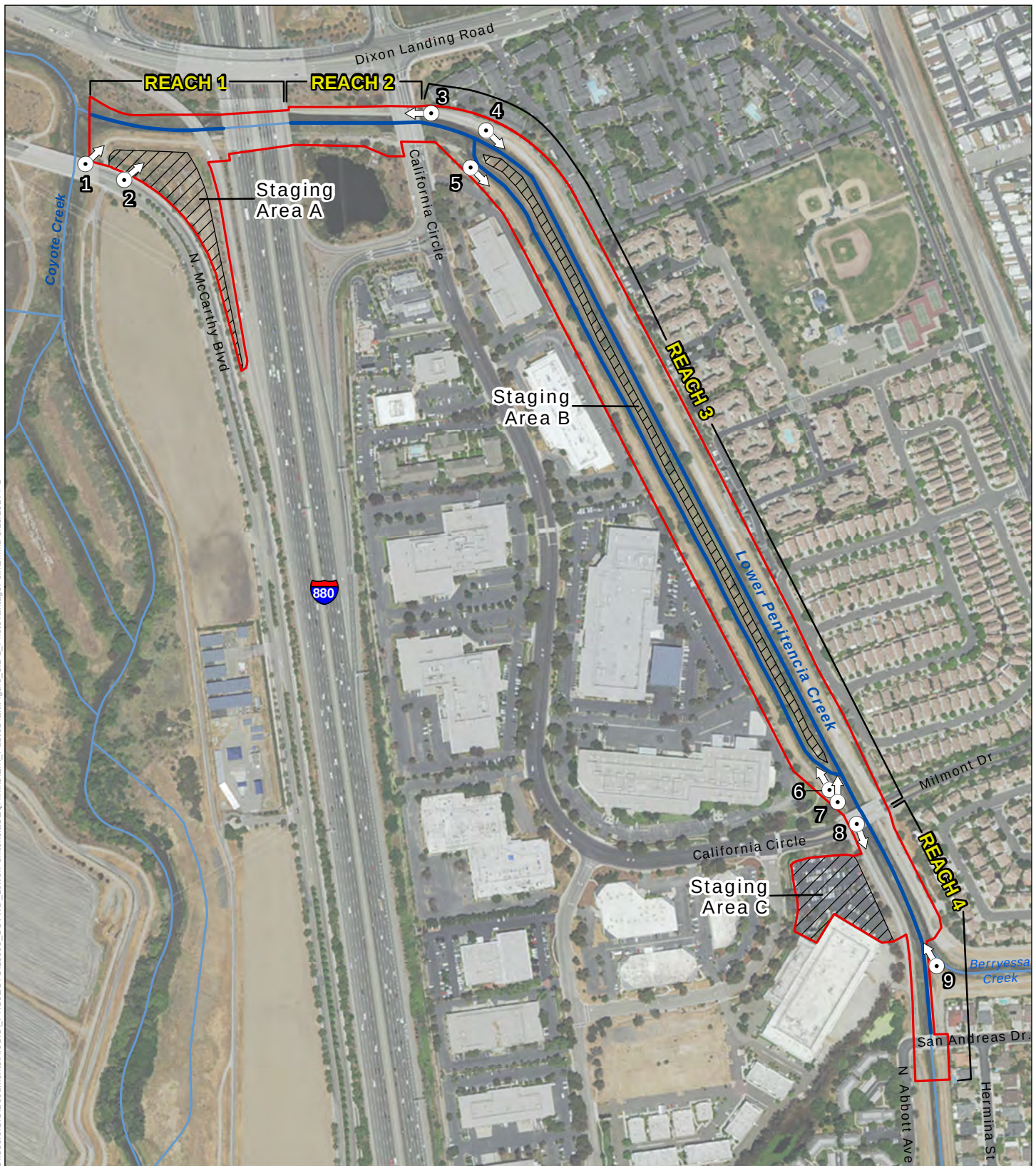


Figure 3.2-1
Vantage Points for Photos

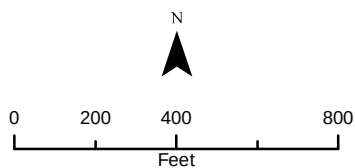


Photo Vantage Point and View Direction



Project Boundary



Staging Area



Photo 1. View of Reach 1 looking eastward from North McCarthy Boulevard (June 26, 2015)



Photo 2. View of proposed Staging Area A south of Reach 1 from North McCarthy Boulevard looking eastward (June 26, 2015)

Figure 3.2-2.
Views of the Project Site

**Lower Penitencia Creek
Improvements Project**



Photo 3. View of east side of Reach 2 from California Circle looking westward (June 26, 2015)



Photo 4. View of northern segment of Reach 3 looking southeast from the Penitencia Creek Trail (north side of creek) (June 26, 2015)

Figure 3.2-2.
Views of the Project Site

**Lower Penitencia Creek
Improvements Project**



Photo 5. View of northern portion of Reach 3 looking southeast from District's maintenance road (on south side of creek) (June 26, 2015)



Photo 6. View of southern portion of Reach 3 looking north from District's maintenance road (west of creek); photo taken on June 26, 2015, prior to sediment removal and vegetation management activities as part of the District's SMP

Figure 3.2-2.
Views of the Project Site

**Lower Penitencia Creek
Improvements Project**



Photo 7. View of southern portion of Reach 3 looking north from Milmont Drive; photo taken on October 30, 2015, after the District performed channel maintenance, including sediment removal



Photo 8. View of Reach 4 looking south from the District's maintenance road (on west side of creek) near Milmont Drive (June 26, 2015)

Figure 3.2-2.
Views of the Project Site

**Lower Penitencia Creek
Improvements Project**



Photo 9. View of southern end of Reach 4 looking north from the District's maintenance Road at the confluence of Berryessa Creek and Lower Penitencia Creek (June 26, 2015)

Figure 3.2-2.
Views of the Project Site

**Lower Penitencia Creek
Improvements Project**

The sidewalk on the east side of North McCarthy Boulevard parallels the Coyote Creek Pedestrian and Bicycle Trail, which is located 200 to 400 ft. to the west and connects to North McCarthy Boulevard near the confluence of Lower Penitencia and Coyote Creek. The Coyote Creek trail offers recreationists a nearby off-road alternative to the North McCarthy Boulevard sidewalk. Based on observations by District staff at various times of year, the east sidewalk along North McCarthy Boulevard receives low to moderate use by recreationists. For these reasons, the visual sensitivity for recreationists is considered moderate.

Reach 2

Reach 2 is primarily visible to motorists traveling on Dixon Landing Road and California Circle, and pedestrians using the sidewalks along the south side of Dixon Landing Road and east side of California Circle.

Motorists. For motorists passing Reach 2 on California Circle, views facing west toward the channel are fleeting and somewhat obstructed by the road itself and the railing at the creek crossing. Similarly, for motorists passing Reach 2 on Dixon Landing Road, views of the site are fleeting and obstructed due to topography and the presence of vegetation. Thus, the visual sensitivity for motorists is considered low.

Recreationists. Figure 3.2-2, Photo 3 shows a view of Reach 2 from the sidewalk on the east side of California Circle and characterizes a typical view for pedestrians or joggers using this sidewalk. As shown, views of Reach 2 are largely screened by the road and railing. Mature trees located on the outboard side of the levee and maintenance road and some ruderal vegetation can be seen from this viewpoint but the creek channel is not visible. These natural elements provide pleasing visual contrast to the surrounding urban landscape; thus, the visual quality is considered moderate. From California Circle, the visual sensitivity of pedestrians is considered low to moderate. In addition, views of Reach 2 are available from the southern sidewalk along Dixon Landing Road. Due to the short duration of views for pedestrians passing by the reach and the limited number of pedestrians expected from these perspectives, the visual sensitivity from Dixon Landing Road is considered moderate.

Other viewers of Reach 2 may consist of recreationists using the existing maintenance roads located on the levee crests on both sides of the creek. These maintenance roads are not connected to pedestrian sidewalks, however, so it is anticipated that these maintenance roads are infrequently used by recreationists.

Reach 3

Reach 3 is visible to motorists, recreationists, residents, and other viewers using office space and the nearby Hindu temple referred as BAPS Shri Swaminarayan Mandir.

Motorists traveling on California Circle and Milmont Drive have brief views of the northern and southern ends of Reach 3, respectively. Due to the speed of travel, motorists traveling northbound on California Circle have short duration views of the creek channel and maintenance roads. Similarly, motorists traveling on Milmont Drive have short duration views of the creek channel, vegetation lining the channel, and adjacent maintenance roads. Therefore, the visual sensitivity of motorists is considered low to moderate.

Recreationists using the Penitencia Creek Trail on the north/east bank of the creek in Reach 3 have unobstructed, close-up views of Reach 3. Recreationists who use the District

maintenance road on the south/west bank of the creek also have close-up views of this reach. Figure 3.2-2, Photo 4 shows a representative view of the creek corridor from the perspective of recreationists using the public trail along Reach 3. Photo 4 is taken from the Penitencia Creek Trail north of the creek looking southeast. Because the creek and its vegetation present provide pleasing visual contrast to nearby residential and office park development, the visual quality of Reach 3 is considered moderate. Views from this location are dominated by the creek and its natural vegetation. Electric transmission lines, residential development, and trees lining the trail are also visible. Figure 3.2-2, Photo 5 presents the perspective of a recreationist located on the maintenance road south of the creek, which is not open to public use; however, unauthorized use may occur. At the time this photograph was taken, construction of the Waterstone and iStar residential developments was underway on the parcels west of Reach 3, as is evident by the metal fencing (west of the channel).

Figure 3.2-2, Photos 6 and 7 show views of the southern end of Reach 3 facing north near Milmont Drive. Photo 6 was taken on June 26, 2015; Photo 7 was taken near the same location on October 30, 2015, shortly after sediment removal took place as part of the District's SMP. Both photos are presented to show the varying visual conditions of the project area before and after creek maintenance. Since the creek, vegetation, and trees provide visual contrast to the surrounding residential and office park development, the visual quality is moderate and the visual sensitivity is considered moderate for recreationists using the District's maintenance roads. From the perspective of recreationists using Penitencia Creek Trail, the visual sensitivity is considered moderate to high.

Residents. Other viewers of this reach (with varying levels of visibility) include residents located east and west of the creek. For many residents to the east, vegetation lining the maintenance road and trail, and the levee bank itself screen views of the creek. In some cases, views from residences east of Reach 3 are not available due to changes in elevation and topography. At the northeastern end of Reach 3, some residents situated on the second floor of apartment buildings may have clearer views than those situated at the bottom floor where views of the creek are obstructed by trees and vegetation along the maintenance road. Similarly, from Palisades Drive, some residents have partial views of Reach 3 from the second floor of homes but most views from the first floor are blocked due to the presence of fencing. While CEQA does not require an evaluation of visual effects on private residents, the visual sensitivity of residents to the east of Reach 3 is considered moderate.

Although no one lives in the iStar and Waterstone residential developments (west of Reach 3) yet, the closest residents to the project site will have close-up views of Reach 3. Residents on the bottom floor of buildings situated closest to the creek would have partial views of the creek, though wooden fencing installed around the perimeter of the development partially screens views of the creek. Clearer views of the creek channel may be accessible from the second and third story of these developments. Due to proximity to the project area, the visual sensitivity of the iStar and Waterstone residents are considered moderate.

Other Viewers. Partial views of Reach 3 are also available from an office building and a Hindu temple located west of the creek. Most close-up views of Reach 3 are available from the parking lot adjacent to these buildings. Due to topography, the presence of fencing and vegetation, and because office workers and individuals at the Hindu temple are expected to be focused on indoor activities, limited views of the creek are likely available from the office building and temple. The visual sensitivity of these viewers is considered low.

Reach 4

Reach 4 is visible to motorists driving along Milmont Drive and San Andreas Drive, recreationists using the public trail and maintenance road along the creek, residents, and an office building to the west of Reach 4.

For **motorists** passing by, views of Reach 4 are available from Milmont Drive and San Andreas Drive, although fleeting and somewhat obstructed by the chain-link fence at the creek crossings. Thus, the visual sensitivity for motorists is considered low to moderate.

Recreationists. Figure 3.2-2, Photos 8 and 9 show representative views of Reach 4 from the perspective of recreationists using Penitencia Creek Trail (also serves as the District's maintenance road). Photo 8 shows a view from Milmont Drive (looking south) and Photo 9 shows a view from the Penitencia Creek Trail/maintenance road at the confluence of Lower Berryessa Creek and Lower Penitencia Creek. From the viewpoint shown in Photo 8, views consist of the creek, residential uses to the east, office buildings and a parking lot to the west, electrical transmission lines, and trees and shrubs scattered along the roads. Views from the perspective of Photo 9 primarily include the concrete-lined creek channel, as well as the maintenance roads and nearby vegetation on both sides of the creek. Because the creek and vegetation provide pleasing visual contrast to the surrounding development, the visual quality of Reach 4 is moderate. From the perspective of recreationists using the maintenance roads, the visual sensitivity is moderate.

Residents on Summerwind Drive, San Andreas Drive and North Abbott Avenue may have partial views of the creek in Reach 4. The level of visibility for these residences varies due to the presence of trees and fencing. Views of Reach 4 are likely clearer from the second floor of these residences. The visual sensitivity of these residents is considered moderate.

Other Viewers. Lastly, some office workers using the building at 380 Fairview Way could have foreground views of Reach 4. Most close-up views of Reach 4 are available from the parking lot and are of short duration. Due to topography and presence of fencing and vegetation, limited views of Reach 4 are likely available from the office building. The visual sensitivity of office workers is considered low.

Table 3.2-1. Summary of Visual Sensitivity Findings Based on Viewer Types, Visual Exposures, and Visual Quality

Viewer Type/ Location	Visual Quality	View Exposure	Reach	Visual Sensitivity
Motorists				
I-880	Moderate	Foreground/middleground distance Obstructed view due to highway itself High number of viewers Short view duration	Reach 1	Low
North McCarthy Boulevard	Moderate	Foreground distance Partially obstructed view due to road and railing Moderate number of viewers Short view duration	Reach 1	Low
Dixon Landing Road	Moderate	Foreground distance Partially obstructed view due to road/topography High number of viewers Short view duration	Reach 2	Low
California Circle	Moderate	Foreground distance Partially obstructed view due to road Moderate number of viewers Short view duration	Reaches 2 and 3	Low to Moderate
Milmont Drive/ San Andreas Drive	Moderate	Foreground distance Unobstructed view Low to moderate number of viewers Short view duration	Reaches 3 and 4	Low to Moderate
Recreationists				
Penitencia Creek Trail	Moderate	Foreground distance Unobstructed view Moderate number of viewers Moderate to long view duration	Reach 3	Moderate to High
Unauthorized use of levee access roads adjacent to Reach 2	Moderate	Foreground distance Unobstructed view Low number of viewers Moderate to long view duration	Reach 2	Moderate
North McCarthy Boulevard adjacent to Reach 1	Moderate	Foreground distance Unobstructed view Low number of viewers Moderate to long view duration	Reach 1	Moderate

Viewer Type/ Location	Visual Quality	View Exposure	Reach	Visual Sensitivity
Dixon Landing Road sidewalk	Moderate	Foreground distance Unobstructed view Low number of viewers Moderate to long view duration	Reach 2	Moderate
California Circle sidewalk	Moderate	Foreground distance Partially obstructed view due to road and railing Low number of viewers Moderate to long view duration	Reaches 2 and 3	Low to Moderate
Unauthorized use of levee access roads adjacent to Reaches 3 and 4	Moderate	Foreground distance Unobstructed view Moderate number of viewers Moderate to long view duration	Reaches 3 and 4	Moderate
Residents				
Residences on Dixon Landing Road (Mill Creek Apartments), Alegra Terrace, Cil Del Sol, Palisades Drive, Elkwood Drive, Summerwind Drive, and San Andreas Drive and North Abbott Avenue; residences at the Waterstone and iStar residential developments (on California Circle)	Moderate	Foreground to background distance Obstructed to unobstructed view Long view duration	Reaches 3 and 4	Moderate
Office Buildings Hindu Temple				
Offices on California Circle and Fairview Way and Hindu Temple at BAPS Shri Swaminarayan Mandir	Moderate	Foreground to background distance Obstructed to unobstructed view Long view duration	Reaches 3 and 4	Low

3.1.4 Impact Analysis

Methodology

This section evaluates whether construction and operation of the proposed project would result in significant impacts related to aesthetic resources. The visual analysis is based on

field observations, aerial and ground-based photographs of the reaches, and information from the *City of Milpitas General Plan*.

Visual effects were assessed based on the significance criteria listed below. The evaluation of temporary or short-term visual impacts considers whether construction activities could substantially degrade the existing visual character or quality of the site or surrounding area, as well as the duration over which any such changes would occur. Because of their short-term nature, construction activities occurring in an area for less than 1 year are typically considered to have a less-than-significant effect on visual quality. However, construction activities occurring in an area for more than 1 year have been evaluated for significant visual impacts.

Activities with long-term visual effects, such as construction of new or altered structures, grading of roads, removal of trees, and introduction of new sources of light and glare, can permanently alter the landscape in a manner that could affect the existing visual character or quality of the area, depending on the perspective of the viewer. To determine impact potential, the impact analysis considers the visual sensitivity of the project area.

This analysis takes into consideration potential visual effects on future residents at the Waterstone and iStar residential developments. Although these developments were being constructed at the time this EIR was prepared, these projects will be completed before construction of the proposed project begins. Given the high demand of housing in the Milpitas area, it is likely that these residential units would be occupied by the time construction of the proposed project begins. For this reason and because of their close proximity to the project site, this section evaluates the project's short-term and long-term effects on views from the Waterstone and iStar developments.

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

Impact Summary **Table 3.2-1** summarizes impacts of the proposed project on aesthetic resources.

Table 3.2-2. Summary of Impacts Aesthetics

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
AES-1: Have a substantial adverse effect on a scenic vista	NI	None	NI
AES-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	NI	None	NI
AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings	LS	None	LS
AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	LS	None	LS

Notes:

NI = No Impact; LS = Less than Significant

Environmental Impacts

Impact AES-1: Have a substantial adverse effect on a scenic vista (No Impact)

There are no scenic vistas in the project area designated by Caltrans or the City of Milpitas. As such, the proposed project would have no impact on scenic vistas. No further discussion regarding this criterion is presented.

Impact AES-2: Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway (No Impact)

As described in Section 3.2.3, “Environmental Setting,” above, there are no state-designated scenic highways in the project vicinity. There is no potential for the project to damage or otherwise affect scenic resources such as trees, rock outcroppings, or historic buildings along a scenic highway. No impact would occur.

Impact AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings (Less than Significant)

Construction Impacts

Construction of the proposed project could result in temporary impacts on the visual character and quality of the site and its immediate vicinity. As described in Chapter 2, *Project Description*, project construction would be spread over 2 years, with the majority of work occurring during the dry season between June and October. The presence of operating equipment and materials, site preparation, and earth-moving activities would be most noticeable during the construction phase. In general, construction activities would include

vegetation removal and excavation, especially when constructing the wetland bench in Reach 1. Large quantities of soil would be moved to construct the wetland bench and the relocated levee in Reach 1, and a large volume of sediment would be removed from Reaches 2 and 4. In addition, excavation and sheet pile wall installation work would be noticeable during construction of the ~~Reaches 2, 3 and 4~~ floodwalls along all project reaches. Some concrete form work would be seen during construction of the San Andreas Drive headwalls.

While fleeting views of the above-described activities would be available from nearby roads, sidewalks, and overpasses, the Penitencia Creek Trail would be closed for the duration of project construction each year. The District access roads would also be closed to the public throughout the duration of project construction. As such, trail users or unauthorized trail users would not have views of construction activities.

Views of construction equipment and activities would be most noticeable to residents immediately west and east of Reaches 3 and 4. Views of construction activities would also be visible to people working in the office buildings that have direct line-of-sight views of the project area to the west in Reaches 3 and 4. Due to topography and the presence of vegetation, trees, and fencing, residents on the second floor of residential buildings would have clearer views of the work areas than would residents on the first floor. From the perspective of office workers located in the buildings west of Reaches 3 and 4, workers on the floors above the ground floor would have clearer and unobstructed views of construction activities that occur in Reach 3. Workers in the buildings just west and south of Staging Area C may have unobstructed and close-up views of this staging area. Temporary views of the Reach 3 work area may also be visible from the nearby Hindu temple.

Construction activities associated with individual project elements would be short term (i.e., completed within approximately 4 months) at a given work area, and overall construction would be completed within 2 years. Throughout this time, construction activities, equipment, and materials in work areas and staging areas would be visible from public roads such as North McCarthy Boulevard, California Circle, Milmont Drive, San Andreas Drive, and residences and offices near Reaches 3 and 4. Tree and shrub removal would also occur along Reaches 1, 2 ~~and 3~~, and 4 to accommodate the new replacement levee and floodwalls. Earth-moving activities and heavy equipment would be visible, and vehicles have potential to generate dust clouds, which could be distracting to nearby receptors. Implementation of District BMPs AQ-1 (Dust Control Measures) and WQ-11 (Maintain Clean Conditions at Work Sites) would help reduce dust emitted from operating construction equipment and ensure work areas are kept tidy. Construction activities and construction traffic are common visual elements in urbanized areas; traffic associated with the proposed project would be temporary, would appear similar to existing construction activities and construction traffic from the nearby Waterstone and iStar development projects, and would not substantially degrade the project area's visual character. Therefore, during the construction phase, effects on the visual quality and character of the project area and surrounding area would be less than significant.

Operational Impacts

Once construction is complete, the primary project elements that would result in a permanent visual change are the relocated and raised levee and wetland bench in Reach 1; the headwalls at the San Andreas Drive bridge; the floodwalls along Reaches 1, 2, 3, and 4;

the raised levee along Reach 4; and tree removal along Reaches 1, 2, and 3. Operational and maintenance effects of each project element are described below.

Setback Replacement Levee. Shifting the south levee in Reach 1 farther south and raising it by approximately 2.5 feet would result in a visual change. The relocated levee would be hydroseeded, which would consist of distributing native and naturalized grass seeds and mulch. Implementation of District BMP BI-8 would require that a qualified biologist or vegetation specialist select ecologically appropriate seed control mixes, which would ensure that newly planted vegetation appears consistent with vegetation seen in the project vicinity. Similar to current practice, maintenance activities would include vegetation management, trash and debris removal, and maintenance road grading.

From the viewpoint shown in Figure 3.2-2, Photo 1, the raised levee could partially block views of I-880 in the background, but the replacement levee would not detract from views of the creek or the foothills in the background. Given the moderate visual sensitivity of pedestrians and low visual sensitivity from the perspective of motorists using North McCarthy Boulevard, the Reach 1 replacement levee would not have a substantial adverse effect on the site's visual character or visual quality.

Wetland Bench. The proposed wetland bench in Reach 1 would be constructed to increase channel capacity and improve aquatic habitat. Within this reach, the wetland bench would be approximately 50 feet wide and planted with salt-tolerant wetland vegetation. Per District BMP BI-8, to the extent feasible, the wetland bench would be designed to include local native plant species. As described above, the District would conduct routine maintenance to remove trash and debris.

Because the wetland bench would be established along the existing channel and would appear similar to existing vegetation found in and along the creek, this project component would not result in a substantial adverse effect on the site's visual character or quality.

San Andreas Drive Bridge Headwalls. New concrete headwalls would be constructed on the downstream and upstream faces of the San Andreas Drive bridge. The headwalls would connect with the east and west bank levees and new floodwalls. The headwalls would be approximately 70 feet long, 1 foot wide, and approximately 6.5 feet tall. The headwalls would block views of the creek and substantially alter views for motorists using North Abbott Avenue and San Andreas Drive. Recreationists using the Penitencia Creek Trail/maintenance road west of Reach 4 would also have views of the new headwalls but would continue to have views of the creek channel. Thus, from the perspective of recreationists, the headwalls would not substantially affect sensitive views. As shown in Table 3.2-1, the visual sensitivity is low-to-moderate from the perspective of motorists but is moderate to high from the perspective of recreationists that use the trail. Given the low-to-moderate visual sensitivity of motorists and because view durations would be short in duration, this particular component of the project would not result in a substantial adverse effect on the site's visual character or quality.

Floodwalls. New steel sheet pile floodwalls would be installed on top of the levees in Reaches 1, 2, 3, and 4. In Reaches 2 and 4, the floodwalls would be 6 feet tall; in Reach 3, they would be 5.5 feet tall. Reach 3 would also have a pedestrian crossing over the east levee floodwall to allow for continued use of the existing Penitencia Creek Trail. As discussed in Chapter 2, the pedestrian crossing would consist of earthen ramps on both sides of the floodwall. While most of the floodwalls would be on the outboard side of the levees, the eastern floodwall within Reach 3 (from Milmont Drive to the point at which the

Penitencia Creek Trail merges with the District's maintenance road) would be on the inboard side of the maintenance road.

As indicated in Table 3.2-1, the visual sensitivity of this area is considered moderate-to-high from the perspective of recreationists using the Penitencia Creek Trail and the visual sensitivity is moderate from the perspective of unauthorized recreationists using District maintenance roads. For nearby residents, the visual sensitivity is moderate and for office workers, the visual sensitivity is low. Motorists on nearby roads also have a low to moderate visual sensitivity.

The floodwalls would introduce a new vertical built element to the project area. **Figure 3.2-3, Simulations 1 and 2**, show photo simulations of the Reach 3 floodwalls looking west from the Penitencia Creek Trail and Mill Creek Apartments, both of which are located east of the channel. Note that these simulations represent what the floodwalls could look like; the color of the floodwalls has not been determined as the project is in the preliminary design phase. As shown in Figure 3.2-3, the new floodwalls would have a linear, articulated form. As shown in Simulation 1, the floodwall and new residential development would be clearly visible to recreationists using the Penitencia Creek Trail and District maintenance roads. Since most of the floodwalls would be on the outboard side of the levee and maintenance roads, recreationists using the northern portion of the Penitencia Creek Trail and the District maintenance roads would continue to have views of the creek and vegetation in and around the creek. The portion of floodwall that would be installed on the inboard side of the District's maintenance road (east side of Reach 3 between Milmont Drive and the point where the road merges with the Penitencia Creek Trail) is not open to the public and therefore would not affect views of the creek from this perspective.

The following discussion describes the effects on nearby residential views. From the perspective of residences located east of Reach 3, views of the eastern floodwall would be partially visible at varying degrees due to the presence of trees, shrubs, carports, and topography. As shown in Figure 3.2-3, Simulation 2, the floodwalls on both sides of the channel would be visible from the second floor of the Miller Creek Apartments. The eastern floodwall would obstruct views of the creek channel from this particular perspective.

West of Reach 3, residents at the Waterstone and iStar developments that are adjacent to the project area (approximately 10 feet away) would have views of the new floodwalls. The new residences are being constructed on concrete pads such that the ground floor would be at the same elevation as the levee crest. **Figure 3.2-3, Simulations 3 and 4**, show simulations of the new Reach 3 floodwall from the perspective of residents at the Waterstone development. Simulation 3 presents a close-up view of the proposed floodwall and fence line from the perimeter of the development; the bottom photo shows a simulated view of the floodwall from the interior of the Waterstone development. As shown in these simulations, from the ground level, an approximately 1-foot portion of the Reach 3 floodwall would be visible but the majority of the floodwall would be screened by the wooden fence.

From the ground level, views looking eastward toward the creek channel would be screened, though views of the hillsides in background would still be visible. From the second and third floors of the new Waterstone and iStar residences located adjacent to the floodwall, views of the creek channel would be available.



Simulation 1. Simulated view of Reach 3 floodwall looking southwest from Penitencia Creek Trail.



Simulation 2. Simulated view of Reach 3 floodwalls looking southwest from Mill Creek Apartments.

Source: SCVWD 2017



Simulation 3. Simulated view of Reach 3 floodwall (west bank) looking east from eastern perimeter of the Waterstone development.



Simulation 4. Simulated view of Reach 3 floodwall (west bank) looking east from interior of the Waterstone development.

Source: SCVWD 2017

Figure 3.2-3.
Simulations of Proposed Reach 3 Floodwalls

Other views of the floodwalls would be available at varying degrees from residences located east of Reaches 3 and 4 (e.g., from Palisades Drive, Cil Del Sol, Summerwind Drive, and San Andreas Drive). Some views would be partially obstructed by existing topography, fencing, trees and shrubs. Due to angle and height views of the channel may still be available from the second floor of some homes.

Similarly, the floodwalls may be partially visible from office buildings and the Hindu temple to the west of the project area. However, since office workers and individuals at the temple would likely be focused on indoor activities and given their low visual sensitivity, effects on these viewers would be insubstantial. Additionally, motorists traveling on public roads (e.g., California Circle, Milmont Drive, and San Andreas Drive) would have short duration views of the floodwalls. Due to the speed of travel and because motorists should be focused on safe driving, the floodwalls would not substantially degrade views for motorists.

Based on the above discussion and simulations presented, the floodwalls would be consistent with the linear form of the channel and adjacent levees. While such structures currently do not exist in the project area, floodwalls such as the ones proposed, are commonly seen along flood control channels. As described in Chapter 2, although the color coating of the floodwalls has not been selected, the District would select a color coating that blends in with the surrounding environment. For these reasons, the proposed floodwalls would not substantially degrade the project area's visual character and visual quality. This impact is less than significant.

Raised Levee. On the east bank, the existing earthen levee would be raised by about 5.5 feet, from Milmont Drive to the Lower Berryessa Creek confluence, where it would connect to an existing raised levee along Lower Berryessa Creek. The modified levee would be visible from Milmont Drive and recreationists using Penitencia Creek Trail on the west bank of Reach 4. The fencing along the channel reach would substantially block views of the raised levee from adjacent residences. Given the moderate visual sensitivity and because the levee would not detract from views of the creek or the foothills in the background, the raised levee would not substantially degrade the project area's visual character and visual quality. This impact would be less than significant.

Tree and Shrub Removal. As noted above, tree and shrub removal would occur along portions of Reaches 1, 2, 3, and 4 to accommodate the replacement levee and new floodwalls. An estimated total of ~~3322~~ live trees with diameter at breast height (dbh) of 6 inches or more would be removed during project construction.

In particular, in Reach 1, some vegetation located at the proposed locations of the setback levee and wetland bench would be removed during construction. This vegetation consists primarily of low ground cover, with scattered small shrubs. ~~One~~ No trees with a dbh of 6 inches or more would be removed in Reach 1. ~~Five~~ Four live trees with dbh of 6 inches or more located on the south bank of Reach 2 would be removed to accommodate the ramp that would be constructed behind the floodwall. One tree with dbh of 6 inches or more would be removed on the north bank of Reach 2. In Reach 3, existing primarily non-native trees and shrubs would be removed along the outboard sides of the east bank and west bank levees. In Reach 3, 17 live trees with dbh of 6 inches or more would be removed. In Reach 4, ten live trees with dbh of 6 inches or more would be removed ~~a small number of trees and shrubs~~ on the east bank south of Milmont Drive would be removed during construction of the raised levee in this area. ~~None of the trees that would be removed in Reach 4 have dbh exceeding 6 inches.~~ From the perspective of recreationists using the Penitencia Creek Trail, removal of trees and vegetation along in Reach 1 and on the outboard levee slopes in Reaches 2, 3, and 4 would be

noticeable. This vegetation provides a pleasing visual contrast to the surrounding urban development. The vegetation to be removed at Reach 1 consists primarily of non-native of low ground cover and the creation of a wetland bench vegetated with native plants in this reach would improve the overall esthetics of this Reach 1. Trees would be removed in Reaches 1, 2, 3, and 4; however, they would be replaced in compliance with the City of Milpitas Tree Maintenance and Protection ordinance, which is described in more detail in Section 3.4, *Biological Resources*. Implementation of BMP BI-8 would improve aesthetics by ensuring plants and vegetative ground cover are well suited to the local soil and climatic conditions; thereby reducing the potential for unsightly failure of the plantings. BMPs AQ-1 and WQ-11 would prevent excessive dust generation which could temporarily reduce visibility in the project area and improve the cleanliness and appearance of the construction areas when viewed by the general public.

This impact would be less than significant.

Impact AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Less than Significant)

Construction Impacts

Project construction would generally occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday. Construction may occur infrequently on weekends. Because nighttime construction would occur infrequently and would be of short duration, adverse effects on nighttime views would be less than significant. Any glare generated by construction equipment or vehicles would be minor relative to the numerous existing sources of glare from the surrounding urban environment (e.g., vehicle windows, metallic fencing, and building sidings). As such, light or glare effects would be less than significant.

Operational Impacts

No new lighting would be installed for the proposed project. The wetland bench in Reach 1 and hydroseeded levees throughout the project area would not generate any new sources of glare but would help reduce glare in the project vicinity.

The new headwalls at the San Andreas Drive bridge would be composed of concrete, which has a smooth finish and would not generate a substantial source of glare. The new floodwalls in Reaches 2, 3, and 4 could be a substantial source of glare due to the length of added steel surfaces and lack of vegetative cover that could filter sunlight reflecting upon these structures. Glare is typically generated by smooth reflective surfaces. The top two photos in Figure 2-5 show representative steel sheet pile floodwalls, and it is expected that the floodwalls for the proposed project would appear similar. As shown in Figure 2-5, the floodwalls would be composed of smooth coated steel and would be painted. Since the District would select neutral color and non-reflective coating for the sheet pile walls, the finish of the floodwalls would not generate a new substantial source of glare. This impact is less than significant.

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3.3 Air Quality

3.3.1 Overview

This section evaluates the proposed project's air quality impacts. The section first describes the air quality regulatory and environmental settings. The impact evaluation begins by describing the significance criteria and methodology used to evaluate significance, and then identifies the impacts of the proposed project with regard to air quality. Applicable District BMPs are identified and mitigation measures are described for impacts that are determined to be significant.

Air quality is described for a specific location as the concentration of various pollutants in the atmosphere. Air quality conditions at a particular location are a function of the type and amount of air pollutants emitted into the atmosphere, the size and topography of the regional air basin, and the prevailing meteorological conditions.

3.3.2 Regulatory Setting

Federal Laws, Regulations, and Policies

The Clean Air Act is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient emission limits, the National Ambient Air Quality Standards (NAAQS), for six criteria air pollutants: particulate matter of aerodynamic radius of 10 microns or less (PM₁₀), particulate matter of aerodynamic radius of 2.5 microns or less (PM_{2.5}), carbon monoxide (CO), nitrogen dioxide (NO₂), ground-level ozone (O₃), and lead (Pb). Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health.

Table 3.3-1 shows the current attainment status for the NAAQS in the project area's air basin.

Table 3.3-1. Attainment Status of the Federal and State Ambient Air Quality Standards

Contaminant	Averaging Time	Concentration	State Standards Attainment Status ¹	Federal Standards Attainment Status ²
Ozone (O ₃)	1-hour	0.09 ppm	N	See footnote 3
	8-hour	0.070 ppm	N	N See footnote 3
Carbon Monoxide (CO)	1-hour	20 ppm	A	
		35 ppm		A
	8-hour	9.0 ppm	A	A ⁴
Nitrogen Dioxide (NO ₂)	1-hour	0.18 ppm	A	
		0.100 ppm ⁶		U
	Annual arithmetic mean	0.030 ppm	A	
		0.053 ppm		A

Contaminant	Averaging Time	Concentration	State Standards Attainment Status ¹	Federal Standards Attainment Status ²
Sulfur Dioxide (SO ₂)	1-hour	0.25 ppm	A	
		0.075 ppm		A
	24-hour	0.04 ppm	A	
Particulate Matter (PM ₁₀)	24-hour	50 µg/m ³	N	
		150 µg/m ³		U
	Annual arithmetic mean	20 µg/m ³	N	
Fine Particulate Matter (PM _{2.5})	24-hour	35 µg/m ³		N ⁷
	Annual arithmetic mean	12 µg/m ³	N	U/A
Sulfates	24-hour	25 µg/m ³	A	
Lead (Pb) ⁸	30-day average	1.5 µg/m ³	A	
	Calendar quarter	1.5 µg/m ³		A
	Rolling 3-month average	0.15 µg/m ³		A
Hydrogen Sulfide	1-hour	0.03 ppm	U	
Vinyl Chloride ⁸ (chloroethene)	24-hour	0.010 ppm	U	
Visibility Reducing Particles	8 hour (10:00 to 18:00 PST)	See footnote 5	U	

A – attainment

ppm – parts per million

N – non-attainment

µg/m³ – micrograms per cubic meter

U – unclassified

Notes:

¹ California standards for ozone, carbon monoxide, sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM₁₀, and visibility-reducing particles are values that are not to be exceeded. The standards for sulfates, lead, hydrogen sulfide, and vinyl chloride are not to be equalled or exceeded. If the standard is for a 1-hour, 8-hour, or 24-hour average (i.e., all standards except for lead and the PM₁₀ annual standard), then some measurements may be excluded. In particular, measurements that are excluded include those that the California Air Resources Board (CARB) determines would occur less than once per year on average.

² National standards shown are the “primary standards” designed to protect public health. National air quality standards are set by USEPA at levels determined to be protective of public health with an adequate margin of safety. National standards other than for ozone, particulates, and those based on annual averages are not to be exceeded more than once per year. The 1-hour ozone standard is attained if, during the most recent 3-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.075 ppm (75 parts per billion) or less. The 24-hour PM₁₀ standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m³. The 24-hour PM_{2.5} standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM₁₀ is met if the 3-year average falls below the standard at every site. The annual PM_{2.5} standard is met by spatially averaging annual averages across officially designated clusters of sites and then determining if the 3-year average of these annual averages falls below the standard.

³ The national 1-hour ozone standard was revoked by USEPA on June 15, 2005. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 ppm to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. The attainment status provided in this table for the NAAQS ozone standard is based on the 2008 8-hour NAAQS standard of 0.075 ppm since there are not yet available attainment status determinations for the 2015 standard.

- ⁴ In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
- ⁵ Statewide Visibility-Reducing Particle Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
- ⁶ To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average of nitrogen dioxide at each monitoring station within an area must not exceed 0.100 ppm (effective January 22, 2010).
- ⁷ On January 9, 2013, USEPA issued a final rule to determine that the Bay Area attains the 24-hour PM_{2.5} national standard.
- ⁸ CARB has identified lead and vinyl chloride as toxic air contaminants with no threshold level of exposure below which there are no adverse health effects determined.

Sources: CARB 2015; USEPA 2015a, 2015b, 2015c, and 2016; Bay Area Air Quality Management District (BAAQMD) 2016a

USEPA and, in California, the California Air Resources Board (CARB) regulate various stationary sources, area sources, and mobile sources of air pollutant emissions. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known at the federal level as hazardous air pollutants (HAPs). In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles, as well as other releases of toxic chemicals.

State Laws, Regulations, and Policies

CARB sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. Table 3.3-1 provides the California ambient air quality standards (CAAQS) and their corresponding attainment status for the proposed project's air basin. Milpitas and the project area are located in Santa Clara County within the San Francisco Bay Area Air Basin, which is managed by the Bay Area Air Quality Management District (BAAQMD). The BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the basin and to develop and implement strategies to attain the applicable federal and state standards.

CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications. Airborne Toxic Control Measures (ATCMs), including the following relevant measures, are implemented to address sources of TACs:

- ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater
- ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- ATCM to Reduce Particulate Emissions from Diesel-Fueled Engines Standards for Non-vehicular Diesel Fuel
- ATCM for Stationary Compression Ignition Engines

In addition to ATCMs, TACs are controlled under several regulations in California, including the Tanner Air Toxics Act, Air Toxics Hot Spots Information Act, and Assembly Bill (AB) 2588: Air Toxics "Hot Spots" Information and Assessment Act. In addition, Proposition 65 (the Safe

Water and Toxic Enforcement Act of 1996) requires the state to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. Proposition 65 requires businesses to notify Californians about substantial amounts of chemicals in the products they purchase or that are released into the environment.

Regional Laws, Regulations, and Policies

Bay Area Air Quality Management District

The BAAQMD is the primary agency that regulates sources of air pollution in the nine San Francisco Bay Area (Bay Area) counties to achieve and maintain air quality standards. The district adopts and enforces rules and regulations, issues air quality permits for equipment that emits air pollutants, and monitors air quality and meteorological conditions. BAAQMD has local air quality jurisdiction over the proposed project area.

BAAQMD 2010 Clean Air Plan

The Bay Area 2010 Clean Air Plan details planned efforts to improve Bay Area air quality and protect public health, while simultaneously updating the Bay Area 2005 Ozone Strategy to comply with state air quality planning requirements. The 2010 Clean Air Plan contains a control strategy that includes measures for stationary and area sources, mobile sources, transportation controls, land use and local impacts, energy and climate, and additional measures to control ozone and its precursors, PM₁₀, PM_{2.5}, and TACs (BAAQMD 2010a).

Although the Bay Area 2010 Clean Air Plan is the current adopted plan, the BAAQMD has developed the *Spare the Air-Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area Draft 2017 Clean Air Plan* (Draft 2017 Plan), which if adopted would supersede the 2010 plan (BAAQMD 2017).

Particulate Matter Plan

On January 9, 2013, USEPA issued a final rule to determine that the Bay Area attains the 24-hour PM_{2.5} standard (78 Federal Register 1760; January 9, 2013). This USEPA rule suspends key SIP requirements as long as monitoring data continue to show that the Bay Area attains the standard. Despite this USEPA action, the Bay Area will continue to be designated as “nonattainment” for the national 24-hour PM_{2.5} standard until the BAAQMD submits a “redesignation request” and a “maintenance plan” to USEPA, and USEPA approves the proposed redesignation.

The BAAQMD has developed various rules, programs, and measures to identify and control sources of PM, including general PM emission requirements, a Winter Spare the Air program, and control measures identified in the 2010 Clean Air Plan (BAAQMD 2016b). The draft 2017 Plan includes a variety of control measures to reduce PM emissions, including but not limited to expanding the BAAQMD’s fugitive dust visible emissions limits to a wider array of sources, reducing DPM emissions from emergency generators, and developing a rule to prevent mud/dirt trackout from construction and other sites (BAAQMD 2017).

BAAQMD 2005 Ozone Strategy

The Bay Area 2005 Ozone Strategy includes stationary-source control measures to be implemented through BAAQMD regulations; mobile-source control measures to be implemented through incentive programs and other activities; and transportation control

measures to be implemented through transportation programs in cooperation with the Metropolitan Transportation Commission (MTC), local governments, transit agencies, and other agencies (BAAQMD 2006).

BAAQMD Rules

The BAAQMD supports incentive programs to reduce criteria pollutant emissions within the district. BAAQMD's Carl Moyer Program funds control projects for off-road and on-road emission sources. The Transportation Fund for Clean Air (TFCA) Program likewise provides financial incentives for on-road vehicle retrofits.

The proposed project may be subject to the following BAAQMD rules:

- **Regulation 2 Permits:** outlines the air permitting program including exemptions and sources needing permitting
 - **Regulation 2, Rule 1 – Permits General Requirements** outlines permitting requirements and exemptions.
 - **Regulation 2, Rule 2 – New Source Review** outlines permitting process for new sources.
 - **Regulation 2, Rule 5 – New Source Review of Toxic Air Contaminants** outlines guidance for evaluating TAC emissions and their potential health threats.
- **Regulation 6, Rule 1 – Particulate Matter** restricts emissions of PM.
- **Regulation 8, Rule 15 – Emulsified and Liquid Asphalts** limits emissions of volatile organic compounds (VOCs) caused by paving materials.
- **Regulation 9, Rule 8 – Stationary Internal Combustion Engines** limits emissions of NO_x and CO from stationary internal combustion engines of more than 50 horsepower.

3.3.3 Environmental Setting

San Francisco Bay Air Basin – Santa Clara Valley Region

CARB has divided California into regional air basins according to topographic and air drainage features. The following discussion provides climate and meteorological information associated with the Santa Clara Valley's climatological subregion of the San Francisco Bay Air Basin, which includes Milpitas.

The northwest-southeast-oriented Santa Clara Valley is bounded by the Santa Cruz Mountains to the west, the Diablo Range to the east, San Francisco Bay to the north, and the convergence of the Gabilan and Diablo Ranges to the south. Temperatures are warm in summer under mostly clear skies, although a relatively large diurnal temperature range results in cool nights. Winter temperatures are mild, except for very cool but generally frostless mornings. At the northern end of the Santa Clara Valley, mean maximum temperatures at the San Jose International Airport range from the high 70s (in degrees Fahrenheit [°F]) to the low 80s during the summer to the high 50s or low 60s during the

winter; mean minimum temperatures range from the high 50s during the summer to the low 40s during the winter. Farther inland, where the moderating effect of San Francisco Bay is not as strong, temperature extremes are greater. For example, temperatures in San Jose can be more than 10 °F warmer on hot summer afternoons and more than 10°F cooler during cold winter nights. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

The wind patterns in the Santa Clara Valley are influenced greatly by the terrain, resulting in a prevailing flow generally parallel to the Valley's northwest-southeast axis, with a north-northwesterly sea breeze extending up the valley during the afternoon and early evening and a light south-southeasterly drainage flow occurring during the late evening and early morning. In summer, a convergence zone is sometimes observed in the southern end of the valley between Gilroy and Morgan Hill, when air flowing from Monterey Bay through the Pajaro Gap is channeled northward into the south end of the Santa Clara Valley and meets with the prevailing north-northwesterly winds. Wind speeds are greatest in the spring and summer, and least in the fall and winter seasons. Nighttime and early morning hours have light winds and are frequently calm in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, coming only with an occasional winter storm.

The air pollution potential of the Santa Clara Valley is high. The valley has a large population and the largest complex of mobile sources in the Bay Area, making it a major source of carbon monoxide, particulate, and photochemical air pollution. In addition, photochemical precursors from San Francisco, San Mateo, and Alameda Counties can be carried along by the prevailing winds to the Santa Clara Valley, making it also a major ozone receptor. Geographically, the valley tends to channel pollutants to the southeast with its northwest/southeast orientation and concentrate pollutants by its narrowing to the southeast. Meteorologically, on high-ozone, low-inversion summer days, the pollutants can be recirculated by the prevailing northwesterly winds in the afternoon and the light drainage flow in the late evening and early morning, increasing the impact of emissions substantially. On days with high particulate and carbon monoxide levels during late fall and winter, clear, calm, and cold conditions associated with a strong surface-based temperature inversion prevail (BAAQMD 1998).

Project Area

The project area is adjacent to I-880 (a 10-lane highway) and commercial and residential areas. In addition, the project area is located approximately 2,000-3,000 feet east of the San Jose–Santa Clara Regional Wastewater Facility's drying beds and lagoons.

Existing Air Quality Conditions

Air Monitoring Data

USEPA, CARB, and local air districts (including the BAAQMD) operate an extensive air monitoring network to measure progress toward attainment of the NAAQS and CAAQS. **Table 3.3-2** shows the most recent three years of available data. The closest station is the San Jose station.

Table 3.3-2. Air Monitoring Data for 2013-2015

Monitoring Station	Pollutant Standard		2015		2014		2013	
	Pollutant	State/Federal Standards	No. Exceed ¹	Maximum Concentration	No. Exceed ¹	Maximum Concentration ¹	No. Exceed ¹	Maximum Concentration
San Jose (Jackson Street)	PM ₁₀ 24-hour	50/150 µg/m ³	1/0	58 µg/m ³	1/0	55 µg/m ³	5/0	58 µg/m ³
	PM _{2.5} 24-hour	NA/35 µg/m ³	NA/2.1	49.4 µg/m ³	NA/2	60.4 µg/m ³	NA/6	57.7 µg/m ³
	Ozone 8-hour	0.070 ppm	2/2	0.081 ppm	0/0	0.066 ppm	1/1	0.079 ppm
	Ozone 1-hour	0.09 ppm	0/0	0.094 ppm	0/0	0.089 ppm	0/0	0.093 ppm
	CO 8-hour	9.0 ppm	0/0	1.8 ppm	0/0	1.9 ppm	0/0	2.5 ppm
	CO 1-hour	20 ppm	0/0	2.4 ppm	0/0	2.4 ppm	0/0	3.1 ppm
	NO ₂ 1-hour	0.18/0.1 ppm	0/0	0.049 ppm	0/0	0.058 ppm	0/0	0.059 ppm
	SO ₂ 24-hour	0.04 ppm / N/A	0/NA	0.0011 ppm	0/NA	0.0009 ppm	0/NA	0.0014 ppm
	SO ₂ 1-hour	0.25/0.075 ppm	0/0	0.0031 ppm	0/0	0.003 ppm	0/0	0.0025 ppm

Notes:

CO = carbon monoxide; NO₂ = nitrogen dioxide; PM_{2.5} = particulate matter of 2.5 micrometers or less; PM₁₀ = particulate matter of 10 micrometers or less; SO₂ = sulfur dioxide; NA = not available; ppb = parts per billion; ppm = parts per million; µg/m³ = micrograms per cubic meter

1. Indicates the number of exceedance days recorded annually at this monitoring station for a particular constituent compared to that constituent's NAAQS and CAAQS. The first number is the state value and the second number is the federal value if they are different.

Source: CARB 2016a, BAAQMD 2016a

Air Pollutants

Carbon Monoxide

CO is an odorless, colorless gas that is highly toxic. CO is formed by the incomplete combustion of fuels and is emitted directly into the air. Ambient CO concentrations normally are considered a localized effect and typically correspond closely to the spatial and temporal distributions of vehicular traffic, forming pollutant hot spots. CO concentrations are also influenced by wind speed and atmospheric mixing. Under inversion conditions, CO concentrations may be distributed more uniformly over an area to some distance from vehicular sources. CO binds with hemoglobin, the oxygen-carrying protein in blood, and reduces the blood's capacity for carrying oxygen to the heart, brain, and other parts of the body. At high concentrations, CO can cause heart difficulties in people with chronic diseases, impair mental abilities, and cause death. (BAAQMD 2010b, CAPCOA 2017).

Nitrogen Oxides

Nitrogen oxides (NO_x) are a family of gaseous nitrogen compounds and are precursors to the formation of ozone and PM. NO_2 , the major component of NO_x , is a reddish-brown gas that is toxic at high concentrations. NO_x result primarily from the combustion of fossil fuels under high temperature and pressure. Fuel combustion, primarily from on-road and off-road motor vehicles, and industrial sources are the major sources of this air pollutant. (BAAQMD 2010b, CAPCOA 2017).

Volatile Organic Compounds

VOCs are hydrocarbon compounds that exist in the ambient air. VOCs contribute to the formation of smog and/or may themselves be toxic. VOC emissions are a major precursor to the formation of ozone. VOCs are also commonly referred to as reactive organic gases (ROG). (BAAQMD 2010b, SBCAPCD 2010).

Ozone

O_3 is a reactive gas consisting of three oxygen atoms. In the stratosphere, ozone exists naturally and shields the Earth from harmful incoming ultraviolet radiation. In the troposphere (the lowest region of the atmosphere), however, it is a secondary pollutant that is formed when NO_x and VOC react in the presence of sunlight. Ozone at the earth's surface causes numerous adverse health effects and is a major component of smog. High concentrations of ground-level ozone can adversely affect the human respiratory system and aggravate cardiovascular disease and many respiratory ailments. Ozone also damages natural ecosystems such as forests, foothill communities, and agricultural crops, as well as some human-made materials, such as rubber and plastics. (BAAQMD 2010b, CAPCOA 2017).

Particulate Matter

PM is a complex mixture of extremely small particles and liquid droplets. PM is made up of multiple components, including acids, organic chemicals, metals, and soil or dust particles. Particle size is directly linked to the potential for causing health problems. PM_{10} is of concern because these particles pass through the throat and nose and are deposited in the thoracic region of the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. PM_{10} is typically found near roadways and around dusty industrial sites. $\text{PM}_{2.5}$, which is found in smoke and haze, penetrates even more deeply into the thoracic and alveolar regions of the lungs. (BAAQMD 2010b, CAPCOA 2017).

Sulfur Dioxide

Sulfur dioxide (SO_2) is a colorless, irritating gas with a “rotten egg” smell formed primarily by the combustion of sulfur-containing fossil fuels. Suspended SO_2 particles contribute to poor visibility and are a component of PM_{10} . (CAPCOA 2017).

Lead

Lead is a metal found naturally in the environment as well as in manufactured products. Historically, the major sources of lead emissions have been mobile and industrial sources. The health effects of lead poisoning include loss of appetite, weakness, apathy, and miscarriage. Lead poisoning can also cause lesions of the neuromuscular system, circulatory system, brain, and gastrointestinal tract. (BAAQMD 2010b, CAPCOA 2017).

In the past, gasoline-powered automobile engines were a major source of airborne lead through the use of leaded fuels. Because the use of leaded fuel has been mostly phased out, ambient concentrations of lead have decreased dramatically.

Hydrogen Sulfide

Hydrogen sulfide (H_2S) is associated with geothermal activity, oil and gas production and refining, sewage treatment plants, and confined animal feeding operations. H_2S is extremely hazardous in high concentrations and can cause death. (OEHHA 2000).

Sulfates

Sulfates are the fully oxidized, ionic form of sulfur. Sulfates occur in combination with metal and/or hydrogen ions. In California, emissions of sulfur compounds result primarily from the combustion of petroleum-derived fuels (e.g., gasoline and diesel fuel) that contain sulfur. This sulfur is oxidized to SO_2 during the combustion process and subsequently converted to sulfate compounds in the atmosphere. The conversion of SO_2 to sulfates is comparatively rapid and complete in urban areas of California due to regional meteorological features. (CARB 2009).

CARB's sulfate standard is designed to prevent aggravation of respiratory symptoms. Effects of sulfate exposure at levels that exceed the standard include decreased ventilatory function, aggravation of asthmatic symptoms, and increased risk of cardiopulmonary disease. Sulfates are particularly effective in degrading visibility and, because they are usually acidic, can harm ecosystems and damage materials and property.

Vinyl Chloride

Vinyl chloride is a colorless gas that does not occur naturally; it is formed when substances such as trichloroethane, trichloroethylene, and tetrachloroethylene are broken down. Vinyl chloride is used to make polyvinyl chloride (PVC), which is used in plastic products such as pipes, wire and cable coatings, and packaging materials. (Agency for Toxic Substances & Disease Registry 2006).

Toxic Air Contaminants

TACs are air pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations. Hundreds of different types of TACs exist, with varying degrees of toxicity. Many TACs are confirmed or suspected carcinogens or are known or suspected to cause birth defects or neurological damage. For some chemicals, such as carcinogens, no threshold exists below which exposure can be considered risk free. Examples of TAC sources associated with the proposed project are fossil fuel combustion sources and chemicals used in the automobile maintenance area.

Sources of TACs include stationary sources, area-wide sources, and mobile sources. USEPA maintains a list of 187 TACs, identified federally as HAPs. These HAPs are included on CARB's list of TACs, along with additional chemicals identified as TACs in California (CARB 2016b). According to the *California Almanac of Emissions and Air Quality* (CARB 2013), many researchers consider diesel particulate matter (DPM) to be a primary contributor to health risk from TACs because particles in diesel exhaust carry many harmful organic compounds and metals, rather than being a single substance. According to estimates by CARB, outdoor

(ambient) DPM concentrations in 2012 have decreased by 68 percent from 1990 levels (from approximately 1.8 $\mu\text{g}/\text{m}^3$ to less than 0.6 $\mu\text{g}/\text{m}^3$) (CARB 2016c).

Sensitive Receptors

Sensitive receptors are those segments of the population most susceptible to the effects of poor air quality: children, the elderly, and individuals with serious pre-existing health problems affected by air quality (e.g., asthma) (CARB 2005). Examples of locations that contain sensitive receptors are residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. Residences include houses, apartments, and senior living complexes. Medical facilities can include hospitals, convalescent homes, and health clinics. Playgrounds include play areas associated with parks or community centers.

In general, sensitive receptors near the project area are located east or south of the project area. Sensitive receptors include residences, schools (Curtner Elementary School and Joseph Weller Elementary School), daycare facilities (Crescent Montessori Preschool and Kiran Childcare), medical facilities (Wellbound of Milpitas and Santa Clara Valley Medical Center), and assisted living facilities (Good Samaritan Care Home and Capri Homes Inc.). Approximate distances between each project reach and these sensitive receptors are shown in **Table 3.3-3**.

Table 3.3-3. Estimated Sensitive Receptor Distances from Project Area

Project Reach	Approximate Distance to Sensitive Receptor Type (feet)				
	Residence	School	Daycare/ Preschool	Medical	Assisted Living
Reach 1 – Coyote Creek to I-880	720	4,994	3,402	2,018	6,072
Reach 2 – I-880 to California Circle	163	4,424	2,812	1,454	5,650
Reach 3 -California Circle to Milmont Drive	10*	2,254	253	5,755	1,174
Reach 4 - Milmont Drive to San Andreas Drive	77	1,468	251	5,031	607
* This value indicates the distance between the project site and the closest residences of the iStar and Waterstone developments (currently underway).					

3.3.4 Impact Analysis

Methodology

This discussion describes the methodology used to evaluate whether construction and operation of the proposed project would result in significant impacts related to air quality and odors. Once construction is complete, operation of the proposed project would be similar to existing conditions and would generally entail typical maintenance activities that are currently conducted (e.g., mowing the channel banks, removing vegetation along maintenance roads, maintenance road grading, graffiti removal, and fence repair). Some additional maintenance activities, such as periodic visual inspection of the floodwalls,

headwalls, and Reach 1 replacement levee, would be conducted. Repair of structures would be conducted on an infrequent and as-needed basis. Routine sediment removal activities would likely be decreased or eliminated compared to existing conditions, and such activities would be conducted under the District's SMP. No substantially new long-term operational sources of emissions would be generated by the project that are not already covered by the SMP. The majority of maintenance activities conducted within the project area would be the same as those conducted under the District's SMP; the operational emissions of the SMP are addressed in the SMP Subsequent EIR (SCVWD 2012). The newly installed floodwalls and San Andreas Drive bridge headwalls would be visually inspected one to two times per year, and repairs would only be conducted if damage threatens the integrity of the structure. Because such inspections would be conducted infrequently and would generate a minimal increase in emissions compared to existing conditions, this impact analysis evaluates construction emissions generated by the project but does not evaluate future maintenance and operational activities.

During construction of the proposed project, the combustion of fossil fuels for operation of fossil-fueled construction equipment, material hauling, and worker commute vehicles would result in construction-related emissions of criteria air pollutants. These emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2013.2.2 and based on the construction equipment, phasing, duration, and worker quantities summarized in **Appendix C** (Air Quality and Greenhouse Gas Emissions). These assumptions were generally based on similar project types and the excavation and fill volumes presented in the District's Planning Study Report (SCVWD 2016). Since publication of the DEIR, project design has advanced and the excavation and fill volumes have been reduced; mainly the net import value would be about 3,430 cy and all excavated soil would be reused on-site. As such, the assumptions used to estimate the project's construction emissions are overestimated and the calculated emissions in Appendix C are considered conservative.

Construction activities in each reach were separated into multiple construction phases to account for differences in activities, number of workers, duration of construction activities, and construction equipment needs. These phases generally included site preparation, earthwork/grading or concrete placement, and planting (i.e., revegetation of the site). For the purposes of estimating emissions associated with each construction phase and to identify the potential maximum daily emissions if multiple phases were performed concurrently, the construction schedules and durations identified in **Table 3.3-4** were used.

The CalEEMod output files are provided in Appendix C, which also contains all of the applicable inputs.

Table 3.3-4. Potential Construction Schedules Assumed in Air Quality Analysis

Construction Phase	Approximate Construction Start Date	Approximate Construction End Date
Reach 1 – Site Preparation	6/15/2018	6/28/2018
Reach 2 – Site Preparation		
Reach 4 – Site Preparation		
Reach 1 – Grading	6/30/2018	9/28/2018
Reach 2 – Floodwall Activities		
Reach 4 – Floodwall Activities		

Construction Phase	Approximate Construction Start Date	Approximate Construction End Date
Reach 1 – Planting	9/30/2018	10/12/2018
Reach 2 – Hydroseeding/Winterization		
Reach 4 – Hydroseeding/Winterization		
Reach 3 – Site Preparation	6/15/2019	6/28/2019
Reach 3 – Floodwall Activities	7/1/2019	9/27/2019
San Andreas Drive Bridge		
Reach 3 – Hydroseeding/Winterization	9/30/2019	10/11/2019

Source: Appendix C, Air Quality and Greenhouse Gas Emissions.

Emissions were compared to applicable thresholds of significance for construction emissions, as detailed by BAAQMD.

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant effect related to air quality if the proposed project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard established by USEPA or CARB, or contribute substantially to an existing or projected air quality violation, in comparison to the BAAQMD thresholds below;
- 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial air pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

BAAQMD Thresholds

The BAAQMD has established mass emission thresholds of significance (BAAQMD 2010b) to determine if air emissions would contribute to an existing or projected air quality violation, result in a cumulatively considerable contribution to an existing air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant such that the air basin would be in nonattainment for CAAQS or NAAQS. Although the BAAQMD established significance thresholds for construction- and operation-related emissions previously (BAAQMD 1999), the 2010 thresholds were selected for this analysis since the 1999 construction-related significance thresholds were primarily limited to PM₁₀ emissions. ~~At the time of Draft EIR preparation, the BAAQMD was not recommending use of these construction thresholds due to ongoing litigation on unrelated thresholds.~~ In May 2017, the BAAQMD initiated an effort to update its CEQA Guidelines including release of a May 2017 version of the guidelines. The May 2017 Guidelines Update includes revisions made to the 2010 Guidelines to incorporate the California Supreme Court's opinion in California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369. The BAAQMD is currently working to update outdated references, links, analytical methodologies

or other technical information in the May 2017 Guidelines Update. The thresholds in the May 2017 Guidelines Update remain the same as those shown in the 2010 Guidelines. In view of the Supreme Court's opinion, local agencies may continue to rely on the BAAQMD thresholds after determining that those thresholds reflect an appropriate measure of a project's impacts. However, the District considers these the BAAQMD thresholds (presented in Table 3.3-5) to be appropriate for use in this analysis because they are based on substantial evidence developed by the BAAQMD as the level to ensure attainment of air quality standards.

Table 3.3-5. BAAQMD Construction Air Quality Thresholds of Significance

Pollutant	Average Daily Emissions (pounds per day)
ROG	54
NO _x	54
PM ₁₀ (Exhaust)	82
PM _{2.5} (Exhaust)	54
PM ₁₀ /PM _{2.5} (Fugitive Dust)	Best Management Practices (BMPs)
Local CO	None

Source: BAAQMD 2010b

The BAAQMD recommends implementation of BMPs for all projects to reduce fugitive dust emissions. With implementation of fugitive dust BMPs, the BAAQMD considers the impact of fugitive dust emissions to be less than significant.

The BAAQMD established screening criteria that specify an acceptable distance between sensitive receptors and common sources of odors, such as landfills and wastewater treatment plants. The BAAQMD also specifies that an odor source with five or more confirmed complaints per year averaged over 3 years would be considered to have a significant impact on receptors within the screening distance. The BAAQMD acknowledges that a lead agency has discretion under CEQA to use established odor detection thresholds or other significance thresholds for CEQA review. Because the proposed project does not involve any odor sources included in the BAAQMD's screening criteria, this analysis uses a qualitative assessment of potential odor sources and their impact.

Impact Summary

Table 3.3-6 summarizes air quality impacts of the proposed project.

Table 3.3-6. Summary of Impacts – Air Quality

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
AQ-1. Conflict with or obstruct implementation of the applicable air quality plan	LS	None	LS

Impact	Significance Level Before Mitigation	Applicable Mitigation Measures	Significance Level After Mitigation
AQ-2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation	S	Mitigation Measure AQ-1	LM
AQ-3: 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)	S	Mitigation Measure AQ-1	LM
AQ-4: Expose sensitive receptors to substantial pollutant concentrations	LS	None	LS
AQ-5: Create objectionable odors affecting a substantial number of people	S	Mitigation Measure AQ-2	LM

LS = Less than Significant; LM = Less than Significant with Mitigation; S = Significant

Environmental Impacts

Impact AQ-1: Conflict with or obstruct implementation of the applicable air quality plans (Less than Significant)

The proposed project would have a significant impact if it would conflict with or impair implementation of applicable air quality plans. Applicable air quality plans include the Bay Area 2001 Ozone Attainment Plan, Bay Area 2010 Clean Air Plan, the Draft 2017 Plan, and *City of Milpitas General Plan* (2002).

The Bay Area 2001 Ozone Attainment Plan contains a control strategy that includes stationary-source, mobile-source, and transportation measures to reduce ozone and ozone precursors. The Bay Area 2010 Clean Air Plan contains a control strategy that includes measures for stationary sources, mobile sources, transportation controls, land use and local impacts, energy and climate, and additional measures to control ozone and its precursors (ROG and NO_x), PM₁₀, PM_{2.5}, and TACs. The 2017 Draft Plan (BAAQMD 2017) similarly provides ozone control strategies related to numerous potential ozone precursor sources, including stationary sources, transportation, natural and working lands, waste management, energy, and buildings. In particular, policy TR 19, which provides incentives for lower emission trucks, and policy TR 22, which provides incentives for the use of lower-emitting construction equipment, would reduce transportation- and construction-related ozone precursor emissions (BAAQMD 2017). The *City of Milpitas General Plan* has transportation and land use policies that aim to improve air quality in the City of Milpitas.

The proposed project would not include activities covered in the Bay Area 2010 Clean Air Plan or the Bay Area 2001 Ozone Attainment Plan. The proposed project would involve temporary construction emissions, would not result in induced growth, and would not result in a permanent new source of emissions. In addition, the proposed project would not affect land uses anticipated in the *City of Milpitas General Plan* for long-range air quality planning,

and would not facilitate further growth. In-channel construction activities, which includes most of the project construction, would occur only during the summer dry season from June 15 through October 15 over two years. Because construction would occur during two four-month periods, construction emissions generated by the project would not conflict with applicable air quality plans, and this impact would be less than significant.

Impact AQ-2: Violate any air quality standard or contribute substantially to an existing or projected air quality violation (Less than Significant with Mitigation)

The proposed project would emit criteria pollutants through the combustion of fossil fuels by construction equipment, worker vehicles, and material hauling trucks. In addition, the proposed project's grading and excavation activities would disturb soils and generate fugitive dust (particulate matter emissions). Implementation of District BMP AQ-1 would reduce NO_x and other criteria pollutant emissions by minimizing idling times of construction equipment and ensuring that all equipment is properly maintained and tuned in accordance with manufacturer's specifications. In addition, the dust control measures included in District BMP AQ-1 would minimize fugitive dust emissions during project construction activities and would be in compliance with the BAAQMD's requirements. As demonstrated in the emissions calculations presented in **Table 3.3-7**, **Table 3.3-8**, and Appendix C, the proposed project would result in construction emissions of NO_x that exceed the BAAQMD thresholds for grading activities proposed in Reach 1 and other construction activities proposed within Reaches 1, 2, and 4, if they were performed concurrently. As shown in Table 3.3-7, with implementation of District BMP AQ-1 in accordance with the BAAQMD's requirements, all pollutants except NO_x would be lower than the BAAQMD significance thresholds. These construction emissions would not be permanent or contribute to added emissions once construction of the proposed project is complete. The emissions would, however, contribute to existing air quality impairments during the construction period. Since the proposed project's NO_x emissions would still exceed the BAAQMD NO_x significance criteria even with implementation of District BMP AQ-1, this impact is significant.

Mitigation Measures

Mitigation Measure AQ-1: Implement Construction NO_x Emission Reductions

The District or its contractor(s) will develop a construction plan demonstrating that off-road equipment (greater than 50 horsepower) and material hauling vehicles used during project construction (i.e., owned, leased, and subcontracted vehicles) will not result in average daily NO_x emissions of more than 54 pounds per day, which will require achieving a project-wide fleet-average of at least 22 percent NO_x reduction compared to unmitigated emissions. As part of developing this construction plan, the District or its contractor(s) will conduct additional air quality modeling to confirm that the NO_x emissions threshold will be met. This limit of 54 pounds per day of NO_x emissions shall be achieved through a combination of approaches, including phasing of construction activities in a manner that reduces the daily emissions generated from the proposed project; the use of late model engines (e.g., Tier 3 or 4 engines), low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or add-on devices such as particulate filters; and/or other options as such become available.

Table 3.3-7. Estimated Criteria Pollutant Emissions during each Phase of Project Construction

Construction Phase	ROG	NO _x	CO	SO ₂	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
	Total Construction Emissions (ppd)							
Reach 1 – Site Preparation	2.73	25.65	17.19	2.56	25.97	14.72	6.76	1.41
Reach 2 – Site Preparation	2.80	28.21	24.49	0.03	12.58	1.41	6.76	1.30
Reach 4 – Site Preparation	2.87	28.86	25.07	0.03	12.60	1.46	6.76	1.34
Reach 1 – Grading	5.61	58.15	49.20	0.10	3.37	2.50	1.33	2.35
Reach 2 – Concrete Placement	2.12	15.40	19.61	0.04	1.33	0.88	0.35	0.86
Reach 4 – Concrete Placement	2.24	17.11	20.87	0.05	1.47	0.91	0.39	0.88
Reach 1 – Planting	0.84	7.21	8.42	0.02	0.68	0.40	0.18	0.37
Reach 2 – Planting	0.77	6.76	7.89	0.02	0.73	0.32	0.19	0.30
Reach 4 – Planting	1.30	13.44	13.00	0.04	1.15	0.49	0.31	0.45
Reach 3 – Site Preparation	2.69	26.97	23.93	0.03	12.76	1.33	6.78	1.23
Reach 3 – Concrete Placement	2.67	24.10	26.70	0.08	2.20	0.92	0.58	0.88
San Andreas Drive Bridge	1.82	12.87	18.17	0.04	1.24	0.74	0.33	0.72
Reach 3 - Planting	1.48	16.09	15.40	0.05	1.63	0.49	0.41	0.45
BAAQMD Threshold of Significance (ppd)								
BAAQMD Thresholds	54	54	N/A	N/A	BMPs	82	BMPs	54

Notes:

Emissions are based on construction assumptions provided in Appendix C.

CO = carbon monoxide; NO_x = oxides of nitrogen; PM₁₀ = particulate matter 10 microns or less in diameter; PM_{2.5} = fine particulate matter 2.5 microns or less in diameter; ppd = pounds per day; ROG = reactive organic gases; SO₂ = sulfur dioxide; — = no emissions or no emissions calculated as *de minimis*. N/A = no applicable thresholds. BMPs = best management practices. **Bold** font = emissions that would exceed the applicable air quality significance threshold.

Table 3.3-8. Estimated Criteria Pollutant Emissions during Construction, Combined by Construction Phase

Construction Phase	Approximate Construction Start Date	Approximate Construction End Date	ROG	NO _x	CO	SO ₂	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Total Construction Emissions (ppd)										
Reach 1 – Site Preparation	6/15/2018	6/28/2018	8.40	82.72	66.76	2.62	51.16	17.58	20.29	4.05
Reach 2 – Site Preparation										
Reach 4 – Site Preparation										
Reach 1 – Grading	6/30/2018	9/28/2018	9.97	90.66	89.69	0.19	6.17	4.29	2.07	4.08
Reach 2 – Concrete Placement										
Reach 4 – Concrete Placement										
Reach 1 – Planting	9/30/2018	10/12/2018	2.92	27.40	29.32	0.08	2.57	1.21	0.68	1.12
Reach 2 – Planting										
Reach 4 – Planting										
Reach 3- Site Preparation	6/15/2019	6/28/2019	2.69	26.97	23.93	0.03	12.76	1.33	6.78	1.23
Reach 3 – Concrete Placement	7/1/2019	9/27/2019	4.49	36.97	44.87	0.11	3.45	1.66	0.91	1.61
San Andreas Drive Bridge										
Reach 3 – Planting	9/30/2019	10/11/2019	1.48	16.09	15.40	0.05	1.63	0.49	0.41	0.45
Peak Daily Emissions (ppd)										
			9.97	90.66	89.69	2.62	51.16	17.58	20.29	4.08
BAAQMD Threshold of Significance (ppd)										
BAAQMD Thresholds			54	54	N/A	N/A	BMPs	82	BMPs	54
Exceed Significance Thresholds?			N	Y	--	--	N	N	N	N
Unmitigated Average Daily NO _x (ppd)			--	66	--	--	--	--	--	--
Average Daily NO _x (ppd) with Mitigation			--	52	--	--	--	--	--	--
Exceed Significance Thresholds after Mitigation?			N	N	--	--	N	N	N	N

Notes: Emissions are based on construction assumptions provided in Appendix C.

CO = carbon monoxide; NO_x = oxides of nitrogen; PM₁₀ = particulate matter 10 microns or less in diameter; PM_{2.5} = fine particulate matter 2.5 microns or less in diameter; ppd = pounds per day; ROG = reactive organic gases; SO₂ = sulfur dioxide, — = no emissions or no emissions calculated as *de minimis*. N/A = no applicable thresholds. BMPs = best management practices. **Bold** font = emissions that exceed the applicable air quality significance threshold.

Significance After Mitigation

Implementation of **Mitigation Measure AQ-1** would ensure that emissions from individual construction phases for each reach and combined reach emissions would not exceed the BAAQMD's significance thresholds, particularly for NO_x. Appendix C includes unmitigated emissions as well as potential mitigated emissions should the District and/or its contractor decide to use Tier 3 engines for the primary construction equipment (all excavators, dozers, scrapers, and backhoes/loaders). As illustrated in Appendix C and Table 3.3-8, use of Tier 3 engines per Mitigation Measure AQ-1 would be sufficient to reduce NO_x emissions by at least 22 percent such that the average daily emissions were less than the BAAQMD threshold of 54 pounds per day. Thus, Mitigation Measure AQ-1 would be a feasible and effective measure to reduce the significance of this impact. Therefore, the proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, this impact would be less than significant with mitigation.

Impact AQ-3: 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors) (Less than Significant with Mitigation)

~~The nonattainment status of ozone, PM₁₀, and PM_{2.5} is considered a significant cumulative impact. The BAAQMD has established significance thresholds that also apply to cumulative impacts, which were developed considering the other sources of air pollutants and growth of emissions in the air basin. Specifically, a project that does not exceed these significance thresholds would not considerably contribute to any cumulative air quality impacts. As discussed in Impact AQ-2 above, during construction of the proposed project, NO_x emissions would exceed the BAAQMD threshold and thus would result in a cumulatively considerable net increase of criteria pollutants. This would be a significant impact.~~

The proposed project's cumulative operation-related criteria for air pollutants and precursor emissions are identical to the thresholds listed in Table 3.3-5 above. ~~These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the air basin's existing air quality conditions. As discussed in Impact AQ-2 above, the project's operational emissions would be minimal and would not exceed the thresholds listed in Table 3.3-5; therefore, the project's operational impacts relating to cumulative air quality effects would be less than significant.~~

Mitigation Measures

Mitigation Measure AQ-1: Implement Construction NO_x Emission Reductions (see full text of measure in Impact AQ-2 analysis above)

Significance After Mitigation

Implementation of Mitigation Measure AQ-1 would ensure the proposed project's emissions are reduced to a level such that it would not make a considerable contribution to cumulative air quality impacts even when considering the other projects occurring in the area. This impact would be less than cumulatively considerable with mitigation.

Impact AQ-4: Expose Sensitive Receptors to Substantial Pollutant Concentrations (Less than Significant)

The closest sensitive receptors to the proposed project's construction reaches would be the occupants of residences located approximately 10-720 feet from the various reaches (Table 3.3-3). The pollutants of concern and TACs that would affect sensitive receptors are particulates, specifically PM₁₀ and PM_{2.5} contained in fugitive dust, and DPM from construction equipment. As discussed in Impact AQ-2, implementation of District BMP AQ-1 would involve dust control measures, such as periodic watering of disturbed areas, to reduce fugitive dust emissions during construction. In-channel construction activities, which include most of the project construction, would occur only during the summer dry season from June 15 through October 15 over two years. Because construction would occur during two four-month periods, construction (8 months total over a two-year timeframe), and that construction activities occurring within a specific reach near a specific sensitive receptor would take place during only a portion of that period, project construction would not emit substantial quantities of DPM. DPM exposure for short durations is generally not quantified, as cancer potency factors are based on lifetime exposure and there is considerable uncertainty in trying to evaluate the cancer risk from project activities that would last only a small fraction of a lifetime (California Governor's Office of Environmental Health Hazard Assessment 2015). With implementation of District BMP AQ-1, the proposed project would not pose long-term or substantial health risks to nearby residents and workers in the vicinity of the project's construction reaches. The impact on sensitive receptors from fugitive dust and other TACs would be less than significant.

Impact AQ-5: Potential to create objectionable odors affecting a substantial number of people during construction (Less than Significant with Mitigation)

Construction activities associated with the proposed project would not generate permanent or long-term objectionable odors but could generate odors related to excavated material and the operation of gasoline- or diesel-powered equipment. Odors may also be associated with decaying organic material contained in excavated or dredged material. Although District BMP AQ-2 would be implemented and requires that potentially odorous materials be removed as soon as possible, which would eliminate the odor impact to nearby residents. However, it is possible that some excavated or dredged material could not be immediately removed from the project site. If this material remains on site and is located in close proximity to sensitive receptors, it might cause odor impacts to nearby sensitive receptors. Therefore, this impact would be significant.

*Mitigation Measures***Mitigation Measure AQ-2: Locate Stockpiles of Odorous Materials at a Distance from Sensitive Receptors**

The District will require that contractors handle stockpiles of potentially odorous excavated or dredged material, or other potentially odorous materials, in a manner that avoids affecting residential areas or other sensitive receptors to the extent feasible. Stockpiles will be placed as far as possible from these receptors and will be covered if immediate off-site disposal is not feasible.

Significance After Mitigation

Implementation of **Mitigation Measure AQ-2** would ensure that any stockpiled material remaining on the project site would be placed at a distance as far as possible from sensitive receptors until they could be removed. Therefore, the potential for the proposed project to create objectionable odors that would affect a substantial number of people would be less than significant with mitigation.

3.4 Biological Resources

3.4.1 Overview

This section describes the potential for the proposed project to affect open water, wetland, riparian, and upland habitats and the plant and wildlife species that might use these habitats. Specifically, this section discusses federal, state, and local regulations relevant to vegetation and wildlife resources that might be affected by the proposed project; describes the existing environmental setting in the project area; and identifies special-status plant and wildlife species and sensitive habitats potentially affected by the proposed project. This section also describes District BMPs that would reduce project-related effects and proposes mitigation measures to avoid or reduce significant impacts on biological resource.

3.4.2 Regulatory Setting

Federal Laws, Regulations, and Policies

Endangered Species Act

The Endangered Species Act (ESA) (16 U.S. Government Code [USC] Section 1531 *et seq.*; 50 Code of Federal Regulations [CFR] Parts 17 and 222) provides for the conservation of species that are endangered or threatened throughout all or a substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA.

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act governs all fishery management activities that occur in federal waters within the United States’ 200-nautical-mile limit. The San Francisco Bay is officially listed as Essential Fish Habitat (EFH) related to the Pacific Coast Salmon Fishery Management Plans (FMP) and, in the South Bay, the Central Valley fall-run Chinook salmon (*Oncorhynchus tshawytscha*) represents this FMP (Pacific Fishery Management Council 1999). However, Chinook are not known to spawn in any creeks flowing into the project area, and although occasional strays may be found in these creeks, they are expected to occur in the project area irregularly at best.

A number of fish species regulated by the Coastal Pelagics and Pacific Groundfish FMPs, such as the leopard shark (*Triakis semifasciata*), English sole (*Parophrys vetulus*), starry flounder (*Platichthys stellatus*), big skate (*Raja binoculata*), northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), and jack mackerel (*Trachurus symmetricus*), occur in tidal habitats of South San Francisco Bay and may occasionally disperse upstream into the reach

of Lower Penitencia Creek in the project area, which is tidally influenced. Thus, NMFS may consider these waters to be EFH related to all three of the aforementioned FMPs.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC Chapter 7, Subchapter II) prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Most actions that result in take or the permanent or temporary possession of a migratory bird constitute violations of the MBTA. The act also prohibits the destruction of a nest that contains eggs or young. USFWS is responsible for overseeing compliance with the MBTA. All native bird species in the project area are protected by the MBTA.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 USC Section 668; 50 CFR Part 22) prohibits take of bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) and their occupied and unoccupied nests. USFWS administers the Bald and Golden Eagle Protection Act. Suitable nesting habitat for bald and golden eagles is not present in the project area.

Clean Water Act

The Clean Water Act (CWA) (33 USC Section 1251) establishes the basic structure for regulating discharges of pollutants (including dredged or fill material) into waters of the United States, including wetlands, and for regulating quality standards for surface waters. The CWA provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters.

CWA Section 404 prohibits the discharge of dredged or fill material into waters of the U.S., including wetlands, without a permit from USACE. CWA Section 401 requires that an applicant for a federal license or permit that allows activities with the potential to result in a discharge to waters of the U.S., including wetlands, obtain a state Section 401 water quality certification.

River and Harbors Act

Section 10 of the Rivers and Harbors Act of 1899 prohibits the creation of any obstruction to the navigable capacity of waters of the U.S., including discharge of fill and the building of any wharfs, piers, jetties, and other structures without congressional approval or authorization by the Chief of Engineers and Secretary of the Army (33 USC Section 403). Navigable waters of the U.S., as defined in 33 CFR Part 329.4, include all waters subject to the ebb and flow of the tide, and/or those which are presently or have historically been used to transport commerce. The shoreward jurisdictional limit of tidal waters is further defined in 33 CFR Part 329.12 as "the line on the shore reached by the plane of the mean (average) high water."

As mentioned above, Section 404 of the CWA authorizes USACE to issue permits to regulate the discharge of dredged or fill material into waters of the U.S. If a project also proposes to discharge dredged or fill material and/or introduce of other potential obstructions in navigable waters of the U.S., a Letter of Permission (i.e., Section 10 permit) authorizing these impacts must be obtained from USACE under Section 10 of the Rivers and Harbors Act.

Because the entire reach of Lower Penitencia Creek within the project area is tidally influenced, the proposed project would affect waters currently under Section 10 jurisdiction, which includes all areas of the site at or below the elevation of the mean high water (MHW) line of approximately 7 feet North American Vertical Datum of 1988 (NAVD88); this is the long-term average over the most recent tidal epoch (1983–2001) based on the benchmark datum for the nearest station to the site (Gold Street Bridge, Alviso Slough; Station 9414551) (National Oceanic and Atmospheric Administration [NOAA] 2004).¹ Impacts on current Section 10 waters would require a Letter of Permission from USACE. However, the project occurs entirely outside historical Section 10 waters, as verified by reviewing the extent of historical sloughs, which are depicted on historical maps with a double-blue line, and therefore, landside activities proposed as part of the proposed project would not require a Letter of Permission.²

State Laws, Regulations, and Policies

Porter-Cologne Water Quality Control Act

The State Water Resources Control Board (SWRCB) works in coordination with the nine regional water quality control boards (RWQCBs) to preserve, protect, enhance, and restore water quality. The project area falls under the jurisdiction of the San Francisco Bay RWQCB, which may, under the Porter-Cologne Water Quality Control Act (Porter-Cologne), issue Waste Discharge Requirements for projects that could discharge pollutants into waters of the state. The RWQCB has authority to regulate activities that could result in a discharge of dredged or fill material under the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne). The SWRCB has recently developed a Preliminary Draft Water Quality Control Policy that addresses numerous policy elements, including development of a wetland definition and description of methodology to be used in defining wetlands as part of waters of the state (SWRCB 2016).

Pursuant to Section 401 of the CWA, projects that are regulated by USACE must obtain a water quality certification from the RWQCB. This certification ensures that the proposed project would meet state water quality standards. Under Porter-Cologne, the SWRCB and the nine RWQCBs also have the responsibility of granting CWA National Pollutant Discharge Elimination System (NPDES) permits for certain point-source and non-point-source discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources. Although a discharge may be eligible for coverage under the general permit, the RWQCB may determine that a project would be better regulated under an individual permit or waste discharge requirements.

¹ Benchmark MHW line data for the Gold Street Bridge, Alviso Slough (NOAA 2004) are relative to the mean lower low water (MLLW) at the monitoring station (8.7 feet). Differences between MLLW and the NAVD88 datum were calculated using the guidance provided by Foxgrover et al. (2005).

² The dataset used to determine the extent of historical sloughs integrates several sources of data describing the historical features of tidal marshes in the region, and was developed by the San Francisco Estuary Institute (SFEI 2015). The primary source is the maps of the U.S. Coast Survey (later U.S. Coast and Geodetic Survey), a federal agency renowned for the accuracy and detail of its 19th-century maps of America's shoreline. In most parts of the country, these maps provide the best early pictures of coastal and estuarine habitats prior to substantial Euro-American modification.

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code [F&G Code] Chapter 1.5, Sections 2050–2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with CESA, the California Department of Fish and Wildlife (CDFW) has jurisdiction over state-listed species.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) and the CEQA Guidelines provide guidance in evaluating impacts of projects on biological resources and determining which impacts will be significant. CEQA defines “significant effect on the environment” as “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.” Under CEQA Guidelines Section 15065, a project's effects on biotic resources are deemed significant where the project would:

- “substantially reduce the habitat of a fish or wildlife species”
- “cause a fish or wildlife population to drop below self-sustaining levels”
- “threaten to eliminate a plant or animal community”
- “substantially reduce the number or restrict the range of a rare or endangered plant or animal”

In addition to species listed on the federal and state lists of protected species, Section 15380(b) of the State CEQA Guidelines provides that a species not listed on these lists may be considered rare if the species can be shown to meet certain specified criteria. CDFW has produced three lists (amphibians and reptiles, birds, and mammals) of “species of special concern” that serve as “watch lists.” Species on these lists are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their populations should be monitored. They may receive special attention during environmental review as potential rare species, but they do not have specific statutory protection. All potentially rare or sensitive species, or habitats capable of supporting rare species, are considered in this analysis in accordance with Section 15380(b).

The California Native Plant Society (CNPS), a non-governmental conservation organization, has developed rankings for plant species of concern in California in the *CNPS Inventory of Rare and Endangered Plants*. Lichens, vascular plants, and non-vascular plants are ranked using the California Rare Plant Rank (CRPR) system:

Rank 1A: Plants considered extinct

Rank 1B: Plants rare, threatened, or endangered in California and elsewhere

Rank 2A: Plants considered extinct in California but more common elsewhere

Rank 2B: Plants rare, threatened, or endangered in California but more common elsewhere

Rank 3: Plants about which more information is needed review list

Rank 4: Plants of limited distribution-watch list

These CNPS rankings are further described using the following threat code extensions:

- .1: seriously endangered in California
- .2: fairly endangered in California
- .3: not very endangered in California

Although CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants designated as CRPR 1B or 2 are, in general, considered to meet CEQA's Section 15380 criteria, and adverse effects on these species may be considered significant. Impacts on plants that are designated as CRPR 3 or 4 are also considered during CEQA review, although because these species are typically not as rare as CRPR 1B or 2 species, impacts on them are less frequently considered significant.

Compliance with State CEQA Guidelines Section 15065(a) requires consideration of natural communities of special concern, in addition to plant and wildlife species. Vegetation types of "special concern" are tracked in the California Natural Diversity Database (CNDDB 2016). Further, CDFW ranks sensitive vegetation alliances based on their global (G) and state (S) rankings analogous to those provided in the CNDDB and using NatureServe's (2016) standard heritage program methodology (also see California Department of Fish and Game [CDFG] 2007). CDFW provides the Vegetation Classification and Mapping Program's (VegCAMP's) currently accepted list of vegetation alliances and associations (CDFG 2010).

California Fish and Game Code

The California Fish and Game Code (F&G Code) includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA), CESA, and requirements for notification of lake or streambed alteration.

The NPPA (F&G Code Sections 1900–1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized under limited circumstances.

CESA (F&G Code Sections 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. CDFW may issue an incidental take permit authorizing take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

F&G Code Sections 3503, 3513, and 3800 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, species that are fully protected from all forms of take are listed in Section 3511 (birds), Section 5515 (fish), Section 4700 (mammals), and Section 5050 (amphibians).

CDFW regulates activities that will interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. Section 1602 of the F&G Code requires that CDFW be notified of lake or streambed alteration activities. If CDFW subsequently determines that such an activity might adversely affect an existing fish and wildlife resource, the agency has the authority to issue a streambed alteration agreement, including requirements to protect biological resources and water quality.

Along Lower Penitencia Creek, CDFW jurisdiction under Section 1602 of the F&G Code may extend up to the top of bank. In two areas where the riparian tree canopy extends (barely) landward of the top of bank, the landward canopy edge demarcates the likely lateral limit of CDFW jurisdiction. Impacts on these areas would require a Section 1602 Lake and Streambed Alteration Agreement. All native bird species, as well as most other native vertebrates, that occur in the project area are protected by the F&G Code.

McAteer-Petris Act

The McAteer-Petris Act, enacted on September 17, 1965, serves as a legal provision under California state law to preserve San Francisco Bay from indiscriminate filling. The act initially established the San Francisco Bay Conservation and Development Commission (BCDC) as a temporary state agency charged with preparing a plan for the long-term use of San Francisco Bay. In August 1969, the McAteer-Petris Act was amended to make BCDC a permanent regulatory agency to incorporate the policies of the Bay Plan (BCDC 2012). The area of BCDC jurisdiction is defined in California Government Code Sections 66610-66611. California Government Code Sections 66610-66611(e)(2) states that the BCDC has jurisdiction over Coyote Creek and its branches in Santa Clara and Alameda Counties, to the easternmost point of Newby Island. The northwestern edge of the project area, just upstream from the confluence of Lower Penitencia Creek and Coyote Creek is approximately 800 feet from the eastern edge of the Newby Island property. Therefore, the project area is located outside of BCDC jurisdiction.

Local Laws, Regulations, and Policies

City of Milpitas Code of Ordinances

The City of Milpitas has the Tree Maintenance and Protection Ordinance, which serves as a tree protection and heritage tree program. Under this program, it is unlawful to remove, without a permit issued by the city Department of Public Works, trees within the city limits that meet the following criteria:

- All trees (including non-natives) that have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed residential property;
- All trees that have 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed commercial or industrial property;
- All trees that have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required; any tree existing at the time of a zoning or subdivision approval and that was a specific subject of such approval or otherwise covered by previously mentioned provisions;
- All trees that have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on a vacant, undeveloped, or underdeveloped property; or
- All heritage trees or groves of trees.

Heritage tree designation may be applied by resolution of the City Council to individual trees or a grove of trees of any size or species within the City of Milpitas that are distinctive, of

special historical value, or of significant community benefit. A tree or grove of trees may be designated as a heritage tree or heritage tree grove upon a finding that it is unique and of importance to the community because of any of the following factors: (1) it is an outstanding specimen or grove of a desirable species; (2) it is one of the largest or oldest trees or groves of trees in Milpitas; or (3) the tree or grove of trees possesses distinctive form, size, age, location, and/or historical significance.

City of Milpitas General Plan

The Open Space and Environmental Conservation Element of the *City of Milpitas General Plan* (2002) contains several policies regarding protection of biological resources. Policy 4.b-G-1c calls for protection and conservation of open spaces which are necessary for wildlife habitats and unique ecological patterns. Policy 4.d-P-5 requires developments to conform, where feasible, to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and significant trees, and maintain natural drainage patterns. Policy 4.d-P-4 calls for the preservation, creation, or restoration of riparian corridors and wetlands. Where possible, development should be set back from these areas sufficiently to maximize habitat values (City of Milpitas, 2002).

Other policies that provide for protection of biological resources and are relevant to the proposed project include the following:

- 4.b-G-2:** Preserve and protect populations and supporting habitat of special-status species within the Planning Area, including species that are state or federally listed as Rare, Threatened, or Endangered, all federal “candidate” species for listing and other species proposed for listing, and all California Species of Special Concern.
- 4.b-I-2:** Preserve remaining stands of trees.
- 4.b-I-3:** Recreation use of essentially virgin areas should be centered around activities which have a minimally disruptive effect on natural vegetation.
- 4.b-I-4:** Require a biological assessment of any project area where sensitive species are present, or where habitats that support known sensitive species are present.
- 4.b-I-5:** Utilize sensitive species information acquired through biological assessments, project land use, planning, and design.
- 4.d-G-1:** Protect and enhance the quality of water resources in the Planning Area.

3.4.3 Environmental Setting

Surveys and Methods

To assist in identifying existing biological conditions in the project area, the following information sources were reviewed:

- The District’s 2011 *Stream Maintenance Program (SMP) Update Final Subsequent Environmental Impact Report* (SCVWD 2012); the SMP Update biological assessments

prepared for USFWS (H. T. Harvey & Associates 2011a) and NMFS (H. T. Harvey & Associates 2012); and the CESA incidental take permit application for the SMP Update (H. T. Harvey & Associates 2011b);

- *Preliminary Delineation of Wetland and Other Waters for the Lower Penitencia Creek Improvements Project* (H. T. Harvey & Associates 2016; included as Appendix D of this DEIR);
- *Dixon Landing Road/I-880 Interchange Potential Additional Wetland Mitigation Sites* (H. T. Harvey & Associates 1996a);
- *Dixon Landing Road/I-880 Interchange Mitigation and Monitoring Plan* (H. T. Harvey & Associates 1996b);

This analysis also relies on data on special-status wildlife species occurrences compiled by the District since 2001; CNDDDB records (2016); the *Breeding Bird Atlas of Santa Clara County* (Bousman 2007a); *California Bird Species of Special Concern* (Shuford and Gardali 2008); and unpublished records of bird observations in the general project vicinity, defined as a 5-mile radius surrounding the project area (Santa Clara County Bird Data, unpublished).

The analysis for plants involved review of all species on current CNPS CRPR 1A, 1B, 2A, and 2B lists in the Milpitas, California U.S. Geological Survey (USGS) 7.5-minute quadrangle and the surrounding eight quadrangles (Newark, Niles, La Costa Valley, Mountain View, Calaveras Reservoir, Cupertino, San Jose West, and San Jose East). Because quadrangle-level results are not maintained for CRPR 3 and 4 species, a search was also conducted of the CNPS Inventory records for these species occurring in Santa Clara County (CNPS 2016). In addition, the CNDDDB (2016) was queried for natural communities of special concern that occur within the project region.

Surveys for biological resources, including special-status species, have been conducted in the project area and vicinity as part of the District's planning efforts for the region (e.g., EDAW 2008; SCVWD 2008). Surveys have also been conducted as part of the SMP, which requires the assessment of habitat suitability for special-status species prior to the implementation of stream maintenance activities. The discussion below summarizes previous surveys and monitoring efforts that were used in developing the environmental setting for the proposed project.

Vegetation Mapping

In 2010, Aerial Information Systems, Inc. (AIS) mapped vegetation types over most of the project area. Vegetation types were mapped using aerial photograph interpretation and interactive computer digitization. The vegetation classification system was based on *A Manual of California Vegetation* (Sawyer et al. 2009). Each vegetation type was coded to the group level (or alliance level, where possible) and assigned a cover class density for the vegetation type mapped. Because the AIS mapping was done at a relatively coarse scale, and because sediment excavation and vegetation removal maintenance activities occurred within the project area subsequent to the AIS mapping, the boundaries of the communities as mapped by AIS were field verified within the project area by qualified H. T. Harvey & Associates plant ecologist Maya Goklany, M.S. This effort was conducted concurrently with the reconnaissance survey on June 23, 2015, and during a wetland delineation survey that took place from November 3 through November 5, 2015. Where field conditions were other

than as represented in the AIS mapping, a global positioning system (GPS) unit was used to record actual field conditions.

More than 50 individual trees exist in the project area, including native species such as the red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), Fremont cottonwood (*Populus fremontii*), and ash (*Fraxinus* sp.), as well as nonnatives such as the blackwood acacia (*Acacia melanoxydon*), London plane (*Platanus hybrida*), and eucalyptus (*Eucalyptus* spp.). Trees are located on the inboard and outboard slopes of existing levees, on a berm that stretches from California Circle to Milmont Drive between the main channel and the secondary channel (Reach 3), and in Staging Area A. At least 36 trees within the project area are of sufficient diameter to be protected by the City ordinance. However, no trees in the project area have been designated as heritage trees by the City of Milpitas (D. Gordillo, pers. comm.).

Jurisdictional Waters and Wetland Delineation Survey

The entire project area was surveyed for areas potentially meeting the regulatory definition of waters of the U.S./state by Ms. Goklany from November 3 through November 5, 2015, and again on September 15, 2016. The survey used the three-parameter approach described in the “Routine Determination Method” section of the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), which documents the presence/absence of hydrophytic vegetation, hydric soils, and wetland hydrology. The survey utilized updated data forms, vegetation sampling methods, and hydric soil and hydrology indicators developed specifically for the Arid West region (USACE 2008). See **Appendix D**.

As described in the preliminary wetland delineation, 9.89 acres of potentially jurisdictional waters of the U.S. are present in the project area. Other jurisdictional waters subject to Section 404 of the CWA include tidal aquatic habitat within the Lower Penitencia Creek channel. Jurisdictional wetlands subject to Section 404 of the CWA that were evident during the November 2015 and September 2016 wetland delineation (Appendix D) include a non-tidal seasonal saline wetland and three disjunct patches of coastal brackish marsh. An artificial, concrete-lined ditch excavated in uplands near Reach 1, but that supports hydrophytic vegetation, is expected to be non-jurisdictional (subject to USACE concurrence) due to its artificial hydrology and the fact that it does not discharge to Lower Penitencia Creek or any other jurisdictional waters. Potential waters of the U.S. are subject to verification by USACE. A Section 404 permit from USACE, with an associated Section 401 water quality certification from the RWQCB, would be required for discharges of dredged or fill material into waters of the U.S.

In addition to the 9.89 acres of waters of the U.S. occurring below the ordinary high water mark (OHWM) the Lower Penitencia Creek channel contains 6.78 acres of land located between the OHWM and the top of the channel bank. This area is primarily vegetated with grasses and ruderal ground cover, but scattered trees and shrubs are also present (see, Appendix D). This area includes small sections of hardscape, including concrete ramps, concrete bank linings, and concrete retaining walls. Levees run along the outer edge of the project area and were created from placement of fill material when the existing developments were constructed. Thus, the top of bank (associated with Lower Penitencia Creek) is the topographic hinge point at the top of the inboard side of the levee, which demarcates the bank-full capacity of the channel. Vegetated areas between the OHWM and the top of bank are considered riparian habitat. Mostly non-native vegetation is also located on the outboard side of levees in reaches 1, 2, 3, and 4. The vegetation on the outboard side of the levees is

separated from the creek channel by existing maintenance roads located on the levee crests, and is therefore not riparian habitat.

Previous Fisheries Surveys

In 2008, the District performed fish relocations at a maintenance activity work site within Lower Penitencia Creek upstream of the project area (SCVWD 2008). Fish species, disposition, and abundance data were collected in samples, and summaries of the fish captured and released (natives) or sacrificed (non-natives) were prepared, thus providing information on fish potentially present in the project area.

Previous Amphibian Surveys

Annually, between 2004 and 2010, the District conducted general presence/absence surveys for amphibians in Lower Penitencia Creek as part of the preconstruction BMPs for the aquatic spray work conducted under the SMP (L. Porcella, 2011, pers. comm.), thus providing information on amphibians potentially occurring in the project area.

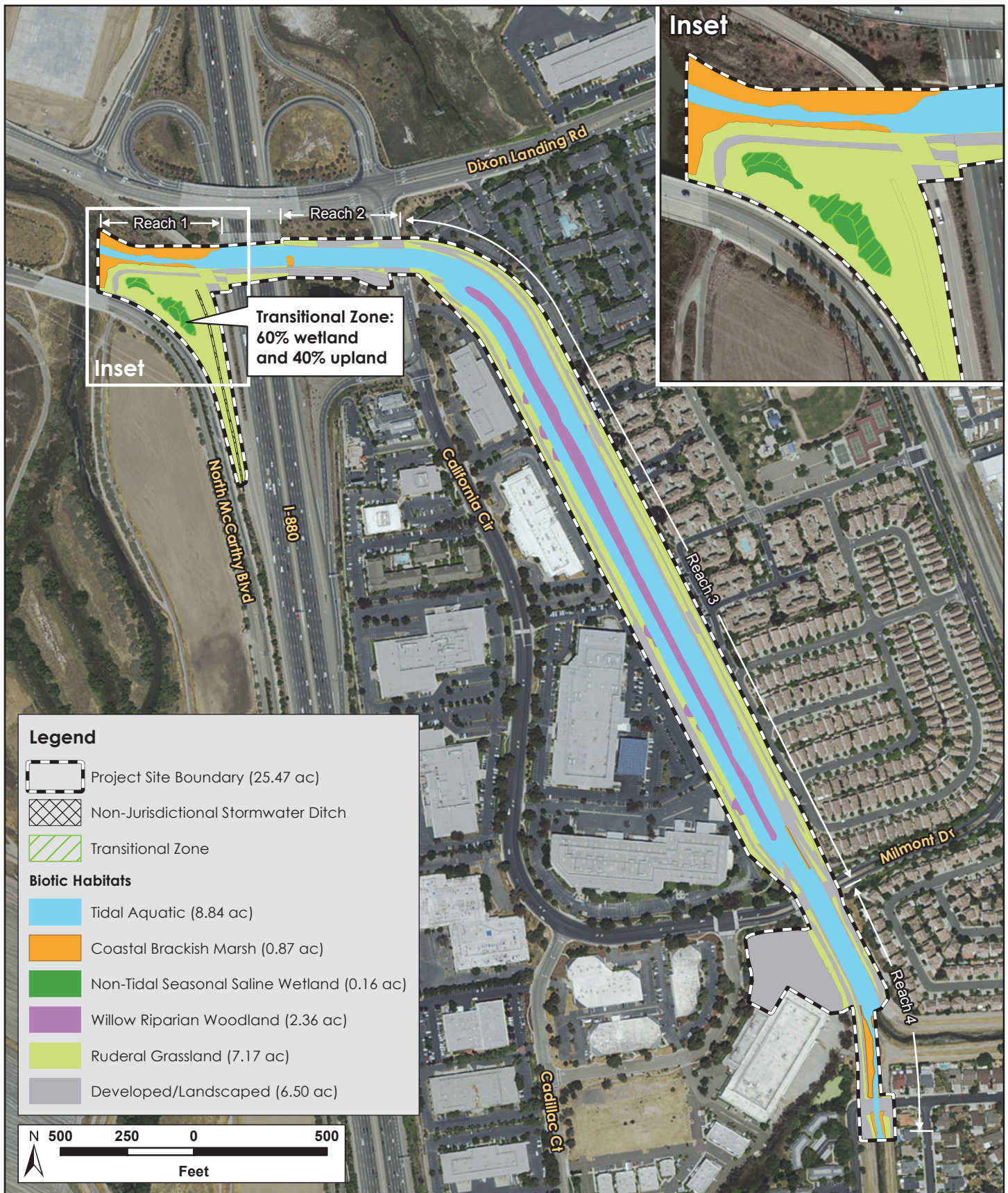
Bird Surveys

In 2007 and 2008, EDAW conducted a habitat assessment, burrow mapping study, and standardized protocol surveys for burrowing owl (*Athene cunicularia*) along sections of multiple District-managed waterways, including Lower Penitencia Creek (EDAW 2008). The study was designed to comply with the District's Biodiversity Monitoring Plan and to monitor burrowing owl distribution, abundance, and trends within the SMP program area.

On June 23 and November 3, 2015, H. T. Harvey & Associates wildlife ecologist Craig Fosdick, M.S., conducted a focused field assessment to determine the potential suitability of habitat for burrowing owls within and immediately adjacent to the project area. During that survey, he also assessed habitat suitability for several other special-status species within and immediately adjacent to the project area, including the California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), tricolored blackbird (*Agelaius tricolor*), Alameda song sparrow (*Melospiza melodia pusillula*), Bryant's savannah sparrow (*Passerculus sandwichensis alaudinus*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), white-tailed kite (*Elanus leucurus*), and loggerhead shrike (*Lanius ludovicianus*).

Mammal Surveys

On June 23 and November 3, 2015, Mr. Fosdick conducted a focused field assessment of habitat in the project area for its potential suitability for the salt marsh harvest mouse. The focus of the assessment was the brackish tidal marshes in the lowermost project reaches (see **Figure 3.4-1**) and vegetation, dominated by Pacific pickleweed (*Salicornia pacifica*). Mr. Fosdick also conducted focused surveys for nests of San Francisco dusky-footed woodrats (*Neotoma fuscipes annectens*) and potential bat roosting habitat throughout the project area.



Source: H.T. Harvey 2017

Figure 3.4-1. Biotic Habitats Map

Vegetation and Land Cover

Six general habitat types were identified within the 25.47-acre project area: tidal aquatic, developed/landscaped, ruderal grassland, willow riparian woodland, coastal brackish marsh, and non-tidal seasonal saline wetland. **Table 3.4-1** provides a summary of the habitat acreages on the site and Figure 3.4-1 shows their distribution and extent. Descriptions of the typical plant and animal species found in each habitat type are provided below. The descriptions are based on the results of the reconnaissance surveys conducted for the project area and the biologists' decades of experience working in similar habitats in the South Bay Area.

Table 3.4-1. Habitat Acreages in the Project Area

Habitat	Area (acres)*
Tidal aquatic	8.84
Ruderal grassland	7.17
Developed/Landscaped	6.50
Willow riparian woodland	2.36
Coastal brackish marsh	0.87
Non-tidal seasonal saline wetland	0.16
Total	25.90*

* Values are subject to rounding errors.

+ Total is greater than the acreage of the project site due to the occurrence of 0.43 acres of overlap of tidal aquatic habitat and willow riparian woodland (i.e., riparian tree canopy overhangs the aquatic habitat).

Source: H. T. Harvey and Associates 2016; Appendix D.

Tidal Aquatic

Vegetation. Aquatic or open water habitats are permanently or semi-permanently flooded and support less than 5 percent vegetation cover in emergent or submerged states. In the project area, aquatic habitat (8.84 acres) is represented by non-wetland areas within the active channel of Lower Penitencia Creek and storm drain outfalls (0.02 acre) (Figure 3.4-1). The entire extent of the creek within the project boundary is tidally influenced.

In October 2015, sediment and vegetation were removed from the Lower Penitencia Creek channel as part of regular and ongoing maintenance activities conducted by the District under its SMP, which underwent separate environmental review and permitting. Following completion of the maintenance activities, aquatic habitat was identified by the presence of standing or running water during both low and high tides, and a lack of vegetation. Because field indicators of the HTL were not evident in all portions of the project area, surveys were scheduled to occur during high tide to aid in mapping the lateral limits of the channel and to help estimate the HTL elevation in these areas. To further aid in determining the HTL, tidal elevation data for 2015 were compiled for the NOAA station nearest the project area (Gold Street Bridge, Alviso Slough; Station 9414551), which indicate that high tides during 2015 reached an elevation of approximately 10 feet NAVD88 (NOAA 2015). The entire portion of

the channel in the project area up to approximately 10 feet NAVD88 is within the HTL elevation for the area.

Wildlife. Lower Penitencia Creek provides relatively lower quality habitat for most wildlife species compared to that in naturally formed streams, due to its channelized nature, the lack of high-quality habitat complexity such as riffle and pool complexes and well-developed riparian woodland, and regular disturbance of habitats and associated species due to ongoing maintenance. The creek flows through a mix of urban, business park, and light industrial settings before emptying into Coyote Creek.

In 2008, the District relocated fish within two reaches of Lower Penitencia Creek (upstream of the project area) as part of the SMP (SCVWD 2008). Eight species of fish were identified during the relocations. Five species were non-native: common carp (*Cyprinus carpio*), western mosquitofish (*Gambusia affinis*), fathead minnow (*Pimephales promelas*), red shiner (*Cyprinella lutrensis*), and yellowfin goby (*Acanthogobius flavimanus*). Three species were native: California roach (*Lavinia symmetricus*), prickly sculpin (*Cottus asper*), and three-spined stickleback (*Gasterosteus aculeatus*). The non-native crayfish (*Procambarus clarkii*) is also likely present in the channel.

Common bird species using the tidal aquatic habitat include great blue heron (*Ardea herodias*), snowy egret (*Egretta thula*), great egret (*Ardea alba*), mallard (*Anas platyrhynchos*), and American coot (*Fulica americana*). Insectivores such as dragonflies, bats, and fly-catching birds forage aerially over the channel, while herons and egrets forage in the channel. Common amphibians, such as the native Sierran chorus frog (*Pseudacris sierrae*) and western toad (*Anaxyrus boreas*), as well as the non-native American bullfrog (*Lithobates catesbeianus*), breed and forage in the channel. Raccoon (*Procyon lotor*) tracks were observed under the North McCarthy Boulevard bridge, and raccoons forage on the edge of this habitat.

Developed/Landscaped

Vegetation. Within the project boundaries, developed areas include gravel and impermeable surfaces (such as concrete and asphalt) along trails, as well as roadways and parking lots. Landscaped areas are present within the parking lots and along North McCarthy Boulevard. Landscaping includes young planted trees, such as London plane and oak (*Quercus* spp.). Developed/landscaped areas within the project boundaries total 6.50 acres.

Wildlife. Developed/landscaped habitat generally supports only a few relatively common wildlife species, rather than a diverse wildlife community. Common species using the developed/landscaped habitat in the project area include the common raven (*Corvus corax*), Anna's hummingbird (*Calypte anna*), red-shouldered hawk (*Buteo lineatus*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), California towhee (*Melospiza crissalis*), house finch (*Haemorhous mexicanus*), American goldfinch (*Spinus tristis*), lesser goldfinch (*Spinus psaltria*), bushtit (*Psaltiriparus minimus*), and, in winter, white-crowned sparrow (*Zonotrichia leucophrys*) and golden-crowned sparrow (*Zonotrichia atricapilla*). Common mammal species that occur in the developed/landscaped habitats include the native raccoon and striped skunk (*Mephitis mephitis*) and the non-native Norway rat (*Rattus norvegicus*).

On June 23 and November 3, 2015, H. T. Harvey & Associates biologist Craig Fosdick conducted a focused inspection of bridges to look for evidence of nesting birds and habitat

for roosting bats. Evidence of cliff swallow colonies was observed on both the North McCarthy Boulevard bridge over Coyote Creek, which is adjacent to but outside the project area, and the I-880/Nimitz Freeway on-ramp bridge over Lower Penitencia Creek. Unoccupied cliff swallow nests could serve as roosts for certain species of bats, such as the Brazilian free-tailed bat (*Tadarida brasiliensis*). On the North McCarthy Boulevard bridge, cracks and crevices in the bridge structure itself may also provide potential bat roosting habitat.

Ruderal Grassland

Vegetation. Ruderal grassland (7.17 acres) is present along the outermost edges of the project area along the maintenance roads and trails atop the levees. Ruderal grassland also occurs along the streambanks of the Lower Penitencia Creek channel. These areas are dominated by non-native grasses, such as wild oats (*Avena* sp.), ripgut brome (*Bromus diandrus*), and Bermuda grass (*Cynodon dactylon*), and non-native forbs such as Italian thistle (*Carduus pycnocephalus*). All of the dominant species in this habitat are rated as “moderately” invasive by the California Invasive Plant Council (Cal-IPC 2016) and have substantial, but not severe, ecological impacts. Other common species present include fat hen (*Atriplex prostrata*), wild radish (*Raphanus sativus*), mustard (*Brassica* sp.), prickly lettuce (*Lactuca serriola*), and cheeseweed (*Malva parviflora*). Prior to the recent sediment removal activities in the Lower Penitencia Creek channel, ruderal grassland on the streambanks may have extended below the HTL; however, this was not evident during the survey conducted in November 2015 because herbaceous vegetation had been removed below this elevation.

Ruderal grassland habitat was also observed in the area surrounding the non-tidal seasonal saline wetland, and in patches interspersed throughout the transitional zone of the marsh (Figure 3.4-1). Dominant species in this area include perennial grasses, such as Idaho fescue (*Festuca idahoensis*), Harding grass (*Phalaris aquatica*), and smilo grass (*Stipa mileacea*), and forbs such as bristly ox-tongue (*Helminthotheca echioides*).

Wildlife. The ruderal grasslands in the project area are relatively small, generally occur either in long linear patches or in small patches, and are separated from larger grasslands in the region by extensive urbanization. Human disturbance in the ruderal grassland habitat in the project area is frequent, as paved levee-crest trails are open for public use on the east bank of Reach 3 and the west bank of Reach 4. As such, this habitat contains common species, such as the red-tailed hawk (*Buteo jamaicensis*), common raven, northern mockingbird, black phoebe, Say’s phoebe, and California towhee, rather than species typically associated with extensive, contiguous grasslands. Other common bird species using this habitat in winter include white-crowned sparrows and golden-crowned sparrows.

The scattered trees in the ruderal grasslands provide perches and foraging opportunities for some common species that might not otherwise occur in ruderal grasslands, such as the red-shouldered hawk, Anna’s hummingbird, bushtit, house finch, and American goldfinch. Other common wildlife species occurring in ruderal grasslands in the project area are the western terrestrial garter snake (*Thamnophis sirtalis*), western toad, house mouse (*Mus musculus*), California vole (*Microtus californicus*), valley pocket gopher (*Thomomys bottae*), deer mouse (*Peromyscus maniculatus*), striped skunk, and raccoon.

Willow Riparian Woodland

Vegetation. Willow riparian woodland habitat (2.36 acres) in the project area currently supports riparian tree species such as Fremont cottonwood, arroyo willow, and red willow.

Most of this habitat type occurs on a berm that stretches from California Circle to south of Milmont Drive in the center of the main channel of Lower Penitencia Creek (Figure 3.4-1). The berm is below the top-of-bank elevation but above the OHW and HTL of the stream. The berm supports ruderal grassland and riparian habitat (including riparian trees, shrubs, and herbaceous vegetation). Most of the herbaceous plant community on the berm is composed of “highly” invasive species, which are known to have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment, and most are widely distributed ecologically (Cal-IPC 2016). On the berm, highly invasive species include common fennel (*Foeniculum vulgare*), English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), and broadleaved pepperweed (*Lepidium latifolium*). Harding grass, smilo grass, and wild radish are also prevalent in the understory of this habitat.

Recent (2015) District maintenance activities resulted in relatively few impacts on the riparian trees in the area, with the exception of removing some tree limbs, but did temporarily remove herbaceous vegetation. As such, the existing conditions of the berm at the time of the July 2015 survey included a barren understory with scattered and mature willows. The barren understory was a temporary condition, however, and the herbaceous vegetation is expected to begin to regrow within one growing season. Additional disjunct patches of willow riparian woodland have been mapped along the outer edges of the main stream channel where willow and Fremont cottonwood trees occurred. The understories of these patches are contiguous with the adjacent ruderal grassland described above.

Wildlife. In general, relatively few species and individuals are expected to use the willow riparian woodland habitat in the project area because of the sparse distribution of trees and the accompanying lack of foraging and cover resources. Nevertheless, common bird species that make use of this habitat include the common raven, northern mockingbird, black phoebe, Say’s phoebe, house finch, California towhee, and American goldfinch. In winter, white-crowned sparrows and golden-crowned sparrows may be found in this habitat. As herbaceous riparian vegetation re-establishes, bird species more strongly associated with riparian habitat, such as the San Francisco common yellowthroat and Alameda song sparrow, are expected to nest and forage here. Raccoons may use this habitat to access tidal aquatic habitat for foraging opportunities, and Norway rats and house mice may forage in this habitat.

Coastal Brackish Marsh

Vegetation. Coastal brackish marsh habitat, totaling 0.87 acre, was documented in the project area in small, disjunct patches immediately east and west of the I-880 overpass and just north and south of the Milmont Drive bridge at the southern end of the project alignment (Figure 3.4-1). Coastal brackish marsh generally occurs below the HTL of the Lower Penitencia Creek channel, although the northernmost patch extends several feet above this demarcation. As such, these wetlands are exposed to full tidal influence and receive freshwater input from the upper watershed, incident rainfall, and stormwater runoff. Coastal brackish marsh is dominated by California tule (*Schoenoplectus californica*), with fat hen along its landward edge. Prior to recent sediment and vegetation removal in the stream channel, coastal brackish marsh was much more prevalent in the project area, as observed during a site visit in June 2015.

Wildlife. Coastal brackish marsh supports moderate diversity of common species of amphibians, reptiles, birds, and mammals. Common amphibians occurring in this habitat include the native Sierran chorus frog and western toad, and the non-native bullfrog. Bird species found in this habitat during the nesting season include the American coot, black-crowned night-heron (*Nycticorax nycticorax*), great blue heron, great egret, snowy egret, gadwall (*Anas strepera*), mallard, black phoebe, and marsh wren (*Cistothorus palustris*). Cliff swallows (*Petrochelidon pyrrhonota*) and northern rough-winged swallows (*Stelgidopteryx serripennis*) forage above this habitat and the surrounding area. Wintering birds found in coastal brackish marsh habitat include the white-crowned sparrow, golden-crowned sparrow, and subspecies of song sparrow other than the Alameda song sparrow. Mammals using this habitat include the raccoon and the California vole.

Non-tidal Seasonal Saline Wetlands

Vegetation. There is 0.16 acre of non-tidal seasonal saline wetlands present at the northern end of the project area, between the on-ramp for I-880 and North McCarthy Boulevard (Figure 3.4-1). Historically, this area occurred outside of sloughs of San Francisco Bay. Aerial images from 1993 (Google Inc. 2016) indicate that this area was hydrologically isolated from the Bay and was comprised of upland habitat types at that time. Several years later, the area became a wetland mitigation site for the Coyote Creek Flood Protection Project (H. T. Harvey & Associates 1996a, 1996b). In approximately 2003, the Dixon Landing/I-880 Interchange Project excavated an area of the mitigation site to install a Pacific Gas and Electric (PG&E) gas pipeline. Native soil was used as fill material following the completion of the project, and hydrophytes recolonized the site.

Within the project boundaries, non-tidal seasonal saline wetlands occur outside of the Lower Penitencia Creek channel in a concave depression that serves as a stormwater basin. During large storm events, fresh water from incident rainfall and runoff collects in the basin and is delivered to Lower Penitencia Creek through a culvert. The culvert outlet is situated above the HTL elevation, and thus, the marsh is not tidally influenced under normal circumstances, although it is possible that during king tides of great magnitude brackish water enters this culvert and washes into the basin. A wetland delineation survey (H. T. Harvey & Associates 2016) and analysis of historical aerial images (Google Inc. 2016) indicate that the center of the non-tidal seasonal saline wetland (approximately 0.07 acre at the lowest elevation within this habitat type) retains water for a longer period than the transitional zone along the outer margins of the wetlands.

The plant community in this portion of the wetlands is dominated by hydrophytic species, such as Pacific pickleweed and alkali bulrush (*Bolboschoenus maritimus*). The outer margins of the non-tidal seasonal saline wetlands are composed of a mosaic of wetland and upland patches, and are considered a transitional zone between the two habitat types. Approximately 60 percent of the transitional zone supports wetland vegetation; 0.10 acre of non-tidal seasonal saline wetland is interspersed in this zone with patches of ruderal grassland (Figure 3.4-1).

Wetland patches in the transitional zone are dominated by Pacific pickleweed, in addition to other strongly hydrophytic species such as spreading alkali weed (*Cressa truxillensis*) and alkali heath (*Frankenia salina*). In addition, tall wheatgrass (*Elymus ponticus*), a species that is known to occur in wet and alkaline soils (Natural Resources Conservation Service [NRCS], no date), dominates swaths in the outer margins of the non-tidal seasonal saline wetlands.

Other marginally hydrophytic species observed in the transitional zone include saltgrass (*Distichlis spicata*), seaside barley (*Hordeum marinum*), and broadleaved pepperweed, the latter of which is highly invasive (Cal-IPC 2016).

Wildlife. The non-tidal seasonal saline wetland habitat in the project area is relatively small and isolated, and therefore provides relatively limited habitat for associated wildlife species. Many of the species that occur on the site are common species that are not strongly associated with this habitat, but also occur in adjacent habitats. Such species include the raccoon, California vole, house mouse, northern mockingbird, black phoebe, and song sparrow. Wintering birds found in this habitat include the white-crowned sparrow and golden-crowned sparrow. Amphibians such as the western toad, and snakes such as the western terrestrial garter snake may also use non-tidal seasonal saline wetland habitat. However, in general, the relatively small size of this habitat patch and its relative isolation from similar habitat likely limit the use of this patch of habitat for most species.

Special-status Species

For the purposes of this EIR, special-status plant and wildlife species are those species that meet one or more of the following criteria:

- Species that are listed as threatened or endangered under ESA (50 CFR Part 17.12 for listed plants, 50 CFR Part 17.11 for listed animals);
- Species that are candidates for possible future listing as threatened or endangered under ESA (76 FR 66370);
- Species that are listed or proposed for listing by the State of California as threatened or endangered under CESA (14 CCR Section 670.5);
- Plants listed as rare under the NPPA (F&G Code Section 1900 et seq.);
- Plants considered by CNPS to be “rare, threatened, or endangered in California”;
- Species that meet the definitions of rare or endangered under CEQA (State CEQA Guidelines Section 15380); and
- Animals fully protected in California (F&G Code Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Special-status Plants

CNPS (2016) and the CNDDDB (2016) identify 71 special-status plant species as potentially occurring in the nine 7.5-minute USGS quadrangles containing and/or surrounding the project area for CRPR 1 and 2 plants, and in Santa Clara County for CRPR 3 and 4 plants (see **Appendix E** for a full list of these species). Fifteen of these 71 special-status plant species have been documented by the CNDDDB in the project vicinity, and these records are shown in **Figure 3.4-2**.

Fourteen of the 15 special-status plant species identified during the background review were determined to be absent from the project area for one or more of the following reasons:

- A lack of specific habitat (e.g., vernal pools) and/or edaphic requirements (e.g., serpentine soils) for the species in question;
- The elevation range of the species is outside of the range in the project area; or

- The species has been extirpated from the site vicinity.

Most of the CNDDB records in the project vicinity document extirpated populations of special-status plant species. With the exception of two records for Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*, CRPR 1B.1), the remaining extant populations of other special-status plant species in the site vicinity occur in vernal pool complexes north of the area in the City of Fremont, such as the Pacific Commons Preserve in Don Edwards National Wildlife Refuge. These complexes, some of which have undergone ecological restoration, occur within the margin of historical sloughs of San Francisco Bay and support a mosaic of vernal pools, connecting swales, and native grasslands, which provide suitable habitat for these special-status plant species. Soils in the vernal pool complexes of Don Edwards National Wildlife Refuge are saline-alkaline and are almost exclusively part of the Pescadero soil series (NRCS 2016). Comparable habitat types and edaphic conditions do not exist in the project area; although soils in the project area are saline and potentially alkaline, they are comprised of non-native, imported fill in the Urbanland soil series and native soil in the Campbell series. Additionally, the project site is outside of the historical slough margin and lacks the microtopography (e.g., hummocks) that is typical of vernal pool habitat. As such, all special-status plant species with the exception of Congdon's tarplant were determined to be absent from the project area.

Congdon's tarplant has the potential to occur in the project area based on the presence of marginally suitable habitat and records of extant populations in the project vicinity. It is an annual herb in the composite family (Asteraceae) that is endemic to California. Congdon's tarplant has a variable blooming period extending from May through November. It occurs in valley and foothill grassland habitat, floodplains, and swales, particularly those with alkaline substrates; and in disturbed areas with non-native grasses such as various species of wild oats, ripgut brome, Italian ryegrass, and seaside barley (SCVWD 2011; Baldwin et al. 2012; CNDDB 2016; CNPS 2016).

Congdon's tarplant occurs in Alameda, Contra Costa, Monterey, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, and Solano Counties (CNDDB 2016). Two populations of Congdon's tarplant have been documented by the CNDDB in the project vicinity; one occurs in swales and seasonal wetlands on the San Jose–Santa Clara Regional Wastewater Treatment Plant property, and the other occurs in seasonal wetland and disturbed ruderal grassland habitats in Sunnyvale Baylands Park. Ruderal grasslands in the project area are considered marginal habitat for this species because the site is underlain by soils in the Urbanland series that may be saline, but are not generally considered alkaline.

Special-status Animals

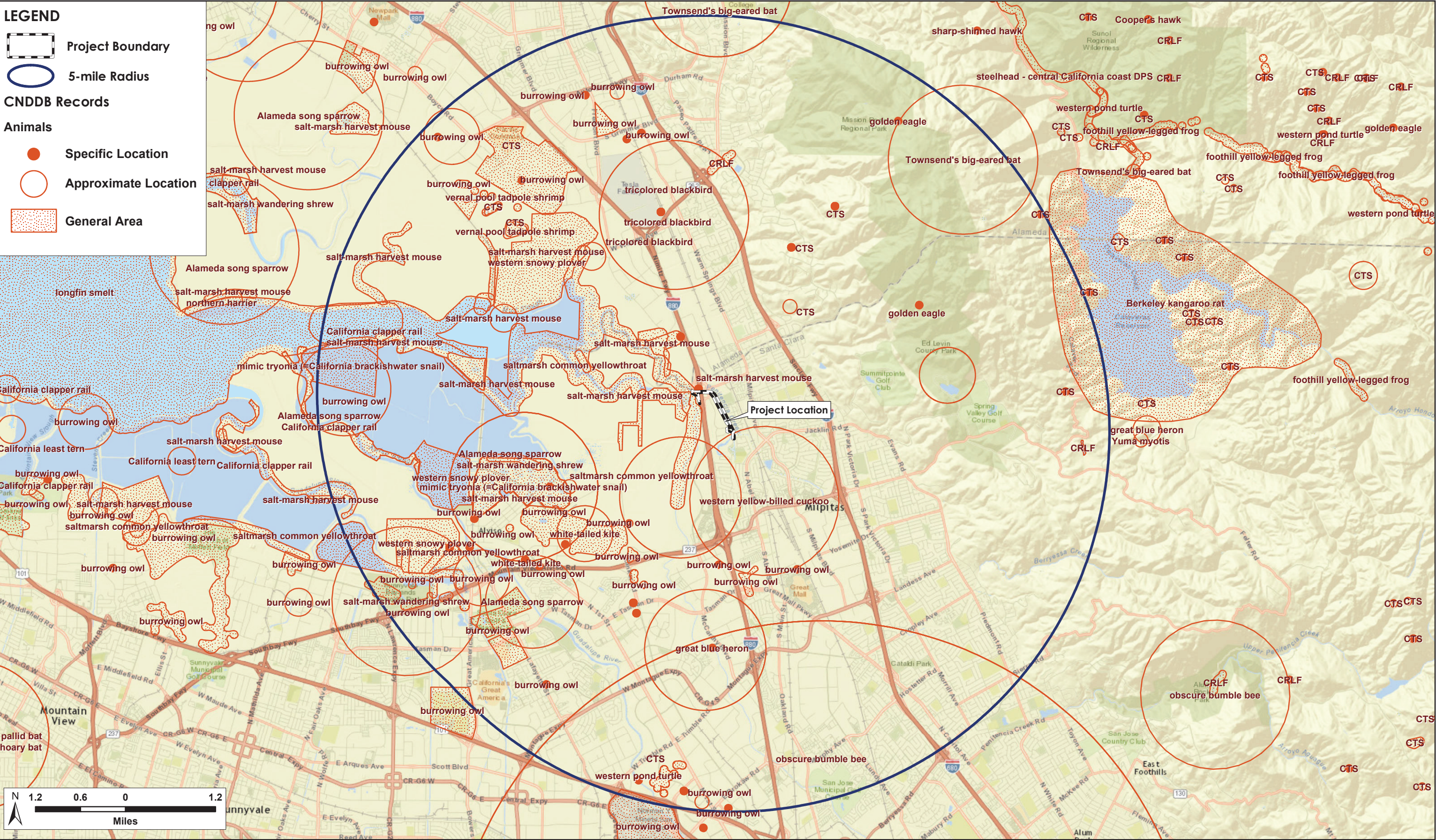
The legal status and potential for occurrence of special-status wildlife species known to occur or potentially occurring in the general vicinity of the project area are given in **Table 3.4-2**. Expanded descriptions are included in **Appendix F** for those species that are known to occur in the project area; for which potentially suitable habitat occurs within or in the general vicinity of the project area; for which the site is accessible to animals from known populations; and for which resource agencies have expressed particular concern, such that more expanded discussion is required. Species that are listed in Table 3.4-2 but not discussed in detail in Appendix F have no reasonable expectation of occurrence in the project area. CNDDB records of special-status animals in the project area vicinity are shown in **Figure 3.4-3**.

Several special-status species identified during the background review were determined to be absent from the project area because of a lack of suitable habitat and/or isolation of the project area from known populations by urbanization and associated barriers to dispersal. These species are the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), long-eared owl (*Asio otus*), California least tern (*Sterna antillarum browni*), western snowy plover (*Charadrius alexandrinus nivosus*), California Ridgway's rail (*Rallus obsoletus obsoletus*) San Francisco dusky-footed woodrat, short-eared owl (*Asio flammeus*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), and Townsend's big-eared bat (*Corynorhinus townsendii*). These species are present in some less urbanized settings in the South Bay.

A number of other special-status animal species are addressed in greater detail below because they are known to breed or could potentially breed in the project area or its vicinity; occur fairly commonly as non-breeders in the project area (and thus could be substantially affected by proposed project activities); and/or are of particular concern to regulatory agencies. These are the Central Valley fall-run Chinook salmon, Central California Coast steelhead, green sturgeon (*Acipenser medirostris*), longfin smelt, western pond turtle (*Actinemys marmorata*), golden eagle, American peregrine falcon, white-tailed kite, northern harrier (*Circus cyaneus*), burrowing owl, loggerhead shrike, San Francisco common yellowthroat, Alameda song sparrow, yellow warbler (*Setophaga petechia*), tricolored blackbird, Bryant's savannah sparrow, salt marsh harvest mouse, pallid bat (*Antrozous pallidus*), and western red bat (*Lasiurus blossevillii*).

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Source: H.T. Harvey 2017

Prepared by: Horizon WATER AND ENVIRONMENT

Figure 3.4-3. CNDDDB Records for Animals

Lower Penitencia Creek Improvements Project

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Table 3.4-2. Special-Status Plant and Animal Species Known to Occur within the Vicinity of the Project Area

Scientific Name	Common Name	Federal Listing Status	State Listing Status	Rare Plant Rank	General Habitat	Potential to Occur in the Project Area
Federally Listed and State-listed Species						
<i>Acipenser medirostris</i>	green sturgeon	FT	CSSC	--	Spawns in large river systems such as the Sacramento River; forages in nearshore oceanic waters, bays, and estuaries.	Absent. Known to occur in San Francisco Bay, although it apparently occurs only as a rare, nonbreeding visitor in the South Bay and has not been recorded with certainty in Santa Clara County. This species is not expected to occur in Lower Penitencia Creek due to its highly modified nature and lack of suitable spawning conditions, and due to its distance from open waters of San Francisco Bay. Designated critical habitat for this species (NMFS 2009), which includes all tidally influenced areas of San Francisco Bay, San Pablo Bay, and Suisun Bay up to the elevation of mean higher high water, does not extend to the project area. Along Coyote Creek/Coyote Slough, critical habitat does not extend upstream from a point approximately 600 feet downstream of the confluence of Lower Penitencia Creek and Coyote Creek. Thus, critical habitat is not present in the project area, and this species is not expected to occur in the project area.
<i>Spirinchus thaleichthys</i>	longfin smelt	--	ST, CSSC	--	Spawns in fresh water in the upper end of San Francisco Bay; occurs year-round in the South Bay.	Absent as Breeder. Fish sampling in Coyote Slough and the Island Ponds has detected the species only in January and March, suggesting that it may be absent during the summer (Hobbs et al. 2012). Species may be present in the tidal reaches of sloughs in the South Bay. Stray individuals could occur within the reach of Lower Penitencia Creek in the project area, which is tidally influenced, albeit likely infrequently and in small numbers (if at all), and only from late fall to early spring.
<i>Oncorhynchus mykiss</i>	Central California Coast steelhead	FT	--	--	Cool streams with suitable spawning habitat and conditions allowing migration between spawning and marine habitats. Steelhead usually cannot survive long in pools or streams with water temperatures above 70°F.	Absent as Breeder. The species has not been documented in the project area and suitable spawning habitat is not present anywhere in Lower Penitencia Creek. However, small numbers of stray, individual steelhead associated with spawning streams elsewhere in the South Bay could occasionally wander into the project area to forage. Because no suitable spawning habitat occurs within the project area or upstream, this species is not expected to spawn or occur regularly in Lower Penitencia Creek.
<i>Ambystoma californiense</i>	California tiger salamander	FT	ST	--	Vernal or temporary pools in annual grasslands or open woodlands.	Absent. Populations located on the valley floor have been extirpated due to habitat loss, and the species is now considered absent from most of the valley floor, including the project area and the surrounding vicinity (H. T. Harvey & Associates 1999a, 2011b; SCVWD 2011).
<i>Rana draytonii</i>	California red-legged frog	FT	CSSC	--	Streams, freshwater pools, and ponds with emergent or overhanging vegetation.	Absent. Populations located on the valley floor have been extirpated due to habitat loss and the introduction of predators such as non-native fishes and bullfrogs. The species is now considered absent from most of the valley floor, including the project area and the surrounding vicinity (H. T. Harvey & Associates 1997; SCVWD 2011).
<i>Rallus obsoletus</i>	California Ridgway’s rail	FE, SE, SP	--	--	Salt marsh habitat dominated by pickleweed and cordgrass (<i>Spartina</i> spp.).	Absent. California Ridgway’s rails typically nest in broad marshes with well-developed tidal channels (conditions that are absent from the project area). Suitable foraging habitat is also absent from the project area, and potential foraging habitat downstream of the project area (for several hundred yards) is marginal at best. Therefore, the California Ridgway’s rail is not expected to occur in the project area.
<i>Laterallus jamaicensis coturniculus</i>	California black rail	--	ST, SP	--	Breeds in fresh, brackish, and tidal salt marsh.	Absent. The California black rail occurs in the South Bay primarily as a scarce winter visitor, although some birds have recently begun over summering and breeding in the Alviso area. Suitable foraging and nesting habitat is not present in the project area. Additionally, potential foraging habitat downstream of the project area (for several hundred yards) is marginal at best. Therefore, the California black rail is not expected to occur in the project area.
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	FT	CSSC	--	Sandy beaches on marine and estuarine shores and salt pans in San Francisco Bay saline-managed ponds.	Absent. No suitable nesting or foraging habitat is present on or adjacent to the project area.

Scientific Name	Common Name	Federal Listing Status	State Listing Status	Rare Plant Rank	General Habitat	Potential to Occur in the Project Area
<i>Sterna antillarum browni</i>	California least tern	FE	SE, SP	--	Nests along the coast on bare or sparsely vegetated, flat substrates. In the South Bay, nests in salt pans and on an old airport runway. Forages for fish in open waters.	Absent. The species does not nest in the project area, and no suitable roosting or foraging habitat is present on or adjacent to the project area.
<i>Agelaius tricolor</i>	tricolored blackbird	--	CSSC	--	Nests near fresh water in dense emergent vegetation.	Absent as breeder. The species typically nests in extensive stands of tall emergent herbaceous vegetation in non-tidal freshwater marshes and ponds, which are not present in the project area. Not known to nest in tidal habitats in the South Bay, and it has not been recorded nesting in the project area (Rottenborn 2007a). However, the species is known to forage adjacent to the project area during the nonbreeding season (Cornell Lab of Ornithology 2016) and could occur in the project area during the nonbreeding season.
<i>Corynorhinus townsendii</i>	Townsend’s big-eared bat	--	SSC	--	Roosts in caves and mine tunnels, and occasionally in deep crevices in trees such as redwoods or in abandoned buildings, in a variety of habitats.	Absent. No known extant populations occur on the Santa Clara Valley floor, and no roosting habitat is present in the project area.
<i>Reithrodontomys raviventris</i>	salt marsh harvest mouse	FE	SE, SP	--	Salt marsh habitat dominated by common pickleweed.	May Be Present. Ostensibly suitable habitat for the salt marsh harvest mouse is present in the project area in the form of a small patch of pickleweed and alkali bulrush between North McCarthy Boulevard and I-880, a small patch of coastal brackish marsh between I-880 and Coyote Creek, and adjacent uplands dominated by ruderal grassland habitat. However, the species is unlikely to occur in the project area due to the limited extent of potential suitable habitat within the project boundaries; the low quality of such habitat (with only sparse and limited pickleweed and alkali bulrush); the isolation of potential habitat areas from larger expanses of more suitable habitat because of the presence of roads and unsuitable habitat; the location of the project site at the extreme periphery of the species’ range; and the low probability that a viable population can be sustained at and very close to the site for all the reasons listed previously. Nevertheless, the potential for individuals to move occasionally through this portion of the project area cannot be excluded. The species is not expected to occur in any other portion of the project area (i.e., areas east of I-880) due to a lack of suitable habitat.
California Species of Special Concern						
<i>Oncorhynchus tshawytscha</i>	Central Valley fall-run Chinook salmon	--	CSSC	--	Cool rivers and large streams that reach the ocean and that have shallow, partly shaded pools, riffles, and runs.	Absent as Breeder. Chinook are not known to spawn in Lower Penitencia Creek, and suitable spawning habitat is absent from the project area. Occasional stray Chinook from Central Valley streams may occur in the project area as foragers, as they do in other South Bay streams. However, these stray individuals are expected to occur irregularly and in extremely low numbers, and do not represent a native run.
<i>Rana boylei</i>	foothill yellow-legged frog	--	CSSC CSC	--	Partially shaded shallow streams and riffles with a rocky substrate. Occurs in a variety of habitats in Coast Ranges.	Absent. This species is absent from the valley floor and suitable habitat is not present in the project area. The species occurs in less urbanized areas of Santa Clara County but has disappeared from farmed and urbanized areas, as well as many of the perennial streams below major reservoirs (H. T. Harvey & Associates 1999b).
<i>Actinemys marmorata</i>	western pond turtle	--	CSSC	--	Permanent or nearly permanent water in a variety of habitats	May Be Present. Although breeding populations have been extirpated from most urbanized areas in the project region, individuals of this long-lived species still occur in urban streams and ponds in the Santa Clara Valley. It is possible that small numbers of western pond turtles occur in the project area, in which case nesting could potentially occur on the sides of the levees along Lower Penitencia Creek.
<i>Circus cyaneus</i>	northern harrier	--	CSSC (nesting)	--	Nests in marshes and moist fields; forages over open areas.	Absent as Breeder. Suitable nesting habitat is not present in the project area, although wintering or migrating individuals may occasionally forage in the project area.

Scientific Name	Common Name	Federal Listing Status	State Listing Status	Rare Plant Rank	General Habitat	Potential to Occur in the Project Area
<i>Asio flammeus</i>	short-eared owl	--	CSSC (nesting)	--	Riparian bottomlands with tall, dense willows and cottonwood stands (also dense live oak and California Bay along upland streams); forages primarily in adjacent open areas.	Absent. Suitable nesting or foraging habitat for long-eared owls is not present in the project area. This species is a rare resident and occasional winter visitor in Santa Clara County (Noble 2007).
<i>Asio otus</i>	long-eared owl	--	CSSC (nesting)	--	Nests in marshes and moist fields; forages over open areas.	Absent. The long-eared owl has been recorded nesting in the project region only in the Palo Alto Flood Control Basin, although it has not been confirmed nesting there since the 1970s. Determined to be absent from the project area.
<i>Athene cunicularia</i>	burrowing owl	--	CSSC	--	Nests and roosts in open grasslands and ruderal habitats with suitable burrows, usually those made by California ground squirrels.	Absent as Breeder. Suitable nesting habitat is not present in the project area, and no burrowing owls, California ground squirrels, or their burrows were observed during site visits. However, dispersing or wintering individuals may occur in the project area as foragers, albeit irregularly and in very low numbers.
<i>Lanius ludovicianus</i>	loggerhead shrike	--	CSSC (nesting)	--	Nests in tall shrubs and dense trees; forages in grasslands, marshes, and ruderal habitats.	Absent as Breeder. Nests in locations in the region where open grassland, ruderal, or agricultural habitat with scattered brush, chaparral, or trees provide perches and nesting sites (Bousman 2007b), although populations seem to have declined in recent years as suitable habitat has been increasingly developed. No suitable nesting habitat exists in the project area; however, individuals may occasionally occur on the site as migrants or foragers. Because this species is only considered a species of special concern when nesting, it would not be considered a special-status species if it occurs on the project site as a migrant.
<i>Setophaga petechia</i>	yellow warbler	--	CSSC (nesting)	--	Nests in riparian woodlands.	Absent as Breeder. Prefers riparian corridors with adjacent open space (rather than in heavily developed areas) and an overstory of mature cottonwoods and sycamores, a mid-story of box elders and willows, and a substantial shrub understory (Bousman 2007c). No suitable nesting habitat exists in the project area, but this species occurs as a migrant during the spring and fall. Because this species is only considered a species of special concern when nesting, it would not be considered a special-status species if it occurs on the project site as a migrant.
<i>Geothlypis trichas sinuosa</i>	San Francisco common yellowthroat	--	CSSC	--	Nests in herbaceous vegetation, usually in wetlands or moist floodplains.	Present. During the June 2015 site visit, singing male common yellowthroats were observed in the lowermost reaches of the project area and suitable marsh nesting habitat is present in these areas. Common yellowthroats nesting in the project area are the special-status subspecies <i>sinuosa</i> (San Francisco Bay Bird Observatory 2012). The greatest proportion of nesting records in the region occur within brackish and freshwater marshes near the edge of the Bay and in early-successional riparian habitat in broader floodplains (Bousman 2007d). Nests are typically located in extensive stands of bulrushes in brackish marshes and dense cattail beds in freshwater marshes, but the species also nests in forbs in riparian habitats.
<i>Melospiza melodia pusillula</i>	Alameda song sparrow	--	CSSC	--	Nests in salt marsh, primarily in marsh gumplant (<i>Grindelia stricta</i>) and cordgrass along channels.	May Be Present. During the June 2015 site visit, singing male song sparrows were observed in Reach 1 of the project area and suitable marsh nesting habitat is present in this reach. The <i>pusillula</i> subspecies of song sparrow is endemic to the Central and South Bay. In the project area, this subspecies occurs in the taller vegetation found along tidal sloughs. The location of the interface between populations of the Alameda song sparrow (<i>pusillula</i>) and the common race that breeds in freshwater riparian habitats in the region (<i>gouldii</i>) is not definitive due to difficulties distinguishing these subspecies in the field, and thus it is unknown whether the individuals observed on the site are of the subspecies <i>pusillula</i> , represent <i>gouldii</i> , or are intergrades between the two.

Scientific Name	Common Name	Federal Listing Status	State Listing Status	Rare Plant Rank	General Habitat	Potential to Occur in the Project Area
<i>Passerculus sandwichensis alaudinus</i>	Bryant’s savannah sparrow	--	CSSC	--	Nests in pickleweed-dominant salt marsh and adjacent ruderal habitat.	Absent as Breeder. This species is not expected to nest in the project area due to a lack of suitable habitat. In the South Bay, the Bryant’s savannah sparrow nests primarily in short pickleweed-dominated portions of diked/muted tidal salt marsh habitat and in adjacent ruderal habitats (Rottenborn 2007b). There is only a small contiguous patch of pickleweed in the project area, and no savannah sparrows were observed during the June 2015 site visit. During the nonbreeding season, <i>alaudinus</i> and other savannah sparrow subspecies may forage in open areas on or adjacent to the project area.
<i>Sorex vagrans halicoetes</i>	salt marsh wandering shrew	--	CSSC	--	Medium to high marsh with abundant driftwood and common pickleweed.	Absent. Formerly more widely distributed in the San Francisco Bay Area, this small insectivorous mammal is now confined to salt marshes of the South Bay (Findley 1955). Salt marsh wandering shrews occur most often in medium to high wet tidal marsh (6 -8 feet above sea level) with abundant driftwood and other debris for cover (Shellhammer 2000). A small patch of pickleweed and alkali bulrush is located between North McCarthy Boulevard and I-880, but the lack of driftwood and other debris in this pickleweed patch makes the habitat unsuitable.
<i>Antrozous pallidus</i>	pallid bat	--	CSSC	--	Forages over many habitats; roosts in caves, rock outcrops, buildings, and hollow trees.	Absent as Breeder. This species has been extirpated as a breeder from urban areas close to the Bay, including the project area. Furthermore, there is a low probability that the species occurs in the project vicinity due to urbanization, although individuals from more remote locations could potentially forage within the project area over open habitats on rare occasions. Cliff swallow nests, which can be used as roosting sites by pallid bats, were present on all four bridges, and the North McCarthy Boulevard bridge contains crevices that could also serve as roosting habitat. However, if the species roosts on the site, it is expected to do so only as a nonbreeder and in small numbers.
<i>Lasiurus blossevillii</i>	western red bat	--	CSSC	--	Roosts in foliage in forest or woodlands, especially in or near riparian habitat.	Absent as Breeder. Occurs as a migrant and winter resident but does not breed in the project region. Small numbers may occasionally be present in the project area as a migrant and winter resident, roosting in the foliage of trees virtually anywhere in the project area.
<i>Neotoma fuscipes annectens</i>	San Francisco dusky-footed woodrat	--	CSSC	--	Nests in a variety of habitats, including riparian areas, oak woodlands, and scrub.	Absent. Currently, with the exception of records along Coyote Creek and along the edges of the Central Valley, San Francisco dusky-footed woodrats are not known to occur in the more urbanized portions of Santa Clara County (H. T. Harvey & Associates 2010). Furthermore, no woodrats or woodrat nests were observed in the project area during the June 2015 focused survey. Thus, this species is determined to be absent from the project area.
California Rare Plant Rank and State Fully Protected Species						
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon’s tarplant	--	--	CRPR 1B.1	Occurs in valley and foothill grassland habitat, floodplains, and swales, particularly those with alkaline substrates, and in disturbed areas with non-native grasses. Variable blooming period extends from May through November.	May Be Present. Ruderal grasslands in the project area are considered marginal habitat for this species because the site is underlain by soils in the Urbanland series that may be saline, but are not generally considered alkaline.
<i>Elanus leucurus</i>	white-tailed kite	--	SP	--	Nests in tall shrubs and trees; forages in grasslands, marshes, and ruderal habitats.	Absent as Breeder. Suitable nesting habitat is not present in the project area or the adjacent urbanized landscape to the east. However, suitable foraging habitat is present and the species is known to nest along the northern edge of Santa Clara County in open areas edging San Francisco Bay (Mammoser 2007). There are also a number of records from wetlands adjacent to the Bay west of the project area (Cornell Lab of Ornithology 2016). Thus, individuals may occur in the project area as foragers.
<i>Aquila chrysaetos</i>	golden eagle	--	SP	--	Breeds on cliffs or in large trees (rarely on electrical towers); forages in open areas.	Absent as Breeder. Suitable nesting habitat is not present in the project area. This species is expected to forage in open habitats within and adjacent to the project area only infrequently, based on the limited number of occurrences recorded in this area by birders (Cornell Lab of Ornithology 2016).

Scientific Name	Common Name	Federal Listing Status	State Listing Status	Rare Plant Rank	General Habitat	Potential to Occur in the Project Area
<i>Falco peregrinus anatum</i>	American peregrine falcon	--	SP	--	Forages in many habitats; nests on cliffs and tall bridges and buildings.	Absent as Breeder. Peregrine falcons are expected to occur as occasional foragers within the project area, but there is no suitable nesting habitat present. This species is known to nest on Mission Peak and in downtown San Jose.

*** List of Abbreviations for Federal and State Species-Status:**

FE = Federally listed as endangered	SE = State listed as endangered	CSSC = State species of special concern; “Nesting” indicates that only nesting birds are protected under this status.
FT = Federally listed as threatened	ST = State listed as threatened	CRPR = California Rare Plant Rank
	SC = State candidate for listing	1B = plants are considered rare, threatened, or endangered in California and elsewhere.
	SP = State fully protected	0.1 Seriously threatened in California (more than 80 percent of occurrences threatened/high degree and immediacy of threat)

Sources: Complete information provided in Appendices E and F. Additional sources used to compile Table 3.4-2 include: SCVWD 2012; H.T. Harvey & Associates 1996a, 1996b, 2011a, 2011b, 2012, and 2016.

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Sensitive Natural Communities

CDFW determines the level of rarity and imperilment of vegetation types and tracks sensitive communities in the CNDDDB (2016). In addition to tracking sensitive natural communities, CDFW also ranks vegetation alliances, defined by repeating patterns of plants across a landscape that reflect climate, soil, water, disturbance, and other environmental factors (Sawyer et al. 2009). Global rankings of natural communities and vegetation alliances reflect the overall condition (rarity and endangerment) of a habitat throughout its range, whereas state rankings are a reflection of conditions within California. The sensitivity of natural communities and vegetation alliances are then defined by NatureServe (2015) based on the number of occurrences and extent of the community.

CDFW Natural Communities of Special Concern and CDFW Sensitive Vegetation Alliances determined to occur in the project area are described below.

CDFW Natural Communities of Special Concern. A query of natural communities of special concern in the CNDDDB (2016) identified northern coastal salt marsh as occurring within the nine 7.5-minute USGS quadrangles containing or surrounding the project area. However, northern coastal salt marsh was determined to be absent from the project area. This determination was based on the following evidence. As discussed above, Lower Penitencia Creek is a perennial stream with full tidal influence for the entire project alignment. H. T. Harvey & Associates classified the in-stream wetlands in the project area as coastal brackish marsh because they were a monoculture of California tule (genera *Schoenoplectus*), which is not listed as occurring in northern coastal salt marsh by either Holland (1986) or VegCAMP (CDFG 2010). Although the other wetland habitat type in the project area is underlain by saline soil and supports wetlands dominated by halophytic species, such as Pacific pickleweed and alkali bulrush, the area in which these species occur is cut off from tidal influence by the levee that encloses the southern bank of Lower Penitencia Creek. As such, this habitat type was characterized as non-tidal seasonal saline wetland (Figure 3.4-1). Furthermore, this area occurs outside of the margin of historical sloughs of the San Francisco Bay.

As described above, CDFW also considers streams and riparian habitat as sensitive. Along Lower Penitencia Creek within the project area, the CDFW may consider areas below the top of bank as sensitive. In areas where the tree canopy in willow riparian woodland extends above the top of bank, the landward canopy edge demarcates the lateral limit of CDFW-jurisdictional sensitive riparian habitat. However, a non-tidal, concrete-lined ditch excavated in uplands between North McCarthy Boulevard and I-880 is not considered a sensitive habitat type. Although it has developed some patches of low-quality wetland vegetation near Reach 1 because of artificial hydrology inputs such as collection of road runoff, this artificial feature does not have a connection to groundwater or a regular connection to surface water, does not provide special or high-quality wetland functions or values, and is not likely to be considered jurisdictional (Appendix D).

CDFW Sensitive Vegetation Alliances. Several sensitive vegetation alliances occur in the project area based on the dominant species present in willow riparian woodland and non-tidal seasonal saline wetland habitats. Sensitive vegetation alliances present in the project area are the Red Willow Thickets Alliance, Pickleweed Mats Alliance, Salt Marsh Bulrush Alliance, Alkali Heath Marsh Alliance, and the Creeping Ryegrass Turf Alliance.

Protected Trees

As described above, a substantial number of trees exist in the project area (more than 50 individual trees). About 36 trees within the project area are of sufficient diameter to be protected by the City of Milpitas tree ordinance. However, no trees in the project area have been designated as heritage trees by the City of Milpitas (D. Gordillo, pers. comm.).

3.4.4 Impact Analysis

Methodology

The primary adverse effects on biological resources of the proposed project would occur during project construction and the period immediately following construction. Aside from periodic visual inspections of the newly installed floodwalls and headwalls, maintenance activities would be mostly the same as those that currently take place under the SMP. Because the effects of SMP activities are covered in the SMP EIR (SCVWD 2012), the impact analysis does not address such effects in this section.

Impacts (Figure 3.4-4) on biological resources due to the proposed project were systematically evaluated at the project level. These impacts were first evaluated to qualitatively describe how proposed project activities could impact biological resources, and whether impacts would be temporary (i.e., occurring during project construction activities and the period immediately following these activities) or permanent. The impact analysis accounts for District BMPs, which are identified in Chapter 2, *Project Description*. For project impacts that would be significant, feasible mitigation measures are identified, and the significance of the impacts was evaluated to determine if mitigation measures would reduce impacts to a less-than-significant level.

Biological resources would be affected not only by project-related construction activities but also, in a few cases, by mitigation measures. The net effect of these mitigation measures would be beneficial. However, in a few cases, adverse effects on the physical environment may occur during implementation of these measures. For example, although relocation of western pond turtles from work areas may be necessary to avoid mortality of those individuals, some stress on these individuals may occur during relocation. As a result, the effects of BMPs and mitigation measures were also analyzed, where appropriate.

Criteria for Determining Significance

The proposed project would result in a significant impact on biological resources if it would:

- 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 CDFW and USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW and USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Summary

Table 3.4-3 summarizes biological resources impacts of the proposed project.

Table 3.4-3. Summary of Impacts Biological Resources

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance after Mitigation
BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	S	Mitigation Measures BIO-1 BIO 13	LM
BIO-1a: Impacts on longfin smelt and steelhead	S	Mitigation Measure BIO-1	LM
BIO-1b: Impacts on essential fish habitat	LS	N/A	LS
BIO-1c: Impacts on western pond turtles	S	BIO-2	LM
BIO-1d: Impacts on burrowing owls	LS	None	LS
BIO-1e: Impacts on the Alameda song sparrow and San Francisco common yellowthroat	S	Mitigation Measures BIO-3 and BIO-4	LM
BIO-1f: Impacts on non-nesting special-status birds	LS	None	LS
BIO-1g: Impacts on salt marsh harvest mouse	S	Mitigation Measures BIO 5 BIO-8	LM
BIO-1h: Impacts on special-status bats	LS	None	LS
BIO-1i: Impacts on Congdon's tarplant	S	Mitigation Measures BIO-9 and BIO-10	LM
BIO-1j: Introduction of invasive species	S	Mitigation Measures BIO-11 and BIO-12	LM
BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by	LS	None	LS

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance after Mitigation
the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service			
BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), waters of the U.S., and waters of the state through direct removal, filling, hydrological interruption, or other means	S	Mitigation Measure BIO-13	LM
BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	LS	None	LS
BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	NI	None	NI
BIO-6: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan	NI	None	NI

LM = Less than Significant with Mitigation; LS = Less than Significant; S = Significant; NI = No Impact

Environmental Impacts

Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than Significant with Mitigation)

The following impact analysis describes the project's adverse effects on special-status species. The analysis is organized by sub-topics and species type. This impact analysis is based on the information included in Table 3.2-4. Species listed in Table 3.2-4 as absent from the project area are not analyzed in this section as they would not be affected by the proposed project. All species listed in Table 3.2-4 as present, may be present, or absent as breeders could potentially be affected by the project and are analyzed in this section, except three bird species which have special status only when nesting and would not be expected to nest at the project site. Those three bird species are the Northern harrier, loggerhead shrike, and yellow warbler.

Impact BIO-1a: Impacts on longfin smelt and steelhead (Less than Significant with Mitigation)

During project construction, longfin smelt (state listed as threatened) and Central California Coast steelhead (federally listed as threatened) could potentially occur, albeit infrequently and in low numbers, in the reach of Lower Penitencia Creek within the project boundary. Neither of these species is expected to spawn in the project area; however, small numbers of these species may occasionally stray into the project area.

The proposed project would not result in the permanent loss of aquatic habitat for fish. However, levee modification and bench excavation in Reach 1 and construction of the new headwalls for the San Andreas Drive bridge in Reach 4 would require temporary dewatering of the affected portions of the channel. In addition, short sections of the secondary channel in Reach 3 would require dewatering to allow construction vehicles to access Staging Area B by means of existing concrete ramps. Further, depending on the layout of equipment needed to construct floodwalls on the south bank of Reach 2 and both banks of Reach 3, it may be necessary to dewater the entire length of Reaches 2 and 3 during construction of the floodwalls. As shown in **Figure 3.4-4**, up to approximately 9.71 acres of aquatic habitat, including 0.87 acre of coastal brackish marsh and 8.84 acres of tidal aquatic habitat, would be temporarily affected as a result of dewatering. **Table 3.4-4 summarizes temporary and permanent habitat impacts that would occur in the project area.**

Table 3.4-4. Temporary and Permanent Habitat Impacts in the Project Area

Habitat	Impacts (acres)	
	Temporary	Permanent
Tidal aquatic (open water)	<u>8.84</u>	<u>0.01</u>
Willow riparian woodland	<u>1.93</u>	<u><0.01</u>
<u>Wetlands*</u>		
Coastal brackish marsh	<u>0.87</u>	<u><0.01</u>
Non-tidal seasonal saline wetland	<u>0.03</u>	<u>0.13</u>
<u>Other</u>		
Ruderal grassland	<u>5.82</u>	<u>0.65</u>
Developed/Landscaped	<u>5.35</u>	<u>0.20</u>
<u>Total</u>	<u>22.85</u>	<u>0.98</u>

*0.08 acre of the permanent impact on wetlands results from conversion of non-tidal seasonal saline wetland to coastal brackish marsh (i.e., a permanent change in wetland type but not the overall amount of wetlands on the site).



Source: H.T. Harvey 2017

Figure 3.4-4. Habitat Impacts Map

In-channel construction activities, including channel dewatering, would be limited to the dry season (i.e., June 15 through October 15) to reduce the potential for longfin smelt and steelhead to be present in the project area when these activities are undertaken. Nevertheless, if individuals of either species were to occur in the reaches to be dewatered, dewatering activities could result in injury or mortality of individuals due to degraded water quality, temporary blockage of migration, stranding in isolated pools, and desiccation. Construction activities may also necessitate the operation of heavy equipment within the streambed (after dewatering). Movement of heavy equipment may compact the substrate, potentially killing benthic invertebrates (which may serve as prey for fish), embedding gravel within finer sediments, and otherwise altering habitat for fish and their prey.

The loss of instream cover, such as vegetation, due to dewatering may adversely affect fish as a result of increased predation caused by a decrease in the availability of escape cover and the alteration of local hydraulics (e.g., increasing water velocity) (Stillwater Sciences 2006), and the loss of refugia during high flows. Vegetation removal also would result in the loss of substrate used by various fish for foraging. However, Lower Penitencia Creek provides relatively low-quality habitat for fish species due to its channelized nature, the lack of high-quality habitat complexity, and regular disturbance of habitats due to frequent maintenance. Thus, the loss of instream cover and habitat is expected to have a less substantial impact on fish than would similar activities on a naturally formed stream.

Furthermore, this habitat is expected to reestablish rapidly following the completion of construction activities. The Instream Wetland Vegetation Regrowth Study (Rankin and Hillman 2000) found 65 percent and 98 percent average regrowth within 1 and 2 years, respectively, after 1997 sediment removal at six non-tidal freshwater study sites. Average regrowth on two tidal study sites was less, at 21 percent and 29 percent after 1 and 2 years, respectively. Regrowth study results on four additional 1998 sediment removal sites found that after 1 year, those sites supported more non-tidal wetland than was present before sediment removal and almost 70 percent of the tidal wetland that was present before sediment removal. Thus, project activities, which would occur at the upper end of tidal influence, are not expected to result in a substantial long-term change in the amount or suitability of aquatic habitat available to steelhead and longfin smelt.

During floodwall installation activities, excavating and replacing soil for the footings, stabilizing, and loss of vegetation on channel banks may result in an increase in erosion and sedimentation. Streambank erosion is a natural process that can be beneficial to fish by providing a source of gravel necessary for high-quality habitat. However, when natural levels of erosion are exceeded, increases in turbidity and sediment input may cause stress on fish because of feeding difficulties or displacement. Additionally, minor spills of petrochemicals, hydraulic fluids, and solvents may occur during vehicle and equipment refueling or because of leaks, adversely affecting water quality and potentially killing or injuring fish. Implementation of District BMPs HM-7, and HM-10 would prevent vehicle cleaning from occurring in the creek channel and minimize the potential for impacts to water due to release of pollutants into the creek water. BMPs WQ-1 through WQ-9 and HM-8 would be implemented to minimize the amount of in-channel construction activity, use appropriate equipment in the creek bed, ensure proper maintenance and operation of pumps, stage and stockpile materials where they will not contribute pollutants to the creek stabilize vehicles entrances to prevent eroded soil from washing into the creek, isolate concrete from creek water until it is fully cured, isolate work areas from tidal flows, and reseed disturbed areas to prevent soil erosion, maintain clean conditions at the construction area, and prevent

discharge of oily, greasy, or turbid water to the creek. BMPS BI-3, WQ-11, WQ-15, and WQ-16 would protect water quality by ensuring temporary fill is removed from the construction area when no longer necessary. Construction areas are maintained in a clean condition, water discharges meet turbidity thresholds, and measures are implemented during construction (e.g. silt fences, straw bales, erosion control mats) to prevent stormwater from eroding soils and washing it into the creek channel. BMPS BI-8 requires that local ecotypes be planted at disturbed areas after construction is complete to stabilize those areas and prevent soil erosion. These measures will minimize the release of pollutants to creek waters; thereby protecting water quality of the aquatic habitat.

The construction of floodwalls would require the installation of sheet piles. Sounds generated by pile driving have the potential to affect fish in several ways, ranging from the alteration of behavior to physical injury or mortality, depending on the intensity and characteristics of the sound, the distance and location of the fish in the channel relative to the sound source, and the size and species of fish involved (Yelverton et al. 1975 as cited in Hastings and Popper 2005; ICF Jones & Stokes and Illingworth and Rodkin Inc. 2009). However, the proposed project's use of a Giken silent piler would reduce effects of pile driving to levels that are not expected to cause injury or mortality of fish.

Although longfin smelt and steelhead are expected to occur infrequently and in low numbers, if at all, in the project area, the proposed project activities described above could affect the primary constituent elements involving estuarine water quality and juvenile and adult foraging habitat for Central California Coast steelhead within these waters. However, such habitat is expected to contribute little to Central California Coast steelhead survival and recovery, given the infrequency with which these species might occur in the project area.

As described above, implementation of District BI-3, BI-8, HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, and WQ-16 would minimize changes in water quality by avoiding routine use of vehicles and equipment in Lower Penitencia Creek between January 1 and June 15, when anadromous fish are most likely to be present; reduce erosion; control sediment; and prevent spills. BMP BI-8 requires use of local ecotypes in revegetation to provide erosion protection and promote habitat restoration and enhancement. By implementing these BMPs, impacts on longfin smelt and steelhead would be minimized. Nevertheless, the proposed project could result in residual impacts on these species because complete avoidance of individuals may not be accomplished while still meeting the proposed project goals. As a result, impacts on special-status fish are conservatively considered significant for purpose of this analysis. Mitigation Measure BIO-1 would be applied to address this impact.

Mitigation Measures

Mitigation Measure BIO-1: Exclude Fish Prior to Dewatering Activities

Prior to conducting dewatering activities, ~~the District will hire~~ a qualified biologist ~~who~~ will use nets to exclude fish from the construction area. During a falling tide, a block net will be placed at the upper end of the reach to be dewatered. Subsequently, qualified biologists will walk from the upper to lower end of the reach with a seine stretched across the channel to encourage fish to move out of the construction area. When the lower end of the construction area is reached, a second block net will be installed to isolate the construction reach. This procedure will be repeated a minimum of three times on each dewatered reach to ensure that no longfin smelt or

steelhead remain in the construction area. Mesh size will not exceed 9.5 millimeters to ensure that longfin smelt are adequately excluded from this area.

Significance After Mitigation

Implementation of **Mitigation Measure BIO-1** would exclude fish from the project area before dewatering begins, thereby minimizing the loss of individual longfin smelt and steelhead. Note that implementation of Mitigation Measure BIO-1 may result in an increased concentration of fish immediately downstream of the project area. Thus, some potential would exist for changes in densities of predators or competitors to result in increased stress, injury, or mortality of individual longfin smelt or steelhead. However, the benefits of the mitigation measure would far outweigh the loss of individuals that would occur if fish were not excluded from the project area prior to dewatering. Further, the use of nets to exclude fish from the construction area does not result in entrapment or physical handling of fish. Rather, this approach simply encourages fish to move out of the project's dewatering area on their own without allowing them to re-enter. As a result, this mitigation measure is not expected to result in the take of steelhead or longfin smelt. For the reasons described above, Mitigation Measure BIO-1 would reduce this impact to less than significant with mitigation.

Impact BIO-1b: Impacts on essential fish habitat (Less than Significant)

As noted in Section 3.4.2, "Regulatory Setting," the Chinook salmon, which is regulated by the Pacific Fishery Management Council's Pacific Coast Salmon FMP (Pacific Fishery Management Council 1999) and designated as a California species of special concern, may occur irregularly in the project area. Although Chinook salmon in the project area have been recognized as strays from hatchery releases (NMFS 1999; Hedgecock 2002), NMFS still considers habitat used by Chinook salmon in the South Bay as EFH. Thus, the reach of Lower Penitencia Creek within the project boundaries could be considered EFH associated with the Pacific Coast Salmon FMP.

Several fish species regulated by the Pacific Groundfish FMP (Pacific Fishery Management Council 2008), such as the leopard shark, English sole, starry flounder, and big skate, occur in tidal habitats of South San Francisco Bay and occasionally disperse upstream into the reaches of Lower Penitencia Creek. Fish regulated by the Coastal Pelagics FMP (Pacific Fishery Management Council 1998), such as the northern anchovy, Pacific sardine, and jack mackerel, also occur in the South Bay, and they could possibly occur in the project area. Because of the presence of at least some species managed by one of these plans, Lower Penitencia Creek within the project boundaries is considered EFH associated with the Pacific Groundfish and Coastal Pelagics FMPs.

The types of effects that project activities could have on these species and the associated EFH that would support them are the same as those described above in Impact BIO-1a. Accordingly, project activities would have limited effects on potential EFH, but such impacts may occur because of in-channel activities associated with levee relocation and bench excavation, as well as associated dewatering activities. During such activities, turbidity may increase, potentially affecting the health or foraging ability of fish in tidal waters. Due to the location of the proposed project at the extreme upper end of tidal influence, abundance of FMP-managed species is expected to be low, and the project area is expected to contribute relatively little to regional populations of such species.

Implementation of District BMPs HM-7, and HM-10 would prevent vehicle cleaning from occurring in the creek channel and minimize the potential for impacts to water due to release of pollutants into the creek water. BMPs WQ-1 through WQ-9 will be implemented to minimize the amount of in-channel construction activity, use appropriate equipment in the creek bed, ensure proper maintenance and operation of pumps, stage and stockpile materials where they will not contribute pollutants to the creek stabilize vehicles entrances to prevent eroded soil from washing into the creek, isolate concrete from creek water until it is fully cured, isolate work areas from tidal flows, and reseed disturbed areas to prevent soil erosion, maintain clean conditions at the construction area, and prevent discharge of oily, greasy, or turbid water to the creek. These measures will minimize the release of pollutants to creek waters; thereby protecting water quality of the aquatic habitat. District BMPs BI-2, BI-3, and BI-8 would minimize changes in water quality by avoiding routine use of vehicles and equipment in Lower Penitencia Creek between January 1 and June 15, when anadromous fish are most likely to be present; reduce erosion; control sediment; and prevent spills. Measure BI-8 requires use of local ecotypes in revegetation to provide erosion protection and promote habitat restoration and enhancement. Due to the limited extent of impacts on tidal waters that could serve as EFH, the loss of EFH and associated effects on fish species regulated by FMPs would be very low. Implementation of District BMPs would reduce impacts on EFH and associated fish species considerably. With implementation of these District BMPs, the proposed project would affect only a very small proportion of EFH and associated species in South San Francisco Bay, and thus the project would not have a substantial effect on these resources. Therefore, project impacts on EFH are considered less than significant.

Impact BIO-1c: Impacts on western pond turtles (Less than Significant with Mitigation)

Suitable habitat for the western pond turtle, a California species of special concern, consists of ponds or instream pools (i.e., slack water environments) with available basking sites, nearby upland areas with clay or silty soils for nesting, and shallow aquatic habitat with emergent vegetation and invertebrate prey for juveniles (Jennings and Hayes 1994). Individuals of this long-lived species still occur in urban streams and ponds in the Santa Clara Valley, and it is possible that small numbers of western pond turtles occur in the project area. If so, it is possible that they could nest in small numbers on the adjacent levees.

Project construction may affect aquatic habitat used by western pond turtles for foraging or dispersal, upland habitat used for nesting, and/or individuals. For example, individual turtles or their eggs may be harmed or killed during project activities due to crushing by construction personnel or equipment, or as a result of desiccation or burying (e.g., during levee relocation or bench excavation). Nests present in the project area may be inadvertently crushed by construction equipment or personnel, or buried during the movement or placement of materials or fill. In addition, petrochemicals, hydraulic fluids, and solvents that were spilled or leaked from vehicles or equipment may kill individuals at any life stage. Any of these effects would be a significant impact. Implementation of District BMPs BI-3, BI-8, HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, and WQ-16 would minimize impacts on western pond turtles during project construction by minimizing the potential for water quality degradation that could impact the species. Implementation of District BMPs HM-7, HM-8 and HM-10 would prevent vehicle cleaning from occurring in the creek channel and minimize the potential for impacts to water due to release of pollutants into the creek water. BMPs WQ-1 through WQ-9 will be implemented to minimize the amount of in-channel construction activity, use appropriate equipment in the creek bed, ensure proper maintenance and operation of pumps, stage and stockpile materials where they will not

contribute pollutants to the creek stabilize vehicles entrances to prevent eroded soil from washing into the creek, isolate concrete from creek water until it is fully cured, isolate work areas from tidal flows, and reseed disturbed areas to prevent soil erosion, maintain clean conditions at the construction area, and prevent discharge of oily, greasy, or turbid water to the creek. These measures will minimize the release of pollutants to creek waters; thereby protecting water quality of the aquatic habitat. Measure BI-8 requires use of local ecotypes in revegetation to provide erosion protection and promote habitat restoration and enhancement.

District BMP BI-10 would also reduce the potential for entrapment and predation of turtles in work areas. However, should construction activities occur when turtles are present, injury or mortality of individuals could result. Although western pond turtles are found throughout the project region, the species is not particularly abundant and young turtles are seen in relatively few parts of the project region. This suggests that the population may decline substantially in the near future because turtles are not reproducing at a sufficient rate to replace the adult turtles that are reaching the end of their life span. Therefore, construction-related impacts on individual western pond turtles could have a significant impact on the local population and are considered significant.

The proposed project would not result in the permanent loss of aquatic habitat for turtles. However, up to 9.71 acres of aquatic and brackish marsh habitat that provides potential foraging habitat for turtles would be temporarily affected due to levee relocation, bench excavation, and dewatering activities. Western pond turtles are expected to use this habitat only infrequently and in small numbers because breeding populations have been extirpated from most urbanized areas in the project region. Given the abundance of suitable aquatic habitat in the project vicinity, the temporary loss of aquatic habitat because of the proposed project is not expected to result in a substantial adverse effect on the western pond turtle population in the project area and would be a less than significant impact.

Up to 7.75 acres of ruderal grassland and willow riparian woodland that could potentially be used by small numbers of turtles for dispersal and nesting may be temporarily disturbed by project construction activities. In addition, up to 0.29 acres of ruderal grassland would be permanently converted to coastal brackish marsh and small areas of ruderal grassland would be converted to developed habitat. The coastal brackish marsh would have greater habitat value for WPT than the replaced ruderal grassland. The temporary loss of upland dispersal and nesting habitat for pond turtles is not expected to have a substantial adverse effect, as this habitat is expected to be used only infrequently by small numbers of turtles, and would be a less than significant impact.

Dewatering during construction would temporarily restrict in-channel movement by western pond turtles. However, the area affected is relatively small and limitations to turtle movement would be short-lived, lasting for up to four months at portions of the construction area. This impact would be less than significant.

In addition, floodwall construction could create barriers to dispersal of turtles, increasing their vulnerability to predation as they traverse the floodwalls when moving overland between habitats. Upstream from California Circle (i.e., Reaches 3 and 4), western pond turtles are not currently able to disperse overland between Lower Penitencia Creek and other waterbodies due to the barrier posed by the urban landscape along both sides of the channel. The new floodwall in Reach 2 on the south bank levee would not limit pond turtle overland

movement as the adjacent California Circle stormwater pond and pump station are surrounded by chain-link fence, which acts as an existing barrier to the passage of turtles. Thus, newly installed floodwalls in Reach 2 would not adversely affect overland movement of western pond turtles. No floodwalls are proposed within Reach 1 and the proposed project would not affect western pond turtle dispersal between Reach 1 of Lower Penitencia Creek and Coyote Creek. Impacts of the proposed project on overland movement by western pond turtles would be less than significant.

Mitigation Measures

Mitigation Measure BIO-2: Conduct Preconstruction Surveys for Western Pond Turtles and Relocate if Necessary

The District will hire a qualified biologist who will conduct pre-construction surveys for western pond turtles and their nests. If an adult or juvenile western pond turtle is found, project activities near the turtle will not commence until the individual has left the area, or is captured and relocated to suitable habitat outside of the activity area by a qualified biologist. If an active western pond turtle nest is detected within the construction area, a 25-foot buffer zone around the nest will be established and maintained during the nesting season (April 1 through August 31). The buffer zone will remain in place until the young have left the nest, as determined by a qualified biologist.

Significance After Mitigation

Implementation of Mitigation Measure BIO-2 would identify and relocate any western pond turtles present in the project area before the start of construction. Individuals that were relocated to suitable habitat outside of the work site may be subjected to physiological stress and face a greater risk of predation, or may undergo increased competition with turtles already present in the area to which they were relocated. However, the benefits of the mitigation measure would far outweigh the loss of individuals that would occur if turtles were not removed from the project area where construction would occur. The relocation of turtles from active construction areas is a commonly included mitigation measure for Bay Area projects and is a BMP in the Stream Maintenance Program Final Subsequent EIR (SCVWD 2011). This measure would minimize the potential for harm to or loss of individual western pond turtles and their nests and would reduce this impact to less than significant.

Impact BIO-1d: Impacts on burrowing owls (Less than Significant)

The burrowing owl, a California species of special concern, occurs year-round in the Santa Clara Valley (Trulio 2007) in open agricultural or grassland areas with active squirrel burrows. Albion Environmental (2009) previously assessed the impact of the District's proposed burrow management under the SMP on burrowing owls and found that District levees do not provide important burrowing owl nesting or roosting habitat (i.e., used regularly or by a sizeable proportion of the South San Francisco Bay population). Furthermore, no suitable breeding habitat (i.e., burrows) for the burrowing owl was detected within the project area during the reconnaissance survey, and previous surveys of the site have failed to find any burrowing owls at this location (EDAW 2008). Therefore, the burrowing owl is not expected to breed in the project area. Additionally, few ground squirrel burrows, which the owls prefer to use as nests, are present in the project area. Burrowing owls would occur in the project area only as foragers that roost elsewhere, if they occur at all. The

proposed levee relocation in Reach 1 and the levee raising in Reach 4 would not significantly impact burrowing owls.

Burrowing owls seem to occur more widely in the South San Francisco Bay in winter than they do during the nesting season. For example, burrowing owls occur on Coyote Ridge and in Coyote Valley during winter, but they have not been recorded lingering into spring and summer to nest in those areas in recent years. This suggests that the amount of available wintering habitat for burrowing owls is not limiting the species' South San Francisco Bay populations.

The project would affect 6.63 acres of foraging habitat (i.e., ruderal grassland and non-tidal seasonal saline wetland) potentially used by wintering burrowing owls. Impacts include the conversion of small areas of ruderal grassland to developed habitat, the conversion of ~~0.05~~ 0.08 acre of non-tidal seasonal saline wetlands to tidal marsh, and the conversion of ~~0.45~~ 0.29 acre of ruderal grassland to tidal marsh. About 6 acres of foraging habitat would be disturbed during construction but would return to foraging habitat after the project is completed. These impacts are not expected to affect appreciably the regional populations of this species. In addition, implementation of District BMP BI-11 would further reduce impacts on burrowing owls as a result of project activities by removing trash from work areas and thereby reducing the attraction of burrowing owl predators to the area. For these reasons, this impact is considered less than significant.

Impact BIO-1e: Impacts on the Alameda song sparrow and San Francisco common yellowthroat (Less than Significant with Mitigation)

The Alameda song sparrow and San Francisco common yellowthroat (both California species of special concern) are associated with marsh habitats, and both are known to nest in the project area. These species are assessed together because the impacts of the proposed project on these species would be similar.

Heavy ground disturbance, noise, and vibrations caused by proposed floodwall construction, levee modifications, and bridge modification activities in the project area could disturb foraging or roosting individual Alameda song sparrows and San Francisco common yellowthroats and cause them to move away from work areas. Although adult birds are not expected to be killed or injured, as they could easily fly from the work site prior to such effects occurring, eggs or young in nests could be destroyed. In addition, project activities causing a substantial increase in noise, movement of equipment, or human presence near active nests could result in the abandonment of nests, and possibly the loss of eggs or young as a result, which would be a significant impact.

Increased human activity may affect the behavior of birds, causing them to avoid work sites and possibly exposing them to increased competition with other birds in the areas to which they dispersed and increased levels of predation caused by unfamiliarity with the new area. Increases in human concentration and activity associated with construction near suitable habitat also may result in an increase in native and non-native predators that would be attracted to trash left at the work site and a reduction in the quality of breeding or foraging habitat caused by the introduction of non-native vegetation. In addition, increased sedimentation or hazardous material spills from project activities may result in the temporary or permanent degradation of water quality and, hence, habitat quality in marsh habitats downstream.

The project is expected to result in temporary impacts on 0.87 acre of coastal brackish marsh, the highest quality habitat for the species in the project area. However, as described under Impact BIO-1a, this habitat is expected to rapidly reestablish following the completion of construction activities. Furthermore, a portion of the wetland bench in Reach 1 would be excavated down to an elevation that would experience tidal inundation and would be planted with salt-tolerant wetland vegetation to create tidal habitat. This would result in the creation of an additional 0.29 acre of brackish marsh habitat for the Alameda song sparrow and San Francisco common yellowthroat, a long-term benefit to these species.

Implementation of District BMPs BI-5 and BI-6 would reduce impacts on nests of Alameda song sparrows and San Francisco common yellowthroats due to construction-related disturbances. In addition, implementation of District BMP BI-11 would minimize the attraction of nest predators, which could harm nests of Alameda song sparrows and San Francisco common yellowthroats to the project area. Preconstruction nesting bird surveys implemented under District BMP BI-5 would likely identify active nests of all bird species prior to the start of project activities. In addition, deterrence measures may be used to prevent birds from nesting in the project area. However, District BMP BI-5 does not specify how long before the start of project activities the preconstruction survey for nesting birds must occur. If construction occurs during the nesting season and preconstruction nesting bird surveys are performed too far in advance of the onset of construction activities, active nests may be established in the period between the survey and the initiation of construction activities.

Similarly, if there is an extended break in construction activities at a site, active nests may become established in the project work area and subsequently be disturbed when project activities resume. Furthermore, although District BMP BI-5 states that no birds, nests with eggs, or nests with hatchlings would be disturbed, and it requires pre-construction surveys for active bird nests at the construction area and nearby land, it does not specify details of how the surveys would be performed and what areas would be surveyed. The loss of active nests of Alameda song sparrows or San Francisco common yellowthroats would be a significant impact because a relatively large number of breeding birds could be affected. This could result in a substantial effect on local and regional populations, which would be a significant impact.

Mitigation Measures

Mitigation Measure BIO-3: Conduct Preconstruction Surveys for Nesting Birds

~~The District will hire a~~ A qualified biologist ~~who~~ will conduct preconstruction surveys for nesting birds. Surveys will be conducted no more than ~~2 weeks~~ 7 days prior to the initiation of construction activities during the nesting bird season (January 15 through August 31) in any given area. The survey will cover the portions of the project work area where construction activities will occur as well as a 250-foot buffer for raptors and a 50-foot buffer for non-raptors. During each survey, the biologist will inspect all trees and other potential nesting habitats (e.g., shrubs, ruderal grasslands, wetlands, and buildings) in and immediately adjacent to the impact areas for nests. If a lapse in project-related work of ~~21~~ 21 weeks or longer occurs, another focused survey will be conducted before project work can be reinitiated.

Mitigation Measure BIO-4: Implement Buffer Zones for Nesting Birds

If an active nest is found sufficiently close to the project work area (i.e., within 250 feet for raptors or 50 feet for non-raptors), a qualified biologist ~~hired by the District~~ will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 50 feet for non-raptors and 250 feet for raptors). No construction activities will be performed within the buffer until the young have fledged or the nest has been determined to be inactive by a qualified biologist.

If the qualified biologist determines that a reduced buffer size is appropriate given conditions in the vicinity of the nest, type of construction activity that would occur near the nest, and the species of the nesting bird, the biologist will monitor bird behavior in relation to work activities. If the birds do not indicate that they are habituated to project activities during the initial 2 days of attempting work within a reduced buffer, the standard buffer will be implemented. Project activities within the reduced buffers will not resume until the District has consulted with CDFW and both the qualified biologist and CDFW confirm that the birds' behavior has normalized, or until the nest is no longer active.

Significance After Mitigation

With the implementation of **Mitigation Measures BIO-3 and BIO-4**, disturbance of the nests of Alameda song sparrows and San Francisco common yellowthroats would be avoided to the extent feasible, and this impact would be reduced to less than significant with mitigation.

Impact BIO-1f: Impacts on non-nesting special-status birds (Less than Significant)

Several special-status bird species occur in the project area as non-breeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers in the project area; these include Bryant's savannah sparrow, tricolored blackbird, white-tailed kite, golden eagle, and American peregrine falcon.

Bryant's savannah sparrow, a California species of special concern, is not expected to breed in the project area due to a lack of suitable breeding habitat; however, during the non-breeding season, individuals may forage in open areas throughout the project area. The tricolored blackbird, a California species of special concern, is not known to breed in tidal marshes in the South Bay and is not expected to occur in the project area as a breeder due to a lack of suitable habitat, but individuals may occur occasionally in the project area during migration. There are a number of occurrence records of the white-tailed kite, a fully protected species, from South Bay wetlands west of the project area, but suitable nesting habitat is not present in the project area or in the adjacent urbanized landscape to the east. Nevertheless, individuals may occasionally forage in the project area. Similarly, the golden eagle and American peregrine falcon, both fully protected species, are not expected to breed in the project area due to a lack of suitable nesting habitat. Individuals of these species may occasionally occur on the site while foraging, but are not expected to occur regularly.

The proposed project would have some potential to affect foraging habitats and/or individuals of these species. Construction activities associated with the proposed project might result in a temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during construction activities) but would not result in the loss of individuals. Furthermore, the project area does not provide important foraging habitat used regularly or by large numbers of individuals of

any of these species. Implementation of District BMP BI-11 would further reduce impacts on non-nesting special-status birds by minimizing attraction of predators. This impact would be less than significant.

Impact BIO-1g: Impacts on salt marsh harvest mouse (Less than Significant with Mitigation)

Habitat for salt marsh harvest mouse, a federally listed and state-listed endangered species and a state-designated fully protected species, consists of pickleweed-dominated areas of tidal marshes and diked and muted tidal marshes. Ostensibly suitable habitat for the salt marsh harvest mouse is present in the project area in the form of a small patch of pickleweed and alkali bulrush located between North McCarthy Boulevard and I-880 and a small patch of coastal brackish marsh located between I-880 and Coyote Creek. However, this habitat is located at the margins of the species' known occupied habitat around the Bay, and the species is unlikely to occur in the project area because of the limited extent of potentially suitable habitat within the project boundary, the low quality of such habitat (with only sparse and limited pickleweed and alkali bulrush), and the isolation of potential habitat areas from larger expanses of more suitable habitat due to the intervening presence of roads and unsuitable habitat. The species is not expected to occur in any other portion of the project area (i.e., areas upstream of I-880) due to a lack of suitable habitat.

Due to the size and quality of the habitat present, the project site does not provide sufficient habitat to support a sustained salt marsh harvest mouse population. Nevertheless, the potential for individuals to move occasionally through the portion of the project area west of I-880 cannot be excluded. During levee modification in Reach 1 and use of Staging Area A, if salt marsh harvest mice are present, they may be crushed or injured by personnel or equipment. Individuals that vacate the area because of increased levels of noise and disturbance might be exposed to increased competition from conspecifics already occupying the area to which they are displaced and to increased levels of predation because of unfamiliarity with the new area or lack of sufficient cover. Removal of vegetation might expose individual mice to predation. During construction, implementation of District BMPs BI-10 and BI-11 would reduce impacts on this species by avoiding entrapment of mice and minimizing predation.

In addition, levee relocation, staging area use, and dewatering activities would result in the loss of vegetated marsh, which would affect habitat for the harvest mouse. Construction activities would result in impacts on 0.74 acre of wetland habitat (i.e., coastal brackish marsh and non-tidal seasonal saline wetland within Reach 1 where the salt marsh harvest mouse could potentially occur) for the salt marsh harvest mouse. This 0.74 acre of impacted wetland habitat includes the conversion of 0.05 acre of seasonal saline wetland to ruderal grassland and the disturbance of 0.69 acre of wetland habitat within Reach 1 that would still provide potential salt marsh harvest mouse habitat after the project is completed. In addition, 1.26 acres of ruderal grasslands adjacent to potential salt marsh harvest mouse habitat in Reach 1 would be temporarily disturbed but would still provide habitat after the project is complete.

As described under Impact BIO-1a, instream coastal brackish marsh vegetation is expected to reestablish rapidly following the completion of construction activities, resulting in no long-term loss of habitat for the salt marsh harvest mouse. Further, after construction is complete, the newly created bench is expected to provide approximately 0.29 acre of additional tidal

marsh habitat (i.e., conversion of ruderal grassland to tidal marsh) for the species as a result of the project.

~~Despite implementation of District BMPs BI-10 and BI-11 and the proposed creation of additional habitat through the wetland bench, if a transient mouse evades the exclusion fence and is seriously harmed or injured, or if the wetland bench does not successfully establish suitable salt marsh harvest mouse habitat, the impact would be significant. Although the proposed project would create about 0.29 ac of tidal marsh habitat that would be suitable for the salt marsh harvest mouse, the project is in the preliminary design phase and appropriate measures have not yet been developed to ensure the successful establishment of suitable harvest mouse habitat on the created bench. Therefore, temporary habitat loss for the salt marsh harvest mouse is considered a significant impact. Mitigation Measures BIO-5, BIO-6, and BIO-7, and BIO-8 would be implemented to address this significant impact.~~

Mitigation Measures

Mitigation Measure BIO-5: Develop and Conduct Worker Environmental Awareness Program

Before any construction activities begin, the District will conduct a training session for all construction personnel. At a minimum, the training will include descriptions of the salt marsh harvest mouse, its habitats, the importance of the species, the general measures that are being implemented to conserve this species as they relate to the proposed project, and the boundaries within which project activities may be accomplished.

Mitigation Measure BIO-6: Implement Hand Removal of Vegetation in Reach 1 and Staging Area A

~~The District will remove vegetation at marshes and high water refugia habitat in Reach 1 (e.g., annual grasses and shrubs immediately adjacent to channels) by hand to the extent feasible. This measure applies to construction work at Reach 1 and Staging Area A.~~

Prior to the start of project activities within Reach 1 and Staging Area A, herbaceous vegetation will be removed from work areas to eliminate cover for salt marsh harvest mice, thereby discouraging them from occurring in work areas. A qualified biologist familiar with salt marsh harvest mouse biology will conduct a preconstruction survey prior to vegetation removal and will monitor the vegetation removal process. Vegetation will be removed using hand-held equipment (e.g., weed-whackers). This will allow any small mammals, including salt marsh harvest mice, to escape the project area under the cover of vegetation, and will encourage movement of such small mammals toward available vegetated habitat outside the project area. All herbaceous vegetation that could potentially conceal a salt marsh harvest mouse within the work area will be removed. All vegetation that is removed will be hauled off site and will not be left on the site, as it could provide potential cover for small mammal species. The area of vegetation removal will extend approximately 2-3 feet beyond (downstream from) the boundary of the work area, to create an open area that discourages salt marsh harvest mice from approaching the exclusion barrier described in the Mitigation Measure BIO-7.

Mitigation Measure BIO-7: Install Exclusion Barrier and Conduct Salt Marsh Harvest Mouse Preconstruction Survey

The District will install a barrier at the downstream-most limits of the work area to exclude salt marsh harvest mice from the work area. The barrier will be installed after vegetation clearing and prior to the start of earth movement. Barriers will be installed, perpendicular to the creek channel under the guidance of a qualified biologist. The barrier will consist of a 3-foot-tall fence of tight cloth, smooth plastic, or sheet-metal (or similar material approved by USFWS) toed into the soil at least 3 inches deep and supported with stakes placed on the inside of the barrier.

A qualified biologist will conduct a preconstruction survey of the area from which vegetation was removed prior to construction access. The biologist will monitor installation of the barrier.

If a salt marsh harvest mouse, or an animal that could be a harvest mouse (e.g., a similar species of mouse), is observed within the exclusion barrier during project activities, all work that could result in the injury or death of the individual will stop immediately and the qualified biologist will be notified immediately. The animal will be allowed to leave the area on its own and will not be handled.

Mitigation Measure BIO-8: Salt Marsh Harvest Mouse Habitat Monitoring Plan

To ensure that habitat created at the wetland bench on the south bank of Reach 1 will be suitable for the salt marsh harvest mouse, the District will hire a restoration ecologist and qualified salt marsh harvest mouse biologist to develop a Salt Marsh Harvest Mouse Habitat Monitoring Plan, which will contain the following components:

- summary of habitat impacts and proposed acres of habitat creation
- location of habitat creation site(s) and description of existing site conditions
- habitat design, including the following:
 - existing and proposed site hydrology
 - grading plan if appropriate, including bank stabilization or other site stabilization features
 - soil amendments and other site preparation elements as appropriate
 - planting plan
 - irrigation and maintenance plan
 - remedial measures/adaptive management, etc.
- monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include quantifiable measurements of wetland vegetation type (e.g., dominance by native hydrophytes).

The District will implement the Salt Marsh Harvest Mouse Habitat Monitoring Plan. This mitigation measure will ensure the creation of tidal marsh and non-tidal wetland

habitat suitable for the salt marsh harvest mouse, which will compensate for any permanent loss of habitat due to project implementation.

Significance After Mitigation

Implementation of **Mitigation Measures BIO-5, BIO-6, and BIO-7** would reduce impacts associated with loss of salt marsh harvest mouse individuals due to project-related construction activities through worker training, hand removal of vegetation, and exclusion of known individuals, and implementation of **Mitigation Measure BIO-8** would ensure that the project wetland bench results in suitable habitat for the salt marsh harvest mouse. Due to the low quality of salt marsh harvest mouse habitat within the project area, the low potential for (and magnitude of) project impacts to this species, and the predominantly temporary nature of the impacts, the creation of 0.29 acre of additional habitat would adequately compensate for impacts to this species and its habitats. Therefore, with these measures implemented, project-related impacts would be less than significant with mitigation.

Impact BIO-1h: Impacts on special-status bats (Less than Significant)

Only two special-status bats have potential to occur in the project area: the pallid bat and western red bat, both of which are California species of special concern. Pallid bats are not expected to roost in the project area, as this species has been extirpated from urban areas close to the Bay. Pallid bats may occasionally occur in the project area as nonbreeding migrants, transients, or foragers, but they are expected to occur in low numbers, if at all. Western red bats do not breed in the project area, so no maternity roosts would be affected. This species roosts solitarily in foliage. Due to the very limited project impacts on trees, it is unlikely that any red bat roosting sites would be affected; in the event that such an impact does occur, any roosting red bat would be able to flee before the tree is removed. Although individuals may be subjected to increased risk of predation if flushed during the daytime, few, if any, western red bats are expected to be present in areas where they would be disturbed by project activities.

Project activities may result in a temporary impact on foraging individuals through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during project activities). However, due to the abundance of suitable foraging habitat in the project area and the mobility of these bats, as well as the relatively low proportion of potential foraging habitat that would be disturbed due to the project, habitat impacts on bats would not be substantial. In addition, implementation of District BMP BI-11 would minimize the attraction of predators and bats to construction work areas. Impacts would be less than significant.

Impact BIO-1i: Impacts on Congdon's tarplant (Less than Significant with Mitigation)

Ruderal grasslands in the project area provide marginally suitable habitat for Congdon's tarplant, a CRPR 1B.1 species, and two populations of Congdon's tarplant have been documented by the CNDDB in the project vicinity (CNDDB 2016). If Congdon's tarplant is present within the project work area, construction activities, such as grading, bench excavation, and floodwall construction could affect the plants through direct or indirect disturbance of populations and disturbance, modification, or destruction of suitable habitat. Damage to this species may occur because of crushing by equipment; trampling; and compaction of soil, which could result in damage to plant roots. These activities could result

in death, altered growth, or reduced seed set through physically breaking, crushing, wilting, or uprooting plants.

The nearby occurrences of the species in disturbed grassland habitat indicates that there is potential for the species to occur in the ruderal grassland habitat in the project area. The habitat quality of the ruderal grassland is relatively low due to anthropogenic disturbance, although such types of habitats, especially when seasonally mesic, are known to support this species. Loss of individuals of this species from the project area would be significant because this species' populations are limited locally as well as regionally.

Implementation of District BMPs BI-7, BI-8, and WQ-4 would minimize impacts on Congdon's tarplant from survey work, erosion and non-native competition, and staging and stockpiling. Nevertheless, the proposed project may result in residual impacts on this species because complete avoidance of individuals may not be possible. Since publication of the DEIR, a focused survey for Congdon's tarplant was completed throughout the project site on August 7, 2017, during the species' published blooming period. No individuals of Congdon's tarplant were detected during the survey. Typically, focused plant survey results are valid for three years, meaning that once Congdon's tarplant has been determined to be absent from a project site, it is unlikely for the plant to be established within the next three years. It is likely the proposed project would not result in impacts on Congdon's tarplant if construction would occur before August 2020. However, since construction delays can occur, in the event that construction occurs after August 2020, there is a possibility that Congdon's tarplant could establish within the project site. As a result, and damage to the species from construction would be this impact is considered significant. If construction commences after August 2020, Mitigation Measures BIO-9 and BIO-10 would be implemented to address this significant impact.

Mitigation Measures

Mitigation Measure BIO-9: Conduct Focused Preconstruction Survey for Congdon's Tarplant

~~Prior to construction, the District will hire a qualified biologist who will conduct a focused survey for Congdon's tarplant in the ruderal grassland habitat within the project area. The survey will be conducted during the species' blooming period (May-November). If a population of Congdon's tarplant is identified in the project area, the District will implement Mitigation Measure BIO-10 (Compensate for Congdon's Tarplant Impacts).~~ In the event that project construction starts after August 2020, the District will hire a qualified biologist who will conduct a focused survey for Congdon's tarplant in the ruderal grassland habitat within the project area. The survey will be conducted during the species' blooming period (May-November). If a population of Congdon's tarplant is identified in the project area, the District will implement Mitigation Measure BIO-10 (Compensate for Congdon's Tarplant Impacts).

Mitigation Measure BIO-10: Compensate for Congdon's Tarplant Impacts

If a population of Congdon's tarplant is identified in the project work area during the preconstruction survey (per Mitigation Measure BIO-9), a qualified biologist ~~hired by the District~~ will conduct an impact assessment to determine if project impacts would be expected to cause the loss of the occurrence. The entire occurrence, will be mapped and individuals counted.

Mitigation will be achieved either by preserving an existing, similarly sized occurrence of Congdon's tarplant of similar quality under a conservation easement, or through collection of seed and establishment of a new population on suitable

habitat. Congdon's tarplant is a species that tolerates both non-native plant associates and disturbance, and has shown success in transplant activities.

If a new population is to be established, seed from the population to be affected will be collected, cleaned of extraneous plant material, and stratified by storage over the winter in cool temperatures. A qualified plant ecologist will identify a suitable relocation site that is mesic and underlain by alkaline soils, preferably as similar as possible to the soils where the seed was collected. The seed will be applied to the new habitat. A Congdon's Tarplant Management and Monitoring Plan will be prepared and approved by the District. The plan will provide monitoring and include the following information:

- Clear statement of population and management goals for the newly established population and surrounding habitat;
- Population success criteria for interim monitoring years;
- Final success criteria

Significance After Mitigation

Implementation of **Mitigation Measures BIO-9 and BIO-10** would identify and compensate for the loss of any occurrences of Congdon's tarplant present in the project area and would thereby reduce the significant impact on the species to less than significant.

Impact BIO-1j: Introduction of invasive species (Less than Significant with Mitigation)

Invasive plants often have a competitive advantage because they are no longer controlled by their natural predators or other natural control mechanisms, allowing them to spread quickly out of control. In California, approximately 3 percent of plant species growing in the wild are considered invasive, but these species inhabit a much greater proportion of the landscape (Cal-IPC 2007). The scientific community has come to view invasive species as posing serious threats to biological diversity, second only to the threats resulting from habitat loss and fragmentation (Bossard et al. 2000). Invasive species present complex management issues; even when a species is no longer being actively introduced, it continues to spread and invade new areas. Invasive species can have an adverse effect on native species, including special-status plants and animals, and habitats in several ways, including by altering nutrient cycles, fire frequency and/or intensity, and hydrologic cycles; by creating changes in sediment deposition and erosion; by dominating habitats and displacing native species; by hybridizing with native species; and by promoting non-native animal species (Bossard et al. 2000).

The project area contains several invasive plant species, including highly invasive species such as common fennel, English ivy, Himalayan blackberry, and broadleaved pepperweed. Project construction activities, such as grading and soil disturbance, may create conditions suitable for additional spreading of invasive plant species, and weed propagules may be spread on ground-disturbing equipment to the project area or from the project area to other sites. Furthermore, bare upland soils left after construction of temporary access roads and relocation of the levee may encourage growth of weedy species, and mulching or erosion control mixes may include and thus introduce invasive, non-native species.

In addition to the introduction of invasive plant species, without proper procedures, mitten crabs (*Eriocheir sinensis*) and other aquatic invasive invertebrates, such as the New Zealand

mud snail (*Potamopyrgus antipodarum*), Quagga mussel (*Dreissena bugensis*), or zebra mussel (*Dreissena polymorpha*), could inadvertently be introduced into or spread within the project area. The spread of these and other non-native invasive species into areas formerly unoccupied could result in a significant impact on special-status species, native habitats, and communities.

Implementation of District BMPs BI-1, BI-8, HM-7, and WQ-9 would reduce the potential for infestation of natural areas by invasive species by protecting local ecotypes and avoiding the spread of non-native species. However, District BMPs may not be sufficient to avoid new invasions or the spread of invasive species. For example, BMP HM-7 restricts the cleaning of equipment to appropriate locations, but does not require equipment to be cleaned prior to being used in the project area or before being used on a different project site after use in the project area. Because of the potential for degradation of a wide variety of natural communities and effects on native populations and special-status species that could occur because of such invasions, this impact would be significant. Mitigation Measures BIO-11 and BIO-12 would be implemented to address this significant impact.

Mitigation Measures

Mitigation Measure BIO-11: Clean Construction Equipment

The District will require that equipment used during project construction be cleaned of any visible sediment or vegetation clumps before being used in the project area, or before being used in a different watershed after use in the project area, to avoid spreading pathogens or exotic/invasive species.

Mitigation Measure BIO-12: Dispose of Invasive Plants

The District will require that any invasive plants found within the project area be removed and disposed of in a sanitary landfill, incinerated off site, or disposed of in a high-temperature composting facility that can compost using methods known to kill weed seeds.

Significance After Mitigation

Implementation of **Mitigation Measures BIO-11 and BIO-12** would minimize the potential for introduction or spread of non-native species and would thereby reduce this impact to less than significant with mitigation.

Impact BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than Significant)

Willow riparian woodland was mapped within the project area above the OHWM. The majority of willow riparian woodland occurs on a berm that stretches from California Circle to Milmont Drive between the main channel and the secondary channel (Reach 3). District maintenance activities conducted in October 2015 resulted in removal of most herbaceous vegetation from the berm but had no impacts on the riparian trees in the area, resulting in a completely barren understory with scattered, mature willows. Additional areas of willow riparian woodland in the project area include some disjunct patches mapped along the outer edges of the main stream channel where willow and Fremont cottonwood trees are present.

The proposed project would not result in removal or pruning of woody riparian vegetation, including trees, from the willow riparian woodland habitat in the project area. ~~4~~During the use of Staging Area B, ~~E~~equipment and materials would be stored on flat portions of the berm where no willows are present.

Sediment removal activities conducted in late 2015 largely involved removal of herbaceous plants on the berm that comprises Staging Area B. Most of these plants consisted primarily of invasive species. Use of Staging Area B during project construction would result in temporary impacts on any herbaceous riparian vegetation that has regrown prior to the start of construction activities. Impacts would occur on up to approximately 1.93 acres of willow riparian woodland due to trampling of vegetation. However, herbaceous vegetation that is disturbed by proposed project activities is expected to begin to regrow within one growing season. Compared to riparian vegetation dominated by trees and shrubs, herbaceous riparian vegetation provides relatively low functions and values for wildlife. The recent disturbance of the herbaceous vegetation on the berm further reduces its quality as habitat for wildlife, and herbaceous vegetation disturbed by staging activities is expected to regenerate quickly. Implementation of District BMPs WQ-1, WQ-4, WQ-5, WQ-9, and BIO-8 would minimize the project's effects on riparian vegetation by limiting disturbance, preventing erosion and sedimentation, and minimizing the introduction or spread of invasive weeds within the understory. As a result, impacts of project activities on riparian vegetation would not have substantial ecological effects and thus would be less than significant.

Impact BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), waters of the U.S., and waters of the state through direct removal, filling, hydrological interruption, or other means (Less than Significant with Mitigation)

Construction activities associated with the proposed project would result in both temporary and permanent disturbance of wetland and aquatic communities representing jurisdictional wetlands and other waters of the U.S./state.

Proposed in-channel activities, including levee modification, sediment removal, and creation of an excavated bench in Reach 1, as well as the use of the off-channel area located between North McCarthy Boulevard and I-880 as Staging Area A, would result in the direct modification of wetland and aquatic communities in the project area, as well as indirect impacts on downstream wetlands and aquatic communities (also called "other waters"). Wetland vegetation may be lost due to mechanical or physical clearing (including at access and staging areas and at sediment removal locations), and damage to vegetation may occur due to crushing by equipment; trampling by personnel; and compaction of soil, which could result in damage to plant roots. Removal of wetland vegetation may result in the temporary reduction of clonal propagules for colonization of downstream areas. In addition, materials may fall into the channel (in Reach 4) during construction of the new headwalls at the San Andreas Drive bridge. Subsequent installation of erosion control materials, hydroseeding, and planting may also result in the deposit of materials into the channels.

Levee modifications in Reaches 1 and 4; ~~bench excavation in Reach 1; installation of sheetpile floodwalls in Reaches 1, 2, 3, and 4; sediment removal in Reaches 2, 3, and 4;~~ and construction of the new headwalls for the San Andreas Drive bridge in Reach 4 would require temporary dewatering of the affected channel. These activities may also necessitate the

operation of heavy equipment within the streambed (after dewatering). Movement of heavy equipment may compact the substrate and damage vegetation, and the lack of water may result in changes to the extent of wetland communities present in the work site. Furthermore, because barren slopes are more susceptible to erosion from rainfall events, the loss of non-instream vegetation along stream banks following project activities may result in an increase in erosion and sedimentation. This may lead to the filling in of pools and damage to wetland vegetation. The proposed project's potential to cause soil erosion and loss of topsoil is evaluated in Impact GEO-3 in Section 3.6, *Geology, Soils, and Seismicity*.

Floodwall construction may also result in impacts on vegetation communities in the Lower Penitencia Creek channel and downstream aquatic habitats. The excavation and replacement of soil along the outboard sides of levees for floodwall installation and the loosening of compacted soils may result in an increase in erosion and sedimentation due to a loss of vegetation.

As described above, construction activities could result in hydrologic interruption (e.g., dewatering or diversion), vegetation removal, degradation of water quality (e.g., increased sedimentation and turbidity), and other temporary direct impacts on wetlands and other waters. In addition, direct impacts would occur due to the conversion of wetlands and other waters to upland habitat. The project would impact wetlands and other waters. **Table 3.4-5 summarizes the project's estimated temporary and permanent impacts on wetlands, waters of the U.S., and waters of the state.** The project would permanently convert 0.05 acre of non-tidal seasonal saline wetland and 0.01 acre of coastal brackish marsh to ruderal grassland due to the relocation of the levee in Reach 1, and would convert 0.08 acre of non-tidal saline wetland to coastal brackish marsh, a permanent change in wetland type but not the overall amount of wetlands on the site. As such, the project's net permanent impacts on wetlands of the U.S. and State would be 0.06 acre.

In addition, about ~~9.7~~8.84 acre of tidal aquatic and 0.87 acre of coastal brackish marsh habitat would be temporarily disturbed during construction (primarily due to dewatering), as well as 0.03 acre of non-tidal seasonal saline wetland, resulting in a short-term loss of functions and values. The project's estimated temporary impacts on wetlands of the U.S. and state would be 0.90 acre. As shown in Table 3.4-5, the project would result in 8.84 acres of temporary impacts on waters of the U.S./waters of the state. However, these temporarily disturbed areas would remain wetlands and other waters habitat after the project is completed so that there would be no long-term loss of jurisdictional area, or functions and values.

Table 3.4-5. Project Impacts on Wetlands and Other Waters of the U.S. and State

Project Reach	Impacts on Wetlands and Other Waters of the U.S. and State (acres)			
	Temporary Impacts to Wetlands	Permanent Impacts to Wetlands	Temporary Impacts to Other Waters of U.S. and State	Permanent Impacts to Other Waters of U.S. and State
Reach 1	0.61	0.14	0.72	0.00
Reach 2	0.03	0.00	0.68	0.00
Reach 3	0.03	0.00	6.57	0.00
Reach 4	0.23	0.00	0.87	0.00
TOTAL	0.90	0.14	8.84	0.00

Note: * The California Water Code Section 13050(e) defines “waters of the state” as any surface water or groundwater within boundaries of the state.

However, after construction is complete, the newly created bench is expected to create approximately 0.329 acre of tidal marsh habitat. The new tidal and non-tidal wetlands habitat would be below the OHWM and would be considered water of the U.S. and State.

During project construction, implementation of District BMPs BI-3, BI-8, BI-10, BI-11, HM-7, HM-8, HM-10, WQ-1 through WQ-9, WQ-11, WQ-15, and WQ-16 would minimize impacts on wetlands functions during project construction by minimizing the potential for water quality degradation. Implementation of District BMPs HM-7, and HM-10 would prevent vehicle cleaning from occurring in the creek channel and minimize the potential for impacts to water due to release of pollutants into the creek water. BMPs WQ-1 through WQ-9 will be implemented to minimize the amount of in-channel construction activity, use appropriate equipment in the creek bed, ensure proper maintenance and operation of pumps, stage and stockpile materials where they will not contribute pollutants to the creek stabilize vehicles entrances to prevent eroded soil from washing into the creek, isolate concrete from creek water until it is fully cured, isolate work areas from tidal flows, and reseed disturbed areas to prevent soil erosion, maintain clean conditions at the construction area, and prevent discharge of oily, greasy, or turbid water to the creek.. These measures will minimize the release or pollutants to creek waters; thereby protecting water quality of the aquatic habitat. implementation of District BMPs BI-2 and BI-3 would minimize changes in water quality by avoiding routine use of vehicles and equipment in Lower Penitencia Creek between January 1 and June 15, when anadromous fish are most likely to be present; reduce erosion; control sediment; and prevent spills. Measure BI-8 requires use of local ecotypes in revegetation to provide erosion protection and promote habitat restoration and enhancement. Substantial water quality impacts would be avoided and minimized through implementation of these BMPs by minimizing disturbance, controlling erosion and sedimentation, and preventing the input of hazardous chemicals, such as equipment fuel, from entering waterways. Any remaining water quality effects and habitat values in unvegetated aquatic habitats subject to temporary disturbance are expected to quickly return to preconstruction conditions following the completion of project activities. Even in vegetated wetlands, recolonization may occur relatively quickly. For example, according to the *Instream Wetland Vegetation Regrowth Study* (Rankin and Hillman 2000), almost all vegetated wetland areas would restore themselves within 1-2 years following disturbance. Furthermore, implementation of District BMPs would minimize changes in water quality by reducing erosion, controlling sediment, and preventing spills.

Nevertheless, the proposed project would result in temporary loss of habitat functions and values, particularly those provided by vegetated wetlands, such as sediment stabilization, sediment/toxicant retention, nutrient removal/transformation, and aquatic and terrestrial wildlife species habitat. Thus, the project would result in temporary loss of ecologically valuable wetlands and other waters.

Impacts to other waters are considered less than significant because there will be no permanent loss of this habitat; the habitat will re-establish similar functions and values to existing immediately after construction; BMPs will prevent deleterious water quality impacts.

The 0.29 acre of habitat to be created by the wetland bench would offset the proposed project's permanent (0.06 acre) and temporary (0.90 acre) removal of wetland habitat as well as the conversion of 0.08 acre due to conversion of non-tidal seasonal saline wetland to coastal brackish marsh. Among the 0.29-acre wetland habitat to be established, 0.12 acre would offset the net permanent removal of 0.06 acre of wetland habitat at a 2:1 ratio (created wetland: permanently removed wetland), which would be appropriate for addressing permanent impacts. In addition, the created wetland would provide higher quality habitat than the permanently removed wetlands. Regarding the project's temporary impact on wetlands, temporarily impacted wetland habitat is expected to return to pre-construction conditions within one to two years; nevertheless, the remaining 0.17 acre of the overall 0.29-acre wetland bench would offset the 0.98-acre temporary impact at a roughly 2:1 ratio (created/restored wetland: temporarily impacted wetland). However, permanent and temporary impacts on wetlands would be considered significant unless mitigated. Although the District proposes to create marsh habitat on the new bench in Reach 1, the project is in the preliminary design phase and measures have not yet been developed to ensure if the wetland bench does not successfully establishment of a vegetated wetland on the created bench as expected. Therefore, this the impact on wetlands and other waters of the U.S. and state is considered significant. Mitigation Measure BIO-13 would be implemented to address this impact.

Mitigation Measures

Mitigation Measure BIO-13: Wetlands and Jurisdictional Waters Mitigation and Monitoring Plan and Contingency Actions

As described in Section 2.6.1, the proposed project includes the creation of a wetland bench on the south bank of Reach 1. The bench would be planted with native species to vegetated wetland habitat.

To ensure that vegetated wetlands successfully establish on the bench, the District will develop a Wetlands Mitigation and Monitoring Plan, which will contain the following components:

- Summary of habitat impacts and acreage of wetland creation
- Location of wetland creation site(s) and description of existing site conditions
- Mitigation design, including the following:
 - Existing and proposed site hydrology

- Grading plan if appropriate, including bank stabilization or other site stabilization features
- Soil amendments and other site preparation elements as appropriate
- Planting plan to establish the target coastal brackish marsh habitat. Species composition will be determined by hydrology and soils but is anticipated to be similar to adjacent wetlands. Dominant species may include: alkali bulrush, hardstem bulrush, California bulrush, and broadfruit bur reed. Temporarily impacted non-tidal seasonal saline wetlands will be replanted. Dominant species may include: creeping wild-rye, alkali heath, California gray rush, and pickleweed.
- maintenance plan
- Remedial measures/adaptive management, etc.
- Monitoring plan (including ~~final~~ and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.).

The District will implement the Wetlands Mitigation and ~~Jurisdictional Waters~~ Monitoring Plan.

Significance After Mitigation

Implementation of **Mitigation Measure BIO-13** would ensure that the created bench supports vegetated wetlands following the completion of the project. Due to the low quality of the wetlands that would be impacted, the predominately temporary nature of the impacts, and the relative speed at which temporarily impacted wetlands are expected to regenerate, the creation of 0.29 acre of additional wetland habitat on the bench in Reach 1 would adequately compensate for impacts to this habitat. Therefore, project-related impacts would be less than significant with mitigation.

Impact BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Less than Significant)

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors such as stream courses are segments of suitable habitat that provide connectivity between larger areas of suitable habitat, allowing species to disperse through otherwise unsuitable areas. On a broader level, corridors also function as avenues along which wide-ranging animals can travel, plants can propagate, genetic interchange can occur, populations can move in response to environmental changes and natural disasters, and threatened species can be replenished from other areas.

Lower Penitencia Creek is expected to function as a wildlife movement corridor, connecting primarily urban-associated habitats with San Francisco Bay-associated habitats to the north. To fully analyze the impacts of the proposed project on wildlife movement, it is important to examine the impacts on both movement along the corridor (i.e., parallel to the Lower Penitencia Creek channel) and movement across the creek channel.

The quality of habitat provided in channel easements and wetland habitats along Lower Penitencia Creek is generally relatively low. Habitats within the existing corridor have typically been subjected to moderate to high levels of disturbance due to the hardening of streambanks, routine maintenance activities, and other factors associated with the urban surroundings. As a result, where vegetation is present, it is mostly dominated by non-native species. In addition, within Reaches 3 and 4, the channel is surrounded on both sides by heavy urban development. Similarly, within Reach 2, the channel is surrounded by I-880 to the west, Dixon Landing Road to the north, California Circle to the east, and a pump station to the south. Thus, in the areas upstream of I-880, the Lower Penitencia Creek channel likely does not function as a high-quality movement corridor for most species, particularly special-status species. Nevertheless, the ruderal habitats present may represent the most feasible means of dispersal through the surrounding urban matrix for common urban-dwelling species in the project area, such as raccoons and California ground squirrels.

New floodwalls are proposed in Reaches 2, 3, and 4 (i.e., upstream of I-880). Installation of new floodwalls has the potential to impede wildlife movement across the channel. However, as described above, Reaches 2, 3, and 4 are bordered on both sides by urban development. Thus, the frequency of wildlife movement across the channel in these reaches is expected to be low as habitat values on both sides of the channel are similarly low. Furthermore, in this area wildlife use is already limited to common, urban-adapted species, which would continue to be able to access the channel by moving upstream or downstream to locations without floodwalls. Many urban-adapted species (i.e., mice, squirrels, raccoons, and western fence lizards) would also be able to climb the floodwalls to access the channel.

For animals that can swim the channel and thus cross perpendicular to the channel in its current condition, floodwalls could obstruct wildlife dispersing perpendicular to the channels, which would need to travel around the floodwalls. However, some of these animals (such as raccoons) can likely scale the new floodwalls. In addition, many terrestrial species, such as western fence lizards, gray foxes (*Urocyon cinereoargenteus*), and black-tailed jackrabbits (*Lepus californicus*), are unlikely to swim the channel even in its existing condition. Rather, these species are expected to cross the channel at existing crossings, such as the Milmont Drive or California Circle bridges. Not only would these crossings remain in place, they are located where there would be gaps in the proposed floodwalls, so that animals moving over these bridges would be able to travel from one side of the channel to the other as they currently do. In addition, in the area downstream of I-880, no floodwalls are proposed, thus allowing terrestrial animals that currently cross the channel to be able to continue crossing in this location. Therefore, impacts on wildlife movement are considered less than significant.

Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Less than Significant)

The City of Milpitas general plan outlines goals and objectives in preserving and protecting biological resources, including trees that are protected under the City of Milpitas tree ordinance within the District's right-of-way (ROW). The proposed project would maintain the existing open space character of the Lower Penitencia Creek channel and restore tidal wetlands habitat near the confluence with Coyote Creek, thereby furthering the goals of Policy 4.b-G-1c. In keeping with city Policy 4.d-P-5, the project would retain the existing form of Lower Penitencia Creek channel, avoid excessive grading and disturbance of vegetation and soils, and maintain natural drainage patterns. The project would also conform to Policy

4.d-P-4 by preserving to the extent possible the existing riparian corridors and wetlands of the project area. The project would conform with local policies to protect biological resources, which would be a less than significant impact.

About 36 trees within the project area are of sufficient diameter to be protected by the City ordinance. However, no trees in the project area have been designated as heritage trees by the City of Milpitas (D. Gordillo, pers. comm.). Trees present include native species such as the red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), Fremont cottonwood (*Populus fremontii*), and ash (*Fraxinus* sp.), as well as nonnatives such as the blackwood acacia (*Acacia melanoxylon*), London plane (*Platanus hybrida*), and eucalyptus (*Eucalyptus* spp.). Trees are located on the inboard and outboard slopes of existing levees, on a berm that stretches from California Circle to Milmont Drive between the main channel and the secondary channel (Reach 3), and in Staging Area A. In total, ~~about 22~~ an estimated 33 live trees with dbh of 6 inches or more would be removed during project construction. Many of the City-protected trees would be protected in place. The largest concentration of trees is located on the Reach 3 central berm, and those trees would be preserved. Avoiding all trees on the existing levee slopes would be infeasible due to the excavation and earthwork required for levee relocation in Reach 1 and levee raising in Reach 4. In addition, construction activities could damage roots or drip lines of trees adjacent to the construction area. Implementation of District BMP WQ-4 would minimize impacts on trees by siting staging and stockpiling areas in disturbed areas away from vegetation and trees. The District would comply with the City Tree Protection Ordinance, including obtaining a permit from the City to remove protected trees, and planting replacement trees as required by the City permit. Because the District would comply with applicable city tree protection and the project would conform to city policies to protect biological resources, requirements, impacts related to conflicts with local policies or ordinances protecting biological resources would be less than significant.

Impact BIO-6: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (No Impact)

The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Although the Santa Clara Valley Habitat Plan (VHP) pertains to much of Santa Clara County, the project site is not located within the boundaries of the VHP. There would be no impact.

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3.5 Cultural Resources

3.5.1 Overview

This section describes impacts of the proposed project related to cultural and paleontological resources. Cultural resources include prehistoric archaeological sites; historic-era archaeological sites; tribal cultural resources (TCRs); and historic buildings, structures, landscapes, districts, and linear features. Prehistoric archaeological sites are places where Native Americans lived or carried out activities during the prehistoric period, which is generally prior to the late 1700s in the San Francisco Bay region. Historic-era archaeological sites reflect the activities of people after initial exploration and settlement in the region by Europeans since the late 1700s; however, Native American sites can also reflect the historic era. Prehistoric and historic-era archaeological sites may contain artifacts, cultural features, subsistence remains, and human burials.

Paleontological resources are the fossil remains of prehistoric flora and fauna, or traces of evidence of the existence of prehistoric flora and fauna. This chapter addresses the occurrence of paleontological resources within the project area and the impact that construction activities and operation of the proposed project would have on scientifically important fossil remains, as identified in the State CEQA Guidelines. The analysis presented in this section conforms to the Society of Vertebrate Paleontology analysis criteria (Society of Vertebrate Paleontology 2010).

This section describes the regulatory setting associated with cultural and paleontological resources, the affected environment for these resources, project impacts on cultural and paleontological resources, and relevant BMPs that would reduce these impacts.

The following key data sources support this section:

- Records search from the Northwest Information Center of the California Historical Resources Information System at Sonoma State University; and
- Files search from the Native American Heritage Commission (NAHC).

3.5.2 Regulatory Setting

Federal Laws, Regulations, and Policies

USACE permits under Section 404 of the Clean Water Act would be required for construction of the proposed project. As a result, the project constitutes a federal undertaking as defined by Title 54 USC Section 300101 of the National Historic Preservation Act (NHPA), which mandates compliance with 54 USC Section 306108 (commonly known as Section 106 of the NHPA) and its implementing regulations (36 CFR Section 800, as amended in 2001). To comply with Section 106, the project proponent must “take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in “the National Register of Historic Places (NRHP). Resources included in or eligible for inclusion in the NRHP are referred to as historic properties.

The implementing regulations of the NHPA require that cultural resources that would be affected by an undertaking (such as the proposed project) be evaluated for NRHP eligibility if they cannot be avoided. To determine site significance through application of NRHP criteria, several levels of potential significance that reflect different (although not necessarily mutually exclusive) values must be considered. Resources must also be at least 50 years old, except in rare cases. To meet eligibility criteria of the NRHP, a resource must:

- (A) Be associated with events that have made a significant contribution to the broad patterns of our history; or
- (B) Be associated with the lives of persons significant in our past; or
- (C) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- (D) Have yielded, or be likely to yield, information important in prehistory or history.

In addition, to be considered significant and historic, a resource must also exhibit the quality of significance in American history, architecture, archaeology, engineering, or culture and must possess integrity of location, design, setting, materials, workmanship, feeling, and association (36 CFR Section 60.4). For archaeological sites evaluated under Criterion D, integrity requires that the site remain sufficiently intact to convey the expected information to address specific important research questions.

Other “criteria considerations” need to be applied to religious properties, properties that are less than 50 years old, a resource no longer situated in its original location, a birthplace or grave of a historical figure, a cemetery, a reconstructed building, and commemorative properties. These types of properties are typically not eligible for NRHP inclusion unless the criteria for evaluation and criteria considerations are met.

Traditional cultural properties (TCPs) are locations of cultural value that are historic properties. A place of cultural value is eligible as a TCP “because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (Parker and King 1990, rev. 1998). A TCP must be a tangible property, meaning that it must be a place with a referenced location, and it must have been continually a part of the community’s cultural practices and beliefs for the past 50 years or more.

State Laws, Regulations, and Policies

CEQA and State CEQA Guidelines

Section 15064.5 of the State CEQA Guidelines notes that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse changes include physical changes to the historical resource or to its immediate surroundings, such that the significance of the historical resource would be materially impaired. Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in

the significance of a historical resource before they approve such projects. Historical resources are those that are:

- listed in, or determined to be eligible for listing in, the CRHR (PRC Section 5024.1[k]);
- included in a local register of historic resources (PRC Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of PRC Section 5024.1(g); or
- determined by a lead agency to be historically significant.

State CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and PRC Section 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the project site. This includes consultation with the appropriate Native American tribes.

State CEQA Guidelines Section 15126.4 provides further guidance about minimizing effects on historical resources through the application of mitigation measures, which must be legally binding and fully enforceable.

Section 21083.2 of CEQA requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in CEQA as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Although not specifically inclusive of paleontological resources, these criteria may also help to define a unique paleontological resource or site.

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided in CEQA Section 21083.2.

Assembly Bill (AB) 52, which was approved in September 2014 and went into effect on July 1, 2015, requires that state lead agencies consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe and if the agency intends to release a negative declaration, mitigated negative declaration, or environmental impact report for a project. The bill, chaptered as PRC Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment. This latter language was added to the State CEQA Guidelines Appendix G

environmental checklist as of July 1, 2016, and was approved by the California Office of Administrative Law in September 2016.

As defined in PRC Section 21074(a), TCRs are:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources (CRHR); or
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined in Section 21074(b) and (c) as follows:

- (b) A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe under newly chaptered Section 21080.3.2 or Section 21084.3. The latter statute identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

The lead agency having jurisdiction over a project is also responsible to ensure that paleontological resources are protected in compliance with the State CEQA Guidelines and other applicable statutes. Management of paleontological and historical resources is also addressed in PRC Section 5097.5. This statute defines as a misdemeanor any unauthorized disturbance or removal of a fossil site or remains on public land and specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute applies to any construction-related or other project impacts that would occur on state-owned or state-managed lands.

California Register of Historical Resources

PRC Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the NRHP, including properties evaluated under Section 106 of the NHPA. The criteria for listing are similar to those of the NRHP and include resources that:

- (1) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (2) Are associated with the lives of persons important in our past;
- (3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- (4) Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

3.5.3 Environmental Setting

Prehistory

The prehistory of the project area reflects information known about the indigenous population from the time the region was first populated with humans until the arrival of the first Europeans who visited and recorded their journeys through the written record. The prehistoric record is derived from more than a century of archaeological research; however, while much has been gleaned from these studies, large gaps in the data record remain. The following prehistoric culture sequence, derived from Milliken et al. (2010:114-118), briefly outlines the prehistory of the San Francisco Bay region.

The *Paleoindian Period* (11,500–8000 B.C.) was characterized by big-game hunters occupying broad geographic areas. Although it is widely believed that the San Francisco Bay was likely inhabited by at least 10,000 B.C., evidence of this occupation has not yet been discovered. Geological forces, including erosion, siltation, and sea level rise, have all likely contributed to the lack of evidence of ancient sites in the region.

The *Early Holocene Period* (or *Lower Archaic Period*; 8000–3500 B.C.) is considered a time when populations continued to be very mobile, as they practiced a foraging subsistence pattern around the region. Artifacts that characterize this period include the milling slab and handstone¹ to process seeds, as well as large wide-stemmed and leaf-shaped projectile points.

The *Early Period* (or *Middle Archaic Period*; 3500–500 B.C.) is marked by the appearance of cut shell beads in the archaeological record, as well as the presence of the mortar and pestle for processing acorns. House floors with postholes indicate substantial living structures, which suggests a move toward establishing a more sedentary lifestyle.

The *Middle Period*, which includes the *Lower Middle Period* (or *Initial Upper Archaic Period*; 500 B.C. to A.D. 430), and *Upper Middle Period* (or *Late Upper Archaic Period*; A.D. 430–1050), appears to be a time when geographic mobility may have continued, although groups began

¹ Handstones, also referred to as manos, are hand-held stone tools used to grind foodstuffs, primarily seeds. These tools were often ground into a loaf shape to fit comfortably in the hand, although unshaped stones could also be used as handstones.

to establish longer term base camps in localities from which a more diverse range of resources could be exploited. The first rich black middens are recorded from this period. The addition of milling tools, obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. By the *Upper Middle Period*, mobility was being replaced by the development of numerous small villages. Around A.D. 430 a “dramatic cultural disruption” occurred, as evidenced by the sudden collapse of the *Olivella* saucer bead trade network.

The *Initial Late Period* (or *Lower Emergent Period*; A.D. 1050–1550) reflects a social complexity that had developed toward lifeways of large central villages with resident political leaders and specialized activity sites. Artifacts associated with this period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

The *Terminal Late Period* (or *Upper Emergent Period*; A.D. 1550–circa 1750) generally represents the indigenous cultures that were encountered by the Spanish explorers when they first arrived in San Francisco Bay. This social complexity continued to develop from the previous period, as trade relations appear to have shifted and regional sub-cultures emerged.

Ethnography

The population indigenous to the project area spoke a language referred to as Costanoan, a derivative from a Spanish term for “coast people.” Costanoan, which consisted of six known languages and various dialects within those languages, was spoken over a broad territory that included all of the San Francisco Peninsula, along the east and south of San Francisco Bay, and south to Monterey Bay, Salinas Valley, and the area around Hollister. Those residing in the Santa Clara Valley and the project area spoke the Tamyen (or Tamien) dialect of San Francisco Bay Costanoan (Milliken et al. 2009:33-35).

The Costanoan peoples, also referred to as the Ohlone, Mutsun, or Rumsen, depending on geography, were not a united cultural or political entity (Milliken et al. 2009:2-4). Rather, there were strong differences not only in language, but also in culture, between the San Francisco and Monterey Bay occupants. Political affinity was based on the tribelet, which was comprised of one or more villages within a specific geographic territory (Levy 1978:487).

The tribelet territory was 10–12 miles in diameter and contained a population of 200–400 people living among four or five villages (Milliken et al. 2010:99). Those living in the project area resided in large villages along permanent streams in locations that allowed access to the diverse resources found in the tidal marshlands, the valley floor, and the hills (Milliken et al. 2010:106; Moratto 2004:225).

The Tamyen were among the first of the San Francisco Bay Costanoans to be affected by the arrival of the Spanish. Mission Santa Clara was established in 1777, just 7 months after the founding of Mission Dolores in San Francisco, which was followed by the pueblo at San Jose (El Pueblo San Jose de Guadalupe) shortly thereafter (Kyle et al. 2002:423-424). The mission population of Tamyen grew slowly during the first few years and decades, and was comprised mostly of infants, children, and the very old. The first large wave of adults to be baptized occurred in 1794. According to Milliken et al. (2009:141):

The huge growth of the Mission Santa Clara adult population in 1794 and 1795 could only have been the result of a social movement. There is no evidence that Spanish soldiers marched the people into the mission, nor that drought drove them in.

Despite the apparent lack of forced baptism, local Tamyen worked at the mission and the San Jose pueblo. Exposure to new diseases and new foods, in addition to restrictions on traditional seasonal movement to gather resources and the diminishment of natural resources by the colonists, all contributed to a steep decline in the native population during the initial decades of colonization and through to the secularization of the missions in the 1820s.

Beginning in the early 1900s, the various Ohlone/Costanoan tribes began to organize and reclaim their ancestral identity by petitioning the U.S. Bureau of Indian Affairs (BIA) for tribal recognition. To date, none of these tribes have been successful at establishing federal recognition. As they continue their efforts with the BIA, individuals and tribal organizations are working to strengthen their culture, both within their communities and by sharing their culture with others. To accomplish this, today's Ohlone/Costanoan tribes have developed numerous programs to revive and enhance traditional language, songs, dances, and basketry, among other aspects of culture (Milliken et al. 2009: 231-236). Although the Mission Santa Clara population had one of the highest numbers of native speakers (i.e., Tamyen), they seem to have disappeared into the general population. According to Milliken et al. (2009:201), "No Mission Santa Clara descendants are known to us to be active in present-day Ohlone/Costanoan cultural or political activities."

History

The historic era began in the region of Santa Clara County when Spanish explorers arrived in the late 1760s and 1770s. Members of the Portola expedition were the first to arrive in November 1769, reaching San Francisco Bay before returning to Monterey. Pedro Fages followed in 1770 and made a return trip in 1772. The latter visit was chronicled by Father Crespi as the group traveled north along the east side of the Bay and eventually into the Sacramento Valley. Upon their return, they again passed through the Santa Clara Valley, camping one night near present-day Milpitas. A subsequent expedition through the Santa Clara Valley in 1775-1776, led by Juan Bautista de Anza, further helped to establish El Camino Real ("the Royal Road"). This route, which was originally delineated by Fages, was later used by the Spanish to settle the region with pueblos and missions (Kyle et al. 2002:421-422).

Santa Clara County was named after Mission Santa Clara de Assis. The mission was initially founded in 1777 on the banks of the Guadalupe River at a village called *So-co-is-u-ka* by the local Ohlone Indians who were living in the valley. Later that same year, the Pueblo of San Jose de Guadalupe was established along the Guadalupe River, approximately 2.25 miles from the mission, to grow food for the clerics and their neophytes (or converts). The town, now known as San Jose, was the first civilian settlement in Alta California (Kyle et al. 2002:422-424).

The rich lands of the Santa Clara Valley were divided among 50 recipients of land grants by first the Spanish, and then the Mexican, governments. Jose Higuera was the recipient of one of the two earliest land grants, and the last to be made in the valley by a Spanish governor. Granted in 1821, Rancho Los Tularcitos was located just south of the current project area. The rancho extended south along Penitencia Creek from the confluence with Calera Creek

and east into the mountains to contain the headwaters of Calera Creek and the Arroyo de los Coches (Kyle et al. 2002:429).

American explorers, traders, and settlers began filtering into California and the Santa Clara Valley during the Mexican Period (1821-1848); some of them became Mexican citizens and received vast grants of land. It was not until the beginning of the American period, after the end of the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo in 1848, that non-Hispanic settlers began migrating *en masse*. This surge in migration was bolstered by the discovery of gold in the Sierra Nevada foothills and the advent of the Gold Rush in 1849.

The Santa Clara Valley became a prominent agricultural area, aided by the completion of the Western Pacific Railroad in 1867, which helped to transport goods and people between San Jose and Oakland, and beyond. The cultivation of row crops such as spinach, peas, asparagus, beans, and strawberries supported the area throughout the late 1800s and into the mid-1900s (Milpitas History 2015). The region became more urban after World War II, and even more so after the Korean War. A review of historic maps and aerial photographs (described below) indicates that the area immediately surrounding the project site did not fully develop until the late 1980s, when the Santa Clara Valley truly began its transformation into the “Silicon Valley” we know today.

Cultural Resources Studies

Area of Potential Effects

The area of potential effects (APE) encompasses all of Lower Penitencia Creek, from the outside edges of the existing levees between the confluences with Berryessa Creek and Coyote Creek, including bridges at California Circle, Milmont Drive, and San Andreas Drive. The APE also includes a vacant parcel between North McCarthy Boulevard and the south-bound on-ramp to I-880 for use as a staging area. A paved parking lot north of 380 Fairview Way adjacent to and west of Reach 4 has also been proposed as a staging area. Overall, the APE includes approximately 24 acres, most of which are located within the Lower Penitencia Creek channel. The APE corresponds with project boundary delineated in Figure 2-3.

Literature and Record Search

Cultural resources include prehistoric archaeological sites; historic-era archaeological sites; TCRs/TCPs; historic-era buildings, structures; and prehistoric or historic-era landscapes, districts, and linear features.

A record search was conducted in December 2015 by the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University in Rohnert Park (NWIC File No. 15-0766). The purpose of the record search was to identify the presence of any previously recorded cultural resources within the project’s APE and to determine if any portions of the project site had previously been surveyed for cultural resources. The records search encompassed the APE as well as a 0.5-mile study radius around the project area.

The record search indicated that 19 previous cultural resource investigations have been completed entirely or partially within the project area (see **Table 3.5-1**). The earliest of these reports, conducted by Jackson et al. in 1973, included all of lower Penitencia Creek, along with

other drainages within the District. The area immediately adjacent to the project area was subsequently surveyed over the ensuing four decades as the area developed. The very northern and southern ends of the project area have been studied several times. The record search also found that another 21 studies had been conducted within the 0.5-mile study radius, and 39 “other” studies had been conducted that included the project area.

Table 3.5-1. Cultural Studies Previously Conducted Entirely or Partially in the Project Area

NWIC Report No.	Author	Date	Title
4772	Thomas L. Jackson, Miley P. Holman, and Stephen A. Dietz	1973	An Archaeological Reconnaissance of the Santa Clara County Flood Control and Water District East Zone Flood Control Project
6072	Donna M. Garaventa, David Bateman, John M. Findlay, R. M. Harmon, W. McCormack, R. L. Anastasio, and J. C. Bard	1983	Archaeological Survey Report, Coyote Creek Flood Control Project Located Between San Francisco Bay to Montague Expressway, City of San Jose, Santa Clara County
6410	Donna M. Garaventa, James C. Bard, Robert M. Harmon, Amy A. Gowan, and R. L. Anastasio	1984	Archaeological Survey Report, Coyote Creek Flood Control Project Located Between San Francisco Bay to Montague Expressway, City of San Jose, Santa Clara County, California
6822	James C. Bard, Donna M. Garaventa, Robert M. Harmon, Rebecca Loveland Anastasio, Annie Cody, Jeff Parsons, and Melody E. Tannam	1984	An Archaeological Survey of the McCarthy Ranch Located Between Coyote Creek, Highway 17, Dixon Landing Road, and Highway 237, Milpitas, California
7087	Miley Paul Holman	1984	Durham Road, Fremont Boulevard, Mission Boulevard and Dixon Landing Interchanges, Archaeological Reconnaissance
8368	Stephen A. Dietz	1980	Milpitas Golf Course Site, Dixon Landing Road at Highway 17
8977	Robert L. Gross	1986	Archaeological Survey Report, 04-SCL/ALA-880 P.M. 6.7/10.5-0.0/2.3 04570-112820
9133	Stephen A. Dietz	1980	An archaeological reconnaissance of additional portions of the Milpitas Golf Course EIR properties in Milpitas, Santa Clara County, California

NWIC Report No.	Author	Date	Title
17993	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente	1995	Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project
18289	Basin Research Associates, Inc.	1995	Cultural Resources Assessment, Alviso Master Plan Area, City of San Jose, Santa Clara County, California
23382	Basin Research Associates, Inc.	2000	Cultural Resources Assessment, Historic Properties Affected or Potentially Affected by the South Bay Water Recycling Program Phase 2 Facilities, Modifications to Existing Segments SJ-1, SJ-2, SC-2, SC-5, M-1 and New Segments SJ-3, SJ-4, SJ-5, SJ-6, SJ-7, M-2, M-5, Cities of San Jose and Milpitas, Santa Clara County
24981	Stuart Guedon	2000	Cultural Resources Assessment, Coyote Creek Trail Project, Cities of Milpitas and San Jose, Santa Clara County
25031	Basin Research Associates, Inc	2000	Cultural Resources Assessment, Bay Trail Master Plan Project, City of San Jose, Santa Clara County, California
25043	David Chavez	2001	Historic Property Survey Report, Route 262/Warren Avenue/I-880 Interchange Reconstruction and I-880 Widening Project, 04-SCL-880-KP 13.2 (PM 8.2)/KP 16.9 (PM 10.5), 04-ALA-880-KP R0.0 (PM R0.0)/KP 4.7 (PM 2.9), 04-ALA-262-KP R0.0 (PM R0.0)/KP R0.7 (PM R0.5), EA 233220
26216	Archaeological Resource Management	2002	Cultural Resource Evaluation of the Berryessa Creek Levee Project in the City of Milpitas, County of Santa Clara
34215	Colin I. Busby	2000	Cultural Resources Assessment, Bay Trail Master Plan Project, Cities of Milpitas and San Jose, Santa Clara County, California
37743	Heidi Koenig	2010	Lower Berryessa Creek Project, Milpitas, Santa Clara County, California, Cultural Resources Survey Report
39863	Jennifer Thomas	2011	Cultural Resources Inventory of a Hydrostatic Pressure Test Segment on L-131 between Mileposts 50.57 and 54.91, Alameda and Santa Clara Counties, California

NWIC Report No.	Author	Date	Title
46399	Laura Leach-Palm and Chandra Miller	2015	Historic Property Survey Report for the MTC Interstate 880 Express Lane Phase I Project, Alameda and Santa Clara Counties, California; State Route 84 04-ALA-84 PM R3.0-R6.1, State Route 92 04-ALA-92 PM R2.5-R6.5, Interstate 880, 04-SCL-880 PM 7.5-10.5, 04-ALA-880 PM R0.0-26.4, EA 04-3G920

Despite the large number of cultural resources studies conducted within and immediately adjacent to the project APE, no cultural resources have been previously recorded within the APE. Three resources had been recorded within the 0.5-mile study radius. Two of these resources were railroad lines (Western Pacific and Southern Pacific); the third was an isolated handstone, or mano, found approximately 0.3 mile southeast of the APE.

The Office of Historic Preservation Historic Properties Directory for Milpitas, the California Inventory of Historic Resources, historical maps, and rancho plat maps were also reviewed for the NWIC record search. No cultural resources were identified within the project area from these sources.

Additional research included a search of the Caltrans Bridge Survey (Caltrans 2015) to determine whether any of the bridges within the project APE were eligible for listing in the NRHP. Five bridges cross Lower Penitencia Creek within the APE (**Table 3.5-2**). All of these bridges were evaluated by the Caltrans Bridge Survey as Category 5, not eligible for the NRHP.

Table 3.5-2. Bridges within the APE

Bridge No.	Location/Crossing	Year Built/Modified	Historical Significance
37C0333	California Circle	1983	Cat. 5 Not eligible for NRHP
37C0379	Milmont Drive	1983	Cat. 5 Not eligible for NRHP
37C0433	San Andreas Drive	1978	Cat. 5 Not eligible for NRHP
37 0582	U.S. 880 PM 10.38	2002	Cat. 5 Not eligible for NRHP
37 0582K	U.S. 880 PM 10.38	2002	Cat. 5 Not eligible for NRHP

Sources: Caltrans 2015; SCVWD 2013.

Aerial photographs from 1948 through 2012 (NETR Online 2015) and U.S. Geological Survey (USGS) topographic maps from 1890 through 1980 (USGS 2015) were also examined. A comparison of aerial photographs from 1948 and 1956 indicated that the Lower Penitencia Creek channel had been modified to its current configuration at the north end of the project area and that the channel had been widened during this time. The 1956 photograph also showed the presence of I-880 and its bridge crossings of Penitencia Creek. The construction

of the San Andreas Drive bridge (no. 37C0333) is noted in the 1987 aerial photograph, and the Milmont Drive bridge appears in the 1993 image.

The USGS topographic maps corroborate the information provided by the aerial photographs, although the dates of the maps are slightly different. For example, I-880 is depicted on the 1953 USGS topographic map. More importantly, early USGS maps show the APE located at the edge of the tidal marsh, an ecotone (transition area) with resources important to indigenous population of the San Francisco Bay region.

Both the aerial photographs and the USGS topographic maps showed that the area immediately surrounding the project site remained undeveloped until the late 1980s. More specifically, a document prepared by the District to define the flow issues of Lower Penitencia Creek noted that the Dixon Landing Business Park was constructed on the west side of the creek in 1983 and the residential tracts east of the channel were developed in 1988. Levees along both banks of the creek were also constructed between California Circle and Berryessa Creek as part of these two developments, along with significant channel improvements, and the Milmont Drive bridge was built in 1989 (SCVWD 2013:5).

The Santa Clara County Historical Society and the Milpitas Historical Society were contacted by email on December 10 and December 30, 2015, respectively. The societies were asked if they had any historical information specific to the project area that would assist in preparation of this EIR. No information has been provided by either organization to date.

Native American Consultation

The NAHC was contacted by email on November 19, 2015, to request a search of the sacred lands files for the APE and a list of individuals who might have additional knowledge about tribal resources in the project area. The NAHC responded on December 14, 2015, stating that sacred land files failed to identify any Native American cultural resources in the project area and providing a list of knowledgeable Native Americans in the region. The individuals identified were contacted by letters mailed December 17, 2015 (**Table 3.5-3**). The letters were intended to inform the individuals and organizations about the project; to inquire whether they knew of any unrecorded Native American cultural resources or other areas of concern within or adjacent to the project area; and to solicit comments, questions, or concerns with regard to the proposed project. A project location map was included with each letter. Follow-up telephone calls were made on February 2, 2016, to ensure that the letter had been received by all those contacted.

Table 3.5-3. Native American Consultation

Organization/Tribe	Letter Date	Telephone Follow-up Date	Comments
Muwekma Ohlone Indian Tribe of the San Francisco Bay Area	December 17, 2015	February 2, 2016	Chairperson considers the area sensitive for buried cultural resources. She requested that work stop if cultural resources are discovered and the District consult with the tribe on the treatment of the resources.
Ohlone Indian Tribe	December 17, 2015	February 2, 2016	Left message on answering machine

Organization/Tribe	Letter Date	Telephone Follow-up Date	Comments
Trina Marine Ruano Family	December 17, 2015	February 2, 2016	Left message on answering machine
No affiliation	December 17, 2015	February 2, 2016	Left message on answering machine
Amah Mutsun Tribal Band	December 17, 2015	February 2, 2016 via email	Tribal contact responded by email on February 3, 2016. He suggested contacting the Muwekma Tribal Band for information.
Amah Mutsun Tribal Band	December 17, 2015	February 2, 2016	Left message on answering machine. Chairperson returned the call on the same day and said that the project location is outside of his tribal territory.
Amah Mutsun Tribal Band	December 17, 2015	February 2, 2016	Left message on answering machine
No affiliation	December 17, 2015	February 2, 2016	Left message on answering machine
Indian Canyon Mutsun Band of Costanoan	December 17, 2015	February 2, 2016	Chairperson noted that any location near a creek is sensitive for cultural resources; therefore, she recommended having Native American and archaeological monitors present during any earth-moving activities.
No affiliation	December 17, 2015	February 2, 2016	Left message on answering machine
Amah Mutsun Tribal Band	December 17, 2015	February 2, 2016	Left message on answering machine

The chairpersons of the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area Indian Canyon Mutsun Band of Costanoan were reached by telephone. They were unaware of any specific resources in the project APE, but are aware of resources in the vicinity, especially near waterways, and consider the area sensitive for Native American resources. They requested that work stop in the vicinity of any cultural resources discovered during construction and that the District consult with the tribe about the treatment of the resources. They also recommended that Native American and archaeological monitors be present during any ground disturbance and expressed concern about the ultimate disposition of any cultural materials that might be discovered, and where human remains would be reinterred, should they be discovered. They noted that, if found, burials should not be removed or analyzed without the consent of the tribe.

Archaeological Survey

Although the project APE has been completely surveyed in the past, the entire length of Penitencia Creek within the project area has not been studied for more than 40 years. As a result, archaeologists who meet the U.S. Secretary of the Interior's professional standards in archaeology conducted a field survey of the APE on January 8, 2016. A historic architectural study of buildings immediately surrounding the project area was not conducted because all were constructed in the late 1960s and are less than 50 years old. All of the built environment

resources east of Penitencia Creek are residences (tract homes, condominiums, or apartments); an office park is located on the west bank near Reach 4. Similarly, the bridges that cross Penitencia Creek were not evaluated due to their relatively recent ages and because most had previously been evaluated.

Archaeological Resources

No archaeological resources were identified during the course of the archaeological field study undertaken for this project by professionals who meet the U.S. Secretary of the Interior's standards in archaeology.

Built Environment Resources

Built environment resources within the project APE are limited to the bridges discussed above and the channelized sections of Penitencia Creek. As previously noted, the bridges are not eligible for listing in the CRHR or the NRHP by virtue of their relatively recent ages (i.e., less than 50 years old).

Tribal Cultural Resources and Traditional Cultural Properties

The NOP for this EIR was issued prior to July 1, 2015. As a result, the lead agency was not required to consult with local tribal administrators under PRC 21080.3.1, and thus, TCRs were not identified through such consultation. Outreach to individuals who have knowledge about the project area also failed to identify any TCRs or TCPs in the APE.

Paleontological Resources

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. Fossils are the remains or traces of prehistoric animals and plants. Fossils are important scientific and educational resources because of their use in (1) documenting the presence and evolutionary history of particular groups of now-extinct organisms; (2) reconstructing the environments in which these organisms lived; and (3) determining the relative ages of the strata in which they occur, as well as the relative ages of the geologic events that resulted in the deposition of the sediments that formed these strata and their subsequent deformation.

The methods applied to the evaluation of project impacts on paleontological resources involved two elements: first, to evaluate the potential for unique paleontological resources to exist within the project area, and then to evaluate the impacts that construction of the proposed project could have on those resources.

A search of known paleontological sites in California (University of California Museum of Paleontology 2016) did not identify any known sites within the project site or general area. Research also indicated that the soils underlying the project site consist of Holocene-era floodplain sediments classified as Urban Campbell Complex and Campbell silt loam (Natural Resources Conservation Service 2015a, 2015b). Such soils are not generally conducive to the preservation of paleontological remains due to their relatively recent age.

3.5.4 Impact Analysis

Methodology

All aspects of the cultural resources study were conducted in accordance with the U.S. Secretary of the Interior's Standards and Guidelines for Identification of Cultural Resources (48 CFR Parts 44720–44723). Resource documentation also followed the guidance outlined in Instructions for Recording Historical Resources. Methods employed for the proposed project consisted of pre-field research, Native American consultation, reconnaissance-level field surveys, and report preparation. In conjunction with prehistoric and historic overviews, previous investigations and historic maps provided background information for assessing cultural sensitivity and identifying the types of sites likely to be located within the project site.

The impact analysis focuses on the proposed project's construction-related impacts on cultural resources. Operation and maintenance activities would be similar to current practices covered under the District's SMP with the exception of as-needed repair and maintenance of the new floodwalls and headwalls. Because most of those impacts are addressed in the District's SMP Subsequent EIR (SCVWD 2012) and because minor repairs of the floodwalls and headwalls are not expected to involve ground-disturbance, proposed project would result in no operational impacts on cultural resources and such effects are not discussed further.

Criteria for Determining Significance

The proposed project would result in a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
- Disturb any human remains, including those interred outdoors of dedicated cemeteries.
- Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in the Public Resources Code Section 21074.

The environmental checklist contained in Appendix G of the State CEQA Guidelines and the standard guidelines for assessment and mitigation of adverse impacts on paleontological resources set forth by the Society of Vertebrate Paleontology (2010) were used to establish three categories of sensitivity: high, low, and undetermined. Areas that consist of rock that is not of sedimentary origin and that have not been known to produce fossils are considered areas of low sensitivity. Additionally, when it can be demonstrated that the conditions of the unconsolidated sediments are such that fossils could not form in these sediments, and that any fossils found in the sediments could not be considered in situ, they would have minimal scientific value and the area would be considered to have low sensitivity. When both of these low-sensitivity conditions were present, it was considered that no significant paleontological resource would be present and, consequently, no impact would occur.

Impact Summary

Table 3.5-4 summarizes cultural resources impacts of the proposed project.

Table 3.5-4. Summary of Impacts Cultural Resources

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5	NI	None	NI
CR-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5	LS	None	LS
CR-3: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	NI	None	NI
CR-4: Disturb any human remains, including those interred outside of formal cemeteries	LS	None	LS
CR-5: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074	NI <u>LS</u>	None	NI <u>LS</u>

NI = No Impact; LS = Less than Significant

Environmental Impacts

Impact CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (No Impact)

All project-related activities that would disturb the ground surface or remove structures (e.g., bridges) have the potential to affect historical resources, should they be present within the APE. However, no historical resources, as defined in Section 15064.5 of the State CEQA Guidelines, were identified within the project site. As a result, the proposed project would not cause a substantial adverse change to a historical resource and there would be no impact.

Historical resources that are archaeological in nature may be accidentally discovered during project construction; archaeological resources are discussed further in Impact CR-2 below.

Impact CR-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to Section 15064.5 (Less than Significant)

All ground-disturbing activities associated with the proposed project that might extend below the existing ground surface, and particularly excavations outside of the creek channel (e.g., installation of floodwall footings) have the potential to encounter buried archaeological materials. No archaeological resources were identified within the project site as a result of background research or the field survey. Although an archaeological survey was conducted of the project site, additional archaeological remains may be buried with no surface manifestation. District BMP CU-1 requires that construction activities halt immediately within ~~30~~100 feet of a find and that both the Santa Clara County Coroner and a qualified archaeologist be contacted to evaluate the discovery site and determine whether construction may resume. In addition, the District would comply with the processes outlined

in Health and Safety Code Section 7050.5, which requires the Coroner to contact the NAHC within 24 hours of determining whether the remains of a Native American and that the NAHC identify a Most Likely Descendent (MLD). Pursuant to the provisions of Public Resources Code 5097.98, the MLD designated has at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The District would work with the MLD to ensure that the remains are removed to a protected location and treated with dignity. Implementation of BMP CU-1 and compliance with Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 would ensure that construction-related impacts on archaeological resources are less than significant. Applicable District BMPs, as provided in Chapter 2, include the following:

Impact CR-3: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (No Impact)

Research indicates that the geological matrix of the project site has a low sensitivity for the presence of paleontological resources. As a result, the proposed project would not be anticipated to directly or indirectly destroy a unique paleontological resource or site or unique geological feature. No impacts on paleontological resources or unique geologic features would result from activities and elements of the proposed project, and this issue is not discussed further.

Impact CR-4: Disturb any human remains, including those interred outside of formal cemeteries (Less than Significant)

The project site is located in an area that is sensitive for the presence of Native American village sites, which often contain burials. As a result, disturbance of native ground during project construction has the potential to uncover human remains, although such remains were not identified during the field inventory. District BMP CU-1 requires that construction activities halt immediately within ~~30~~100 feet of any buried human remains and that both the Santa Clara County Coroner and a qualified archaeologist be contacted. As described in Impact CR-2, the District would comply with the processes outlined in Health and Safety Code Section 7050.5, which requires the Coroner to contact the NAHC within 24 hours of determining whether the remains of a Native American and that the NAHC identify a MLD. Per Public Resources Code 5097.98, the MLD designated has at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The District would work with the MLD to ensure that the remains are removed to a protected location and treated with dignity. Implementation of BMP CU-1 and compliance with Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 would ensure that disturbance to human remains is less than significant.

Impact CR-5: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 (~~No Impact~~Less than Significant)

As described in the environmental setting, the NOP for this EIR was issued prior to July 1, 2015, and as a result, the District is not required to formally consult with local tribes under PRC 21080.3.1. Regardless, this topic is addressed since questions relating to TCRs was recently added to the State CEQA Guidelines Appendix G environmental checklist in July 2016. This evaluation is based on the literature and record search and District's Native American consultation process described in the setting section. No TCRs, as defined in PRC

Section 21074, were identified within the project site. In the event of an accidental discovery of a TCR that is also a historical or unique archaeological artifact, BMP CU-1 (see Chapter 2, *Project Description*) would be implemented to ensure that construction activities halt and that a qualified archaeologist is contacted. If a tribal cultural resource cannot be avoided, an Action Plan will include notification of the appropriate Native American tribe, and consultation with the tribe regarding acceptable recovery options. As a result—With implementation of BMP CU-1, the proposed project would not cause a substantial adverse change to a TCR and there would ~~impact~~ impact would be no impact less than significant.

3.6 Geology, Soils, and Seismicity

3.6.1 Overview

This section identifies geologic, soils, and seismic conditions in the project area. The section describes the regulatory setting, affected environment, and anticipated impacts of the proposed project based on published geologic reports and maps, a site-specific technical report, and professional expertise. The discussion of impacts considers the consequences of the proposed project with regard to geology, soils, and seismicity. This section also evaluates whether the project would expose people or structures to substantial geologic hazards. Applicable BMPs are identified, and mitigation measures are prescribed to reduce significant impacts of the proposed project.

3.6.2 Regulatory Setting

Federal Laws, Regulations, and Policies

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk reduction program to better understand, predict, and mitigate risks associated with seismic events. Four federal agencies are responsible for coordinating activities under NEHRP: U.S. Geological Survey (USGS); National Science Foundation (NSF); FEMA; and National Institute of Standards and Technology. Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction.

State Laws, Regulations, and Policies

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (PRC Section 2621 *et seq.*) was passed in 1972 to reduce the risk to life and property from surface faulting in California. The Alquist-Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” The applicability and relevance of the Alquist-Priolo Act on the project area is described below in Section 3.6.3.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (SHMA) (PRC Sections 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist-Priolo Act addresses surface fault rupture, the SHMA addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act. The topics

of ground shaking, liquefaction, landslides, and other seismic hazards in relation the project area is described below in Section 3.6.3.

California Building Standards Code

Title 24 of the CCR, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. The CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

3.6.3 Environmental Setting

Regional Geology

The project area is located in the southeastern portion of the San Francisco Bay Area in the Coast Ranges, a naturally defined geomorphic province encompassing the central and northern California coast (CDOC 2002). The distinguishing geologic feature of this province is the northwest-trending mountain ranges and valleys subparallel to the San Andreas Fault. Two local mountain ranges bound San Francisco Bay and the project area: the Santa Cruz Mountains to the west and southwest, and the Diablo Range to the east. These ranges are composed of thick Cenozoic and Mesozoic sedimentary strata (CDOC 2002). At the southern end of San Francisco Bay, the Santa Clara Valley extends approximately 20 miles southeast. The valley formed as tectonic forces between the San Andreas Fault Zone (west) and Hayward Fault Zone (east) created a structural depression between the two mountain ranges.

Local Geology

The proposed project is located along the northern boundary of the Santa Clara Valley, along the alluvial bay margin that flanks the southern San Francisco Bay. The project site is less than a mile east of the tidal baylands and salt ponds that border the Bay, and about 3-4 miles from the open water portion of San Francisco Bay. The nearest prominent fault is the southern section of the Hayward Fault, which is about 1.2 miles to the east of the project site and runs in a southeast-to-northwest alignment along the base of the East Bay Hills. Geologic materials underlying the project area consist of late Quaternary (1,288,000 to 3,600,000 years ago) to Holocene (less than 11,000 years ago) alluvium and intertidal deposits (CDOC 1991). The predominant geologic unit underlying Lower Penitencia Creek is flood-basin deposits (alluvium) consisting of organic-rich clay to very fine silty clay. As the creek approaches the confluence with Coyote Creek and the outfall to the San Francisco Bay, underlying geology is more typical of tidal marshes and swamps, consisting mainly of peat and peaty mud with some fine clay, silts, and sands. Older alluvium underlies the areas to the north and the eastern margins of the project area.

Soils

Due to urban development and marshland infill, the soils underlying the project area have likely been removed, replaced, or amended for development. In general, the relatively flat, urbanized bay margin setting is underlain by alluvial soils of poorly sorted gravel, sand, silt, and clay, increasing in thickness from zero at the base of the Diablo Range foothills to 1,000 feet or more at the western side of Milpitas (City of Milpitas 2002). According to NRCS soil

mapping, two designated soil associations are present in the project area: Campbell silt loam (0 to 2 percent slopes) and Urbanland-Campbell complex (0 to 2 percent slopes) (see **Figure 3.6-1**) (NRCS 2015). Campbell silt loam is alluvial fan material of eroded metamorphic and sedimentary rock washed down from the Diablo Range. The general soil profile for this soil unit consists of silt loam near the top 24 inches below ground surface (bgs), transitioning to silty clay loam, then to silty clay beyond 51 inches bgs. Campbell silt loam is classified as moderately well drained (NRCS 2015). Urbanland-Campbell complex is physically the same as Campbell silt loam, but with urban development covering 70 percent of the surface area.

The geotechnical conditions of the existing levees along Lower Penitencia Creek were evaluated previously as part of the creek's FEMA levee recertification process. Soils encountered during this investigation consisted of levee fill over clayey alluvium, underlain by sands and gravels. Levee fill material generally consisted of very stiff lean clay and fat clay, with variable amounts of fine to medium sand approximately 3-10 feet thick, depending on the levee location. Directly beneath the levee fill, native foundation soils generally consisted of a clayey alluvial layer ranging from approximately 10 to 25 feet. This layer consisted of generally very stiff to hard lean clay and fat clay with scattered thin (several inches to 1 foot thick) zones of clayey sand. Sand and silty sand varying in thickness from 10 to 18 feet were encountered underlying the clay layer (AMEC Geomatrix, Inc. 2009).

Seismicity

Alquist-Priolo Fault Zones and Ground Failure

Fault areas considered to be of greatest risk are identified as Alquist-Priolo fault zones. No Alquist-Priolo-designated fault zones are present in or near the proposed project area (CDOC 1982). Past evidence of Holocene-aged (last 11,700 years) and older fault displacement can be seen throughout the region. Potentially active and historic faults near the project area are listed in **Table 3.6-1**.

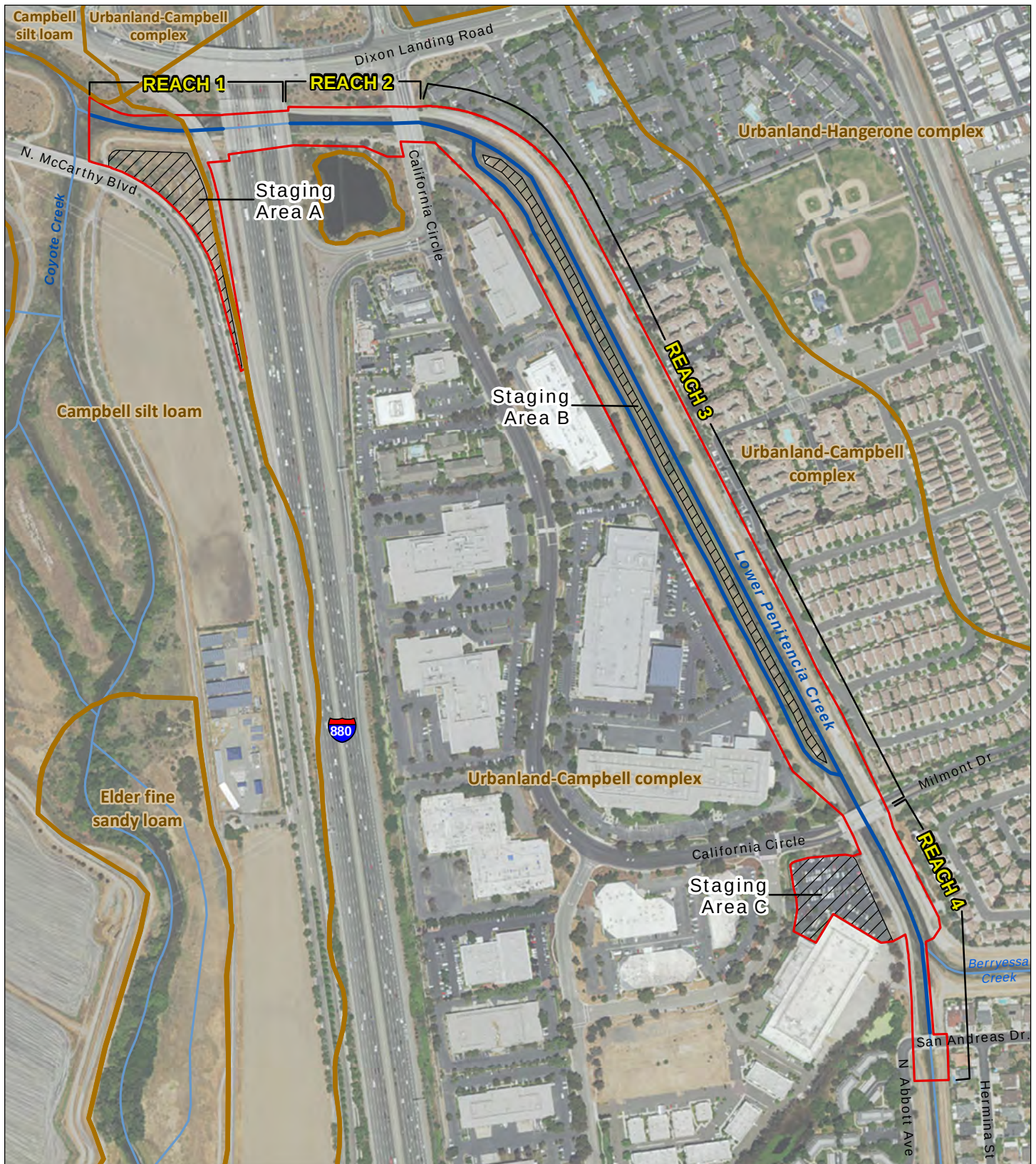
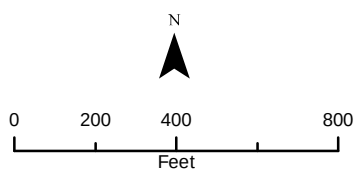


Figure 3.6-1
Underlying Soils in the
Project Area



- Soil Unit Boundary
- Project Boundary
- Staging Area

Table 3.6-1. Regional Faults near the Project Area

Fault	Approximate Distance from Project Area	Maximum Credible Earthquake (Magnitude)	Last Known Major Displacement	Potential Shaking Scenario (MMI)
Hayward Fault Zone, Southern Hayward Section	1.2 miles northeast	6.9	1868	XIII, Very Strong
Silver Creek	1.2 miles west	N/A	More than 1,200,000 years	N/A
Crosley (an extension of the Hayward Fault Zone)	1.4 miles east	N/A	Within 11,700 years	N/A
Calaveras Fault Zone	5.5 miles east	6.9	Within 11,700 years	XIII, Very Strong
Monte Vista	12 miles west	6.8	Within 11,700 years	N/A
San Andreas	17 miles west	7.9	1989	XII; Strong
Greenville	20 miles east	7.0	Within 11,700 years	XIII, Very Strong
San Gregorio	27 miles west	7.5	Within 11,700 years	XI-XIII, Strong to Very Strong

Sources: ABAG 2015; CDOC 1991, 2010; USGS 1996, 2003.

Ground Shaking

Seismically induced ground shaking can cause substantial damage to roadways, bridges, and other infrastructure. The Modified Mercalli Intensity (MMI) scale (**Table 3.6-2**) is a range of perceived ground-shaking intensity based on observed effects and is the current standard used throughout the U.S. Less intense earthquakes are typically rated on the basis of individual accounts, whereas higher intensity events are rated based on observed structural damage. Many factors influence shaking severity, such as distance from the epicenter, the duration of the seismic event, and underlying soils and geologic units.

Table 3.6-2. Modified Mercalli Intensity Scale

Intensity	Shaking	Description/Damage
I	Not Felt	Not felt except by a very few under especially favorable conditions.
II	Weak	Felt only by a few persons at rest, especially on upper floors of buildings.
III	Weak	Felt quite noticeably by persons indoors, especially on upper floors of buildings. Many people do not recognize it as an earthquake. Standing motor cars may rock slightly. Vibrations similar to the passing of a truck. Duration estimated.
IV	Light	Felt indoors by many, outdoors by few during the day. At night, some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.

Intensity	Shaking	Description/Damage
V	Moderate	Felt by nearly everyone; many awakened. Some dishes, windows broken. Unstable objects overturned. Pendulum clocks may stop.
VI	Strong	Felt by all, many frightened. Some heavy furniture moved; a few instances of fallen plaster. Damage slight.
VII	Very Strong	Damage negligible in buildings of good design and construction; slight to moderate damage in well-built ordinary structures; considerable damage in poorly built or badly designed structures; some chimneys broken.
VIII	Severe	Damage slight in specially designed structures; considerable damage in ordinary substantial buildings with partial collapse. Damage great in poorly built structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned.
IX	Violent	Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.
X	Extreme	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations. Rails bent.

Sources: USGS 1989, 2003.

As with any location in the San Francisco Bay area, the potential exists for substantial ground shaking in the project area following seismic events from several known faults. Ground shaking is predicted to be most severe following a repeat of the 1906 event of the Northern San Andreas Fault Zone (MMI VIII) or ruptures of the Hayward Fault Zone (MMI VIII), or the Central/Southern Calaveras Fault (MMI VIII) (ABAG 2015). Shaking scenarios associated with earthquakes from regional faults is shown in Table 3.6-1 above.

Subsidence and Liquefaction

Subsidence is a term describing the compression of soils following groundwater withdrawal or oxidation of buried organic material. Areas consisting of fine-grained sediments are more susceptible to ground subsidence. Although mining and extraction activities might also lead to subsidence, excessive groundwater pumping is the predominant cause for this phenomenon.

Soil liquefaction is a phenomenon that occurs when saturated sandy or silty soils lose strength during cyclic loading, or repetitive vibrational stress, such as that caused by earthquakes. During the loss of strength, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements, behaving like a liquid. The factors known to influence liquefaction potential are soil density, soil type and depth, soil grain size, groundwater level, soil moisture and the degree of saturation, and the intensity and duration of ground shaking. The greatest potential for liquefaction occurs in areas where the water table is less than 20 feet bgs and where soils consist of relatively uniform, low-density sands. Clayey soils are generally not subject to liquefaction due to more limited porosity and permeability compared to sandy soils. The probability of liquefaction correlates directly with the intensity and duration of ground shaking (i.e., the stronger and/or longer the earthquake, the greater the chance of liquefaction) and the porosity and moisture content of the soil.

Historic groundwater levels underlying the project area are shallow and are typically encountered 4-20 feet bgs, varying by the time of year and recent precipitation patterns (CDOC 2001; State Water Resources Control Board [SWRCB] 2015). According to a recent geotechnical investigations report conducted for the proposed project, groundwater levels underlying the project site range from 3.8 to 11 feet bgs (Kleinfelder 2016). In addition, deeper groundwater levels in the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin, have been trending upward since the 1960s following a coordinated effort to manage and enhance groundwater supplies within the basin (California Department of Water Resources [DWR] 2004; SCWVD 2012). For a more in-depth discussion of regional and local groundwater conditions, refer to Section 3.9, *Hydrology and Water Quality*.

The younger alluvial material underlying the proposed project area is generally susceptible to the effects of liquefaction. The geotechnical investigation conducted by AMEC Geomatrix in 2009 and Kleinfelder in 2016 identified saturated granular materials beneath the Lower Penitencia Creek levees, which are potentially susceptible to liquefaction from strong ground shaking. Additionally, the shallow water table increases the potential for liquefaction. According to data compiled and interpreted by the Association of Bay Area Governments (ABAG), the project area has a moderate to high susceptibility to liquefaction, with the I-880 alignment very high (ABAG 2015).

Landslide, Slope Failure, and Lateral Spreading

Landslides or slope failure can occur in steeply sloped areas during seismic events. On a smaller scale, horizontal displacement of gently sloping ground (5 percent or less slope) can occur along riverbanks or exposed embankments, a phenomenon known as “lateral spreading.” Saturated, loosely consolidated soils and precipitation events increase the likelihood that an earthquake will trigger landslides, slope failure, or lateral spreading.

The proposed project is not located within or near an area where previous landslides have occurred or local topographic, geological, geotechnical, and subsurface water conditions are present that would increase the potential for ground displacements (CDOC 2004). Earthquake-induced lateral spreading may occur along channel banks composed of sandy soils or soil units lacking cohesion or adequate compaction.

3.6.4 Impact Analysis

Methodology

The methodology used to evaluate the environmental impacts of the proposed project on geology, soils, and seismicity involved a review and assessment of published maps, professional publications, and reports pertaining to the project vicinity. Published information was derived from resources provided by ABAG, CDOC (which encompasses the California Geological Survey and State Mining & Geology Board), DWR, NRCS, the District, SWRCB, and USGS. In addition, the impact evaluation was based on review of the geotechnical investigation report prepared for the Lower Penitencia Creek Levee Recertification (AMEC Geomatrix, Inc. 2009; Kleinfelder 2016).

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant effect related to geology, soils, and seismicity if it would:

- Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42);
 - Strong seismic ground shaking;
 - Seismic-related ground failure, including liquefaction; or
 - Landslides;
- Result in substantial soil erosion or the loss of topsoil;
- 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;
- Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; or
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water.

Impact Summary

Table 3.6-3 summarizes geology, soils, and seismicity impacts of the proposed project.

Table 3.6-3. Summary of Impacts Geology, Soils, and Seismicity

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of significance After Mitigation
GEO-1: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42); or strong seismic ground shaking	LS	None	LS
GEO-2: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction; or landslides	S	Mitigation Measure GEO-1	LM
GEO-3: Result in substantial soil erosion or the loss of topsoil	LS	None	LS
GEO-4: 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	S	Mitigation Measure GEO-1	LM

GEO-5: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	LS	None	LS
GEO-6: 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	NI	None	NI

NI = No Impact; LS = Less than Significant; LM = Less than Significant with Mitigation; S = Significant

Environmental Impacts

Impact GEO-1: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42); or strong seismic ground shaking (Less than Significant)

Construction and Operational Impacts

Ground rupture refers to the displacement of the earth's surface along a fault during an earthquake and can cause severe damage to floodwalls and conveyance structures, as well as injuries to workers during construction activities. As described in Section 3.6.3, "Environmental Setting," the proposed project is not located within an Alquist-Priolo zone. The nearest potentially active faults (i.e., faults with observed or inferred seismic activity within the last 11,700 years) to the project area are the Southern Hayward Fault Zone, approximately 1.2 miles northeast; the Crosley Fault, approximately 1.4 miles east of the project area; and the Calaveras Fault Zone, approximately 5.5 miles east. A high potential exists for a significant seismic event to occur along the Southern Hayward or Calaveras Fault Zone; however, the possibility of ground rupture in the project area is considered low because of the distance between the project area and the above-referenced faults; therefore, this impact would be less than significant.

As discussed in Section 3.6.3, "Environmental Setting Ground Shaking," the probability of strong seismic ground shaking in the project area is high. Past seismic events associated with the Hayward, Calaveras, and San Andreas Fault Zones resulted in substantial ground shaking in the southern San Francisco Bay Area. Note that seismic ground shaking is an existing hazard for existing structures, roads, levees, and other related facilities as currently constructed. The proposed project structures (levees, floodwalls, and bridge headwalls) would be designed to withstand expected ground shaking during a major seismic event. The project geotechnical report estimated peak ground acceleration at the project site during major earthquake and modeled the potential for ground motion and post-earthquake slope stability. Based on those analyses, the geotechnical report made recommendations with regard to site preparation, types of materials, structural design, and appropriate factors of safety to withstand the expected ground movement during a major earthquake. The project design plans and specifications incorporate the geotechnical recommendations which will greatly reduce the potential for substantial damage due to strong seismic ground shaking. Therefore, this impact would be less than significant.

Impact GEO-2: Expose people or structures to potential substantial adverse effects, including, the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction; or landslides (Less than Significant with Mitigation)

Construction and Operational Impacts

The project area is relatively flat and, therefore, is not susceptible to earthquake-induced landslides. During construction activities, there is some potential for open excavation areas to fail, especially if soils are saturated. Excavations would be sloped and/or shored to prevent slope failure during construction. Also, given the project area's generally flat topography, the proposed project would not increase the risk of landslides or slope failure. The potential for landslides to cause substantial adverse effects would be low.

Seismic events and differential settling could result in significant damage to and/or failure of levees or other flood control structures, either during construction or over the expected life of the flood control structures associated with the proposed project. The proposed project is located in an area with historical occurrences of liquefaction and in an area where local geological, geotechnical, and/or groundwater conditions show a potential for future ground displacement (ABAG 2015; CDOC 2004). As described in Section 3.6.3, "Environmental Setting Subsidence and Liquefaction," the project area may be susceptible to liquefaction as a result of soil conditions and the high groundwater table.

A project-specific Geotechnical Design Report analyzed site conditions based on subsurface geotechnical investigations performed at the project area. That report identified subsurface layers of clay and alluvium occurring throughout the project area which could be susceptible to liquefaction (Kleinfelder 2017). Based on historical incidents of ground failure near the project area (ABAG 2015; CDOC 2004) and the findings of the project's Geotechnical Design Report, there is substantial potential for seismically induced liquefaction to occur at the project site. Therefore, this impact is considered significant. Mitigation Measure GEO-1 would be implemented to address this impact.

Mitigation Measures

Mitigation Measure GEO-1: Incorporate 2017 Geotechnical Design Report Recommendations into the Final Design and Construction of the Proposed Project.

~~The District or its design contractor will incorporate recommendations from the final Geotechnical Design Report.~~ Based on the draft Geotechnical Design Report (Kleinfelder 2017), the District will incorporate the following recommendations (or substantially similar recommendations) in the design plans and specifications:

- The sheet pile floodwalls will be designed to resist active lateral pressures based on an equivalent fluid weight of 45 pounds per cubic foot (pcf) above the groundwater table and 25 pcf for submerged conditions. If full drainage is not provided in the floodwalls, the sheet pile design would include hydrostatic pressure.
- The sheet pile floodwalls will be able to tolerate the total and differential seismic settlements, as estimated by reach in the final Geotechnical Design Report.

- Levee fill materials will not contain organic material and meet the gradation and plasticity specifications as defined in the final Geotechnical Design Report.
- Prior to general site grading, existing vegetation, organic topsoil, and any debris will be stripped and disposed of outside the construction limits. Stripping depths will be on the order of 3 to 6 inches (or as approved onsite by the geotechnical engineer). Topsoil or any other organic laden materials will not be incorporated into any levee embankment. Where applicable, the gravelly material of the levee maintenance road will be removed prior to placing levee embankment fill.
- All areas to receive engineered fill will be scarified to a depth of 8 inches, uniformly moisture conditioned to a range between one and four percent above optimum moisture content, and compacted to at least 90 percent of the maximum dry density as determined by ASTM Test Method D1557 (Modified Proctor).
- Existing abandoned utility lines, wells and/or foundations (including backfill material) encountered during project activities will be removed and disposed of offsite.
- New levee embankment fill slopes will be constructed at a slope no steeper than 2:1 (H:V). New embankment fill placed on top of the existing levee may require a key into the existing levee slope, or benched into existing levee material after scarification and recompaction of existing fill occurs.

Significance After Mitigation

To meet or exceed safety standards, the proposed project would be designed and constructed in accordance with **Mitigation Measure GEO-1**. The mitigation measure requires implementation of design and/or construction measures to ensure that new levees and structures minimize the potential risk of structural failure resulting from seismically induced liquefaction or ground failure. Implementation of Mitigation Measure GEO-1 would reduce potential hazards from on-site ground failure, liquefaction, or landslide during construction and operation to a level that is less than significant.

Impact GEO-3: Result in substantial soil erosion or the loss of topsoil (Less than Significant)

Construction Impacts

The proposed project would involve substantial earthwork activities that include ground disturbance (excavation of soils, stockpiling soils, and transport). Soils would be required for reconstructing the levee in Reach 1. Excavation work would be necessary to create the wetland bench and for construction of the floodwalls and headwalls. The initial phases of construction, particularly site grading and soil stockpiling, as well as in-channel dewatering and sediment removal, could result in loose soil being exposed to erosive forces such as rainfall and high winds. Because in-channel construction work would occur during the dry season, the likelihood of intense rain or wind events occurring in the project area during such activities is minimal. Nonetheless, some construction activities (e.g., delivery, storage

assembly, and testing of construction equipment and materials at staging areas outside the creek channel, top of bank vegetation clearing) would occur outside of the dry season. If soil stockpiles are left unmanaged, the stockpiled soils could be exposed to erosion and could affect adjacent waterways. As discussed in Section 3.9, *Hydrology and Water Quality*, implementation of the following District BMPs would reduce surface erosion and mitigate any loss of topsoil during construction-related activities: AQ-1, BI-3, HM-7, WQ-1, WQ-2, WQ-4, WQ-5, WQ-7, WQ-9, WQ-10, and WQ-16. These measures are designed to prevent and control erosion and sediment transport and to prevent inadvertent release of pollutants. Specifically, BMP WQ-1 and WQ-2 would reduce exposure and loosening of soil during use of construction equipment. BMP WQ-1 ensures, that where possible, construction work occurs from the top of bank where a gravel surface maintenance road can support construction equipment without causing erosion. BMP WQ-2 would be used to evaluate which in-channel locations can support use of construction vehicles (and what types) in order to minimize erosion or other damage within the channels. Implementation of BMP WQ-4 would direct how sediments are handled, transported, and stored so as to reduce erosion potential, and BMP WQ-5 would use erosion control measures to prevent runoff and erosion at soil stockpile locations. BMP WQ-16 would also ensure that erosion control fabrics and erosion control measures are implemented to address both stormwater pollution and minimize erosion at the project work areas. Furthermore, as part of the proposed project, the District would obtain coverage under the National Pollutant Discharge Elimination System Construction General Permit from the State Water Resources Control Board. This permit requires implementation of a Stormwater Pollution Prevention Plan (SWPPP) to control stormwater runoff from the project area, which would further minimize soil erosion and transport. Implementation of the above-mentioned BMPs and SWPPP would ensure that soil erosion and transport effects would be less than significant during the construction phase.

Operational Impacts

Once construction is complete, maintenance activities would continue similar to those that currently take place in the project area, with the addition of periodic floodwall and headwall inspections and maintenance. None of the maintenance activities associated with the project improvements would be expected to significantly affect geological resources or result in substantial loss of topsoil. Operational impacts would be less than significant.

Impact GEO-4: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (Less than Significant with Mitigation)

Construction Impacts

Slope failure typically occurs in areas that have a history of prior failure and in weak geologic units exposed on relatively steep slopes. If these conditions are present, slope failure could damage project facilities or other nearby facilities and properties. Additionally, poorly sorted alluvium and loose sand and saturated soils increase the potential for liquefaction or soil instability. Within the project area, shallow groundwater depths (3.8 to 11 feet bgs) increase the probability of saturated soils (Kleinfelder 2016). Although the Campbell silt loam is generally not prone to differential settling, underlying soils and levee material within the project site have been augmented with fill of mixed composition with alluvium layers below. Given the shallow groundwater table within the project area, some soils may be subject to

liquefaction, which could pose a significant impact on the structural stability and strength of the proposed replacement levee in Reach 1.

Given the project area's relatively flat topography, the proposed improvements are not prone to landslides or slope failure. Smaller scale slumps or lateral spreading may occur on more gradually sloped topographic features, such as channel banks, if underlain by liquefiable or inadequately compacted soils. As described above, some soils underlying the project area may be liquefiable; therefore, the effects of lateral spreading are significant.

Although channel dewatering would be necessary for in-channel work and for construction of the replacement levee in Reach 1, dewatering activities would occur during the summer months when groundwater levels are typically lower. As such, project construction would have minimal effects on local groundwater levels and the potential for subsidence occurring in the project area would be low.

During construction, ground-disturbing and excavation activities could alter soil stability. Excavation and trenching for the new floodwalls and wetland bench, and placement of new soils to increase levee elevations would temporarily create potentially unstable slopes. In summary, during the project construction phase, adverse effects regarding liquefaction, lateral spreading and slope instability, would be significant.

Operational Impacts

As described above, none of the proposed project's new maintenance activities (e.g., inspection, repair and maintenance of the floodwalls and headwalls) would involve substantial ground disturbance or result in slope instability issues. Therefore, operation and maintenance of the proposed project would not result in slope instability. In addition, the proposed operation and maintenance activities would not involve groundwater extraction and the potential for local subsidence would be minor. Operational impacts would be less than significant.

Mitigation Measures

Mitigation Measure GEO-1: Incorporate 2017 Geotechnical Design Report Recommendations into the Final Design and Construction of the Proposed Project (see full text of measure in Impact GEO-2 analysis above)

Significance After Mitigation

Any areas at risk of liquefaction and slope instability would be identified and the risk would be abated by implementing design criteria and recommendations provided in the Geotechnical Report, as required by Mitigation Measure GEO-1. The geotechnical report provides detailed recommendations for site preparation, removal of deleterious materials, the degree of compaction and stability for slopes, design loads for floodwalls, physical characteristics of fill material, and methods for placement of fills. Implementation of Mitigation Measure GEO-1 would reduce potential liquefaction and slope instability risks to a level that is less than significant.

Impact GEO-5: Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (Less than Significant)

Construction and Operational Impacts

Expansive soils are soil units whose physical characteristics may result in swelling and shrinking during wetting and drying cycles. This differential ground movement can fracture foundations and footings, resulting in infrastructure damage and potential risks to life or property. Campbell silt loam and Urbanland-Campbell can contain a high percentage of clays and exhibit moderate to moderately high expansion potential. In addition, a site-specific geotechnical investigation identified soils with expansive potential as occurring on site (Kleinfelder 2016). Proposed floodwalls would be composed of sheetpiles extending below the relatively shallow expansive soils and would not be susceptible to damage caused by soil expansion. Levee fill material and other fill placed as part of the project would be low-plasticity material not subject to potentially harmful shrink-swell behavior. In addition, expansive soils would be removed and the ground surface compacted prior to placement of fills, substantially reducing the potential for expansive soils to damage project improvements. This impact is less than significant.

Impact GEO-6: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water (No Impact)

Construction and Operational Impacts

The project would not involve removal, relocation, or construction of sewer, septic, or wastewater disposal systems. The project would have no impact.

3.7 Greenhouse Gas Emissions and Energy Use

3.7.1 Overview

This section describes the regulatory and environmental setting related to greenhouse gases (GHGs) and energy resources. This section then evaluates impacts related to the proposed project's forecasted GHG emissions and project-related effects on energy resources. The impact evaluation begins by describing the methodology used to evaluate significance and the GHG significance criteria, and then presents the impact evaluation. Applicable District BMPs are identified, and mitigation measures are proposed for impacts that are determined to be significant. For discussion regarding existing electricity and natural gas services provided in the project area, refer to Section 3.14, *Utilities and Service Systems*.

3.7.2 Regulatory Setting

Federal Laws, Regulations, and Policies

On April 1, 2010, USEPA and the National Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012-2016 cars and light trucks. On August 28, 2012, USEPA and NHTSA enacted further reductions and issued a joint final rulemaking to establish 2017–2025 GHG emissions and Corporate Average Fuel Economy (CAFE) standards for motor vehicles.

To address larger motor vehicles not covered in the regulations for cars and light trucks, on September 15, 2011, USEPA and NHTSA issued a final rule for Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (76 Federal Register 57106). This final rule is tailored to each of three regulatory categories of heavy-duty vehicles (combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles), as well as medium-duty vehicles. In June 2015, USEPA and NHTSA proposed standards to reduce GHG emissions and improve fuel efficiency of medium- and heavy-duty vehicles for model year 2018 and beyond (USEPA 2015).

State Laws, Regulations, and Policies

GHG Reduction Goals

In recent years, California has enacted a number of policies and plans to address GHG emissions and climate change. In 2006, the California State Legislature enacted AB 32, the Global Warming Solutions Act, which set the overall goals for reducing California's GHG emissions to 1990 levels by 2020. Executive Order (EO) S-3-05 established a goal of 80 percent below 1990 levels by 2050. EO B-30-15 established an interim target to cut California's GHG emissions to 40 percent below 1990 levels by 2030, and the 2030 target has been codified in Senate Bill (SB) 32, which was signed into law on September 8, 2016. Along with SB 32, AB 197 was also signed into law on September 8, 2016, and requires the state to focus its pollution-reduction efforts on disadvantaged communities and to increase legislative oversight of climate programs.

CARB approved the *First Update to the AB 32 Scoping Plan* on May 22, 2014 (CARB 2014). This update defines climate change priorities for the next 5 years and also sets the

groundwork to reach long-term goals set forth in EOs S-3-05 and B-16-2012. The update also highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals and evaluates how to align the state's longer term GHG reduction strategies with other state policy priorities for water, waste, natural resources, clean energy, transportation, and land use. At the time of Draft EIR preparation, CARB was working on updating the Scoping Plan to reflect the 2030 target.

GHG Reduction Regulations

CARB has completed rulemaking to implement several GHG emission reduction regulations and continues to investigate the feasibility of implementing additional regulations. These include the low carbon fuel standard, which reduces GHG emissions associated with fuel usage, and the renewable portfolio standard, which requires electricity suppliers to increase the amount of electricity generated from renewable sources to 33 percent by 2020.

In January 2012, CARB approved the Advanced Clean Cars Program, a vehicle emission control program for model years 2017–2025. To further California's support of the national program to regulate emissions, CARB submitted a proposal that would allow automobile manufacturer compliance with USEPA's requirements to show compliance with California's requirements for the same model years. The final rulemaking package was filed on December 6, 2012, and the final rulemaking became effective on December 31, 2012.

California Integrated Energy Policy

SB 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an *Integrated Energy Policy Report* for the governor and legislature every 2 years (CEC 2016a). The report analyzes data and provides policy recommendations on trends and issues concerning electricity and natural gas, transportation, energy efficiency, renewable energy, and public interest energy research (CEC 2016a). The 2015 *Draft Integrated Energy Policy Report* includes policy recommendations such as addressing the vulnerability of California's energy infrastructure to extreme events related to climate change, including sea-level rise and coastal flooding (CEC 2016b).

Regional and Local Laws, Regulations, and Policies

BAAQMD Regulations and Plans

In an effort to address GHG emissions from the Bay Area, the BAAQMD has established a 10-point climate action work program and prepared Bay Area GHG production- and consumption-based emissions inventories (BAAQMD 2016a). The climate action work program describes specific actions that the BAAQMD will implement to comply with statewide GHG emission reduction targets (BAAQMD 2014). Some of the 10 identified actions include the following:

- setting a GHG reduction goal (80 percent below 1990 levels by 2050),
- updating GHG emission inventory and forecasting,
- monitoring GHG emissions,
- developing a regional climate action strategy,
- supporting and enhancing local action,

- initiating rule development,
- exploring the Bay Area's energy future, and
- expanding enforcement.

BAAQMD Clean Air Plan and Regional Climate Protection Strategy (RCPS)

The BAAQMD is in the process of preparing a 2017 *Clean Air Plan* and *Regional Climate Protection Strategy* (RCPS) that will serve as an update to the 2010 Bay Area *Clean Air Plan*; provide a roadmap for the BAAQMD's future efforts to reduce air pollution; and identify rules, control measures, and strategies to reduce GHG emissions throughout the Bay Area. As part of this update, 83 draft control measures have been identified and categorized within nine economic sectors, including stationary sources, transportation, waste, water, and energy. Potential measures applicable to the proposed project include (but are not limited to) the reduction of solid waste, reduction of water use, construction material recycling, and use of clean available construction equipment in local projects. The BAAQMD anticipates releasing a final 2016 *Clean Air Plan* and RCPS at the end of 2016 (BAAQMD 2016b, 2016c).

City of Milpitas Climate Action Plan

The City of Milpitas adopted a *Climate Action Plan* in 2013. The plan's objective is to streamline environmental review of future development projects consistent with CEQA and BAAQMD air quality guidelines. The plan includes specific reduction measures, strategies for implementation, and a monitoring program to meet a 15-percent reduction from 2005 emissions of GHG by 2020 (one of three options outlined by the BAAQMD). Goals are established in the areas of energy, water, transportation, solid waste, and off-road equipment. Goal 12 and Measure 12.2 pertain directly to the proposed project:

Goal 12: Support the expansion and use of clean technology off-road equipment.

Measure 12.2: The City will encourage new development to comply with applicable BAAQMD best management practices that reduce GHGs, including use of alternative-fueled vehicles and equipment, use of local recycled materials, and recycling of construction or demolition materials. The City's goal is that 40 percent of construction equipment should comply with applicable best management practices.

3.7.3 Environmental Setting

Global GHG Emissions

Climate change results from the accumulation of GHGs in the atmosphere, which are produced primarily by the burning of fossil fuels for energy. Because GHGs (carbon dioxide [CO₂], methane [CH₄], and nitrous oxide [N₂O]) persist and mix in the atmosphere, emissions anywhere in the world can affect the climate everywhere in the world. GHG emissions are typically reported in terms of carbon dioxide equivalents (CO₂e), by converting all GHGs to an equivalent basis that takes into account their global warming potential (GWP) compared to CO₂. **Table 3.7-1** shows the six GHGs and their respective GWPs.

Table 3.7-1. Greenhouse Gas Overview and Global Warming Potential

Greenhouse Gas	Global Warming Potential over 100 years (in IPCC 2013/SAR) ^a	Description
Carbon Dioxide (CO ₂)	1/1	Released into the atmosphere through burning of fossil fuels (coal, natural gas, and oil), solid waste, trees, and wood products, and also because of certain chemical reactions; removed from the atmosphere when absorbed by plants and water bodies; remains in the atmosphere for 50,000 to more than 100,000 years.
Methane (CH ₄)	28/21	Emitted during the production and transport of coal, natural gas, and oil; emissions also result from livestock and agricultural practices and from the decay of organic waste, notably in municipal solid waste landfills; remains in the atmosphere for about 10 years.
Nitrous Oxide (N ₂ O)	265/310	Emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste; remains in the atmosphere for about 100 years.
Hydrofluoro-carbons (HFCs)	4-12,400/ 650–11,700	Typically used in refrigeration and air conditioning equipment, as well as in solvents; emissions are generated primarily from use in air conditioning systems in buildings and vehicles; remains in the atmosphere from 10 to 270 years.
Perfluoro-carbons (PFCs)	6,630-11,100/ 6,500–9,200	Emitted as byproducts of industrial and manufacturing sources; remains in the atmosphere from 800 to 50,000 years.
Sulfur Hexa-fluoride (SF ₆)	23,500/23,900	Used in electrical transmission and distribution; remains in the atmosphere approximately 3,200 years.

Notes:

^a As scientific understanding of the global warming potential (GWP) of various GHGs improves over time, GWP values are updated in the International Panel on Climate Change (IPCC) scientific assessment reports. For regulatory consistency, however, the United Nations Framework Convention on Climate Change reporting guidelines (and international treaties) for national inventories continue the use of GWP values published in the IPCC's 1996 Second Assessment Report (SAR). The table shows GWP values for 100 years from IPCC 2013 and SAR.

Sources: USEPA 2016; IPCC 2013

These six gases are the major GHGs that were recognized by the Kyoto Accords. Other GHGs were not recognized by the Kyoto Accords, chiefly because of the smaller role that they play in global climate change or the uncertainties surrounding their effects. One GHG not recognized by the Kyoto Accords is atmospheric water vapor (H₂O) because no obvious correlation exists between H₂O and specific human activities. H₂O appears to act in a feedback manner; higher temperatures lead to higher H₂O concentrations, which in turn cause more global warming (International Panel on Climate Change [IPCC] 2003). Nitrogen trifluoride was not recognized in the initial Kyoto Accords but was subsequently included by the United Nations Framework Convention on Climate Change and is recognized in California as a GHG.

The most important GHG in human-induced global warming is CO₂. Although many gases have much higher GWPs than the naturally occurring GHGs, CO₂ is emitted in such vastly higher quantities that it accounts for almost 81 percent of the GWP of all GHGs emitted in the United States (USEPA 2016). Fossil fuel combustion, especially the generation of electricity

and powering of motor vehicles, has led to substantial increases in CO₂ emissions over time and, thus, substantial increases in atmospheric CO₂ concentrations. In 2005, atmospheric CO₂ concentrations were about 379 ppm, more than 35 percent higher than the pre-industrial concentrations of about 280 ppm (IPCC 2007). In addition to the sheer increase in the volume of its emissions, CO₂ is a major factor in human-induced global warming because of its long lifespan in the atmosphere (50,000-100,000 years).

GHG Emissions in California

In 2014, total California GHG emissions were 441.54 million metric tons of carbon dioxide equivalents (MT CO₂e) (CARB 2016a). This represents a 2.7 million metric ton decrease in total GHG emissions from 2013 and an overall decrease of approximately 9.4 percent since peak levels in 2004. Overall trends in the inventory demonstrate that the carbon intensity of California's economy is declining (the amount of carbon per million dollars of gross domestic product) representing a 28 percent decline since 2001 (CARB 2016b).

In 2014, the transportation sector of the California economy was the largest source of GHG emissions, accounting for approximately 36 percent of the total emissions (CARB 2016a). On-road vehicles accounted for most of the emissions in the transportation sector. The industrial sector accounted for approximately 21 percent of the total emissions, and emissions from electricity generation were about 20 percent of the total. The rest of the emissions are made up of various sources (CARB 2016a).

GHG Emissions in the Project Area

BAAQMD prepared two GHG emission inventories: Bay Area GHG production- and consumption-based emissions inventories. Together, the two types of GHG emissions inventory provide a complete account of the Bay Area's impact on climate change by accounting for GHG emissions produced within the Bay Area (production-based inventory) and GHG emissions related to goods and service that are consumed within the Bay Area, regardless of where they are produced (consumption-based inventory). The most recent GHG production-based emission inventory indicated that most of the 2011 GHG emissions from the Bay Area were from fossil fuel combustion in the transportation sector (39.7 percent of total GHG emissions). The industrial and commercial sector was the second largest contributor (35.7 percent). Approximately 86.6 million metric tons of carbon dioxide equivalent (MMT CO₂e) were emitted by the Bay Area using the production-based approach. The consumption-based approach estimated that approximately 33 percent of GHG emissions are related to transportation and that the total estimated emissions from Bay Area consumers are 115 MMT CO₂e (BAAQMD 2015).

3.7.4 Impact Analysis

Methodology

Construction emissions were estimated using CalEEMod version 2013.2.2. CalEEMod is an emissions model that estimates air pollutant and GHG emissions for land use development projects. It contains reasonable default assumptions that can be replaced if site-specific information is available. CalEEMod incorporates both CARB's EMFAC emissions model for vehicles and a current off-road in-use engine emissions model for construction equipment. Specific construction phasing information, including assumed equipment quantities, types,

and construction activity duration, were input into CalEEMod for each of the proposed project's reaches based on similar projects. The estimates of construction worker and hauling trips are conservative and are based on early project estimates, which consisted of construction activities that would have resulted in a greater number of vehicle trips. Section 3.3, *Air Quality*, and Appendix C describe the specific assumptions for each construction phase. GHG emissions from all project phases were summed to determine annual total GHG emissions for comparison to applicable significance thresholds.

The proposed project's operational emissions were not quantified because the proposed project would include similar maintenance activities to those that are currently being performed under the District's SMP (SCVWD 2011) and would not result in a substantial increase from current levels of activities; the types of maintenance activity may change slightly, however, such as a decrease in sediment removal but an increase in graffiti removal. Thus, the potential for the proposed project to generate GHG emissions during operation and maintenance activities was evaluated qualitatively.

The proposed project was evaluated for consistency with AB 32, the most recent AB 32 Scoping Plan, SB 32, goals established by executive orders, and the City of Milpitas' adopted Climate Action Plan (2013).

Additionally, this evaluation considers the extent to which the proposed project would affect energy resources during construction and operation of the proposed project. Effects on energy resources are evaluated based on the energy demand of the proposed project.

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact related to GHG emissions if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Appendix F of the State CEQA Guidelines does not contain specific criteria for determining significance related to energy resources but does require that EIRs include discussion of energy impacts. In accordance with PRC Section 21100(b)(3), effects on energy resources would be considered significant if the project would result in wasteful, inefficient, and unnecessary consumption of energy. Appendix F of the CEQA Guidelines also describes the types of energy impacts that may be addressed in an EIR including: the project's energy requirements and its energy use efficiencies by amount and fuel type, the effects of a project on local and regional energy supplies, the effects of a project on peak and base period demands for electricity, the degree to which the project complies with existing energy standards, the effects of the project on energy resources, and a project's projected transportation energy use requirements and its overall use of efficient transportation alternatives. Based on guidance provided in Appendix F of the State CEQA Guidelines and for the purposes of this analysis, the proposed project would result in a significant impact on energy resources if it would:

- Cause wasteful, inefficient, and unnecessary consumption of energy during construction, operation, and/or maintenance; or
- Cause a substantial increase in energy demand and increase the need for additional energy resources.

BAAQMD Significance Thresholds

The BAAQMD proposed significance thresholds for operation-related emissions of GHGs as either compliance with a qualified GHG reduction strategy or use of a “bright line” threshold of 1,100 MT CO₂e (BAAQMD 2010). A bright line threshold for projects is the level below which projects are not anticipated to result in a significant impact on global climate change or impede the goals of AB 32. The BAAQMD did not propose GHG thresholds for construction emissions. ~~At the time of Draft EIR preparation, the BAAQMD was not recommending use of the 2010 CEQA thresholds due to ongoing litigation on unrelated thresholds. In May 2017, the BAAQMD initiated an effort to update its CEQA Guidelines including release of a May 2017 version of the guidelines. The May 2017 Guidelines Update includes revisions made to the 2010 Guidelines to incorporate the California Supreme Court’s opinion in California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369. The BAAQMD is currently working to update outdated references, links, analytical methodologies or other technical information in the May 2017 Guidelines Update. The operation-related thresholds in the May 2017 Guidelines Update remain the same as those shown in the 2010 Guidelines. In view of the Supreme Court’s opinion, local agencies may continue to rely on the BAAQMD thresholds after determining that those thresholds reflect an appropriate measure of a project’s impacts. However, the District considers the 2010 BAAQMD thresholds to be appropriate for use in this analysis because they are based on substantial evidence developed by the BAAQMD.~~

For the purposes of this analysis, the District considers the past BAAQMD operational significance thresholds as well as other bright line thresholds established by several air districts in California to determine impact significance of the proposed project’s construction and operational emissions. The Sacramento Metropolitan Air Quality Management District (SMAQMD) and the San Luis Obispo County Air Pollution Control District have adopted thresholds of 1,100 MT CO₂e and 1,150 MT CO₂e, respectively (SMAQMD 2015, San Luis Obispo County Air Pollution Control District 2012). The SMAQMD threshold, which applies to both construction and operational emissions, was developed with the goal of complying with AB 32, and was based upon a review of the California Air Pollution Control Officers Association’s (CAPCOA’s) guidance for threshold development and other agency’s significance thresholds. In establishing the bright-line threshold, these air districts evaluated representative projects in their air basins. The emissions from representative projects along with implementation of CAPCOA’s guidance on threshold development would ensure compliance with AB 32 by setting a threshold at a level such that approximately 90 percent of proposed projects would be reviewed to assess the need for additional GHG reduction mitigation measures. The threshold of annual emissions of 1,100 MT CO₂e was determined to require the review of at least 90 percent of proposed land development projects, which complies with CAPCOA’s guidance (90-percent project review) and AB 32’s GHG reduction goals (BAAQMD 2009). Thus, the Santa Clara Valley Water District has determined that a significance threshold of 1,100 MT CO₂e for annual GHG emissions is supported by substantial evidence and appropriate for use in this analysis.

Impact Summary

Table 3.7-2 summarizes GHG impacts of the proposed project.

Table 3.7-2. Summary of Impacts Greenhouse Gas Emissions

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	LS	None	LS
GHG-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases	NI	None	NI
GHG-3: Cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and increase the need for energy resources	LS	None	LS

NI = No Impact; LS = Less than Significant

Environmental Impacts

Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Less than Significant)

Construction Impacts

The proposed project would generate GHG emissions during construction of the various project elements. Construction-related GHG emissions would result from the combustion of fossil-fueled construction equipment, material hauling, and worker trips. These emissions were estimated for construction activities in each reach using CalEEMod version 2013.2.2 and using modified construction equipment type and quantity assumptions from similar channel improvement projects (Appendix C). The proposed project's total construction-related GHG emissions (if all reach construction activities occurred within the same year) are estimated at 901 MT CO₂e. In fact, project construction would be spread over two years and annual construction GHG emissions would be less than 901 MT CO₂e.

The District, as lead agency, has determined that the SMAQMD- and BAAQMD-established bright line annual threshold of 1,100 MT CO₂e for GHG emissions is an appropriate significance threshold against which to evaluate the proposed project's construction-related emissions. The "bright line" threshold is the proposed threshold for projects and represents the threshold under which they are not anticipated to result in a significant impact with regard to global climate change. The proposed project's anticipated combined annual emissions of 901 MT CO₂e would be less than the SMAQMD's and BAAQMD's annual threshold of 1,100 MT CO₂e. Implementation of District BMP AQ-1 would further reduce GHG emissions generated by minimizing idling construction equipment, requiring proper maintenance and tuning of vehicles and equipment, and requiring proper inflation of tires. These measures

would reduce overall emissions from vehicles and equipment, including emissions of GHGs. This impact would be less than significant.

Operational Impacts

GHG emissions from maintenance-related activities following project construction were not quantified because the proposed maintenance activities would be similar to current practice under the District's SMP (SCVWD 2011). Minor new maintenance activities would involve periodic visual inspections along the floodwalls and San Andreas Drive bridge. As necessary, the floodwalls and headwalls would be repaired. Such activities are relatively minor, and the number of vehicle trips and resulting GHG emissions would be a small fraction of the estimated construction emissions of 901 MT CO₂e. Operational GHG emissions would be less than the operational threshold of 1,100 MT CO₂e for annual GHG emissions and would be less than significant.

Impact GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (No Impact)

Consistency with Local Plans and City of Milpitas Climate Action Plan

The proposed project would be consistent with the measures outlined in local general plans and climate action plans. Potentially applicable climate action plans include those from the City of Milpitas. In particular, these plans encourage limits to vehicle idling, recycling of construction or demolition materials, and reductions in off-road and on-road equipment fleet emissions through use of newer, more efficient, and/or alternatively fueled equipment. The proposed project would be consistent with these goals by limiting idling times to the extent feasible. As described in Section 3.14, *Utilities and Service Systems*, construction debris would be recycled to the extent feasible. In addition, the proposed project would be consistent with the water conservation recommendations of state and local plans and policies by limiting water use to the minimum necessary and using recycled water for dust control.

Consistency with AB 32

The State of California has implemented AB 32 to reduce GHG emissions. The proposed project does not conflict with the most recent list of CARB's early action strategies. The proposed project would minimize construction waste and implement other energy-reducing measures with consideration of other AB 32 target sectors such as natural resources, transportation, and land use.

As stated in Impact GHG-1, operational and maintenance activities associated with the proposed project would be similar to those that currently take place under the SMP with the exception of occasional maintenance and repair activities for the new floodwalls and headwalls at the San Andreas Drive bridge. These activities would be conducted on an infrequent basis and would not have the potential to substantially increase GHG emissions. Thus, the proposed project's operational activities would not conflict with the goals of AB 32.

Consistency with EO-S-3-05

As described in the "Consistency with AB 32" discussion above, the proposed project would include measures to reduce construction energy use and construction waste. These measures would reduce GHG emissions from the proposed project's construction. The proposed

project's construction activities would be complete in 2019 and would have no impact on emissions in 2030 or 2050.

In addition, the proposed project's operational and maintenance activities would not be substantially different than activities occurring under the SMP. Emissions from the project's operational and maintenance activities will decrease in the future due to the existing regulations for vehicles and the low carbon fuel standard. Thus, the proposed project's operational and maintenance activities emissions would decrease in the future. Therefore, construction and operation of the proposed project would not conflict with the goals of EO-S-3-05.

Consistency with SB 32

The proposed project's measures to reduce construction energy use and construction waste would reduce GHG emissions from the proposed project's construction. The project's construction activities would be complete in 2019 and would have no impact on emissions in 2030 or 2050. As described above, the project's operational and maintenance activities would be similar to that of other existing and ongoing activities. Emissions from operational and maintenance activities would decrease in the future due to the existing regulations for vehicles and the low carbon fuel standard. Thus, the project's operational and maintenance activities emissions would decrease in the future. Thus, the proposed project would not conflict with the goals of SB 32. Based on the above consistency discussions, emissions generated by the proposed project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing emissions of GHGs. No impact would occur.

Impact GHG-3: Cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and increase the need for energy resources (Less than Significant)

Construction and Operational Impacts

The proposed project's construction activities would require the consumption of energy (fossil fuels) for construction equipment, worker vehicles, and truck trips. However, the consumption of energy for the project's equipment and vehicles would be minimized by the reuse on site of excavated soils, minimization of vehicle idling, and short construction period duration. **Table 3.7-3** shows the estimated fuel use from construction equipment, worker vehicles, and truck trips. The calculations used to develop these estimates are presented in Appendix C. This table also shows estimated fuel use during project operations.

Table 3.7-3. Project Fossil Fuel Use

Source Type	Diesel Fuel Use (gallons)	Gasoline Fuel Use (gallons)
Off-road Construction Equipment ¹	946,001	
Construction Worker Vehicles ²		27,067
Hauling Vehicles ³	28,268	
Operational Worker Vehicles ⁴		<100

¹ Fuel use for off-road construction equipment was estimated using a fuel use factor from CARB's off-road in-use engine emissions model of 0.347 pound of diesel per horsepower-hour and diesel fuel density of 7.37 pounds per gallon.

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- ² Fuel use for construction worker vehicles was estimated using fuel use estimates from EMFAC with an estimated rate of 21.7 gallons per mile.
- ³ Fuel use for hauling vehicles was estimated using fuel use estimates from EMFAC with an estimated rate of 5.5 gallons per mile.
- ⁴ During project operational and maintenance activities, workers would use less than 100 gallons, assuming less than 1 round trip per week.

The energy consumption during construction is necessary to improve flood protection for residences and businesses in Milpitas; maintain the structural and functional integrity of Lower Penitencia Creek; and prepare for climate change effects such as changes in frequency and intensity of rain events, sea level rise, and changes in storm surges. Similar to current practice, maintenance activities for the proposed project would include trash and debris removal, vegetation management, fence repair, and maintenance road grading, all of which are covered under the District's SMP. New activities for this section of Lower Penitencia Creek may involve periodic visual inspections and as-needed repair of the new floodwalls and San Andreas Drive bridge headwalls, which would involve a minimal increase in fossil-fuel energy use for transportation of vehicles and would be offset by a decrease in sediment removal maintenance activities. These construction and operational activities would not cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and the need for additional energy resources. Although no District BMPs are necessary to reduce this impact to a less-than-significant level, implementation of District BMP AQ-1 would reduce the project's effect by requiring minimization of idling times and requiring that all equipment be maintained and tuned properly. Similarly, though not required to reduce the impact significance, Mitigation Measure AQ-1 would also reduce the potential fossil fuel use by requiring the implementation of NOx-reducing measures, such as using less-polluting equipment (e.g., Tier 3 engines), low-emission diesel products, or alternative fuels. The proposed project's effects on energy resources would be less than significant.

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3.8 Hazards and Hazardous Materials

3.8.1 Overview

This section describes the regulatory setting and affected environment associated with hazardous materials and wastes, significance criteria and the methodology used to evaluate significance of project impacts related to hazardous materials and wastes. The section identifies applicable District BMPs and, for significant impacts, mitigation measures to reduce those impacts. Hazards related to the proximity to airports, wildland fires, and emergency response are also addressed.

3.8.2 Regulatory Setting

Because regulations relating to hazardous materials have been developed over time, hazardous materials are regulated by numerous agencies whose jurisdictions and responsibilities sometimes overlap. Federal agencies that regulate hazardous materials include the United States Environmental Protection Agency (USEPA) and the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). At the state level, agencies such as the California Department of Industrial Relations, the California Occupational Safety and Health Administration (Cal/OSHA), and the California Emergency Management Agency (Cal EMA) govern the use of hazardous materials. State and local agencies often have parallel or more stringent rules than federal agencies.

Generation, transportation, and disposal of hazardous wastes can also be regulated by different agencies. The lead federal agency is USEPA. The California Department of Toxic Substances Control (DTSC) has primary state regulatory responsibility but may delegate enforcement authority to local jurisdictions that enter into agreements with the state agency.

Federal Laws, Regulations, and Policies

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC Section 6901 *et seq.*), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law regulating solid waste and hazardous waste in the United States. The law provides for the “cradle-to-grave” regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing the RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. In California, DTSC received authority to implement the RCRA program in August 1992.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 *et seq.*) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new

hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the “Superfund”) for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

Energy Policy Act of 2005

Title XV, Subtitle B of the Energy Policy Act of 2005 (the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the Underground Storage Tank (UST) Program. As defined by law, a UST is “any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.” In cooperation with USEPA, the SWRCB oversees the UST Program. The intent of the program is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks. The four primary program elements are leak prevention (implemented by Certified Unified Program Agencies [CUPAs]), cleanup of leaking tanks, enforcement of UST requirements, and tank integrity testing. CUPAs are described in more detail below.

Spill Prevention, Control, and Countermeasure Rule

USEPA’s Spill Prevention, Control, and Countermeasure Rule (40 CFR Part 112) applies to facilities with a single above-ground storage tank with a storage capacity greater than 660 gallons, or multiple tanks with a combined capacity greater than 1,320 gallons. The rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement these plans.

Occupational Safety and Health Act

Under the Occupational Safety and Health Act of 1970 (Public Law 91-596), as amended, OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances, as well as other workplace hazards. OSHA also establishes criteria by which each state can implement its own health and safety program.

State Laws, Regulations, and Policies

Safe Drinking Water and Toxic Enforcement Act of 1986 Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65, protects the state’s drinking water sources from contamination with chemicals known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to inform the public about exposure to such chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. In accordance with Proposition 65, the California Governor’s Office of Environmental Health Hazard Assessment (OEHHA) publishes, at least annually, a list of such chemicals. OEHHA, an agency under the California Environmental Protection Agency (CalEPA), is the lead agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General’s Office; however, district and city

attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, and it works with other state agencies and delegates its authority to local jurisdictions that enter into agreements with the state. Local agencies, including Santa Clara County's Hazardous Materials Compliance Division, administer these laws and regulations. DTSC, CalEPA, and other state agencies set the standards for their programs while local governments implement the standards. These local implementing agencies, the CUPAs, regulate/oversee the following for each county:

- Hazardous materials business plans;
- California accidental release prevention plans or federal risk management plans (RMPs);
- The operation of USTs and above-ground storage tanks;
- Universal waste and hazardous waste generators and handlers;
- Onsite hazardous waste treatment;
- Inspections, permitting, and enforcement;
- Proposition 65 reporting; and
- Emergency response.

California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans. Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers also must make material safety data sheets available to employees and document employee information and training programs.

California Accidental Release Prevention

The purpose of the California Accidental Release Prevention program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy Community Right-to-Know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substances are required to develop an RMP. This RMP must provide a detailed analysis of risk factors and associated mitigation measures that can be implemented to reduce accident potential. CUPAs implement the California Accidental Release Prevention

program through review of RMPs, facility inspections, and public access to information that is not confidential or trade secret.

CAL FIRE Wildland Fire Management

The Office of the State Fire Marshal and the California Department of Forestry and Fire Protection (CAL FIRE) administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with forest-, brush-, or grass-covered land:

- Earth-moving and portable equipment with internal combustion engines must be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (PRC Section 4442).
- Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (PRC Section 4428).
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire-suppression equipment (PRC Section 4427).
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines must not be used within 25 feet of any flammable materials (PRC Section 4431).

3.8.3 Environmental Setting

Existing Hazards and Hazardous Materials

This section first describes past and current land uses and then describes hazardous materials that are known to exist or may exist within the project area.

Past and Current Land Uses

Prior to the 1950s, much of the land surrounding Lower Penitencia Creek was undeveloped. Since then, the area surrounding Lower Penitencia Creek has been developed with industrial and commercial properties, with most of the development occurring in the 1970s (Locus Technologies 2014). Currently, land uses surrounding the project area include residential, commercial, and industrial uses. Reaches 1 and 2 are surrounded by I-880, Dixon Landing Road and California Circle. Reach 3 is bordered by multi-family and single-family residential uses to the east and industrial uses to the west. Reach 4 is also surrounded by single-family residential homes to the east and industrial/office park development to the west.

In 2014, a Phase I Environmental Site Assessment (Phase I ESA) was prepared for the property on which Staging Area A would be located (Assessor's Parcel Number 022-30-041) (Locus Technologies 2014). According to this report, the parcel was formerly used for agricultural purposes that may have involved herbicide and pesticide usage. In addition, Caltrans may have used the site to store construction fill materials (including possibly asbestos) during construction of the I-880/Dixon Landing Road interchange project. The Locus Technologies report cites a Pre-Phase I/Phase I Hazardous Substance Liability Assessment (HSLA) that was conducted by Kennedy/Jenks in 1995 for the areas north and

south of Dixon Landing Road, near the confluence of Lower Penitencia Creek and Coyote Creek (just north of Staging Area A). The Kennedy/Jenks report was conducted based on readily available information and sampling, and concluded that chemicals were detected in the soil that were potentially associated with heavy vehicle traffic on Dixon Landing Road or fill materials used to construct the road. Petroleum hydrocarbons, total xylenes, and metals were also reported in shallow groundwater samples.

Potential Local Hazards

Several hazardous materials incidents have occurred within the vicinity of Lower Penitencia Creek as reported in the SWRCB GeoTracker database and the DTSC Envirostor database. The sites listed in **Table 3.8-1** are reported as involving releases; however, they are listed as “Case Closed” and further information is not warranted.

Table 3.8-1. Hazardous Materials Incidents in the Project Area

Site Name/Address	Approximate Distance from Project Area	Regulatory List	Site Summary	Potential to Affect Project Area
Kingsford Company 1601 W. Dixon Landing Road, Milpitas, CA 95035	Approximately 120 feet west of Reach 1	LUST	Case Closed as of 2/26/1993	Low
California Circle Pump Station 1735 California Circle, Milpitas, CA 95035	665 feet west of Reach 3	LUST	Case Closed as of 11/25/1996	Low
Dourdell Trucking Dixon Landing Road & Interstate 880, Milpitas, CA 95035	450 feet east of Reach 3	Cleanup Program Site Groundwater Contamination	Case Closed as of 11/8/1996	Low
Newby Island Landfill (or Newby Island Resource Recovery Park) 1601 Dixon Landing Road, Milpitas, CA 95035	320 feet northwest of Reach 1	Active Landfill Site, RCRA Site	No information in DTSC database after 1987 and no cleanup action reports in Geotracker database; groundwater quarterly reporting online	Low

Note: LUST = leaking underground storage tank

Sources: SWRCB 2015 (*GeoTracker database*), DTSC 2015 (*Envirostor database*).

Wildfire Hazards

The project area includes Lower Penitencia Creek in an urban setting. CAL FIRE does not identify any high fire hazard areas in the project area (CAL FIRE 2007, 2008). However, CAL FIRE and the California Fire Alliance identify Milpitas as a “fire-threatened community” at the wildland–urban interface (California Fire Alliance 2001).

Airports

The San Jose International Airport is approximately 5.2 miles from the project area and Moffett Federal Airfield is approximately 7.5 miles from the project area. There are no private airstrips in the project vicinity.

Schools

Within one-quarter mile of the project area, an in-home day care facility, Kiran Childcare and Learning Center, is located at 255 Balboa Drive. The closest school to the project area is Curtner Elementary School (275 Redwood Avenue), which is approximately 0.3 mile south of Reach 4.

Emergency Response

The Santa Clara County Operational Area Emergency Operations Plan (2008) outlines emergency organization, assigns tasks, specific policies and general procedures, and provides for coordination of response in the event of an emergency. The plan does not identify specific emergency response or evacuation routes. In addition, the Milpitas Fire Department of Office of Emergency Services is responsible for coordinating the City’s preparedness efforts to mitigate against, plan for, respond to and recover from natural disasters. This City department also coordinates closely with Santa Clara County Office of Emergency Services and the District (City of Milpitas 2017).

3.8.4 Impact Analysis

Methodology

The impact analysis focuses on evaluating impacts related to hazards and hazardous materials in the project area. This assessment was conducted based on information obtained from the Geotracker and EnviroStor databases, characteristics of the proposed project’s construction activities, and applicable regulations and guidelines.

For the purpose of this assessment, hazardous materials are defined as any materials that, because of quantity, concentration, or physical or chemical characteristics, would pose a substantial present or potential hazard to human health and safety or to the environment, if released. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that a handler or the administering regulatory agency has a reasonable basis for believing would be injurious to the health and safety of persons or would be harmful if released into the workplace or the environment (California Health and Safety Code Section 25501).

Although often treated separately from hazardous materials, petroleum products, including fuels and lubricants are considered in this analysis because they pose a potential hazard to

human health and safety if released into the environment. Potential hazards related to disruption of utility lines such as natural gas lines are addressed in Section 3.14, *Utilities and Service Systems*.

Criteria for Determining Significance

The proposed project would result in a significant effect related to hazards and hazardous materials if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through a the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25 mile of an existing or proposed school;
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to California Government Code Section 65962.5 (i.e., “Cortese list”), and as a result, create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Impact Summary

Table 3.8-2 summarizes hazards and hazardous materials impacts associated with the proposed project.

Table 3.8-2. Summary of Impacts Hazards and Hazardous Materials

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	S	Mitigation Measure HAZ-1	LM
HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	LS	None	LS

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school	LS	None	LS
HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	NI	None	NI
HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, such that the project could result in a safety hazard for people residing or working in the project area	NI	None	NI
HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	NI	None	NI
HAZ-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	LS	None	LS

NI = No Impact; LS = Less than Significant; LM = Less than Significant with Mitigation; S = Significant

Environmental Impacts

Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Less than Significant with Mitigation)

Construction Impacts

As described in Section 3.8.3, “Environmental Setting,” and in Chapter 2, *Project Description*, the proposed project involves installing floodwalls, constructing a wetland bench, relocating and raising a levee, constructing headwalls at a bridge crossing, removing accumulated sediment from Reaches 2 and 4, and revegetation.

Based on the HSLA report prepared by Locus Technologies (2014), the potential exists for encountering contaminated soil during excavation of the levees along Lower Penitencia Creek. There is also the potential to encounter contaminated groundwater during dewatering work. As described in Section 3.8.3, soil and groundwater underlying Staging Area A may have been affected by historical use of herbicides, pesticides, fill placed during construction of the I-880/Dixon Landing interchange, and heavy traffic on adjacent roadways. Similarly,

soils underlying other portions of the project area may be affected by some or all of these past uses.

If hazardous materials were present in excavated soil or groundwater, a release to the environment could occur and construction workers and the public could be exposed to hazardous materials in soil and groundwater during construction. ~~Implementation of The District would implement District BMP HM-9, which requires all field personnel to follow appropriate procedures regarding containment and storage of chemicals, and references applicable legal requirements relating to discharge of hazardous materials/wastes. This BMP would minimize the potential for release of hazardous materials during construction. hazard of encountering hazardous materials during excavation and sediment removal work; it requires that all field personnel follow appropriate procedures if hazardous materials are encountered. Implementation of BMP WQ-7 would require that coffer dams are installed for dewatering work before in-channel construction activities begin. However, these BMPs do not provide details on the appropriate response in the event that suspected contaminated soils or groundwater are encountered during excavation and sediment removal activities, a release to the environment could still occur and construction workers or the public may still be exposed to hazards and the impact would be considered significant. For these reasons, the potential for mishandling discovered hazardous materials during excavation and sediment removal activities is considered significant. Mitigation m~~ Measure HAZ-1 would be implemented to address this impact provide more details on appropriate responses to address this impact.

Operational Impacts

Once project construction is complete, maintenance activities described in Chapter 2, *Project Description*, would be similar to those that currently take place under the District's SMP. Maintenance activities would involve vegetation management, trash and debris removal, maintenance road grading, fence repair, graffiti removal, wildlife management, sediment removal and other activities covered in the SMP. Occasional repair and maintenance of the floodwalls and headwalls would also be conducted. Implementation of District BMPs HM-9 would ensure proper handling of hazardous materials used to repair the floodwalls and headwalls. Therefore, operational impacts would be less than significant.

Mitigation Measures

Mitigation Measure HAZ-1: Develop and Implement Soil and Groundwater Management Plan.

Prior to initiating ground-disturbing construction activities, the District will develop a Soil and Groundwater Management Plan, prepared by state registered hazardous waste investigation and remediation professionals. The plan will include a health and safety plan; emergency notification protocols; and handling and sampling procedures for site workers in accordance with OSHA and Santa Clara County Hazardous Materials Compliance Division requirements. The plan will describe protocols for offsite disposal of contaminated soils and disposal and/or treatment of contaminated groundwater. In addition, the plan will include coordination and notification protocols and requirements for any inadvertent releases of hazardous materials within the vicinity of any schools. Once complete and approved by the Santa Clara County Hazardous Materials Compliance Division, the plan will be incorporated in the construction specifications for the proposed project.

Significance After Mitigation

With implementation of **Mitigation Measure HAZ-1**, the District would be required to prepare and implement a soil and groundwater management plan. The plan would include a health and safety plan and protocols for appropriate disposal of contaminated soil or groundwater if encountered. Implementation of Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level.

Impact HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Less than Significant)

Construction Impacts

Construction of the proposed project would require the use of heavy equipment, including excavators, backhoes, bulldozers, graders, generators, and other equipment. Hazardous materials used by this equipment, such as oils, grease, or fuels, could accidentally spill during project construction. Construction equipment and vehicles would be stored at designated staging areas throughout for the duration of construction activities. However, accidental spills or improper use, storage, transport, or disposal of these hazardous materials could result in a public hazard. The release of hazardous materials, particularly during storm events, could also result in adverse effects on underlying soil and groundwater quality, or could result in adverse health effects to construction workers, the public, and environment.

As discussed in Section 3.8.2, “Regulatory Setting,” the handling, storage, and disposal of hazardous materials is subject to numerous regulations. In addition, as described in Section 3.9, *Hydrology and Water Quality*, the proposed project would obtain a NPDES Construction General Permit, which requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). Implementation of SWPPP measures and District BMPs HM-7, HM-8, HM-9, and HM-10 would further reduce this impact. These BMPs provide guidance on vehicle and equipment care and hazardous materials management. In combination, adherence to local, state, and federal hazardous materials regulations and implementation of District BMPs would minimize the potential for impacts related to accidental release of hazardous materials associated with transport, use, or disposal of hazardous materials. This impact would be less than significant.

Operational Impacts

As described in Impact HAZ-1 above, once construction is complete, maintenance activities would be similar to those that currently take place. New maintenance activities would involve occasional maintenance and repair of the floodwalls and headwalls, which may require use of hazardous materials. Similar to the construction phase, implementation of District BMPs HM-7, HM-8, HM-9, and HM-10 would minimize impacts pertinent to accidental release of hazardous materials. The operational impact would be less than significant.

Impact HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school (Less than Significant)

Construction Impacts

The Kirin Childcare and Learning Center, located at 255 Balboa Drive, is within 0.25 mile of the project area. This is a year-round facility that would be in session Monday through Friday while the construction is ongoing. No other schools are located within 0.25 mile of the project location. The Kirin Childcare and Learning Center is located approximately 400 feet east of Reaches 3 and 4 and the Milmont Drive bridge. Construction activities would occur during 2018-2019 and 2019-2020.

Construction activities would be temporary and would involve the use of construction trucks and equipment associated with installing floodwalls, constructing a wetland bench, relocating and raising levees, improving channel crossings, and revegetation. Hazardous materials used during construction would be limited to fuel associated with the equipment and would generally not involve substantial hazardous emissions of toxics that would be considered an acute health hazard. As described in Impact AQ-4 (in Section 3.3, *Air Quality*), health risks associated with construction air pollutant emissions would be less than significant. As described in Impact HAZ-2, the handling, storage, and disposal of hazardous materials would be subject to local, state, and federal regulations pertaining to hazardous materials. Construction activities would also be subject to District BMPs HM-7, HM-8, HM-9, and HM-10. While small quantities of hazardous materials could be released into the environment during project construction, these BMPs would ensure that the potential for exposing individuals at nearby schools to hazardous materials used during construction would be less than significant.

Operational Impacts

As described above, maintenance activities would be similar to those that currently take place with the exception of occasional maintenance and repair of the floodwalls and headwalls at the San Andreas Drive bridge. These maintenance activities could involve use of small quantities of hazardous materials. Similar to the construction phase, implementation of District BMPs HM-7, HM-8, HM-9, and HM-10 would ensure that the potential for exposing individuals at nearby schools to hazardous materials used during project operation would be less than significant.

Impact HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (No Impact)

Construction and Operational Impacts

There are no hazardous waste sites listed pursuant to California Government Code Section 65962.5 identified during searches of the EnviroStor database within the City of Milpitas, California; therefore, the proposed project is not located on a Cortese list site. Since the project site is not included on the Cortese list of hazardous materials sites compiled by DTSC in accordance with Government Code Section 65962.5, this criterion is not applicable and there would be no impact.

Impact HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, such that the project could result in a safety hazard for people residing or working in the project area (No Impact)

Construction and Operational Impacts

As described in Section 3.8.3 above, the project area is located more than 2 miles from an airport and would not involve construction of aboveground structures that could interfere with air traffic; therefore, impacts related to safety hazards in the vicinity of an airport are not applicable and there would be no impact.

Impact HAZ-6: Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (No Impact)

Construction and Operational Impacts

As described in Section 3.8.3, above, the Santa Clara County Operational Area Operations Plan does not include an adopted emergency response plan or emergency evacuation plan that specifies a specific emergency response or evacuation route within the project area. Therefore, this topic is not applicable to the proposed project and there would be no impact. Please refer to Section 3.13, *Transportation and Traffic*, for discussion regarding access for emergency vehicles.

Impact HAZ-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (Less than Significant)

Construction Impacts

CAL FIRE does not identify any high or very high hazards in the project area (CAL FIRE 2007, 2008). However, CAL FIRE and the California Fire Alliance identify Milpitas as a “fire-threatened community” (California Fire Alliance 2001).

The use of construction equipment and possible fuel storage could pose a potential wildfire risk. This risk is especially high when vegetation is being cleared and workers and machines are operating among vegetative fuels that can be flammable. Any piling of cleared vegetation could also become a fire fuel, which is considered a fire risk. Potential sources of ignition would include combustion engines, gasoline power tools and other equipment that produce a spark.

Implementation of BMP HM-12 would ensure that construction equipment is equipped with spark arrestors and that work crews have appropriate fire suppression equipment available when construction takes place during the high fire danger period. In addition, compliance with regulations within the Public Resources Codes (PRC), as described in Section 3.8.2 above, would also minimize the risk of wildfire hazards during project construction. Therefore, with implementation of BMP HM-12 and by complying with existing fire safety regulations, this impact would be less than significant.

Operational Impacts

With the exception of occasional repair and maintenance of the new floodwalls and headwalls, proposed maintenance activities are currently ongoing within the project area. Similar to the construction phase, use of equipment during maintenance activities could pose a potential wildfire risk especially in the vicinity of vegetative fuels. Implementation of BMP HM-12 would minimize potential fire risks and ensure that operational impacts associated with wildland fire hazards are less than significant.

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3.9 Hydrology and Water Quality

This section describes the proposed project's regulatory setting and affected environment with respect to hydrology and water quality. This section also describes the significance criteria and methodology used to evaluate impacts, and impacts of the proposed project as they relate to hydrology and water quality. Applicable District BMPs are identified and mitigation measures are proposed to reduce significant impacts. Primary data sources used to prepare this section are as follows:

- FEMA flood insurance rate maps;
- San Francisco Bay RWQCB's Water Quality Control Plan for the San Francisco Basin (Basin Plan) (San Francisco Bay RWQCB 2015a);
- DWR's Groundwater Bulletin 118, Santa Clara Valley Groundwater Basin (DWR 2004); and
- USGS Stream Stats interactive geographic information system (GIS) database (USGS 2015b).

3.9.1 Regulatory Setting

Federal Laws, Regulations, and Policies

Clean Water Act

The CWA is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The key references pertaining to water quality regulations for the proposed project are CWA Sections 303(d), 401, and 402.

Section 303(d)

Under CWA Section 303(d), states are required to identify "impaired water bodies" (those that do not meet established water quality standards), identify the pollutants causing the impairment, establish priority rankings for waters on the list, and develop a schedule for adopting control plans to improve water quality. USEPA then approves the state's recommended list of impaired waters or adds and/or removes waterbodies. Although Lower Penitencia Creek is not designated as impaired, water from the project area eventually flows into two impaired water bodies: Coyote Creek and South San Francisco Bay. The SWRCB currently lists diazinon and trash from storm runoff and illegal dumping as impairments to water quality for Coyote Creek (SWRCB 2012). Downstream of Coyote Creek, pesticides, metals, metalloids, organic compounds, and invasive species impair the water quality of South San Francisco Bay.

Section 401

CWA Section 401 requires an evaluation of water quality when a proposed activity could result in a discharge to waters of the U.S. In California, the SWRCB and its nine RWQCBs issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and its water quality control plan (also known as a basin plan), as discussed below under the heading "Porter-Cologne Water Quality Control Act." Activities

that might result in discharge to waters of the U.S. must obtain a Section 401 water quality certification to ensure that any such discharge would comply with the applicable provisions of the CWA. Section 401 water quality certifications for discharges in the project area are issued by the San Francisco Bay RWQCB.

Section 402

CWA Section 402 regulates construction-related stormwater discharges to surface waters through the NPDES program, which is administered by USEPA. In California, the USEPA has delegated its authority to the SWRCB; in turn, the SWRCB delegates implementation responsibility to the nine RWQCBs, as discussed below with regard to the Porter–Cologne Water Quality Control Act.

The NPDES program provides for both general permits (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. The SWRCB's Construction General Permit and Municipal Stormwater Permitting Program are described further in "State Laws, Regulations, and Policies" below.

State Laws, Regulations, and Policies

Porter–Cologne Water Quality Act

The 1969 Porter–Cologne Water Quality Control Act (known as the Porter–Cologne Act) dovetails with the CWA (see discussion above). It established the SWRCB and divided the state into nine regions, each overseen by its own RWQCB. The SWRCB is the primary state agency responsible for protecting the quality of the state's surface water and groundwater supplies; however, much of the SWRCB's daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA Sections 303(d), 401, and 402. In general, the SWRCB manages water rights and regulates statewide water quality, whereas the RWQCBs focus on water quality within their respective regions.

The Porter–Cologne Act requires that the RWQCBs develop water quality control plans (also known as basin plans) that designate beneficial uses of California's major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin Plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, Basin Plans must be updated every 3 years.

The project site traverses several hydrologic units (180500030204, 180500040701, and 180500041001) and is under the San Francisco Bay RWQCB's jurisdiction. The Water Quality Control Plan for the San Francisco Bay Basin (Region 2) (Basin Plan) establishes the following beneficial uses for Lower Penitencia Creek (RWQCB 2015a):

WARM: supports warm freshwater ecosystems;

WILD: supports wildlife habitats;

REC-1: provides recreational activities involving body contact; and

REC-2: provides recreational activities involving proximity to water but not necessarily body contact.

State Authority under CWA Section 402

General Permit for Construction Activities

Most construction projects that disturb 1 acre or more of land are required to obtain coverage under the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a SWPPP. The SWPPP must include a site map and a description of the proposed construction activities; demonstrate compliance with relevant local ordinances and regulations; and present a list of BMPs that would be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor and report on all construction-related activities to ensure that BMPs are implemented correctly and are effective in controlling the discharge of construction-related pollutants.

Municipal Stormwater Permitting Program

The SWRCB regulates stormwater discharges from municipal separate storm sewer systems (MS4s) through its Municipal Stormwater Permitting Program (San Francisco Bay RWQCB 2015b). Permits are issued under two phases, depending on the size of the urbanized area or municipality. Phase I MS4 permits are issued for medium (population between 100,000 and 250,000) and large (population of 250,000 or more) municipalities, and are often issued to a group of co-permittees within a metropolitan area. Phase I permits have been issued since 1990.

Several municipalities in the project area, including the Cities of Milpitas and San Jose, as well as the District and the County of Santa Clara, joined together to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (Santa Clara Permittees) under Order R2-2015-0049, NPDES Permit No. CAS612008 (San Francisco Bay RWQCB 2015b). The permit allows discharge of stormwater runoff from storm drains and watercourses and was renewed in November 2015 (San Francisco Bay RWQCB 2015b). The MS4 permit requires permittees including the District to implement appropriate BMPs at road repair and/or maintenance sites to minimize debris and waste materials from entering surface waterways during road installation, repaving, or routine repair and maintenance activities of streets and roads. Specifically, the MS4 permit requires proper management of concrete slurry and wastewater, asphalt, pavement cutting, and other street and road maintenance materials and wastewater to avoid discharge to storm drains from these types of work sites. The MS4 permit also requires sweeping and/or vacuuming to remove debris, concrete, or sediment residue from work areas after construction is completed.

The MS4 permit includes provision C.3, which addresses stormwater runoff pollutant discharges and is intended to prevent increases in runoff flows from new development and redevelopment projects. This provision contains goals and requirements including appropriate source control, site design, and stormwater treatment measures for new development and redevelopment projects. According to Provision C.3, redevelopment projects include projects that create and/or replace 10,000 square feet or more of impervious

surface throughout a project site including commercial, industrial, residential, mixed use, and public projects.

3.9.2 Environmental Setting

Watershed

The Lower Penitencia Creek Watershed covers an area of 28.5 square miles east and south of the project area and is a sub-watershed within the much larger Coyote Creek Watershed (347 square miles) (USGS 2015b). Much of the upper Lower Penitencia Creek Watershed is undeveloped lands consisting mostly of hillslopes in the western portion of the Diablo Range. Closer to the project area, the lower watershed becomes more urbanized where runoff from impervious areas moves quickly through the storm drain system to the Lower Penitencia Creek channel. Two major tributaries flow into Lower Penitencia Creek: Penitencia East Channel, and Lower Berryessa Creek, which is just north of San Andreas Drive. Berryessa Creek is the larger of the two tributaries and conveys flows originating from the Diablo Range. The Berryessa Creek sub-watershed accounts for nearly 75 percent of the total area of the Lower Penitencia Watershed (USGS 2015b).

Topography and Climate

The Lower Penitencia Creek Watershed extends from the western slopes of the Diablo Range (maximum elevation of 2,593 feet above mean sea level [amsl]) westward to its confluence with Coyote Creek (at sea level) (USGS 2015b). The proposed project encompasses the downstream portion of Lower Penitencia Creek, extending from its confluence with Lower Berryessa Creek to its confluence with Coyote Creek (see Figure 2-3). Lower Penitencia Creek flows through the baylands margin of the northern Santa Clara Valley and the residential and commercial areas of Milpitas. Elevations within the project area range from sea level to roughly 20 feet amsl at San Andreas Drive (USGS 2015b). In the project vicinity, the topography of lands on either side of the creek is relatively flat, with many areas below the adjacent top-of-levee elevation.

Similar to other areas of the Santa Clara Valley, the City of Milpitas experiences a Mediterranean climate, with warm, dry summers and cool, wet winters. Average temperatures reach highs near 80°F in the summer months and lows near 42°F during the winter months (Western Regional Climate Center [WRCC] 2015a and 2015b). Most precipitation generally occurs from October to April, with the months of May to September remaining fairly dry. Precipitation amounts vary depending on the location within the watershed, with an average annual total of about 20 inches in the higher elevations of the upper watershed and totals of approximately 12.4 inches over the valley floor, including the project area (WRCC 2015).

Surface Water Hydrology and Quality

Lower Penitencia Creek flows underground through the City of Milpitas until daylighting at Montague Expressway, where it then flows northward in a single-stage, engineered trapezoidal channel. The creek flows approximately 4.1 miles before emptying into the lower portion of Coyote Creek just west of the I-880 crossing. Coyote Creek continues westward approximately 0.2 mile before draining into Coyote Slough and South San Francisco Bay (San Francisco Bay RWQCB 2015; USGS 2015b). Lower Penitencia Creek maintains perennial

flows, with residential irrigation and urban runoff likely contributing most of the flow within the upstream portions during the dry season. Moving downstream, the lower portions of the creek experience a tidal regime. Lower Penitencia Creek is tidally influenced from Coyote Creek upstream to Marilyn Drive (approximately 9,000 feet upstream from Coyote Creek) the entirety of the project area is tidally influenced.

Water quality within the project area is greatly influenced by a semi-diurnal tidal cycle. As such, suspended fine particles of silts and clays substantially increase the turbidity of the water. The high volume of suspended sediment and low energy environment result in sediment deposition within Lower Penitencia Creek and the project area. To minimize the flood hazard, this portion of the creek undergoes periodic sediment removal when accumulated sediment reduces the channel conveyance capacity. Routine sediment removal activities are covered under the District's SMP Manual (SCVWD 2014), which outlines procedural steps and safeguards to maintain water quality during maintenance activities.

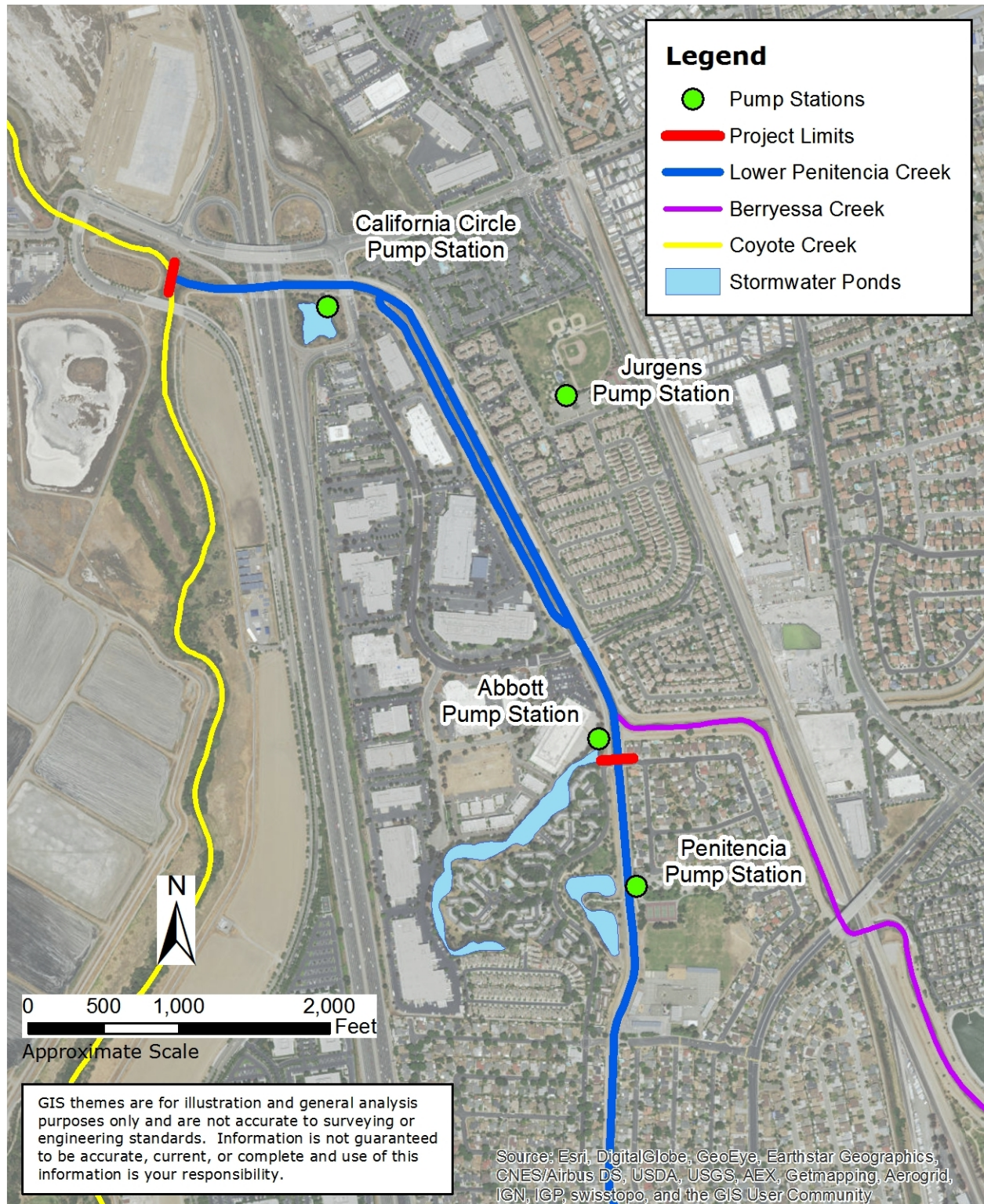
As discussed in Section 3.9.2, "Regulatory Setting," Lower Penitencia Creek is not listed on the CWA 303(d) List of Impaired Water Bodies (SWRCB 2012). However, pollutants can be carried downstream and affect receiving waterbodies. Lower Penitencia Creek flows into the lower portions of Coyote Creek, which is listed for diazinon and trash from stormwater runoff and illegal dumping. Non-point-source pollution and trash from adjacent residential and commercial development may enter waterways during storm events.

Stormwater

The City of Milpitas maintains a dedicated storm drain system that comprises a network of surface street gutters, open drainage channels, and underground pipes. Stormwater is directed generally toward the northwest, where it discharges into South San Francisco Bay. Several pumping facilities are needed to move stormwater near San Francisco Bay. The District manages most of the City of Milpitas' major drainage channels, including Arroyo de los Coches, Berryessa Creek, Calera Creek, Coyote Creek, Piedmont Creek, Tularcitos Creek, and Lower Penitencia Creek (City of Milpitas 2013). All of the City of Milpitas stormwater runoff eventually drains to Coyote Creek. The City of Milpitas also utilizes detention basins (for temporary storage) and retention basins (storage for an indefinite period) to help reduce peak flows and mitigate the potential for flooding of downstream channels.

In the project area, Lower Penitencia Creek receives stormwater flows at three locations: on the left (south) bank in Reach 2 near California Circle; on the right (east) bank in Reach 3 near Terra Mesa Way; and on the left (west) bank near San Andreas Drive in Reach 4. **Figure 3.9-1** shows the locations of pump stations in the project vicinity.

West of the channel, stormwater is collected in two lagoons and pumped into Lower Penitencia Creek. The smaller of the two lagoons is situated between North Abbott Avenue and Fairview Way, with the pump outfall to the channel approximately 200 feet north of the San Andreas Drive bridge (Reach 4). The larger lagoon (2.5 acres) is located at the intersection of Dixon Landing Road and I-880 and collects runoff from I-880 and a 260-acre industrial park. The excess water is pumped into Lower Penitencia Creek near the top of the left (south) levee via three 28-inch-diameter pipes at the downstream side of California Circle (in Reach 2) (City of Milpitas 2013). During flooding events where the creek overtops the left (west) bank, I-880 effectively dams the floodwaters (City of Milpitas 2013).



Source: SCVWD 2016

Figure 3.9-1.
Pump Stations in the Project Vicinity

Prepared by:



**Lower Penitencia Creek
Improvements Project**

East of the project area, stormwater within the northeastern portion of Milpitas (approximately 0.75 square mile) is directed and drained to Dixon Landing Park and Jurgens Pump Station (City of Milpitas 2013). From there, stormwater from Dixon Landing Park is pumped through a force main to an outfall on the right (east) bank of Lower Penitencia Creek near the end of Terra Mesa Way (in Reach 3). The Jurgens Pump Station basin is entirely enclosed, with no hydrologic connection to a natural creek or drainage channel.

Groundwater Quantity and Quality

The project site overlies the Santa Clara Subbasin, which is within the Santa Clara Valley Groundwater Basin (DWR Groundwater Basin Number 2-9.02), near the boundary of the Niles Cone Subbasin (DWR Groundwater Basin Number 2-9.01). The Santa Clara Valley Groundwater Basin, Santa Clara Subbasin, stretches from the northern border of Santa Clara County south to the Town of Morgan Hill, and from the Diablo Range west to the Santa Clara Mountains, for a total surface area of 240 square miles (DWR 2004). Unconsolidated to semi-consolidated Pliocene- to Holocene-age gravel, sand, silt, and clay from converging alluvial fans is the predominant water-bearing unit (DWR 2004). The local geology and soils underlying the project site are described in Section 3.6, *Geology, Soils, and Seismicity*. The Santa Clara Subbasin is largely unconfined except in the northern portion, where a semipermeable clay layer creates a confined zone (SCVWD 2012). The project site lies near the transition from a confined to an unconfined aquifer.

Because groundwater provides nearly half of the water supply for Santa Clara County and the District is responsible for groundwater management of the Santa Clara and Llagas Subbasins, the District maintains an extensive groundwater monitoring program to track aquifer quantity and quality. The District's *Groundwater Management Plan* (2012) outlines basin management objectives, strategies, and programs. Through widespread management of withdrawals, recharge, and deliveries from the State Water Project and Central Valley Project, groundwater levels within the Santa Clara Subbasin have increased since the early 1960s to reach sustainable levels despite a growing service area and population size. In addition, analysis of water samples taken in 2014 from more than 200 domestic water supply wells and more than 250 wells owned by local suppliers confirmed water quality within the Santa Clara Subbasin to be high (SCVWD 2015). Nitrates from fertilizer, leaking septic systems, and livestock waste affected groundwater quality in some samples, especially in rural or agricultural areas. Erosion of naturally occurring metals, such as nickel, aluminum, and chromium-6, were also detected within some samples, but all concentrations were lower than Maximum Contaminant Levels (MCLs) established for drinking water standards (SCVWD 2015).

Within the project area, groundwater levels are expected to be near the surface. According to the SWRCB, groundwater levels may range between 4 and 20 feet bgs (SWRCB 2016) and generally flow west-northwest toward San Francisco Bay. Groundwater levels may fluctuate in response to the tides, variations in rainfall, and the time of year. A review of the SWRCB Geotracker database indicated several past occurrences of groundwater contamination within 1,000 feet the project area, but all of these had minimal potential to affect water quality within the project area (SWRCB 2016). For additional discussion regarding groundwater contamination in the project vicinity, refer to Section 3.8, *Hazards and Hazardous Materials*.

Floodplains

FEMA produces flood insurance rate maps that identify special flood hazard areas. The maps further classify these areas into zones that broadly characterize the potential risk of an area being inundated by a 100- or 500-year flood in any given year. The expressions “100-year flood” and “500-year flood” are shorthand for a flood that has either a 1-in-100 probability (a 1 percent annual chance) or a 1-in-500 probability (a 0.2 percent annual chance) of occurring in any given year. According to the applicable FEMA flood insurance rate maps (06001C0608G and 06085C0058J) and shown in **Figure 3.9-2**, nearly all of the proposed project area is located within the 100-year floodplain (FEMA 2009). The entire system west and downstream of the proposed project is within the Lower Penitencia Creek 100-year floodplain.

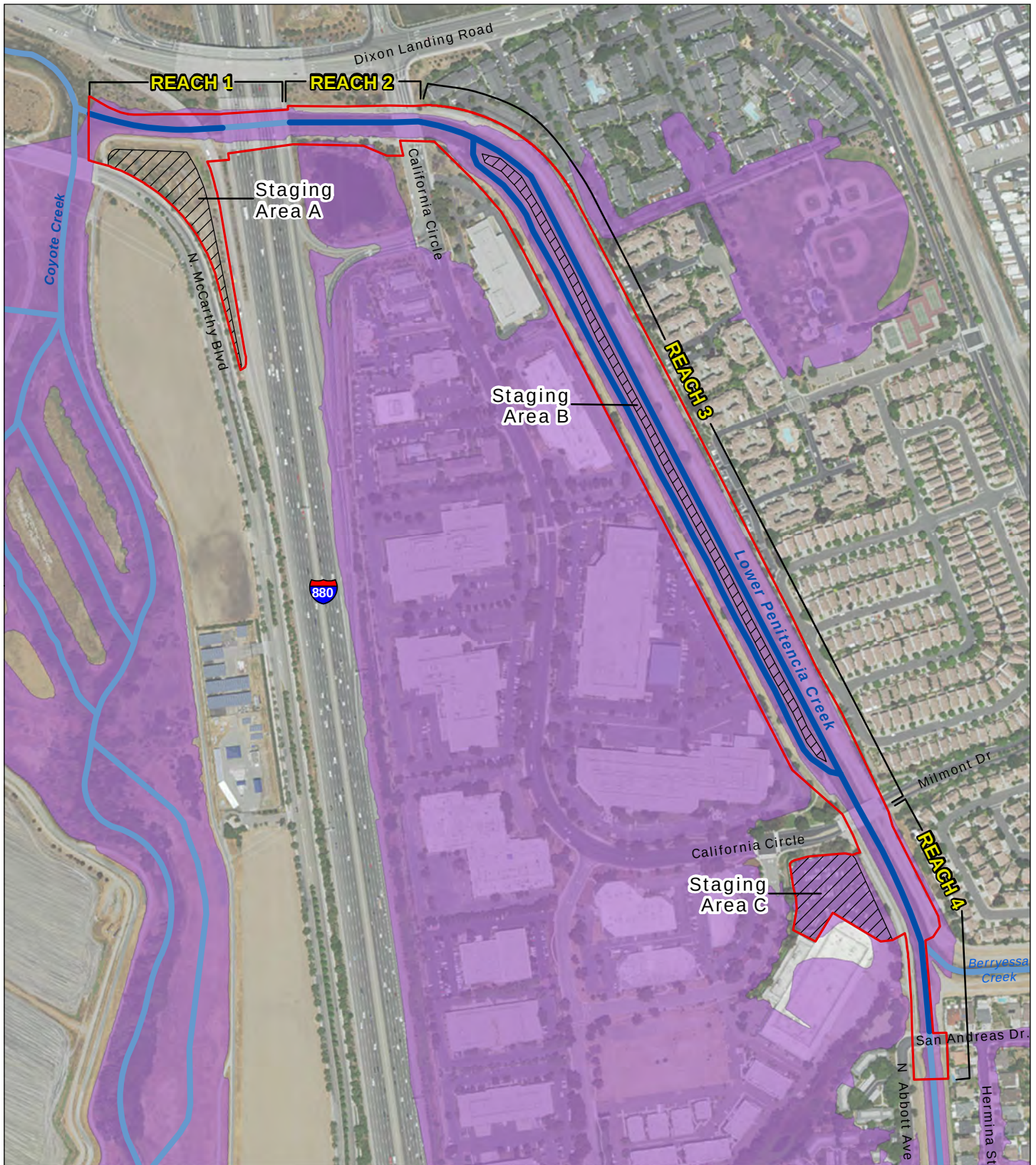
Earthen and concrete levees line much of the downstream portions of Lower Penitencia Creek. The east levee between California Circle and Berryessa Creek (Reaches 3 and 4) is FEMA certified. Within the project area, the existing levees were designed to accommodate flows of up to 4,830 cfs (100-year design discharge). Failure of these levees might result in flooding of a portion of the Milpitas community. As discussed in Chapter 2, *Project Description*, USACE’s Upper Berryessa Creek Flood Risk Management Project and the District’s Lower Berryessa Creek Flood Protection Project would increase the 1-percent flow in Lower Penitencia Creek to 6,900 cfs. Following completion of these two projects, the capacity of Lower Penitencia Creek would be inadequate to convey the 100-year design discharge. During 100-year flood events, waters would overtop the levees and flood the adjacent neighborhoods.

Anderson and Coyote Reservoirs are located on Coyote Creek about 33 miles and 40 miles upstream from the Lower Penitencia Creek confluence, respectively.. ABAG hazard mapping (1995) predicts that isolated failure of one of two separate dams might temporarily inundate the project area along Lower Penitencia Creek.

Tsunamis, Seiches, and Sea-Level Rise

A tsunami is a series of long waves commonly caused by earthquakes or large landslides beneath the ocean. A tsunami can travel extremely quickly and can be substantially greater in height than normal waves, thereby causing flooding of inland areas. Several historic tsunamis have been recorded in San Francisco Bay, often originating from large earthquakes near Washington, Alaska, Japan, or other Pacific Rim areas. Since local bathymetry greatly influences the size of a tsunami, the effects on the Bay Area would not be uniform. For shoreline areas south of the Dumbarton Bridge/State Route 84, most tsunami impacts would be relatively minor, with flooding occurring only in some low-lying estuaries bordering South San Francisco Bay (NOAA 2010). The project area is located approximately 5.2 miles east of South San Francisco Bay and approximately 2 miles outside of any identified tsunami hazard areas (Cal EMA 2009).

A seiche is a standing wave in an enclosed or partially enclosed body of water, such as a lake, bay, or estuary, which oscillates back and forth from one side of the waterbody to the other. The motion of a seiche is similar to that of water sloshing back and forth between the walls of a swimming pool. Seiches can be caused by earthquakes, tsunamis, very strong winds, and severe storm fronts. Even during a large seismic event, a seiche is not likely to affect the South San Francisco Bay region or the Lower Penitencia Creek channel.



0 100 200 400
Feet

Prepared by:



FEMA 100-year Flood Zone

Lower Penitencia Creek
Project Reaches

Creeks

Project Boundary

Staging Area

**Figure 3.9-2
Local Hydrology and
Flood Hazard Areas**

**Lower Penitencia Creek
Improvements Project**

During the last century, rising global temperatures caused land ice to melt and ocean waters to expand, increasing the elevation of mean sea level (msl). Along the California coast, measured msl has risen at a rate similar to the global estimates of about 17-20 centimeters (cm) per year (CEC 2009). With rising msl, coastal areas become more vulnerable to extreme high tides, storm surges, coastal erosion, loss of wetlands, and shoreline retreat. Although projected msl increases in California vary depending on model scenario and exact location, estimates of increases in msl south of Cape Mendocino are predicted to be in the range of 12-61 cm per year (CEC 2009; National Academy of Sciences 2012). With extensive urban development along the coastal areas surrounding San Francisco Bay, a substantial rise in msl may dramatically affect much of the existing infrastructure, including transportation (e.g., harbors/ports, roadways, airports), energy facilities, wastewater and stormwater treatment facilities, residential/ commercial/industrial buildings, and recreation corridors. NOAA and the Pacific Institute created a series of maps showing areas that would be vulnerable to projected sea level rise of varying degrees. An estimated sea-level rise scenario of 55 inches (1.4 meters) in 50 years shows overtopping or potential flooding outside of both levees in the project area during 100-year flood events under the existing channel conditions without the proposed project (NOAA 2016; Pacific Institute 2009).

3.9.3 Impact Analysis

Methodology

The methods used to evaluate the environmental impacts of the proposed project on hydrology and water quality involved a review of reports and publications pertaining to hydrology and water quality as provided in the section overview above.

Impacts on hydrologic conditions were evaluated based on how the proposed project could affect hydrologic functions by comparing baseline conditions to anticipated conditions with construction and operation of the proposed project.

Impacts on water quality from the proposed project were assessed qualitatively, based on the degree to which the proposed project could result in violations of water quality standards or impairment of beneficial uses. The beneficial uses established by the San Francisco Bay RWQCB and the requirements set in the applicable NPDES permits were used for the impact analysis.

Flood hazards were assessed by comparing the project site to the identified 100-year floodplain and conducting a qualitative evaluation of the ability of proposed project activities to affect flood hazards by constructing facilities in a floodplain or altering drainage patterns or flow quantities. Tsunami, mudflow, and seiche impacts were evaluated by identifying the project's proximity to defined tsunami hazard areas, reviewing the topography of the project site and the surrounding area, determining the project's proximity to large waterbodies, and qualitatively evaluating the project's likelihood of affecting the probability or occurrence of these hazards or probable risks to human life or property.

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements;
- Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on or off site;
- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place structures within a 100-year flood hazard area that would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Inundation by seiche, tsunami, or mudflow.

Impact Summary

Table 3.9-1 summarizes hydrology and water quality impacts of the proposed project.

Table 3.9-1. Summary of Impacts Hydrology and Water Quality

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
HYD-1: Violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality	LS	None	LS
HYD-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table	LS	None	LS

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)			
HYD-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, or siltation on- or off-site	LS	None	LS
HYD-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site	LS	None	LS
HYD-5: 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	NILS	None	NILS
HYD-6: Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place structures within a 100-year flood hazard area structures which would impede or redirect flood flows	NI	None	NI
HYD-7: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam	B	None	B
HYD-8: Inundation by seiche, tsunami, or mudflow	NI	None	NI

B = Beneficial; NI = No Impact; LS = Less than Significant

Environmental Impacts

Impact HYD-1: Violate any water quality standards or waste discharge requirements; or otherwise substantially degrade water quality (Less than Significant)

Construction Impacts

Construction and earth-moving activities adjacent to and within the Lower Penitencia Creek channel could affect water quality and thereby result in adverse effects on beneficial uses identified by the San Francisco Bay RWQCB. More specifically, construction activities that would disturb channel bank and bed material (e.g., construction of the vegetated bench in

Reach 1 and dewatering) could cause erosion and sediment transport downstream. Increased suspended sediment loads could increase turbidity, water temperature, and dissolved oxygen. Construction activities and use of equipment adjacent to and within the channel (e.g., at Staging Area B) could also lead to the unintentional release of construction debris, fuels, lubricants, solvents, or other pollutants into the channel. Additionally, disturbance of deposited sediments or fill soils may contain contaminants or hazardous materials that may affect water quality of Lower Penitencia Creek or receiving waterbodies (i.e., Coyote Creek and San Francisco Bay). The following proposed project elements would have potential to affect water quality: construction of the new headwalls at the San Andreas Drive bridge; construction of the new replacement levee and wetland bench in Reach 1; construction of sheet pile floodwalls in Reaches 1, 2, 3, and 4; and dewatering activities that would occur throughout Reaches 1, 2, and 4, and potentially in Reach 3 (if Staging Area B is used). Additional discussion about construction activities that could result in water quality impacts is provided below.

Water Discharges

In-channel construction work for the proposed project would likely occur between mid-June and mid-October when channel flow is lowest. However, the semi-diurnal tidal cycle would necessitate dewatering of the creek channel including approximately 800 feet in Reach 1, 500 feet in Reach 2, and 800 feet in Reach 4. If Staging Area B is utilized, short sections of the secondary channel in Reach 3 would also require dewatering near the northern and southern concrete ramps that provide access to the central berm. Additionally, depending on the layout of equipment needed to construct floodwalls on the south bank of Reach 2 and both banks of Reach 3, it may be necessary to dewater the entire length of Reaches 2 and 3 during construction of the floodwalls. In total, between 2,100 feet and 5,100 linear feet of channel would be dewatered. As discussed in Chapter 2, construction activities would be phased and only a portion of the channel would be dewatered at a given time within a four-month period. All water in the dewatered areas would be removed and creek flows and runoff would be diverted around the work areas using water-tight coffer dams located at the upstream and downstream ends of the construction areas. Diversion of creek and runoff water would only occur during the summer dry season (June 15 through October 15). Discharge of sediment-laden water (water that contains high concentrations of suspended solids or high turbidity) could affect water quality in the channels and downstream receiving waters. The District would implement BMP WQ-7 to isolate construction areas from tides and water flows that could entrain pollutants and BMP WQ-15 to ensure that the diverted water would meet water quality standards and not degrade water quality or substantially increase turbidity of the downstream receiving waters. In addition, BMP WQ-6 would be implemented to prevent contact between creek water and freshly poured concrete, which can adversely affect water quality. BMPs HM-7 and HM-8 would prohibit vehicle and equipment cleaning, servicing, or maintenance within the creek channel and HM-9 would ensure proper handling of hazardous materials to protect water quality. Impacts to water quality would be less than significant.

Soil Discharges

Even though construction would take place during the dry season, an intense wind or rain event or tidal ebb and flow could result in substantial soil erosion. Pollutants from operating equipment could also accidentally be released into the channel.

The proposed project would be required to comply with applicable water quality permits such as the NPDES Construction General Permit. As part of compliance with the Construction

General Permit, a SWPPP would be prepared to prevent polluted dewatered surface water or groundwater from being discharged into other waterbodies. The SWPPP would include appropriate erosion control, spill prevention, and other construction BMPs. The District's Best Management Practices Handbook includes many BMPs that are intended to prevent and control erosion and sediment transport as well as accidental release of pollutants. District BMPs AQ-1, BI-3, WQ-4, WQ-5, WQ-9, WQ-10, and WQ-16 would be implemented to minimize the potential for soil erosion at construction areas, and promote stabilization and revegetation of disturbed areas after construction is complete. These BMPs would be incorporated into the proposed project's SWPPP. By limiting in-water construction activities to the dry season, complying with the project's Construction General Permit, and implementing the above-listed BMPs, adverse effects of soil discharges on water quality would be less than significant.

Operational Impacts

During project operation and similar to current practice, maintenance activities would involve vegetation management, trash and debris removal, maintenance road grading, fence repair, graffiti removal, wildlife conflict management, bank stabilization, sediment removal, and other activities that are covered under the SMP and programmatic permits issued for SMP activities extending through 2023 (SCVWD 2014a). In accordance with the MS4 permit, the District would implement appropriate BMPs at the District's maintenance road repair sites to minimize debris and waste materials from entering surface waterways during routine maintenance road repair activities. New maintenance activities would entail periodic maintenance and repair of the floodwalls and headwalls, which may involve some in-channel work. Similar to the construction phase, implementation of BMPs AQ-1, BI-3, HM-7, HM-8, HM-9, HM-10, WQ-1, WQ-4, WQ-6, WQ-11, WQ-15, and WQ-16 would minimize adverse water quality effects. As such, operational effects on water quality would be less than significant.

Impact HYD-2: Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (Less than Significant)

Construction Impacts

As discussed in Section 3.9.2, "Environmental Setting" above, due to the close proximity to San Francisco Bay and the perennial nature of Lower Penitencia Creek within the project area, groundwater is shallow, (i.e., between 4 and 20 feet bgs [SWRCB 2016]). Construction activities that involve excavation would likely encounter groundwater resources, and dewatering would be required.

Given that dewatering activities would be temporary in nature, occur in a phased manner by channel reach, and would occur only during dry-season months (mid-June to mid-October), adverse effects on groundwater levels would be less than significant.

Operational Impacts

Proposed maintenance activities described in Chapter 2, *Project Description*, would be similar to ongoing activities that are conducted through the District's SMP. New maintenance

activities, which include periodic maintenance and repair of the floodwalls and headwalls, would occur on an infrequent, as-needed basis. Such activities are not anticipated to require groundwater dewatering. Therefore, there would be no new operational impacts on groundwater recharge.

Impact HYD-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (Less than Significant)

Construction Impacts

Project construction activities are not expected to substantially alter existing drainage patterns. During the construction phase, on-site drainage would continue to flow towards Lower Penitencia Creek. As discussed in Impact HYD-1, during construction activities, instream dewatering would occur in portions of the project area. This work would be temporary and all temporary diversions would be removed following project completion. Furthermore, District BMPs, such as BMP BI-3, BMP WQ-4, BMP WQ-5, BMP WQ-6, and BMP WQ-8, would limit temporary changes to existing drainage patterns and surface runoff. These BMPs would minimize effects on drainage patterns by ensuring proper removal of temporary diversion structures or cofferdams after work is complete, staging equipment and construction materials away from the channel, stabilizing construction entrances and exits with geotextile mats, isolating concrete near waterways, and minimizing use of hardscape in bank protection designs.

Operational Impacts

Lower Penitencia Creek tends to be highly depositional from the confluence of Lower Berryessa Creek downstream to the confluence with Coyote Creek. Under existing conditions, the project area requires routine sediment removal to maintain channel capacity. Sediment was most recently removed from the project area in 2015 (SCVWD 2016). In 2015, approximately 33,300 cy of sediment was removed from Reaches 2, 3, and 4. The depositional nature of this portion of Lower Penitencia Creek is to be expected based on its position within the lower watershed, low elevation gradient, and tidal influence.

Following completion of the Lower and Upper Berryessa Creek projects, the estimated 1-percent (100-year) design discharge for Lower Penitencia Creek at its confluence with Coyote Creek would increase from the current 4,830 cfs to an estimated 6,900 cfs (SCVWD 2016). The proposed project would contain the 100-year event within the channel without overtopping of banks, thereby increasing the amount of water conveyed within the channel. This increased volume of water may increase sediment transport during large stormflows. Despite an increase of suspended and bed sediment carried downstream during infrequent high flow events, overall sedimentation would be controlled by the more common lower flows and daily tidal ebb and flood. The low channel gradient and tidal influence in Lower Penitencia Creek would continue to result in a depositional environment within the project area. However, the proposed project would restore the in-channel floodplain and increase the cross-sectional area of the channel within Reach 1; thereby increasing sediment storage capacity. In addition, as described in Chapter 2, the proposed project, by increasing flow conveyance capacity in the channel, would reduce the degree and frequency of routine sediment removal in the channel. For these reasons, the project would not substantially alter

drainage patterns such that substantial changes in on- or off-site erosion and siltation would occur. This impact would be less than significant.

Impact HYD-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site (Less than Significant)

Construction Impacts

As discussed in Impact HYD-3, construction of the proposed project would not result in substantial alteration of drainage patterns or increased runoff. During construction activities, instream dewatering would occur in portions of the project area, as discussed in Impact HYD-1. Dewatering would temporarily divert creek and tidal waters from portions of the creek channel under active construction during the summer dry season (June 15 through October 15). This work would be temporary and all temporary diversions would be removed following project completion. Furthermore, District BMPs, such as BMP BI-3, BMP WQ-4, and BMP WQ-5, would limit temporary changes to existing drainage patterns and surface runoff. These BMPs would minimize effects on drainage patterns by ensuring proper removal of temporary diversion structures or cofferdams after work is complete, and staging equipment and construction materials away from the channels. As such, impacts on existing drainage patterns during project construction would be less than significant.

Operational Impacts

The purpose of the proposed project is to accommodate other channel capacity projects upstream of the project area. Under current conditions, the estimated 100-year design discharge for Lower Penitencia Creek at its confluence with Coyote Creek is 4,830 cfs. As described in Chapter 2, *Project Description*, after completion of the Lower and Upper Berryessa Creek projects, the estimated 100-year discharge will increase to 6,900 cfs.

As described in Impact HYD-3, the proposed project would relocate and raise the levee in Reach 1, raise the levee in Reach 4, construct sheet pile floodwalls, and construct new headwalls on the San Andreas Drive bridge. Collectively, these improvements would adequately convey the increased flows from the upstream channel improvement projects. All other project elements would be designed to accommodate a 100-year design discharge of 6,900 cfs. The new floodwalls would be designed to accommodate the ultimate 8,700 cfs flow. This would avoid flooding of developed areas adjacent to the project area during 100-year flood discharge and would extend flood protection benefits downstream to the Coyote Creek/Lower Penitencia Creek confluence. The proposed project would maintain the FEMA certification of the Lower Penitencia Creek east levee, located between California Circle and the Lower Berryessa Creek confluence. The Lower Penitencia Creek channel passing under the two Caltrans bridges across Lower Penitencia Creek (I-880 and I-880 southbound ramps) has existing flow conveyance capacity to convey the 100-year flow. After construction of the proposed project, the creek would continue to have capacity to convey the 100-year flow without overtopping of the creek banks at the two Caltrans bridges. The project would not increase flood hazards to the Caltrans bridges. Based on a hydraulic analysis completed for the proposed project, hydrologic modeling was performed to determine the peak flow rates on Coyote and Lower Penitencia Creek during a 100-year event. According to the analysis used for determining the 1-percent water surface profile on which the project design is based,

flow capacity of Coyote Creek (downstream of the project area) was found to be adequate to convey the combined flows during the 100-year event while maintaining freeboard (Zedler, pers. comm., 2017). The project would not increase flood hazards to areas downstream of the Lower Penitencia Creek/Coyote Creek confluence.

The proposed project would be beneficial by providing flood protection for Milpitas residents and businesses adjacent to the creek. Therefore, this impact would be less than significant.

Impact HYD-5: Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Less than Significant)

Construction and Operation Impacts

The proposed project would not introduce substantial new impervious surfaces that would result in or contribute to increased runoff such that the capacity of the City's existing stormwater drainage system would be exceeded. Although project construction would modify more than 10,000 sf of maintenance roads, changes in the amount of impervious surface area would be minor. After project construction is complete, the top-of-bank maintenance roads in Reaches 2, 3, and 4 of the Lower Penitencia Creek channel would be similar to existing maintenance roads in length, and surfacing materials. Because the Reach 2 floodwall would displace the existing paved access driveway to the City of Milpitas pump station located south of Reach 2, a new driveway connecting to California Circle would be built. The new drive would be surfaced with permeable aggregate base.

In portions of Reaches 3 and 4, some sections of the existing maintenance roads/trails on the levee crests would be widened by ~~two~~ up to four feet to extend to the base of the newly installed floodwalls, which would result in a minor increase in road surface area. Road/trail widths would increase from the current width of 10 feet to 14 feet. The road, including the widened areas, would be surfaced with permeable aggregate, which would be similar to the existing road surface. In Reach 4, existing roads/trails paved with concrete on the east levee would be replaced with roads/trails surfaced with permeable aggregate base rock. In Reaches 1 through 3, a total of 7,742 square feet of impervious surfaces would be created through widening of maintenance roads/trails paved with asphaltic concrete. In Reach 4, a total of 1,112 square feet of existing roads/trails paved with asphaltic concrete would be replaced with aggregate base. As a result, the project would result in a net increase of 6,630 square feet of new impervious surfaces.

~~The existing depressed maintenance road in Reach 3 would not be modified. The existing levee crest maintenance road would be removed when the levee is demolished and replaced by a new maintenance road on the crest of the newly constructed setback levee. The new levee crest road would be surfaced with compacted aggregate, similar to the road it would replace. Overall, post-construction maintenance roads would similar in area and surface materials as the existing channel maintenance roads.~~

~~The proposed headwalls on the San Andreas Drive Bridge would be located on the bridge deck, an existing impervious surface. The headwalls would not result in increased impervious surface area and would not affect runoff rates.~~

The project floodwalls would be composed of coated steel and would be impervious. The proposed project would include about 7,000 linear ft. of floodwalls, topped by a 1 ft. wide coated steel cap. The total impervious surface area would be about 7,000 sf (0.16 ac), which would represent less than one percent of the total project area of 25.47 acres. That change would not substantially affect storm runoff rates. The floodwalls would be located at or near the crests of existing levees, which serve as existing local runoff divides; thus, they would not change runoff flow directions from existing conditions.

The proposed project would not substantially increase the number of impervious surfaces at the project site or otherwise substantially affect stormwater runoff rates or volumes. After construction, storm runoff from the project area would not exceed the capacity of existing stormwater drainage systems. The proposed project would not generate new sources of polluted runoff. After project construction is complete, the top of bank maintenance roads in Reaches 2, 3, and 4 of the Lower Penitencia Creek channel would be similar to existing maintenance roads in length, and surfacing materials. In portions of Reaches 3 and 4, some section of the existing maintenance roads on the levee crests would be widened by two to four feet to extend to the base of the newly installed floodwalls, which would result in a minor increase in road surface area.

The proposed project would include resurfacing or widening of over 10,000 square feet of the District's existing maintenance roads and the District would be required to comply with Provision C.3. of the Municipal Regional Permit, which encourages source control measures that limit pollutant generation, discharge and runoff (e.g., bioswales, bioretention units, and other low impact development options). Although this project is not subject to the source control, site design, and stormwater requirements pursuant to the Municipal Regional Stormwater Permit (NPDES No. CAS612008), the design of the proposed project would be consistent with the policies contained in the Municipal Regional Permit by minimizing runoff generation, promoting infiltration of storm water, and using vegetated areas to filter pollutants from the storm water before it enters the creek. The project would minimize generation of stormwater by surfacing new and existing roads with permeable material wherever possible and removing existing impervious pavement where possible. The maintenance roads in Reaches 1 and 3 would have cross-slopes directing stormwater runoff from the roads to vegetated areas on the banks of the creek, including the wetlands bench and transitional vegetated areas in Reach 1. This would promote infiltration of stormwater into the soil. The vegetated areas receiving stormwater would filter sediment and other pollutants from the stormwater, reducing the amount of pollutants reaching the creek channel. Additionally, the project design would include landscaping consistent with the guidelines referenced in section C.3.a.i(8) of the Municipal Regional Permit. Revegetation at the project area would use native plants that are adopted to the local climate. No irrigation systems would be installed and artificial watering would be limited to the minimum necessary to establish the plants. After the establishment period is complete, no irrigation or artificial watering would be required. Compliance with applicable provisions in the The project would be furthering stormwater policies in the Municipal Regional Permit and prevent stormwater pollution; therefore would ensure that this impact would be less than significant.

Impact HYD-6: Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place within a 100-year flood hazard area structures which would impede or redirect flood flows (No Impact)

Construction and Operation Impacts

The proposed project would not include the construction or modification of any homes in a flood hazard area; therefore, the criterion regarding placement of housing within the flood hazard area does not apply to the proposed project and is not discussed further.

During construction, coffer dams would be temporarily installed within the channel to divert flows around the construction work areas. If Staging Area B is utilized, the staging of equipment and materials would also occur within the 100-year flood hazard area. However, because construction activities would take place during the summer months when flood hazards are low, temporary use of cofferdams and staging of equipment and materials in Staging Area B are not anticipated to impede or redirect flood flows. In the long-term, the project would involve placement of new structures within the 100-year flood hazard area (e.g., new levee, wetland bench, and floodwalls). However, because the purpose of the proposed project is to improve flood protection and because the new structures would be designed to accommodate 100-year flood flows, the proposed project would not be expected to impede or redirect those flows.

Impact HYD-7: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam (Beneficial)

Construction and Operation Impacts

Anderson and Coyote Reservoirs are located on Coyote Creek about 33 and 40 miles upstream of the Lower Penitencia Creek confluence. Failure of either or both of these dams could result in severe short-term flooding of Coyote Creek (ABAG 1995). However, due to the distance from the project area, any flooding would greatly dissipate before it reached the project area. The proposed project would not increase the flood risks due to failure of either dam.

Additionally, failure of levees adjacent to Coyote Creek protecting the south baylands area may result in flooding to the lower (downstream) portions of Lower Penitencia Creek (ABAG 1995). After construction of the proposed project, Coyote Creek would continue to have capacity to convey the combined flows of Lower Penitencia Creek and Coyote Creek during the 100-year event. The proposed project would not increase the risk of Coyote Creek levee failure. The proposed project would increase the conveyance and floodwater storage capacity of Lower Penitencia Creek, thereby reducing potential flood damage resulting from failure of the Coyote Creek levees. The proposed project would not increase flood risks due to levee failure.

The proposed project addresses issues of inadequate flood protection provided by the existing levees during a 100-year flood event. As part of the hydrologic determination of flood elevations and freeboard height, the potential effects of sea-level rise were taken into consideration as the proposed project was designed to accommodate an expected increase of

55 inches (2.59 feet) in sea level over the proposed project's 50-year design life. As such, the impact would be beneficial.

Impact HYD-8: Inundation by seiche, tsunami, or mudflow (No Impact)

Construction and Operation Impacts

The project site is not near the ocean coastline and is not located within a tsunami hazard area (Cal EMA 2009). In addition, the project site is not located adjacent to any large waterbodies and, therefore, would not be at risk of a seiche. The project site is not adjacent to any steep slopes and would not be at risk for damage by mudflows. For these reasons, inundation by seiche, tsunami, or mudflow would not occur. There would be no impact.

3.10 Land Use and Planning

3.10.1 Overview

This section describes the setting and impacts of the proposed project related to land use and planning. The “Regulatory Setting” section describes applicable laws, regulations, and policies related to land use and planning, while the “Environmental Setting” section describes the existing land use designations and characteristics at the project site and vicinity. The “Impact Analysis” section then evaluates impacts on land use and planning that could result from the proposed project.

3.10.2 Regulatory Setting

No federal or state laws, regulations, or policies related to land use and planning are applicable to the proposed project. Local plans relevant to the proposed project include the *City of Milpitas General Plan*, *Milpitas Trails Master Plan*, and *Bikeway Master Plan Update*.

Specific land use goals and The *City of Milpitas General Plan* (2012) provides the framework for land use planning in the City and identifies land use designations that inform the City’s zoning ordinance. The General Plan land use map (City of Milpitas 2012) designates the project site (i.e., bed and banks of Lower Penitencia Creek) as Parks and Open Space (POS). The land use designations for surrounding areas include Industrial Park (IP); Multi-family Residential, Very High Density (MFH); General Commercial (GC); Manufacturing and Warehousing (MW); and Multi-Family Residential, Medium Density (MFM).

The Lower Penitencia Creek Trail is identified as a planned trail in the *Milpitas Trails Master Plan* (City of Milpitas 1997). The *Bikeway Master Plan Update* identifies the path on the west side of Reach 4 as an existing Class I bikeway. The *Bikeway Master Plan Update* also identifies the levee-maintenance roads along the west side of Lower Penitencia Creek (Reaches 1, 2, and 3 of the proposed project) as a location for a proposed Class I bike path (City of Milpitas 2009).

Appendix B summarizes policies contained in the above-described plans that are relevant to the proposed project.

3.10.3 Environmental Setting

Land uses in the project area include residential, commercial, and office/industrial park uses. The project site itself is currently used for flood protection and stormwater conveyance, as well as recreational and transportation purposes (i.e. bridge crossings). Reaches 1 and 2 are surrounded by highway and street systems (i.e., I-880, Dixon Landing Road, and California Circle), with no adjacent residential or commercial development. Reach 3 is bordered by multifamily and single-family residential development to the east and office/industrial park development to the west. Apartment complexes and three-story town homes are located along the northern portion of Reach 3 to the east. Moving south toward Milmont Drive and the confluence with Lower Berryessa Creek, there are more single-family homes to the east of Reach 3. New single-family homes and townhomes are currently being constructed immediately west of Reach 3. Reach 4 is surrounded by single-family homes to the east and industrial/office park development to the west.

The project site is designated as Parks and Open Space in the *City of Milpitas General Plan* and is characterized by the engineered, mostly earthen flood control channel and the District's maintenance roads on both sides of the channel in Reaches 2, 3, and 4. Along the east bank of Reach 3, the northern portion of the maintenance road is paved and is part of the City's Penitencia Creek Trail. Approximately 800 feet south of California Circle Drive, the paved trail continues slightly east and then south, paralleling the District's maintenance road and channel. Within Reach 4, the maintenance road on the west side of the channel is paved and is considered a designated City of Milpitas trail. Other segments of the District's maintenance access roads are used for recreation even though such roads are not designated for this purpose.

3.10.4 Impact Analysis

This discussion describes and evaluates impacts related to land use and planning from the proposed project. This evaluation is based in part on the existing regulations and land uses/environmental resources in the project area, as described above.

Methodology

The analysis of impacts related to land use and planning compares aspects of the proposed project to applicable land use plans and policies. The *City of Milpitas General Plan*, *Milpitas Trail Master Plan*, and *Bikeway Master Plan Update*, which are described in Appendix B, were reviewed to characterize existing land uses within the project vicinity. Any identified inconsistencies between applicable land use plans and elements of the proposed project were evaluated in consideration of the specific significance criteria described below.

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact related to land use and planning if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Impact Summary

Table 3.10-1 summarizes land use impacts of the proposed project.

Table 3.10-1. Summary of Impacts Land Use

Impact	Impact Determination Before Mitigation	Applicable Mitigation Measures	Impact Determination After Mitigation
LU-1: Physically divide an established community	LS	None	LS
LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect	LS	None	LS
LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	NI	None	NI

LS = Less than Significant; NI = No Impact

Environmental Impacts

Impact LU-1: Physically divide an established community (Less than Significant)

Construction Impacts

As described in Chapter 2, *Project Description*, the proposed project would include construction of floodwalls in Reaches 1, 2, 3 and 4; a wetland bench and replacement levee in Reach 1; and headwalls at the San Andreas Drive bridge in Reach 4. Project construction would generally occur within existing District ROW and easements along the channel, which includes the District's maintenance roads on the south side of the channel in Reach 1 and both sides of the channel in Reaches 2, 3, and 4. The staging of equipment and materials may occur at three locations: Staging Area A, a vacant area south of Reach 1; Staging Area B, on the central berm in Reach 3; and Staging Area C, adjacent to Reach 4 southwest of the Milmont Drive bridge. Staging Area A is currently owned by the City of Milpitas, Staging Area B is within the District's ROW, and Staging Area C is privately owned. The District would obtain a temporary construction easements or fee title from the City of Milpitas to use Staging Area A and a temporary easement from the property owner of Staging Area C. Construction activities would require temporary closure of the Penitencia Creek Trail, which coincides with the District's maintenance road on the east side of the channel in Reach 3. The effects of temporary trail closure are described in Section 3.12, *Recreation*.

Because project construction would primarily be limited to the District's ROW and easements would be obtained from the City for areas where construction would occur outside of the District's ROW (within Reaches 1, 2 and 3), project construction would not result in adverse effects related to physical division of an established community. Construction-related effects would be less than significant.

Operational Impacts

The proposed project would not introduce any new land uses or result in any land use changes. Following project construction, use of the trails and maintenance roads along both sides of the creek would be similar to existing conditions. Where the Penitencia Creek Trail crosses the outboard side of the eastern levee along Reach 3, pedestrian accessibility would be maintained. The District would construct earthen pedestrian ramps on both sides of the Reach 3 floodwall to ensure continued access to the trail. The proposed floodwalls and other project elements would not preclude use or future development of trails along the project reaches. In addition, District maintenance activities (e.g., periodic vegetation trimming, graffiti removal, and trash and debris removal) would be similar to existing maintenance activities that occur under the District's SMP. The floodwalls and headwalls would be repaired and maintained on an infrequent and as-needed basis. As such, the proposed project would not physically divide the community during project operation. This impact would be less than significant.

Impact LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Less than Significant)

Construction Impacts

Consistency with policies relevant to various other resource topics are addressed in other sections of Chapter 3. Numerous land use plans and policies govern the project's impacts on the environment during construction (e.g., noise standards contained in the *City of Milpitas General Plan*, air quality standards and regulations, goals and policies related to wetlands and biological resources). Due to the nature of these policies and regulations, impacts during project construction are addressed in other resource sections of this EIR and are not addressed here. Given that land use plans such as the general plan and *Milpitas Trails Master Plan* identify long-range planning goals and policies, temporary conflicts with such plans during construction (e.g., temporary closure of creek-side trails and restriction of access to the creek during construction activities) are considered less than significant.

Operational Impacts

Potential conflicts with land use plans during project operation or due to proposed project components would primarily be related to future use and development of the trails along the project reaches and continued opportunities for recreational use of the creek. As described in the regulatory setting section above, the project site is designated as Parks and Open Space in the *City of Milpitas General Plan*, and several goals and policies in the general plan relate to provision of trail systems and recreational opportunities along creeks in the City. The proposed project would not permanently alter existing land uses or introduce new land uses into the area.

As described in Appendix B and in Impact LU-1, the *Milpitas Trails Master Plan* and *Bikeways Master Plan Update* identify a proposed trail and Class I bikeway along the project reaches. The general plan also contains goals and policies for linking facilities through streamside trail systems and for coordination between the District and the City regarding recreational access and trail development along District-managed streams. As described in Impact LU-1, the proposed project would not preclude future use and development of trails along Lower

Penitencia Creek or prevent or substantially inhibit recreational use of the creek. The City's Penitencia Creek Trail would be allowed to cross over the proposed floodwalls via ramps.

In addition, the proposed project has been designed to retain existing recreational trails within the project site. Throughout the project's planning process, the District has taken into consideration community benefits beyond flood protection, including the quality of the recreation experience provided (SCVWD 2016). Consistent with *City of Milpitas General Plan* Guiding Principle 4.d-A-8, which is provided in Appendix B and requires coordination between the City and District on creek projects, early project planning was conducted in coordination with the City.

Overall, given that existing and proposed recreational trails would be retained, there would be no conflicts with existing land use plans or policies. The proposed project would not conflict with the general plan land use designation for the project site of Parks and Open Space and would allow for future development of trails and bikeways proposed in the *Milpitas Trails Master Plan* and *Bikeways Master Plan Update*. As such, this impact would be less than significant.

Impact LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan (No Impact)

Construction and Operational Impacts

As described in Section 3.4, *Biological Resources*, the Santa Clara Valley Habitat Plan covers much of Santa Clara County but does not include the areas within the City of Milpitas. No other habitat conservation plans or natural community conservation plans apply in the project area. Therefore, no impact related to conflicts with habitat conservation plans or natural community conservation plans would occur.

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3.11 Noise and Vibration

3.11.1 Overview

This section describes the existing noise environment in the vicinity of the project area, presents relevant noise and vibration regulations, identifies sensitive receptors that could be affected by the proposed project, and evaluates the noise and vibration impacts of the proposed project. Mitigation measures to avoid or reduce impacts are proposed, as appropriate.

3.11.2 Overview of Noise and Vibration Concepts and Terminology

Noise

In the CEQA context, noise can be defined as unwanted sound. Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level, or sound intensity. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive, creating the A-weighted decibel (dBA) scale.

Different types of measurements are used to characterize the time-varying nature of sound. Below are brief definitions of these measurements and other terminology used in this section.

- **Decibel (dB)** is a measure of sound on a logarithmic scale that indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude.
- **A-weighted decibel (dBA)** is an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Maximum sound level (L_{max})** is the maximum sound level measured during a given measurement period.
- **Minimum sound level (L_{min})** is the minimum sound level measured during a given measurement period.
- **Equivalent sound level (L_{eq})** is the equivalent steady-state sound level that, in a given period, would contain the same acoustical energy as a time-varying sound level during that same period.
- **Day-night average sound level (L_{dn} or dBL)** is the energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels during the period from 10:00 p.m. to 7:00 a.m. (typical sleeping hours). This weighting adjustment reflects the elevated sensitivity of individuals to ambient sound during nighttime hours.
- **Community noise equivalent level (CNEL)** is the energy average of the A-weighted sound levels during a 24-hour period, with 5 dB added to the A-weighted sound levels

between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels between 10:00 p.m. and 7:00 a.m.

In general, human sound perception is such that a change in sound level of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. **Table 3.11-1** presents approximate noise levels for common noise sources, measured adjacent to the source.

Table 3.11-1. Examples of Common Noise Levels

Common Outdoor Activities	Noise Level (dBA)
Jet flyover at 1,000 feet	110
Gas lawnmower at 3 feet	100
Diesel truck at 50 feet traveling 50 miles per hour	90
Noisy urban area, daytime	80
Gas lawnmower at 100 feet, commercial area	70
Heavy traffic at 300 feet	60
Quiet urban area, daytime	50
Quiet urban area, nighttime	40
Quiet suburban area, nighttime	30
Quiet rural area, nighttime	20

Source: Caltrans 2009

Vibration

Groundborne vibration propagates from the source through the ground to adjacent buildings by surface waves. Vibration may be composed of a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in Hertz (Hz). Most environmental vibrations consist of a composite, or “spectrum,” of many frequencies. The normal frequency range of most ground-borne vibrations that can be felt generally starts from a low frequency of less than 1 Hz and extends to a high of about 200 Hz. Vibration information for this analysis has been described in terms of the peak particle velocity (PPV), measured in inches per second (in/sec), or of the vibration level measured with respect to root-mean-square vibration velocity in decibels (VdB), with a reference quantity of 1 micro-inch per second (μ in/sec).

Vibration energy dissipates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. High-frequency vibrations attenuate much more rapidly than do those characterized by low frequencies, so that in a far-field zone distant from a source, the vibrations with lower frequency amplitudes tend to dominate. Soil properties also affect the propagation of vibration. When groundborne vibration interacts with a building, a ground-to-foundation coupling loss usually results, but the vibration also can be amplified by the structural resonances of the walls and floors. Vibration in buildings is typically perceived as rattling of windows, shaking of loose items, or the motion of building surfaces. In some cases, the vibration of building surfaces can also be radiated as sound and heard as a low-frequency rumbling noise, known as ground-borne noise.

Ground-borne vibration is generally limited to areas within a few hundred feet of certain types of industrial operations and construction/demolition activities, such as pile driving. Road vehicles rarely create enough ground-borne vibration amplitude to be perceptible to humans unless the receiver is in immediate proximity to the source or the road surface is poorly maintained and has potholes or bumps. Human sensitivity to vibration varies by frequency and by receiver. Generally, people are more sensitive to low-frequency vibration. Human annoyance also is related to the number and duration of events; the more events or the greater the duration, the more annoying the vibration becomes.

3.11.3 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies for construction-related noise and vibration apply to the proposed project. However, the Federal Transit Administration (FTA) *Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment* states that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA L_{eq} should be used for residential areas (FTA 2006).

The FTA's recommended thresholds for human annoyance vary by the frequency of the vibration source and the type of sensitive receptor. The most conservative (lowest) ground-borne vibration annoyance level thresholds are for frequent events (more than 70 vibration events of the same source per day), and are as follows: 65 VdB for buildings where vibration would interfere with interior operations, 72 VdB for residences, 75 VdB for institutional land uses with primarily daytime uses.

State Laws, Regulations, and Policies

Caltrans has recommended threshold criteria to determine vibration-related structural damage potential and vibration-related annoyance potential (Caltrans 2013). The guideline thresholds developed by Caltrans vary based on the building type and age, the level of human annoyance response (i.e. barely perceptible up to severe), and/or whether the vibration source is transient or continuous/frequent intermittent¹. The closest potentially sensitive vibration receptors are new residential units located on parcels adjoining Reach 3 of the project area. For new residential structures, Caltrans lists a maximum PPV of 1.0 in/sec for transient vibration sources (Caltrans 2013). For continuous/frequent sources potentially affecting new residential structures, the recommended maximum PPV is 0.5 in/sec (Caltrans 2013).

California requires each local government entity to implement a noise element as part of its general plan. California Administrative Code Title 4 presents guidelines for evaluating the compatibility of various land uses as a function of community noise exposure. The state land use compatibility guidelines are listed in **Table 3.11-2**.

¹ Transient sources include a single isolated vibration event such as blasting. Continuous/frequent intermittent sources include impact pile drivers, vibratory pile drivers, and vibratory compaction equipment. (Caltrans 2013).

Table 3.11-2. State Land Use Compatibility Standards for Community Noise Environment

Land Use Category	Community Noise Exposure L_{dn} or CNEL (dB)						
	50	55	60	65	70	75	80
Residential Low Density Single Family, Duplex, Mobile Homes							
Residential Multi-Family							
Transient Lodging Motels, Hotels							
Schools, Libraries, Places of Worship, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arenas, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business Commercial, Professional							
Industrial, Manufacturing, Utilities, Agriculture							
Normally Acceptable	Specified land use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
Conditionally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.						
Normally Unacceptable	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.						
Clearly Unacceptable	New construction or development generally should not be undertaken.						

Source: California Administrative Code Title 4

Local Laws, Regulations, and Policies

City of Milpitas General Plan

The City of Milpitas General Plan contains several policies that relate to noise levels (See Appendix B). The Noise Element of the General Plan includes land use compatibility standards that are derived from the state standards shown in Table 3.11-2 and are nearly identical to the state standards. Community noise levels are based on 24-hour noise exposure; therefore “all individual noise readings must be averaged over 24-hour period to give an equivalent noise level” (City of Milpitas, 2002). General Plan Policy 6-I-1 calls for avoiding community noise level increases of 3 decibels (db) dBL or more at residential property lines, and community noise exposure above 65 dB dBL at residential property lines.

Policy 6-I-9 calls for enforcement of established truck routes. Policy 6-I-3 calls for restricting the hours of operation, technique, and equipment in construction activities to minimize noise impacts.

City of Milpitas Noise Abatement Ordinance

Chapter 213 of the City of Milpitas Municipal Code contains regulations to abate noise. Section V-213-3 of the Code states that all construction activities and construction-related operations, including delivery of construction materials, supplies, or improvements on or to a construction site, shall be restricted to the hours between 7:00 a.m. and 7:00 p.m. on weekdays and weekends. No construction work should be conducted or performed on holidays (including New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). However, there are some limited exemptions from the time restrictions, which are provided in Section V-213-3, Part 3.06. These exemptions apply to furnishing utility-type services, including construction and maintenance of utility facilities and operation to construct and maintain facilities within the public ROW, and are subject to approval by the City’s Public Works Director.

3.11.4 Environmental Setting

Existing Noise Sources

The project site is located in the northwest corner of Milpitas and is divided into four reaches (see Figure 2-3). Reaches 1 and 2 are largely surrounded by I-880 and highway infrastructure, while Reaches 3 and 4 are bordered by commercial and residential uses to the west and residential areas to the east. The Union Pacific Railroad tracks are approximately 0.2 mile east of Reaches 3 and 4. The Noise Element of the *City of Milpitas General Plan* shows community noise levels of 80 dB and 70 dB along I-880 and the railroad, respectively, and community noise levels at the project site are 60+ to 65+ dBL (City of Milpitas 2002). In addition to transportation infrastructure, ambient noise in the project vicinity is also influenced by nearby commercial, office, and residential uses (e.g., landscape maintenance, delivery vehicles, people talking, parking lot vehicle movements, and car doors closing). Periodic vegetation management and sediment removal activities associated with the District’s SMP (2014) also contribute to ambient noise in the project area.

Existing Vibration Sources

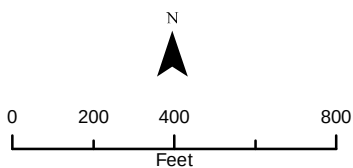
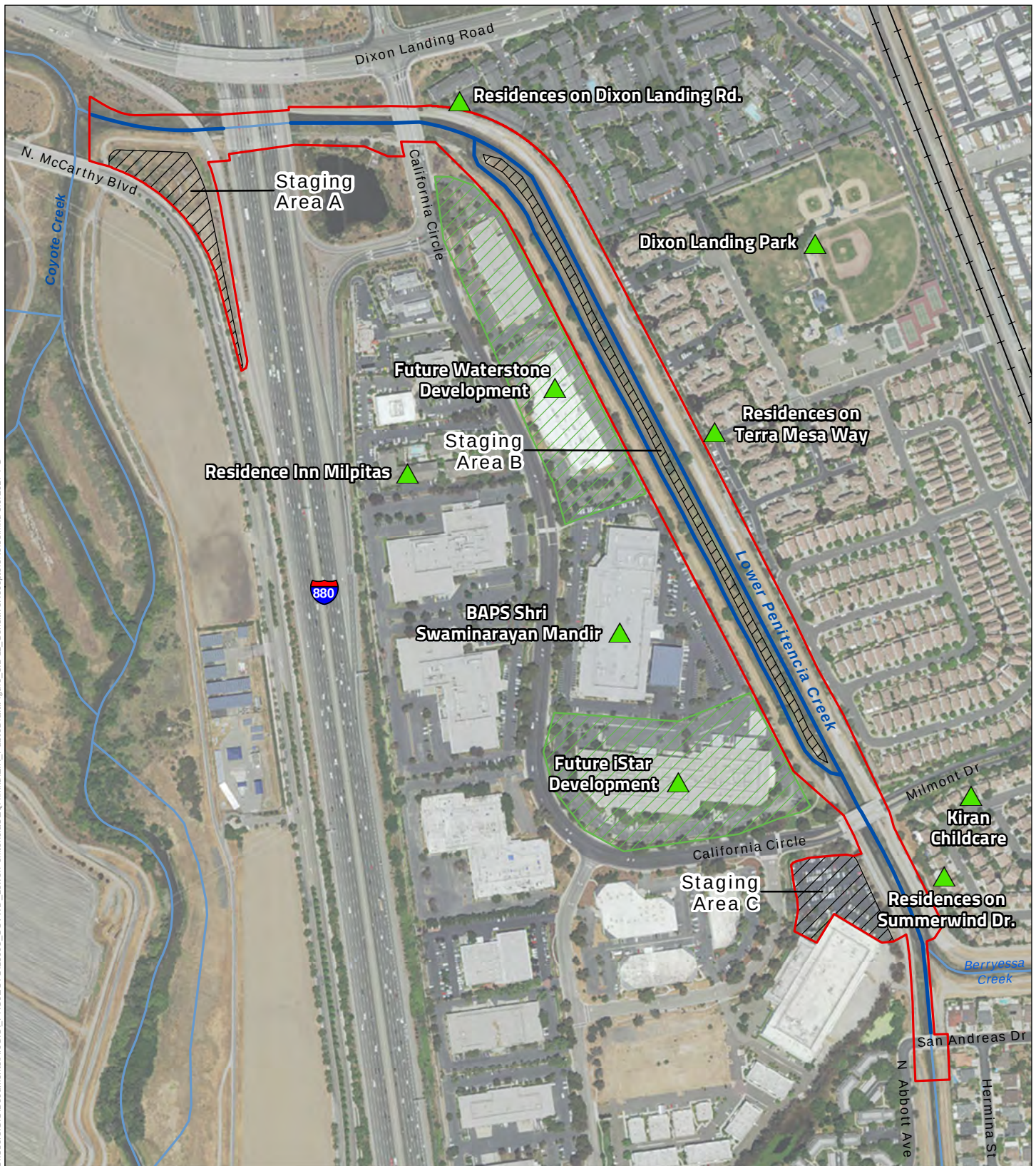
In addition to noise, major transportation infrastructure, such as I-880 and the Union Pacific Railroad, can also be a source of vibration in the project vicinity.

Sensitive Receptors

The nearest existing sensitive receptors are the apartments and homes located along Summerwind Drive, Terra Mesa Way, Dixon Landing Road, and California Circle, some of which are 90-120 feet from the project site. In addition to these residential sensitive receptors, Kiran Childcare is located approximately 251 feet east of Reach 4. A religious facility, the BAPS Shri Swaminarayan Mandir, and the Residence Inn Milpitas are located approximately 140 feet and ~~480~~550 feet west of Reach 3, respectively.

In addition to the existing sensitive receptors, new residential receptors will be located in the future iStar and Waterstone developments located along California Circle. The closest residential receptors at the iStar and Waterstone developments are located approximately 10 feet away from the project footprint. **Figure 3.11-1** shows these existing and future sensitive receptors in the area surrounding the project site.

C:\Users\GIS\Documents\ArcGIS\PROJECTS\15005_ScWWD_LowerPenitenciaCEQA\mxd\Figure_3.11-1_SensitiveReceptorsNoise.mxd 5/9/2017 PG



Prepared by:
Horizon
WATER and ENVIRONMENT

- Project Boundary
- ▲ Sensitive Receptors
- Staging Area
- Future Developments

Figure 3.11-1
Sensitive Receptors

Lower Penitencia Creek
Improvements Project

3.11.5 Impact Analysis

Criteria for Determining Significance

The proposed project would have a significant effect related to noise if it would result in any of the following conditions:

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or, applicable standards of other agencies;
- Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels;
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

Table 3.11-3 summarizes noise and vibration thresholds used for the purposes of this analysis.

Table 3.11-3. Applicable Noise Thresholds

Thresholds	Source
<i>Noise Thresholds</i>	
Ambient noise levels greater than 65 dB Ldn or +3 dB Ldn increase at a residential property line	City of Milpitas General Plan (City of Milpitas 2002)
Construction noise generated on holidays or unapproved work outside of 7:00 a.m.–7:00 p.m.	City of Milpitas Noise Abatement Ordinance
Onsite construction noise in excess of 90 dBA L_{eq} at residential and noise-sensitive land uses	FTA Guidelines (FTA 2006)
<i>Vibration Thresholds</i>	
Annoyance thresholds for: Buildings with sensitive interior operations 65 VdB Residences 72 VdB Institutional land uses 75 VdB	FTA Guidelines for Construction Vibration (FTA 2006)

Thresholds	Source
Damage threshold	
Vibration in excess of 0.5 in/sec PPV	Caltrans Guidelines for Construction Vibration (Caltrans 2013)

Methodology

Impacts were assessed for project construction activities by applying FTA's *Transit Noise and Vibration Impact Assessment* methodology (FTA 2006). This methodology assumes that the two loudest pieces of construction equipment (using the construction equipment list from CalEEMod) would operate simultaneously at the same location under full power, assuming the following:

- full power operation for a full 1-hour period;
- no obstructions to the noise travel paths;
- typical noise levels from construction equipment; and
- both pieces of equipment operating at the center of the project site.

Using these assumptions, the noise levels at specific distances can be obtained using the following equation:

$$L_{eq}(equip) = EL_{50ft} - 20 \log_{10}(D/50)$$

Where:

L_{eq} (equip) = the noise emission level at the receiver at distance D over 1 hour

EL_{50ft} = noise emission level of a particular piece of equipment at a reference distance of 50 feet

D = the distance from the receiver to the piece of equipment in feet

To add the two loudest pieces of equipment together, the following equation applies:

$$L_{total} = 10 \log_{10}(10^{\frac{L_1}{10}} + 10^{\frac{L_2}{10}})$$

Where:

L_{total} = the noise emission level of two pieces of equipment combined

L_1 = the noise emission level of equipment type 1

L_2 = the noise emission level of equipment type 2

For the vibration analysis, the two pieces of equipment anticipated to be the largest sources of vibration were used, along with VdB and PPV values from the FTA guide (FTA 2006). The formulas below were used in calculations relating to vibration-related threshold distances:

$$PPV = PPV_{ref} \times \left(\frac{25}{D}\right)^{1.5}$$

$$L_v(D) = L_v(25ft.) - 30 \log\left(\frac{D}{25}\right)$$

Where:

PPV = peak particle velocity in in/sec of the equipment adjusted for distance

PPV_{ref} = the reference vibration level in in/sec at 25 feet

L_v = vibration level

D = the distance from the equipment to the receiver

Noise and vibration levels generated by equipment used during project construction at the proposed project's nearest sensitive receptors that could be affected were estimated by using the FTA reference guide (FTA 2006). For the purposes of this analysis, the noise and vibration analysis takes into consideration potential effects on the closest sensitive receptors expected to be located at the iStar and Waterstone residential developments. Construction of these developments will be complete before construction of the proposed project begins and given the high housing demands in the Milpitas area, it is likely that these developments will be occupied by the time construction of the proposed project begins. The iStar and Waterstone residential developments are proposed to include 148 and 84 residential units, respectively (City of Milpitas 2014 and 2017). For these reasons and due to their close proximity to the project site, this section evaluates noise and vibration effects on these residential receptors. This section also indicates the distance from the project site to the relevant noise and vibration thresholds as an indication of the extent of noise and vibration impacts.

This analysis was performed conservatively. It takes into account worst-case construction equipment assumptions and uses the closest sensitive receptors of a given category to the project site.

Impact Summary

Table 3.11-4 summarizes noise and vibration impacts of the proposed project.

Table 3.11-4. Summary of Impacts Noise and Vibration

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	S	Mitigation Measure NOI-1	SU
NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	S	Mitigation Measure NOI-1	SU
NOI-3: A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project	LS	None	LS
NOI-4: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project	S	Mitigation Measure NOI-1	SU
NOI-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	NI	None	NI
NOI-6: For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels	NI	None	NI

LS = Less than Significant, NI = No Impact, S = Significant, SU = Significant and Unavoidable

Environmental Impacts

Impact NOI-1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or, in the applicable standards of other agencies (Significant and Unavoidable)

Construction Impacts

During project construction, heavy equipment including scrapers, trucks, excavators, a Giken silent piler, and bulldozers, would be operating in the project area and could generate noise levels affecting residences and other sensitive receptors near the construction work areas. The noises associated with construction activities would be temporary and would cease once construction is complete. If scrapers and trucks were operated together in close proximity, this equipment would generate combined noise levels of 106 dBA at the nearest sensitive receptor location (residences) at a distance of 10 feet from Reach 3 of the project site. If scrapers and trucks were operated simultaneously along the western portion of Reach 3, residences located within 50 feet could experience noise levels at 91.5 dBA. Calculations used to determine the proposed project's construction-related noise levels are presented in

Appendix G of this EIR. These noise levels would be greater than the FTA significance threshold of 90 dBA at residential and noise-sensitive land uses. Construction activities temporarily exposing nearby residences to noise levels exceeding the FTA standards would be a significant impact.

As described in Chapter 2, *Project Description*, construction activities would occur on weekdays and weekends during the daytime hours, 7:00 a.m. to 7:00 p.m., with the potential for construction to infrequently occur during extended hours (i.e. before 7 a.m. or after 7 p.m.). Work performed during extended hours could cause increased noise exposure to nearby sensitive receptors, particularly occupants of nearby residences. Nighttime construction noise would be more annoying and disruptive to sensitive receptors than daytime noise. Construction hours would generally be consistent with the City of Milpitas noise ordinance. In the unlikely event that construction would be required before 7 a.m. or after 7 p.m., the District would obtain prior approval from the City of Milpitas Public Works Director as provided in Section V-213-3, Part 3.06 of the Municipal Code. The proposed project would conform with City policies on construction timing contained in the City of Milpitas Noise Abatement Ordinance.

~~Existing designated truck routes provide access to the project site, and most project construction traffic would be confined to those routes in conformance with General Plan Policy 6-I-9. However, construction of headwalls on the San Andreas Drive bridge would require trucks to travel on San Andreas Drive, which is not a designated truck route, during a portion of the construction period. This would be a significant impact. The proposed project would conform with City Policy 6-I-3 by installing sheet piles with a silent piler to construct foundations for floodwalls, which is a construction technique that minimizes noise generation compared to alternative construction techniques, such as driven or cast-in-place piles.~~

City Policy 6-I-1 calls for avoiding noise level increases of 3 dB or more L_{dn} or levels more than 65 dB dBL at residential property lines. Estimated year 2010 community noise levels in the project vicinity range from 65+ to 70+ dBL, which exceeds the city policies for residential community noise exposure (City of Milpitas 2002). Project construction would add to the existing noise levels. Individual daytime construction noise events would generate noise levels up to 91.5 dbA at 50 feet from the source. Those noise events would be intermittent and sporadic, most of the time construction noise levels would be much lower. When averaged over 24 hours, construction noise would likely result in a 3 dB increase in community noise levels. Because the existing community noise levels in the project vicinity already exceed the residential community noise threshold in General Plan Policy G-I-1, additional noise generated by project construction would be inconsistent with Policy G-I-1. Although this impact would be temporary, occurring only during the two four-month construction periods, it would be significant.

~~Note that the proposed project would conform with City Policy 6-I-3 by installing sheet piles with a silent piler to construct foundations for floodwalls, which is a construction technique that minimizes noise generation compared to alternative construction techniques, such as~~

~~driven or cast-in-place piles.~~ Mitigation Measure NOI-1 would be implemented to reduce this significant impact.

Operational Impacts

Once project construction is complete, maintenance activities of project elements would be similar to current activities (e.g., trash and debris removal, vegetation management, maintenance road grading), which are covered by the District's SMP (2014). Periodic maintenance and repair of the new headwalls and floodwalls would be conducted. Vehicle trips generated by this maintenance work would be minimal, and the maintenance work would not generate substantial noise that would exceed the City of Milpitas noise ordinance or conflict with city noise policies. This impact would be less than significant.

Mitigation Measures

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures

The District and construction contractor will implement the following noise- and vibration-reducing measures during all construction activities, unless as specified below, to minimize impacts on nearby sensitive receptors:

- All noise-producing project equipment and vehicles using internal combustion engines will be equipped with mufflers; air-inlet silencers, where appropriate; and any other shrouds, shields, or noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) will be equipped with shrouds and noise control features that are readily available for those types of equipment.
- Mobile noise-generating equipment and machinery will be shut off when not in use.
- Ensure proper tuning of vibration-causing equipment.
- Vibration damping devices will be used to the extent feasible.
- Use of vibratory equipment will be limited to the extent feasible.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction will be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust will be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used, such as drills rather than impact equipment, whenever feasible.
- Electric stationary equipment (e.g., generators) will be used where feasible.

- Noise and/or vibration shields, such as sound aprons or temporary enclosures with sound-absorbing material, will be used on or around construction equipment, particularly if construction activities are conducted after 7:00 pm. For all construction activities occurring within 60 feet of residences at any time of day temporary noise and vibration barrier will be installed between the project site and the nearest sensitive receptors. Following the completion of construction activities within that distance, the barrier will be removed.
- The District will notify all residences and other sensitive receptors within 500 feet of the project site prior to the initiation of the proposed construction activities. The notification will provide the name and contact information, including a phone number, of a District representative for use before and during construction activities to address any questions or concerns regarding the project's construction activities or anticipated noise and vibration levels. If any occupants or other sensitive receptors report sensitive operations that could be affected, construction activities will be modified to minimize vibration near those buildings. Potential modifications include limiting the hours of operation for pieces of equipment that are major vibration sources and maximizing the distance between these pieces of equipment and sensitive buildings.

Significance After Mitigation

Mitigation Measure NOI-1 requires the District and its construction contractor to implement several strategies aimed at minimizing the noise and vibration levels experienced by nearby sensitive receptors. This mitigation measure also requires installation of temporary noise barriers, which would be anticipated to attenuate noise levels at the receptor by 5 to 15 dB (FTA 2006). Despite implementation of these strategies, there would still be a potential for construction activities near sensitive receptors to result in noise levels that exceed the 90 dBA FTA threshold. Residences located within 50 feet of construction activities may experience noise levels that exceed the FTA threshold even after implementation of Mitigation Measure NOI-1. In addition, even with implementation of Mitigation Measure NOI-1, construction noise could temporarily cause a 3 dB L_{dn} or more increase in ambient noise levels at the property lines of nearby residential parcels. Based on this information, this noise impact would be significant and unavoidable during the construction phase.

Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (Significant and Unavoidable)

Construction Impacts

During construction, heavy machinery operating in the project area would generate ground-borne vibration. For this project, large bulldozers and loaded trucks would be the most substantial sources of ground-borne vibration. **Table 3.11-5** presents distances from the two sources at which vibration levels would reach damage thresholds (based on Caltrans guideline) and annoyance levels (based on FTA guidelines). Vibration-producing equipment would have to operate within 7.9 feet of a building to exceed the state threshold for damage to new residential structures. There are no buildings located within 7.9 feet of proposed construction work areas. Therefore, construction-period vibration would not damage nearby buildings.

The thresholds for residential human perception of noise vibration and for annoyance are 65 VdB and 72 VdB, respectively. The closest residences to the project site are the Waterstone and iStar developments, located about 10 ft. from the project area. As shown in Table 3.11-5, these residences would be sufficiently close to the project site that residents would perceive vibrations caused by project construction and would be annoyed by those vibrations. The annoyance thresholds would be temporarily exceeded for the short period of time when heavy construction equipment operates within 73 to 79 feet of the buildings and residents (see Appendix G).

Based on its distance from the project area, the BAPS Shri Swaminarayan Mandir religious institution would experience vibration levels of 69 VdB, which is above the perception threshold, but below the annoyance level threshold of 75 VdB for institutional uses. Some commercial buildings located on California Circle or Fairview Way may experience vibrations above the 65 VdB level threshold, which could affect sensitive equipment such as electron microscopes, lithographic equipment, and optical microscopes (if present). Vibrations-produced by construction equipment operating within 125 to 135 feet of buildings containing equipment sensitive to vibrations could temporarily interfere with operation of the sensitive equipment (see Appendix G). Based on this information, construction-related vibration impacts would have a significant impact.

Table 3.11-5. Construction Equipment and Vibration Distance

Equipment	Distance to PPV of 0.5 in/sec	Distance to Noise Vibration of 65 VdB ¹	Distance to Noise Vibration of 72 VdB ¹	Distance to Noise Vibration of 75 VdB ¹
Large Bulldozer	7.9 ft.	135 ft.	79 ft.	63 ft.
Loaded Trucks	7.1 ft.	125 ft.	73 ft.	58 ft.

Notes: ft. = feet; PPV = peak particle velocity; in/sec = inches per second; VdB = vibration velocity in decibels

¹ This is the human perception threshold. 65 VdB is the ground-borne vibration annoyance level for buildings with sensitive interior operations (e.g. laboratory equipment), 72 VdB is the ground-borne vibration annoyance level for residents; 75 VdB is the ground-borne vibration annoyance level for institutional uses.

Source: FTA 2006

Operational Impacts

Operation and maintenance activities would be similar to current activities performed by the District. None of these activities currently generate, or are anticipated to generate, substantial ground-borne vibration. Therefore, long-term vibration effects would be less than significant.

Mitigation Measures

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures (see full text of measure in Impact NOI-1 analysis above).

Significance After Mitigation

Implementation of Mitigation Measure NOI-1 would ensure that occupants of nearby residences and buildings are contacted prior to the initiation of construction activities. This measure also contains several measures that would reduce the amount of ground-borne vibration that occurs. However, due to the proximity of nearby institutional uses and the limits on how much vibration dampening can be achieved, Mitigation Measure NOI-1 would

not reduce all construction-related vibration to below the annoyance level for institutional uses or below levels that could temporarily interfere with operation of sensitive equipment in nearby buildings. Even after implementation of these measures, vibration impacts may still exceed the vibration annoyance thresholds for sensitive receptors or interference thresholds for sensitive equipment. Even with implementation of Mitigation Measure NOI-1, this vibration impact would be significant and unavoidable during project's construction.

Impact NOI-3: Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Less than Significant)

Once constructed, the proposed project would eliminate or greatly reduce the need for periodic sediment removal, while other maintenance activities in the project area would be similar to current activities. I-880 would continue to be the dominant source of noise in the area and, given their placement, the floodwalls along Reaches 3 and 4 may help reduce highway-related noise levels for residences east of the project area. Thus, there would be no permanent increase in ambient noise levels. This impact would be less than significant.

Impact NOI-4: Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (Significant and Unavoidable)

Construction Impacts

As discussed in Section 3.11.3, there are multiple existing residences within 10-120 feet of the project area and other sensitive receptors, including a daycare, hotel, and religious institution, within 550 feet. Residences at the Waterstone and iStar developments would be located within 10 feet of the project area. According to noise contours in the *City of Milpitas General Plan Noise Element*, the project area currently experiences ambient noise levels of 65+ to 70+ dB, mainly due to the proximity of transportation infrastructure, including I-880 and an active railroad corridor. Construction activities would temporarily and intermittently generate noise levels above 70 dB, the ambient noise level in the vicinity of I-880 and the maximum noise level considered conditionally acceptable (Table 3.11-2), for sensitive receptors near the project area and above 100 dB for the nearest residences. Because project construction would temporarily generate noise levels up to 100+ dBA, which would be substantially above existing ambient noise levels in the vicinity, this impact would be significant.

Mitigation Measures

Mitigation Measure NOI-1: Implement Noise- and Vibration-reducing Measures (see full text of measure in Impact NOI-1 analysis above).

Significance After Mitigation

Implementation of Mitigation Measure NOI-1 would ensure that several noise-reduction measures are implemented. Although construction noise would be temporary and would be limited to daytime hours, it would still represent a substantial increase over ambient noise levels. Mitigation Measure NOI-1 would reduce the level of construction-generated noise by 5 to 15 dB (FTA 2006). However, construction activities would still result in temporary construction-period noise up to 85+ dB, which is substantially above existing ambient noise levels of 70+ dB. Despite implementation of these strategies, construction activities would

still result in substantial temporary increase in ambient noise levels experienced by nearby residences. This noise impact would be significant and unavoidable during the construction phase.

Impact NOI-5: Within 2 miles of a public or public-use airport such that the project would expose people to excessive noise levels (No Impact)

The Mineta San Jose International Airport is the closest public airport to the project site. It is 5 miles from the project site, and the noise contours from its master plan do not overlap the project area (City of San Jose 2010). Therefore, there would be no impact.

Impact NOI-6: Within the vicinity of a private airstrip such that people would be exposed to excessive noise levels (No Impact)

No private airports are located within 19 miles of the project site. Thus, the proposed project would not affect people residing or working within the vicinity of a private airstrip and there would be no impact.

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3.12 Recreation

3.12.1 Overview

This section presents an overview of recreational activities in and adjacent to the project site, summarizes the regulatory framework related to recreation, and evaluates impacts of the proposed project on recreational resources.

3.12.2 Regulatory Setting

No federal or state regulations are applicable to recreation in relation to the proposed project. Local plans and policies applicable to the proposed project are summarized in Appendix B.

3.12.3 Environmental Setting

The project site is situated in an area predominantly surrounded by residential, office/industrial park, and commercial uses. More specifically, surrounding land uses include a combination of low- and medium-density single-family and high-density multi-family housing, commercial uses, and office parks. There are several park and recreational facilities, including neighborhood parks, creek levee trails and bike paths, in the project area.

Parks and Community Facilities

Milpitas has more than 25 parks with various amenities such as softball fields, tennis courts, basketball courts, handball courts, bocce ball courts, volleyball nets, horseshoe units, par courses, and barbecue facilities. The City's parks and recreational facilities are operated and maintained by the City of Milpitas Parks Maintenance Services Division (City of Milpitas 2015a). As summarized in **Table 3.12-1**, Dixon Landing Park is the nearest community park in the project vicinity.

Bikeways and Trails

The project vicinity has several bike paths or multi-use paths, bicycle routes, and trails used by nearby residents for casual recreation or transportation (see Table 3.12-1). Bikeways have three different classifications:

- Class I bikeways are considered bike paths or shared paths that provide bicycle travel on a paved right-of-way completely separate from a street or highway.
- Class II bikeways are often referred to as bike lanes. These are typically designated by a striped or stenciled lane for one-way travel on a street or highway.
- Class III bikeways are generally referred to as bike routes. Signage is typically installed along Class III bikeways signifying shared use with pedestrian or motor vehicle traffic, typically on low-volume roads.

According to the City's *Bikeway Master Plan*, the District's maintenance road located west of Reach 4 is also a Class I bike path. California Circle, Milmont Drive, and North McCarthy Boulevard are Class II bikeways. The maintenance roads on the west side of Reach 3 and the

south side of Reaches 1 and 2 are shown as proposed Class I bike paths in the *Bikeway Master Plan* (2009).

The Penitencia Creek Trail is a paved path located east of Reach 3 and is accessible from Palisades Drive. This trail parallels this reach and eventually connects with the District's maintenance road mid-way of Reach 3. This trail also continues south of Milmont Drive and consists of the District maintenance road west of Reach 4. As shown in Table 3.12-1, the Coyote Creek Trail is located southwest of Reach 1 and generally parallels North McCarthy Boulevard. No specific data are available on level of use of these trails but during a reconnaissance site visit conducted in June 2015, the trail was moderately used by nearby residents.

While some District maintenance roads are also designated City trails, other District maintenance roads that parallel Lower Penitencia Creek in the project area are undesignated but are used informally by nearby residents for walking and jogging. Based on the site visit conducted in June 2015, the maintenance roads adjacent to Reaches 3 and 4 seem to be used primarily by nearby residents and are moderately used. The level of use of the District maintenance road adjacent to Reach 1 is likely low, given the presence of security gates and fencing. The level of use of the District maintenance road adjacent to Reach 2 is also likely low as the road is short and dead ends at the I-880 crossing.

Table 3.12-1. Parks and Recreational Facilities in the Vicinity of the Proposed Project

Recreational Facility	Jurisdiction	Distance from Project Site	Features
Parks			
Dixon Landing Park	City of Milpitas	Approximately 0.1 mile east of Reach 2.	11-acre park with 3 tennis courts, 6 barbeque pits, 10 picnic tables, basketball hoop, play equipment, restrooms, and parking lot
Trails and Bikeways			
Penitencia Creek Trail	City of Milpitas	The existing trail is located on District ROW in Reach 3 (east side) and the west side of Reach 4. A planned trail includes the remaining length of the proposed project.	The trail provides access to the industrial area of Milpitas and the Coyote Creek Trail.
Coyote Creek Trail	City of Milpitas	Approximately 100 feet southwest of Reach 1.	The paved trail runs north-south for approximately 2 miles along the City of Milpitas' western limits.
Class I Bikeway	City of Milpitas	Within District ROW on west bank of Reach 4.	Paved path

Recreational Facility	Jurisdiction	Distance from Project Site	Features
Proposed Class I Bikeway	City of Milpitas	A paved path is proposed along Lower Penitencia Creek. With endpoints at North McCarthy Boulevard and Milmont Drive, the path would parallel the south side of Reaches 1 and 2 and extend along the west side of Reach 3.	Paved path
Class II Bikeways	City of Milpitas	North McCarthy Boulevard (adjacent to Reach 1), California Circle (adjacent to Reaches 2 and 3), and Milmont Drive (adjacent to Reaches 3 and 4).	Bike lanes
Class III Bikeways	City of Milpitas	Dixon Landing Road (approximately 200 feet north of Reach 2).	Bike route

Sources: *City of Milpitas 2015b, City of Milpitas 2009.*

3.12.4 Impact Analysis

Methodology

This impact analysis describes the impacts on recreation associated with construction and operation of the proposed project. Impacts were evaluated qualitatively, based on the potential for the proposed project to disrupt existing recreational facilities and use.

Generally, construction activities may result in a short-term loss of recreational opportunities by disrupting use of or access to recreation areas or facilities. Potential effects regarding temporary loss of access to recreational facilities (e.g., Penitencia Creek Trail) is addressed in Section 3.13, *Transportation and Traffic*. A long-term effect could occur if a recreational opportunity is eliminated as a result of construction and/or operation of the proposed project.

Criteria for Determining Significance

The proposed project would result in a significant impact on recreation if it would:

- 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; or
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Summary

Table 3.12-2 summarizes recreation impacts of the proposed project.

Table 3.12-2. Summary of Impacts Recreation

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
REC-1: 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	LS	None	LS
REC-2: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment	LS	None	LS

LS = Less than Significant

Environmental Impacts

Impact REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Less than Significant)

Construction Impacts

As described in the environmental setting above and in Chapter 2, *Project Description*, the proposed project would involve installing floodwalls, constructing a wetland bench and relocating and raising a levee, installing headwalls at the San Andreas Drive bridge, and revegetation. Such activities would require temporary closure of the Penitencia Creek Trail and may temporarily increase use of other nearby recreational facilities. As described in Section 3.13, *Transportation and Traffic*, implementation of Mitigation Measure TRA-1 would result in signage being installed to detour recreationists away from the construction work areas.

Given the number of other nearby recreational facilities in Milpitas (e.g., the Berryessa Creek Trail, Coyote Creek Trail, sidewalks on California Circle and Milmont Drive) and the fact that the Penitencia Creek Trail is moderately used, impacts related to increased use of other nearby recreational facilities would not be substantial and would not result in physical deterioration of these other recreational facilities. Therefore, the impact would be less than significant.

Operational Impacts

Once project construction is complete, the Penitencia Creek Trail would be re-open for public use. As described in Chapter 2, the east levee floodwall in Reach 3 would include a pedestrian crossing to prevent the new floodwall from becoming a barrier across this trail. Project-related maintenance activities would be similar to current practices, including trash and debris removal, vegetation management, maintenance road grading, management of wildlife

conflicts, graffiti removal, and fence repair. New maintenance activities would involve periodic inspections of the floodwalls and the headwalls and, if repairs are necessary, temporarily trail closure may be necessary. Since such repairs would be infrequent and any trail closures would be short-term, long-term effects on recreational facilities would be less than significant and substantial deterioration of the facilities would not result.

Impact REC-2: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (Less than Significant)

Construction and Operational Impacts

As described in Chapter 2, the proposed project involves construction of a pedestrian crossing over the Reach 3 floodwall to ensure connectivity with the Penitencia Creek Trail. ~~The proposed project pedestrian crossing would include earthen ramps on top of the east levee crossing over the floodwall. The slope of the trail would be increased to meet the ramp, and would not be sloped greater than 1:12 to ensure compliance with the American with Disabilities Act. As this element is part of the proposed project, the environmental impacts and mitigation measures associated with the proposed pedestrian crossing are described throughout this EIR. In most resource sections, the environmental effects of the pedestrian crossing project are described collectively with other project components. Based on that approach, the proposed project was found to result in significant impacts in the area of pertaining to air quality, biological resources, geology and soils, hydrology and water quality, noise and vibration, transportation/traffic, utilities, and hazardous materials (see Please refer to Sections 3.2 through 3.11 and Section 3.13 through 3.14). for a description of impacts and mitigation measures associated with construction and operation of the proposed pedestrian crossing and Reach 3 floodwalls. Implementation of Mitigation Measures AQ-1, AQ-2, BIO-1 through BIO-14, GEO-1, HYD-1, NOI-1, TRA-1, HAZ-1, and UTL-1 through UTL-5 would minimize adverse effects of the proposed project, including those associated with the pedestrian crossing at the Reach 3 floodwall. Construction and operation of the pedestrian crossing would not result in a significant impact to these resources due to its small size and the limited scale of the potential effects. There are no sensitive resources at the pedestrian crossing work area and construction associated with this facility would be short in duration and thus generate minimal air pollutant emissions, greenhouse gas emissions, and noise and vibration. As discussed in Section 3.9, Hydrology and Water Quality, implementation of District BMPs AQ-1, BI-3, WQ-4, WQ-5, WQ-9, WQ-10, and WQ-16 would minimize the potential for soil erosion at construction areas, and promote stabilization and revegetation of disturbed areas after construction is complete. With the exception of construction-related noise and vibration effects on nearby sensitive receptors, these mitigation measures would collectively reduce environmental effects of the proposed project to less-than-significant levels. Construction of the proposed crossing ramps would not result in significant adverse physical effects to the environment.~~

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3.13 Transportation and Traffic

3.13.1 Overview

This section first summarizes transportation and traffic terminology used throughout this section and then describes the regulatory and environmental settings related to traffic and transportation. This section also presents the methodology used to conduct the impact analysis, and evaluates the traffic impacts associated with the proposed project. Applicable District BMPs are identified and mitigation measures are proposed to reduce significant impacts of the proposed project.

Transportation and Traffic Terminology

The following are definitions of key transportation and traffic terms used in this section. These are based on the *Highway Capacity Manual* (HCM) published by the Transportation Research Board (2000) and the City of Milpitas General Plan Update (2002).

Level of Service. 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 City of Milpitas utilizes TRAFFIX software and the HCM methodology to evaluate intersection operations. The HCM method evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Control delay is the amount of delay that is attributed to the particular traffic control device at the intersection, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The correlation between average control delay and LOS is shown in **Table 3.13-1**.

Delay. Delay refers to the additional travel time experienced by a vehicle or traveler that results from (1) the inability to travel at optimal speed and (2) stops due to congestion or traffic control.

The following roadway classification definitions are taken from Table 3-3 of the City of Milpitas General Plan Update 2002 Circulation Element.

- **Freeways.** The function of a freeway is to provide for inter-regional and intra-regional mobility. Access to freeways is restricted to primary arterials and expressways via interchanges.
- **Expressways.** The function of an expressway is to provide for movement of through traffic. It offers limited access to abutting properties and access varies according to situation.
- **Arterials.** Arterials collect and distribute traffic from freeways and expressways to collector streets, and vice versa. Access to arterials varies according to situation.

- **Collectors.** Collectors serve as connectors between local and arterial streets and provide direct access to parcels.
- **Local roads.** Local roads provide unrestricted access to parcels.

Table 3.13-1. Level of Service Definitions for Signalized Intersections

Level of Service	Description	Average Control Delay Per Vehicle (sec.)
A	Signal progression is extremely favorable. Most vehicles arrive during the green phase and do not stop at all. Short cycle lengths may also contribute to the very low vehicle delay.	10.0 or less
B	Operations characterized by good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average vehicle delay.	10.1 to 20.0
C	Higher delays may result from fair signal progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, though may still pass through the intersection without stopping.	20.1 to 35.0
D	The influence of the congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	This is considered to be the limit of acceptable delay. These high delay volumes generally indicate poor signal progression, long cycle lengths, and high V/C ratios. Individual failures occur frequently.	55.1 to 80.0
F	This level of delay is considered unacceptable by most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes of such delay levels.	> 80.0

Source: Transportation Research Board 2000: p. 10-16

3.13.2 Regulatory Setting

State Laws, Regulations, and Policies

Caltrans manages the state highway system and ramp interchange intersections. The state agency is also responsible for highway, bridge, and rail transportation planning, construction, and maintenance. Work within the state ROW requires an encroachment permit from Caltrans.

Caltrans' *Guide for the Preparation of Traffic Impact Studies* (2002) contains requirements for preparation of a traffic impact analysis for various types of facilities. The Santa Clara Valley Transportation Authority (VTA), however, is designated as Santa Clara Valley's Congestion

Management Agency, and has more recently updated guidelines (VTA 2014a) VTA's guidelines are described below.

Caltrans also provides *Transportation Management Plan Guidelines* (Caltrans 2015) that address work activities on the state highway system. The proposed project would not affect any portion of I-880 such that traffic restrictions or detours would be needed. Therefore, this analysis is not subject to TMP guidelines.

As described in Chapter 2, *Project Description*, construction of the replacement levee in Reach 1 and the floodwall in Reach 2 would take place within Caltrans ROW. An encroachment permit from Caltrans would need to be obtained prior to construction in these areas.

Regional Laws, Regulations, and Policies

Santa Clara Valley Transportation Authority Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) is designated as Santa Clara Valley's Congestion Management Agency (VTA 2014a). The Congestion Management Program (CMP) statute requires that uniform methods be used for evaluating transportation impacts of land use decisions on the CMP system. The VTA's CMP requires that agencies use the VTA *Transportation Impact Analysis (TIA) Guidelines* to evaluate the transportation impacts of all land use decisions within the agency's jurisdiction that are projected to generate 100 or more net new week day (AM or PM peak hour) or weekend peak hour trips. For projects requiring TIAs, a copy of the TIA report shall be submitted to VTA at least 20 calendar days prior to the date the development decision or recommendation is scheduled to be made by the lead agency.

The CMP statute states that "in no case shall the LOS standards established be below level of service E or the current level, whichever is farthest from level of service A." If the baseline LOS for a roadway is LOS F, then the LOS must be maintained as LOS F, and mitigation measures must be implemented when project-specific impacts could result in an LOS exceeding the threshold.

3.13.3 Environmental Setting

Vehicle Access

Direct vehicular access to the project site is provided primarily via I-880, Dixon Landing Road, California Circle, Milmont Drive, North McCarthy Boulevard, and North Milpitas Boulevard. San Andreas Drive provides access to the west bank of the Lower Penitencia Creek channel in Reach 4, but does not connect to the other roads listed above.

I-880 is a north-south freeway facility that extends from San Jose in the south (where it becomes State Route 17) to Oakland in the north. Within the project vicinity, I-880 primarily has four northbound and four southbound mixed-flow lanes as well as a high-occupancy-vehicle (or carpool) lane in each direction.

Dixon Landing Road is a five- to six-lane, east-west, divided major arterial road that begins at its intersection with North McCarthy Boulevard west of I-880 and ends at North Milpitas Boulevard. It provides access to I-880 and has a sidewalk on the

south side of the road in the project vicinity. The roadway is a designated truck route. It is also a designated bike route between California Circle and Conway Street.

California Circle is a five-lane, north-south, undivided collector road that begins in the north at its intersection with Dixon Landing Road and becomes Milmont Drive at its southeastern end. It has a two-way-left-turn-lane and sidewalks on both sides between the northbound I-880 ramps and Milmont Drive. At the bridge over Lower Penitencia Creek (referred to as “California Circle bridge”), a sidewalk exists on the east side of the bridge. California Circle provides access to several adjacent office buildings. The roadway (up to Fairview Way) is a designated truck route. Parking is prohibited on both sides of the road.

Milmont Drive is a two-lane, north-south, undivided residential local street that begins north of Kato Road and ends at the Milmont Drive bridge where it becomes California Circle. It provides local access to the adjacent residential neighborhoods. It has bike lanes on both sides and a sidewalk on the west side of the road. Parking is prohibited on both sides of the road.

North McCarthy Boulevard is a four-lane, north-south, divided arterial road that runs parallel to the west side of I-880. It begins in the north at its intersection with Dixon Landing Road and ends at Montague Expressway on the south. It has bike lanes and sidewalks on both sides of the road and provides access to the Coyote Creek Trail. In the project vicinity, parking is prohibited on both sides of the road.

North Milpitas Boulevard is a four-lane, north-south, major arterial road that begins in the north at Dixon Landing Road, where it connects with Warm Springs Boulevard in Fremont, and ends at East Calaveras Boulevard, where it becomes South Milpitas Boulevard. It has bike lanes and sidewalks on both sides of the road. Parking is prohibited on both sides of the road.

San Andreas Drive is a two-lane, east-west local street that begins at the north end of North Abbott Avenue and ends at the north end of Pescadero Street. It has sidewalks on both sides of the street and an approximate curb-to-curb width of 40 feet. Approximately 65 feet east of the north end of North Abbott Avenue, San Andreas Drive crosses over Lower Penitencia Creek. This crossing is referred to as the San Andreas Drive bridge. Parking is allowed on both sides of the street.

Existing Transit Service

Transit service in the project vicinity is provided by the Alameda-Contra Costa Transit District (AC Transit) and Santa Clara Valley Transportation Authority (VTA). AC Transit operates Bus Routes 217 and 239. Route 217 operates along Warm Springs Boulevard and North Milpitas Boulevard between the Milpitas Great Mall and Fremont BART station on 30-minute headways during peak hours. Route 239 operates between Dixon Landing Road at Warm Springs Boulevard and the Fremont BART station via Mission Boulevard and Grimmer Boulevard on 60-minute headways on weekdays. VTA runs Route 66 between Dixon Road at North Milpitas Boulevard and Kaiser San Jose on 15-minute headways during peak hours. The closest bus stops are located at the intersection of Dixon Landing Road and North Milpitas Boulevard, which is approximately 0.6 mile from the project site.

Existing Bicycle and Pedestrian Facilities

Sidewalks are present on both sides of North Milpitas Boulevard. Dixon Landing Road has sidewalks on both sides of the road between California Circle and North Milpitas Boulevard. A continuous sidewalk is present on the west side of Milmont Drive between Dixon Landing Road and California Circle. California Circle has sidewalks on both sides of the road, except between Dixon Landing Road and the I-880 northbound ramps (over the California Circle bridge). At the Dixon Landing Road/California Circle intersection, a sidewalk is provided only on the east side of California Circle. San Andreas Drive has sidewalks on both sides of the street.

Existing bicycle facilities in the project vicinity are provided via a network of Class II bike lanes and bike routes, which are shared with vehicular traffic. Existing bike lanes are provided on California Circle, Milmont Drive, North McCarthy Boulevard, and North Milpitas Boulevard. No existing bike lanes are provided on Dixon Landing Road, except a very short section between North McCarthy Boulevard and the southbound I-880 off-ramp. The *City of Milpitas Bikeway Master Plan* (2009) shows future bike lanes on both sides of Dixon Landing Road along the entire length between North McCarthy Boulevard and North Milpitas Boulevard. The recently completed Fremont Boulevard extension from Lakeview Boulevard in Fremont to Dixon Landing Road in Milpitas also has bike lanes on both sides of the road.

In addition to bikeways and sidewalks on nearby public streets, an existing pedestrian path runs along the east side of Lower Penitencia Creek (Reach 3), starting on the east side of the California Circle bridge and ending on the north side of the Milmont Drive bridge. It currently provides a direct link between Dixon Landing Road near California Circle and the residential neighborhood between Lower Penitencia Creek and Milmont Drive.

Existing Traffic Volumes

For the purposes of this analysis, traffic volumes under existing conditions were determined based on traffic counts conducted in July and September 2015. Traffic counts were collected at the following key study intersections around proposed construction staging areas:

1. Dixon Landing Road and North McCarthy Boulevard/Fremont Boulevard
2. Dixon Landing Road and southbound I-880 ramps
3. Dixon Landing Road and northbound I-880 ramps/California Circle
4. California Circle and northbound I-880 ramps
5. Dixon Landing Road and Milmont Drive
6. Dixon Landing Road and North Milpitas Boulevard

For the intersection of Dixon Landing Road and Milmont Drive, traffic counts collected in June 2012 (prior to the start of BART Silicon Valley project construction) were used because the existing lane configuration on Dixon Landing Road (one lane in each direction) is only temporary and will be restored back to 2012 conditions by the time construction commences for the proposed project (VTA 2017). **Figure 3.13-1** shows existing traffic volumes for the above-referenced intersections.

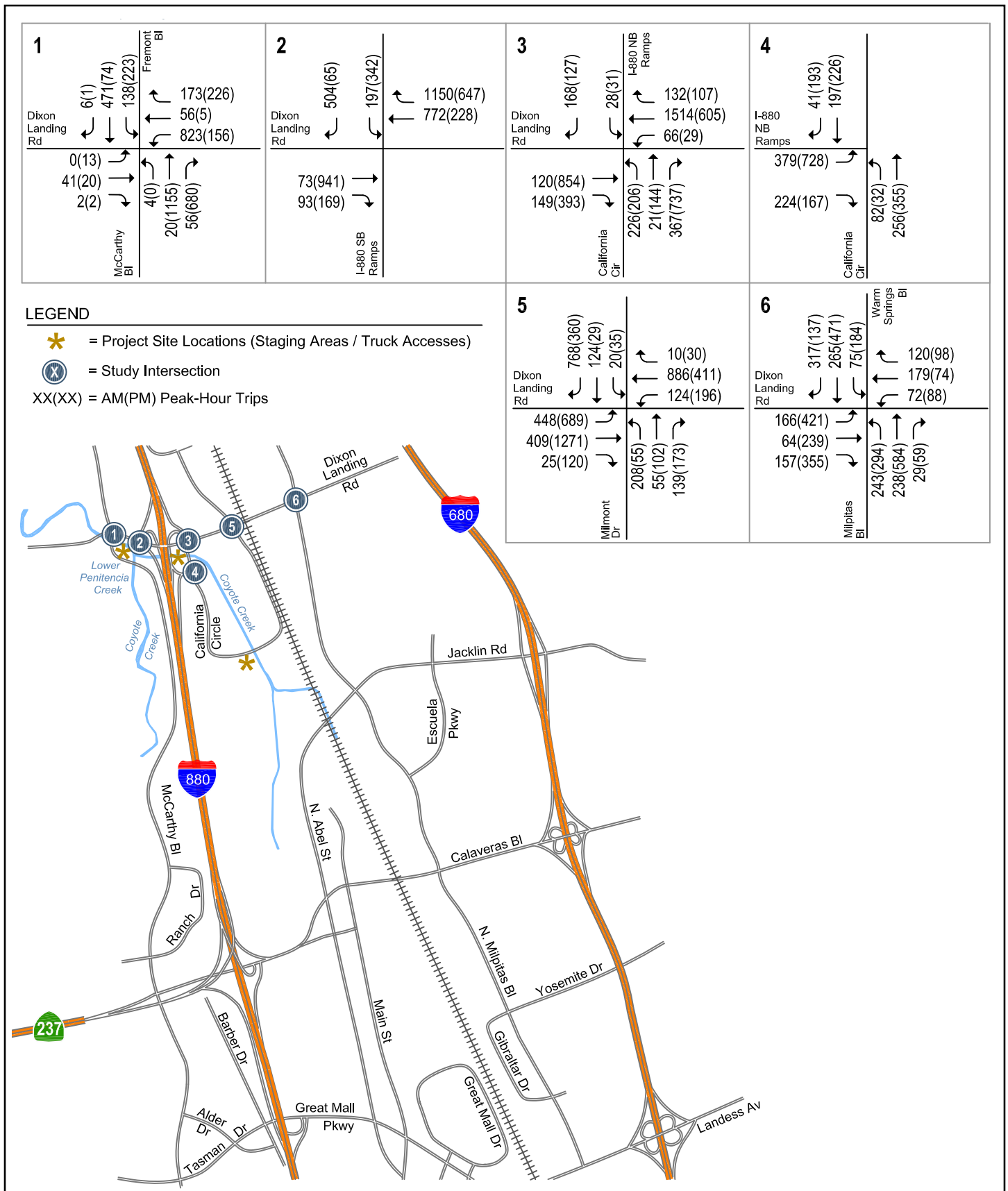
3.13.4 Impact Analysis

Methodology

The impacts of the proposed project were evaluated in accordance with LOS policies and methodologies applicable in the City of Milpitas and in accordance with the requirements of the VTA, the administering agency for the Congestion Management Program (CMP) of Santa Clara County. This analysis was also conducted in consideration of the State CEQA Guidelines thresholds related to transportation and traffic.

This study includes an analysis of weekday A.M. and P.M. peak-hour traffic conditions at the above-listed signalized intersections. The A.M. peak hour of traffic is typically between 7:00 AM and 9:00 A.M., and the P.M. peak hour is typically between 4:00 P.M. and 6:00 P.M. 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, which are presented in **Appendix H, Traffic Memorandum**.
- Scenario 2:** *Existing plus Project Conditions.* Existing plus project conditions were estimated by adding to existing traffic volumes the additional traffic generated by the proposed project during construction. Existing plus project conditions were evaluated relative to existing conditions to determine the proposed project's impacts.
- Scenario 3:** *Existing Conditions plus Approved and Pending Developments.* A list of approved and pending developments that would add traffic in the same time frame and geographic area as the proposed project was obtained from the City of Milpitas. (See "Signalized Intersection LOS Analysis" below.) Traffic volumes generated by approved and pending projects were added to existing traffic volumes to estimate this scenario. The roadway network was assumed to be unchanged from existing conditions for this scenario.
- Scenario 4:** *Existing Conditions plus Approved and Pending Developments and Project Conditions.* Project-generated traffic was added to the Scenario 3 traffic volumes, which accounts for traffic volumes generated by approved and pending projects in the City of Milpitas, to estimate "Existing Conditions plus Approved and Pending Developments." These conditions were evaluated relative to Scenario 3 conditions to determine project-related impacts. This scenario is equivalent to cumulative conditions with the proposed project taken into consideration.



Source: Hexagon 2016

**Figure 3.13-1.
Existing Traffic Volumes**

Prepared by:



**Lower Penitencia Creek
Improvements Project**

Project Construction Phasing Assumptions

For the purposes of this analysis, it was assumed that all construction-related traffic would be generated over a single 2-month period, despite the fact that construction would occur within an 8-month period spread over 2 years. By assuming a compressed 2-month project schedule, far more truck trips were assumed to occur during the AM and PM commute periods than would otherwise occur if truck traffic were distributed evenly over an 8-month schedule. It was also assumed that the majority of construction work would take place during the daytime between 7:00 A.M. and 5:00 P.M.

Construction Traffic Generation Estimates

Estimates of construction trips generated by the proposed project were developed based on the number of workers and the amount of materials being hauled to and from the project site (described in Chapter 2). A maximum of 40 workers would be on site; it is anticipated that approximately 5,800~~00~~ cy of material would require trucking to or from the project site. Trucking to the site is called on-hauling and trucking away from the project site is called off hauling. As of May 2017, it is estimated that 2,300 cy would be off-hauled and 3,50~~4~~60 cy would be on-hauled. The project's construction trip generation estimates were developed in 2016 using more conservative assumptions, and estimated that 10,200 cy of material would require trucking to or from the project site. Other assumptions included: (1) nearly all workers would drive and arrive/depart during the same 60-minute commute periods; (2) each material truck would carry 10 cy; (3) all construction activities within the different reaches would occur simultaneously; (4) all truck trips would occur over a 2-month construction period; (5) all truck trips would be spread evenly over a typical 8-hour workday; and (6) for the LOS calculations, all truck trips would be equivalent to two passenger vehicle trips (also known as passenger car equivalents [PCE]). As shown in **Table 3.13-2**, the proposed project would generate approximately 158 daily trips, with 43 trips occurring during each of the AM and PM peak commute hours.

It is expected that, during final design of the proposed project, the material quantities could vary slightly from what was assumed for this analysis. In addition, on an average workday, fewer than 40 workers would likely be on site during construction. For this reason, and because truck hauling was assumed to be distributed over 2 months rather than 8 months, the trip generation calculations presented for this analysis are believed to be conservative (i.e., greater than would likely be the case).

Table 3.13-2. Construction Trips Generated by the Proposed Project

Actual	Project Characteristics		Trip Time Period	Average Employee Trips ²	Average Heavy Vehicle Trips ³	Total Trips		
	Max. Workers	Material Yardage ¹ (CY)				To the Project Site	From the Project Site	Total
Actual	40	10,200	AM Peak Hour	40	3	40	3	43
			PM Peak Hour	40	3	3	40	43
			Daily	132	26	79	79	158
PCE Adjusted ³	40	10,200	AM Peak Hour	40	6	41	5	46
			PM Peak Hour	40	6	5	41	46
			Daily	132	52	92	92	184

Note: cy = cubic yards; PCE = passenger car equivalents.

Assumes one commute trip per employee per peak hour and miscellaneous trips such as deliveries, visitor trips, and lunch trips.

¹ Material off-hauled (e.g., excess soil) is estimated to be 6,500 cy; material hauled on site (e.g., concrete) is estimated to be 3,500 cy.

² Based on 10 cubic yards of material per heavy vehicle trip during the busiest 2-month work schedule. Truck trips evenly distributed throughout 8 hours of a typical day.

³ Assumes each heavy vehicle trip is equivalent to two passenger trips with respect to impacts on roadway capacity.

Source: Hexagon 2016 (provided in Appendix H)

The proposed project's trip distribution and assignment were developed based on the locations of complementary land uses (i.e., similar types of land uses to those surrounding the proposed project area) and data from the Creekside Warehouse Traffic Impact Analysis (City of Fremont 2013). The Creekside Warehouse project is located on the Fremont Boulevard extension, just north of Dixon Landing Road. Warehouse trips are a reasonable proxy for construction trips because they comprise both employee trips and heavy vehicle trips. The project trip distribution is shown in **Figure 3.13-2** and the project trip assignment is shown in **Figure 3.13-3**.

Signalized Intersection LOS Analysis

Traffic volumes for background conditions were estimated by adding the existing traffic volumes to the trips generated by approved and pending developments. **Figure 3.13-4** shows the background traffic volumes. The City of Milpitas identified the following approved and pending development projects in the project vicinity and requested that trips anticipated due to build-out of these development projects be included in the proposed project's Background Conditions scenario (Chan, pers. comm., 2015):

- *Springhill Marriot Suites at 1201 Cadillac Court* a 124-room hotel development at the southwest quadrant of the Cadillac Court/California Circle intersection
- *Holiday Inn Suites at 1100 Cadillac Court* a 129-room hotel development at the southeast quadrant of the Cadillac Court/Fairview Way intersection

- *Waterstone Residential* an 84-single-family-unit residential development located on California Circle just south of Dixon Landing Road
- *iStar Residential* a 144-townhouse-unit residential development located on California Circle just west of the Milmont Drive bridge

Under Existing plus Project Conditions and Existing Conditions plus Approved and Pending Developments, the roadway network was assumed to be unchanged from existing conditions. The traffic volumes for the Existing Plus Project Conditions and Existing Conditions plus Approved and Pending Developments Plus Project are shown in **Figure 3.13-5** and **Figure 3.13-6**, respectively.



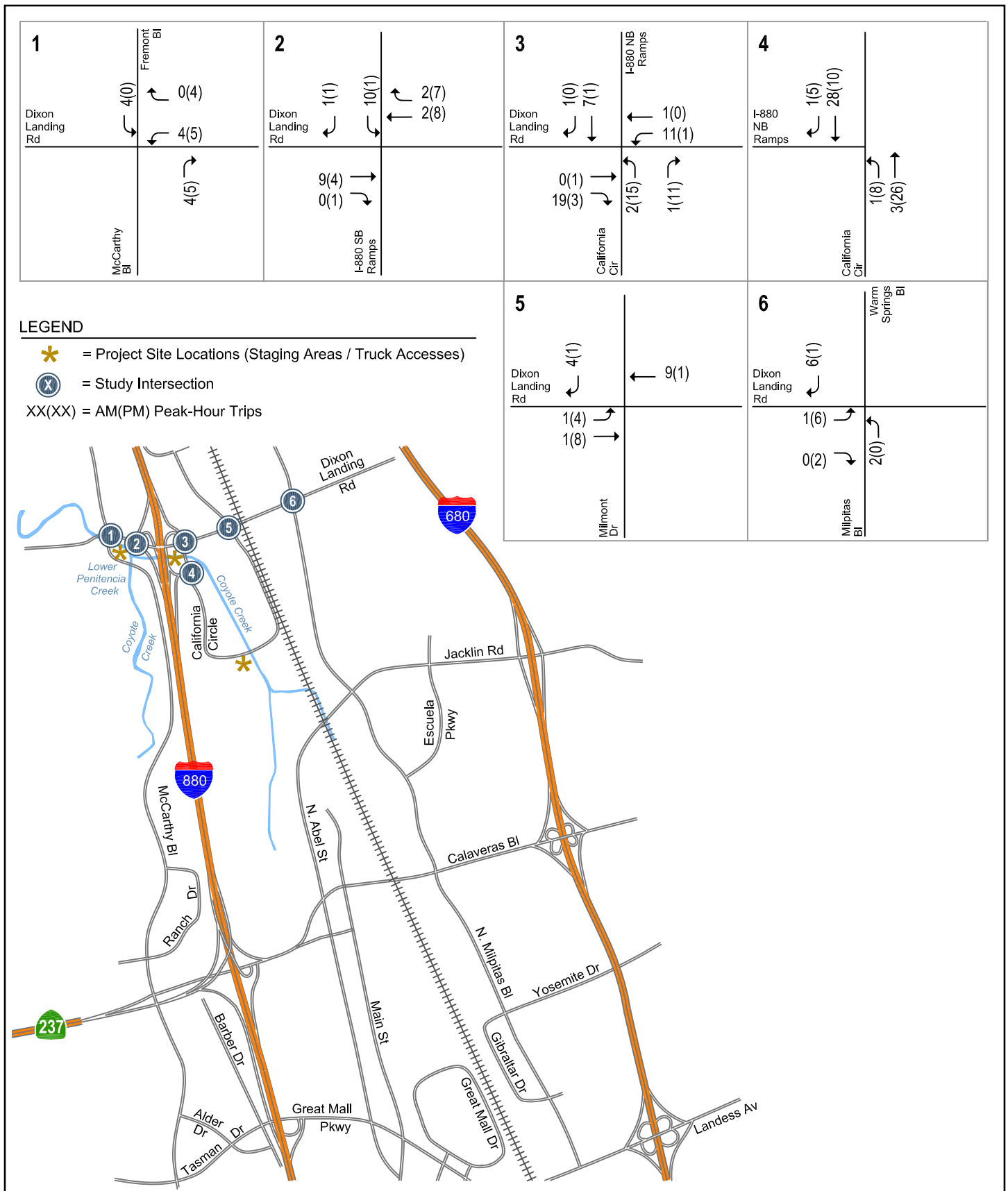
Source: Hexagon 2016

**Figure 3.13-2.
Project Trip Distribution**

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Improvements Project**



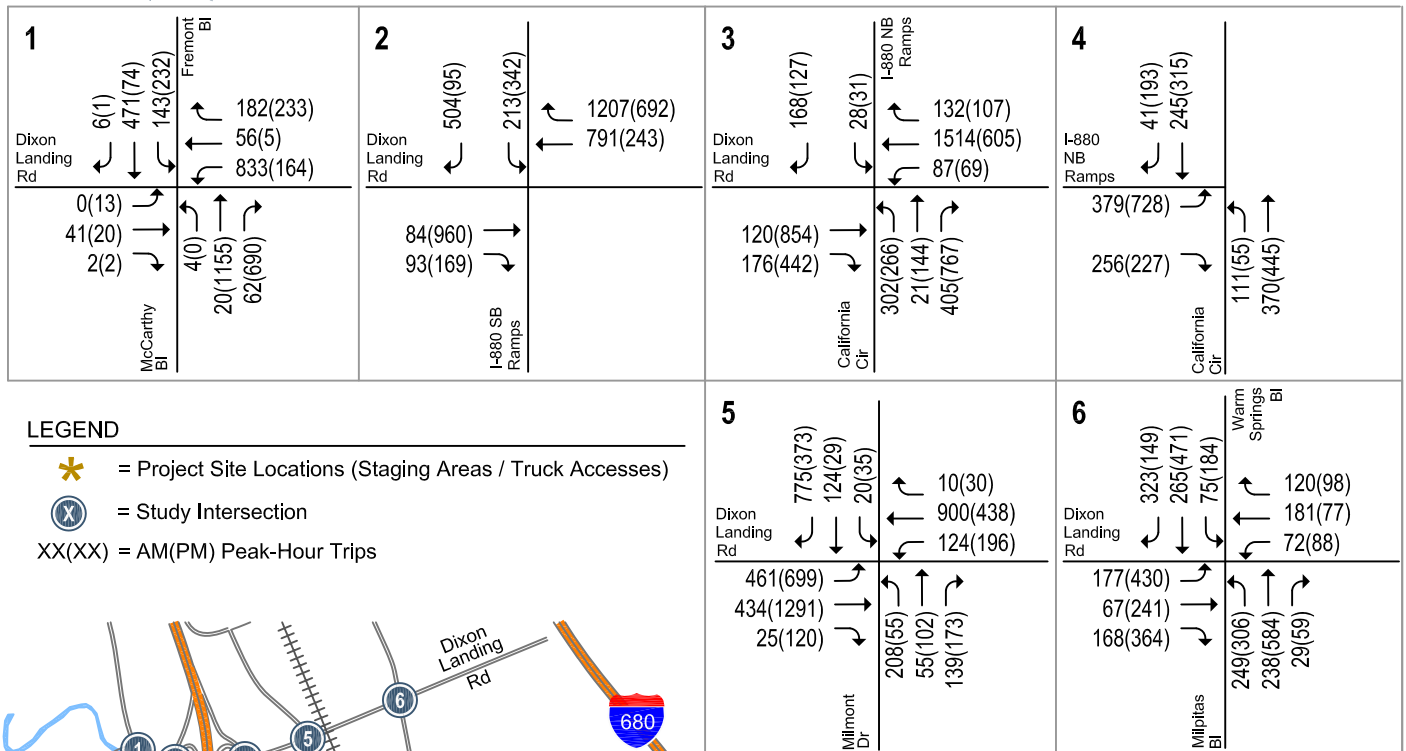
Source: Hexagon 2016

**Figure 3.13-3.
Project Trip Assignment**

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Improvements Project**



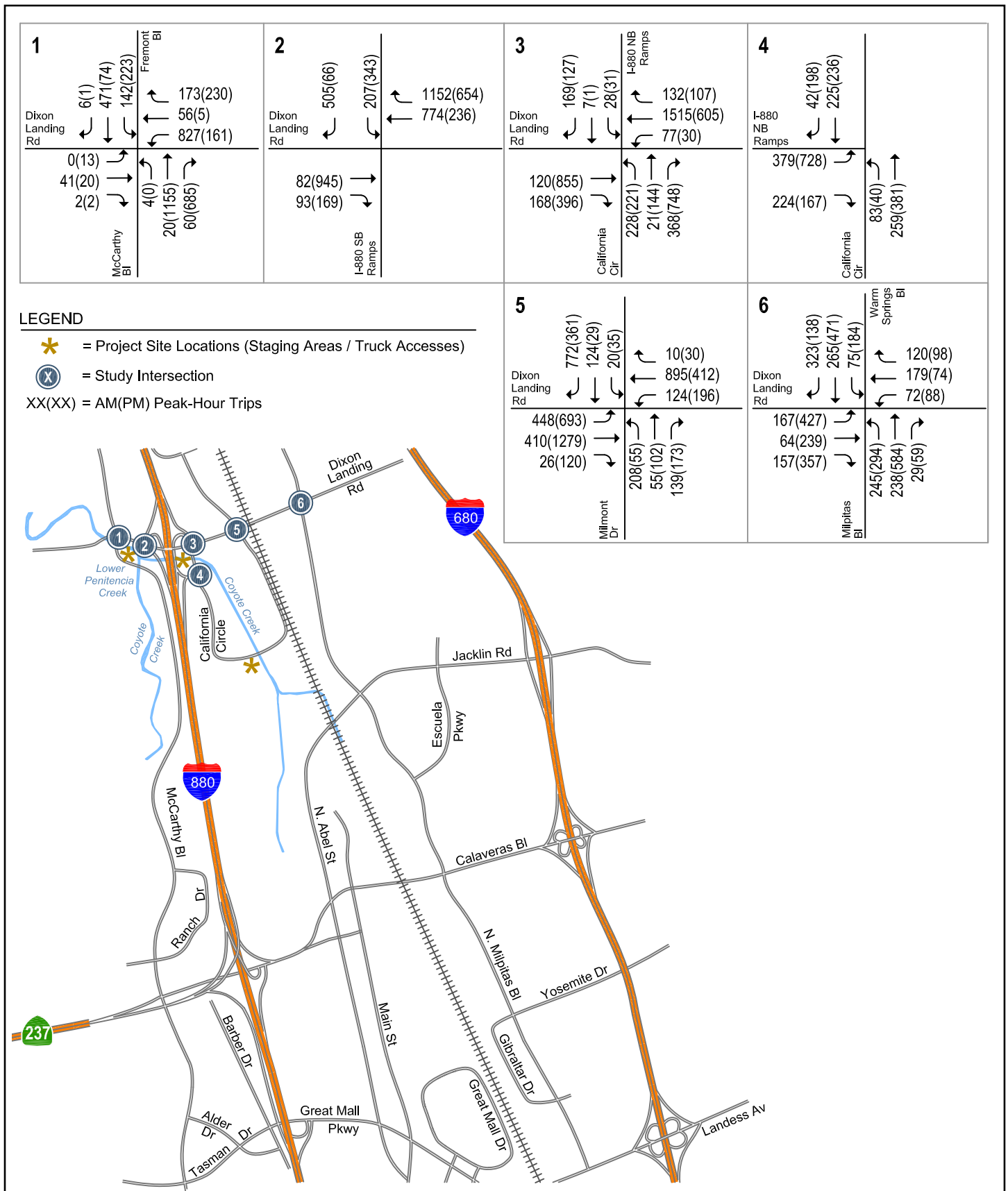
Source: Hexagon 2016

**Figure 3.13-4.
Background Traffic Volumes**

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**Lower Penitencia Creek
Improvements Project**



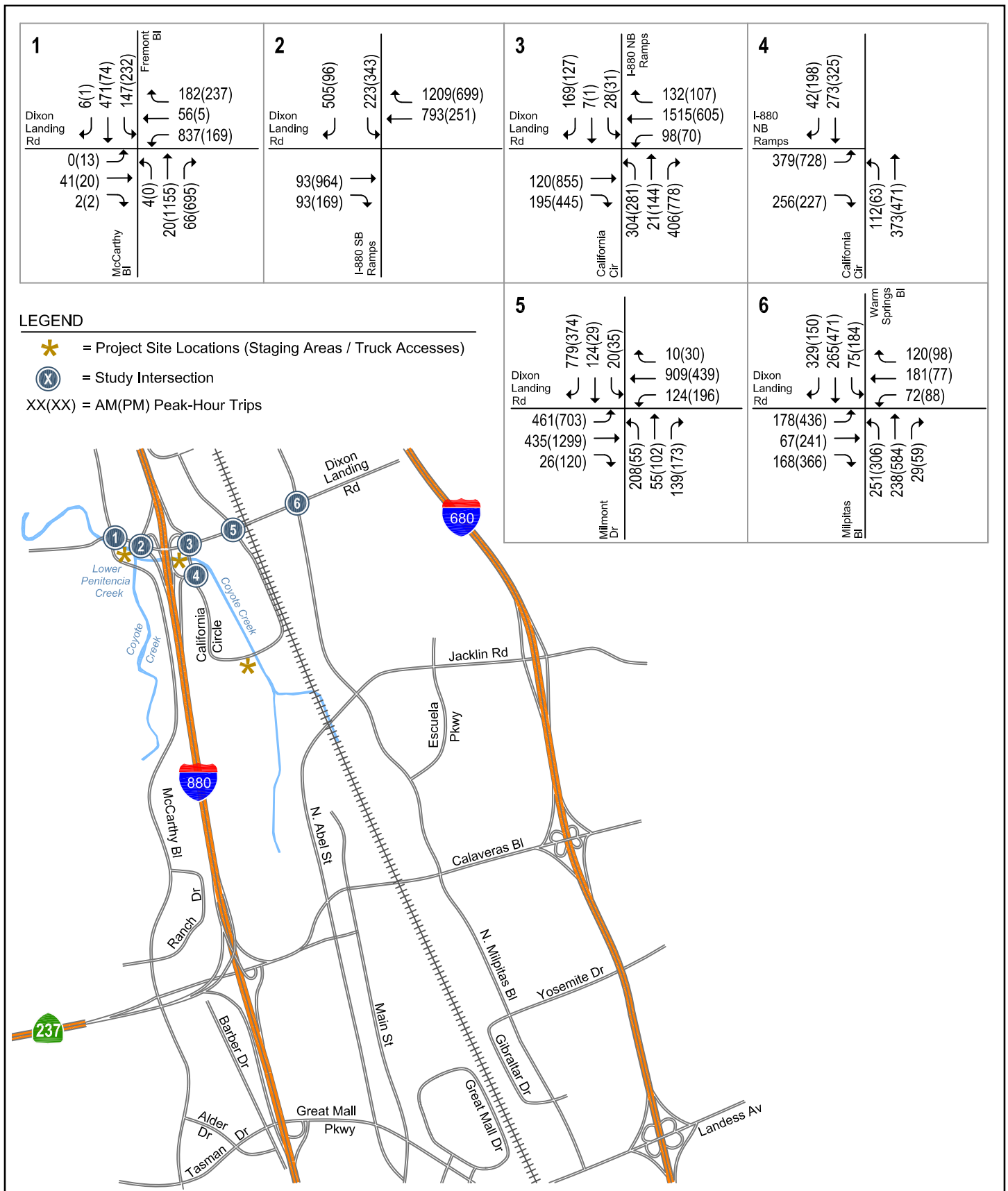
Source: Hexagon 2016

Figure 3.13-5.
Existing Plus Project Traffic Volumes

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Improvements Project**



Source: Hexagon 2016

**Figure 3.13-6.
Background Plus Project Traffic Volumes**

Prepared by:



**Lower Penitencia Creek
Improvements Project**

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact related to transportation and traffic if it would:

- Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;
- Conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Result in inadequate emergency access; or
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities.

LOS Standards and VTA CMP Guidelines

The City of Milpitas' LOS standard for non-CMP signalized intersections is LOS D (City of Milpitas 2002). All of the study intersections are non-CMP intersections according to the *VTA 2014 Monitoring and Conformance Report* (VTA 2014b). According to the City of Milpitas' LOS standards (City of Milpitas 2002), a project would create a significant adverse impact on traffic conditions at a signalized intersection if, for either peak hour:

1. The LOS at the intersection would be degraded from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or LOS F under project conditions, or
2. If the intersection is already operating at an unacceptable LOS E or LOS F under no project conditions, the addition of the proposed project traffic would cause an increase in average critical delay of 4 seconds or more and the volume-to-capacity ratio (V/C) would be increased by more than 0.01 when proposed project traffic is added.

A significant impact at a signalized intersection would be mitigated to a less-than-significant level when appropriate measures are implemented that would restore intersection LOS to an acceptable level or restore the intersection to operating levels that are better than no project conditions.

According to the 2014 VTA CMP Transportation Impact Analysis Guidelines (VTA 2014a), a project would have an adverse impact on pedestrian and bike circulation if: (1) its vehicle trips would present a barrier to bikes/pedestrians safely crossing roadways, or (2) it would reduce or sever existing or planned bike/pedestrian circulation in the area. A project would have an adverse impact on transit service if it would: (1) cause vehicular congestion that would significantly degrade transit operations, or (2) conflict with existing transit service plans or preclude future transit service to the project area.

Impact Summary

Table 3.13-3 summarizes transportation and traffic impacts of the proposed project.

Table 3.13-3. Summary of Impacts Transportation and Traffic

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
TRA-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit	S	Mitigation Measure TRA-1	LM
TRA-2: Conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways	LS	None	LS
TRA-3: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks	NI	None	NI
TRA-4: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	S	Mitigation Measure TRA-1	LM
TRA-5: Result in inadequate emergency access	S	Mitigation Measure TRA-1	LM

NI= No Impact; LS = Less than Significant; LM = Less than Significant with Mitigation; S = Significant

Environmental Impacts

Impact TRA-1: Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (Less than Significant with Mitigation)

The policies in the City of Milpitas *General Plan*, City of Milpitas *Bikeway Master Plan Update*, and City of Milpitas *Trails Master Plan* and VTA's *Transportation Impact Analysis Guidelines* (which comply with Caltrans's Traffic Impact Analysis requirements) establish measures of effectiveness for the performance of the circulation system that are intended to address the long-term and permanent effects of a project on the circulation system (e.g., roads, sidewalks, and bicycle and transit facilities). Given the nature of the proposed project (improvements to an existing flood control channel), the project would not permanently affect the City's transportation and circulation system. Therefore, the following analysis evaluates temporary impacts on the overall transportation and circulation system during the construction phase, including roadways, pedestrian and bicycle facilities, and public transit; and overall compatibility with goals and policies contained in the City of Milpitas *General Plan*, City of Milpitas *Bikeway Master Plan Update*, and City of Milpitas *Trails Master Plan* and guidelines contained in VTA's *Transportation Impact Analysis Guidelines*.

Construction Impacts

Trucks on Local Roadways

For local residential streets, such as Milmont Drive and San Andreas Drive, traffic generated by construction vehicles could result in a substantial traffic increase due to the relatively small traffic volume on these streets. Milmont Drive and San Andreas Drive are located in close proximity to residential uses, which are typically sensitive to heavy vehicle traffic. According to the City of Milpitas *General Plan*, Milmont Drive and San Andreas Drive are not designated truck routes. While construction traffic would not degrade the level of existing traffic to an unacceptable level (as discussed in Impact TRA-2 below), the addition of heavy trucks and other construction vehicles could temporarily disrupt traffic flow on these residential streets. Potential use of Milmont Drive and San Andreas Drive by heavy vehicles during construction would constitute a significant impact. Mitigation Measure TRA-1 would be implemented to address this impact.

Pedestrian and Bicycle Facilities

Currently, sidewalks on both sides of San Andreas Drive provide neighborhood pedestrian access to North Abbott Avenue and the surrounding local streets. There are no bike lanes on this street. Construction of the proposed headwalls at the north (downstream) face and the south (upstream) face of the San Andreas Drive bridge would require sidewalk closure on both sides of San Andreas Drive. As the District would construct only one headwall at a time, at least one sidewalk would remain open throughout the San Andreas Drive bridge construction phase. Based on site observations, there is minimal pedestrian and bicycle activity on San Andreas Drive in the vicinity of the San Andreas Drive bridge. However, temporary sidewalk closure on one side of the San Andreas Drive bridge would require

detouring of pedestrians to the opposite sidewalk on the bridge. In addition, during headwall construction, bicyclists would continue to share the road with motorists along this street.

As described in other sections of this DEIR, the Penitencia Creek Trail runs along the east side of Reach 3. The trail starts on the east side of the California Circle bridge and ends on the north side of the Milmont Drive bridge. As described in Chapter 2, this trail would require temporary closure throughout the duration of project construction activities within and along Reach 3. This would result in temporary conflicts with the City of Milpitas *Trail Master Plan* and City of Milpitas *Bikeway Master Plan* as temporary closure of the Penitencia Creek Trail would reduce linkages to other alternative transportation routes in the vicinity for pedestrians, bicyclists, and joggers. While the trail and sidewalk on the San Andreas Drive bridge are temporarily closed, pedestrians and bicyclists would be required to find other similar facilities in the area to use (e.g., sidewalks and paths) or alternative modes of transportation.

Implementation of BMP TR-1 (Use Suitable Public Safety Measures), which requires that fences, barriers, lights, flagging, guards, and signs be installed around the work areas, would help increase public awareness and minimize traffic safety impacts on pedestrians and bicyclists. However, the BMP would not effectively reduce this impact as the measure does not address temporary lane reduction at the San Andreas Drive bridge work area, impacts of heavy truck traffic on residential streets, or temporary closure of pedestrian facilities like the Penitencia Creek Trail. These effects on pedestrian and bicycle mobility, and temporary conflicts with goals and objectives established in the City of Milpitas *General Plan*, *Trail Master Plan*, and *Bikeway Master Plan* are considered significant. Mitigation measure TRA-1 would be implemented to address this impact.

Public Transit

Given that there are no transit services on Milmont Drive, California Circle, Dixon Landing Road, or San Andreas Drive in the project vicinity, it is anticipated that very few, if any, construction workers would use public transit. Most construction workers would arrive at the project site either by driving alone or carpooling. In addition, the proposed project would not remove or alter the existing transit service in any way, nor would it materially increase the intersection delay on existing bus routes. For these reasons, the proposed project's impact on transit service would be less than significant.

Mitigation Measures

Mitigation Measure TRA-1: Traffic Control Plan

The District will develop a traffic control plan in accordance with professional traffic engineering standards to reduce the effects of project construction activities and traffic on surrounding local roads, bicycle and pedestrian facilities, and emergency access. The District and/or its contractor will coordinate development and implementation of this plan with the City of Milpitas. Components of the Traffic Control Plan will include, but not be limited to, the following:

- Restrict truck access to truck routes designated by the City.
- Confine heavy truck traffic such as material hauling to California Circle.

- Prohibit work-site access via residential streets (e.g., Milmont Drive and San Andreas Drive) to the extent feasible. Should construction staging require use of Milmont Drive and San Andreas Drive by heavy vehicles for brief periods, the District and/or its contractor will coordinate with the City of Milpitas to obtain approval.
- Provide advance construction warning signage for lane reduction at San Andreas Drive during headwall construction at the bridge.
- Provide advance notification of necessary closures of sidewalks on San Andreas Drive and maintain pedestrian access during construction of the headwalls where safe to do so. For the San Andreas Drive sidewalk closures, detour pedestrians away from construction activity to the sidewalk on the opposite side of the street. For the Penitencia Creek Trail closure, route pedestrians along the existing sidewalks on California Circle and Milmont Drive, where appropriate.
- To accommodate the temporary closure of the Penitencia Creek Trail along Reach 3 and the narrowing of travel lanes on the San Andreas Drive bridge, provide signage that indicates where bicycles and motor vehicles should share the roadway, and detour bikes to Milmont Drive and California Circle, where appropriate.
- Traffic handling plans for San Andreas Drive shall be prepared and implemented in accordance with Caltrans and *California Manual on Uniform Traffic Control Devices* (MUTCD) standards. The traffic handling plans shall demonstrate how two-way traffic operations can be maintained during work hours (e.g., use of flaggers) and when construction activity ends each day.
- Notify and consult with emergency service providers such as police and fire stations, hospitals, and schools prior to the start of construction. The District will maintain emergency access at all times, by whatever means necessary, to expedite and facilitate the passage of emergency vehicles.

Significance After Mitigation

Implementation of Mitigation Measure TRA-1 would ensure that a traffic control plan is developed and implemented to minimize effects related to truck traffic on residential streets and minimize pedestrian and bicycle safety impacts during construction. This measure would reduce temporary conflicts with goals and objectives, including measures of effectiveness, outlined in the City of Milpitas *General Plan*, City of Milpitas *Trail Master Plan*, City of Milpitas *Bikeway Master Plan*, and VTA's *Transportation Impact Analysis Guidelines*. This impact would be less than significant with mitigation.

Impact TRA-2: Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (Less than Significant)

Construction Impacts

Freeway Segments

According to the CMP guidelines, a freeway segment should be studied when a proposed development would add traffic to a segment that totals more than 1 percent of its capacity. **Table 3.13-4** shows this comparison. The methods used to assign project traffic to the roadway network are described in the “Construction Traffic Generation Estimates” section in Section 3.13.4, above. The capacity of a mixed-flow lane, as specified by the HCM, is 2,200 vehicles per hour (vph) on four-lane facilities and 2,300 vph on facilities with six or more lanes. HOV lanes and auxiliary lanes were not included in this calculation. Some stretches of I-880 between SR 237 and Mission Boulevard have five mixed-flow lanes in each direction, but the capacity analysis in Table 3.13-2 uses four mixed-flow lanes in each direction to be conservative (i.e., the analysis understates the number of available lanes and thereby overstates the project effect).

The number of construction trips that the proposed project would add to the freeway would be less than 1 percent of its capacity in both directions in both the AM and PM peak hours. Based on this comparison, the proposed project would not result in a substantial impact on freeway segments, and no additional analysis is required.

Table 3.13-4. Freeway Segment Evaluation

Freeway	Segment	Direction	Mixed Flow Lanes	Capacity per Lane ¹ (vph)	Total Capacity (vph)	1% of Capacity	Project Trips	
							AM	PM
I-880	SR 237 to Dixon Landing Road	NB	4	2,300	9,200	92	8	1
I-880	Dixon Landing Road to Mission Boulevard	NB	4	2,300	9,200	92	2	13
I-880	Mission Boulevard to Dixon Landing Road	SB	4	2,300	9,200	92	11	2
I-880	Dixon Landing Road to SR 237	SB	SB	2,300	9,200	92	2	8

Notes: NB = northbound; SB = southbound; SR = State Route; vph = vehicles per hour.

¹ Mixed-flow lane capacity is based on the ideal capacity cited in the 2000 HCM.

Source: Data from TRB 2000 modified and analyzed by Hexagon; see Appendix H.

Intersection LOS Analysis

As shown in Table 3.13-2 in the “Methodology” section above, project construction is anticipated to total 43 AM and 43 PM peak-hour trips on local roadways near the project site. The results of the intersection LOS analysis are summarized in **Table 3.13-5**. The results show that, measured against the City of Milpitas LOS standards, all signalized study intersections are projected to operate at an acceptable LOS D or better during the AM and PM peak hours under both “Existing plus Project Conditions” and “Existing Conditions plus Approved and Pending Developments and Project” scenarios. Therefore, the proposed project would not result in a substantial adverse effect at the study intersections. The LOS calculation sheets are shown in Appendix H.

Based on the above analysis, truck trips and construction worker vehicle trips generated during project construction would not substantially affect capacity on nearby freeway

segments, nor would it degrade the City of Milpitas LOS standards. Conflicts with the VTA's CMP or the City of Milpitas LOS standards would be less than significant.

Operational Impacts

Once construction is complete, maintenance activities described in Chapter 2 would be similar to those that currently occur under the District's SMP with the exception of occasional repair and maintenance of the new floodwalls and headwalls. Minimal truck trips would be generated for the project's maintenance activities. Therefore, the proposed project would not result in long-term conflicts with the City of Milpitas LOS standards or the VTA's CMP. This impact would be less than significant.

1 **Table 3.13-5. Intersection LOS Analysis Summary**

Study Intersection Number	Intersection	Peak Hour	LOS Standard	Existing		Existing plus Project		Background (Existing plus Approved)			
				Avg. Delay ¹	LOS ¹	Avg. Delay ¹	LOS ¹	No Project		With Project	
								Avg. Delay ¹	LOS ¹	Avg. Delay ¹	LOS ¹
1	Dixon Landing Road and North McCarthy Boulevard	AM	D	23.4	C	23.4	C	23.4	C	23.5	C
		PM	D	45.4	D	46.5	D	48.6	D	49.8	D
2	Dixon Landing Road and SB I-880 Ramps	AM	D	7.5	A	7.5	A	7.6	A	7.6	A
		PM	D	12.7	B	12.7	B	11.8	B	11.8	B
3	Dixon Landing Road and NB I-880 Ramps/California Circle	AM	D	14.4	B	17.7	B	15.7	B	19.7	B
		PM	D	26.3	C	35.3	D	27.5	C	38.6	D
4	California Circle and NB I-880 Ramps	AM	D	11.3	B	12.7	B	11.7	B	13.0	B
		PM	D	13.9	B	26.2	C	14.8	B	33.6	C
5	Dixon Landing Road and Milmont Drive	AM	D	40.1	D	40.3	D	40.4	D	40.6	D
		PM	D	26.1	C	26.1	C	26.2	C	26.2	C
6	Dixon Landing Road and North Milpitas Boulevard	AM	D	31.5	C	31.6	C	31.7	C	31.7	C
		PM	D	39.8	D	39.6	D	39.6	D	39.6	D

Notes: LOS = level of service.

Signalized intersection levels of service and delays reported are for average control delay per vehicle.

Source: Hexagon 2016 (provided in Appendix H)

2

Impact TRA-3: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (No Impact)*Construction and Operational Impacts*

There are no airports in the project vicinity. As such, the proposed project would not affect existing air traffic patterns during construction or operation. There would be no impact.

Impact TRA-4: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Less than Significant with Mitigation)*Construction Impacts*

The presence of large, slow-moving construction-related vehicles and equipment among the general-purpose traffic on roadways in the project area could result in substantial safety hazards, especially on nearby residential streets. In addition, as described in Impact TRA-2, construction of the proposed headwalls at the San Andreas Drive bridge may require temporary lane closures or narrowing of travel lanes. A single-lane, two-way traffic control operation may need to be in place on the bridge deck during peak hours when construction work is in progress. In the event that temporary lane closures are needed, traffic safety hazards could occur near the San Andreas Drive and North Abbott Avenue corner (approximately 50 feet west of the bridge) as there would be limited space at this sharp, 90-degree turn and driver visibility may be somewhat limited. As a result, construction at this location may temporarily increase vehicular safety hazards. Implementation of BMP TR-1 would involve installation of fences, barriers, lights, flagging guards, and signs to address the potential for safety hazards. While this measure would generally avoid confusion for drivers, bicyclists, and pedestrians, the presence of construction vehicles and equipment would still pose a significant impact related to traffic safety.

Operational Impacts

The proposed project would not involve changes to any road configurations that could create sharp curves or dangerous intersections. Therefore, no impact related to safety hazards in the long-term would occur.

Mitigation Measures

Implement Mitigation Measure TRA-1: Traffic Control Plan (see full text of measure in Impact TRA-1 above).

Significance After Mitigation

The presence of slow-moving construction vehicles and equipment would pose a significant impact related to traffic safety even with implementation of BMP TR-1. Implementation of Mitigation Measure TRA-1 would reduce this impact by requiring development of a traffic control plan that would account for movement of construction vehicles and equipment and recommend warnings devices, signage, and traffic controls to prevent hazards to other road users. The District would require the contractor to implement the traffic control plan during construction, which would reduce this impact to less than significant with mitigation.

Impact TRA-5: Result in inadequate emergency access (Less than Significant with Mitigation)*Construction Impacts*

The presence of slow-moving construction trucks and vehicles could delay or obstruct the movement of emergency vehicles on local roads in the project vicinity. As discussed in Impacts TRA-2 and TRA-4, the temporary lane reduction at the San Andreas Drive bridge crossing would reduce roadway capacity and could substantially increase the response time for emergency vehicles traveling through the work area. This impact is considered significant.

Operational Impacts

Once construction is complete, local roads in the project vicinity would operate similar to existing conditions. Access to the project area would continue to occur using existing access roads and local roads. In addition, because maintenance activities would occur on a periodic and as-needed basis, impacts related to impaired emergency access during project operation would be less than significant.

Mitigation Measures

Implement Mitigation Measure TRA-1: Traffic Control Plan (see full text of measure in Impact TRA-1 above).

Significance After Mitigation

Mitigation Measure TRA-1 requires the preparation and implementation of a construction-period traffic control plan. The plan would identify effects on traffic flow from construction activities and traffic, and specify measures to ensure that affected roadways remain open for use by emergency responders at all times. The District would require the construction contractor to adhere to the plan throughout construction. This measure would reduce this impact to less than significant with mitigation.

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3.14 Utilities and Service Systems

3.14.1 Overview

This section evaluates the proposed project's impacts on utilities and service systems, including water supply, wastewater, stormwater, natural gas, electricity, and solid waste management. The regulatory setting section describes applicable laws, regulations, and policies related to utilities and service systems, and the environmental setting section describes existing utility infrastructure and utility supplies and demands at the project site and surrounding area. The impact analysis section evaluates impacts on utilities and service systems in light of the existing regulatory and environmental settings. Resources used to prepare this section include information and regulations from the various service providers, as referenced below; the City of Milpitas *General Plan*; and state regulations. The proposed project's effects on energy use are described in Section 3.7, *Greenhouse Gas Emissions and Energy Use*.

3.14.2 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies relate to utilities and service systems and the proposed project.

State Laws, Regulations and Policies

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (CIWMA) (PRC Division 30) requires all California cities and counties to implement programs to reduce, recycle, and compost wastes by at least 50 percent by the year 2000 (PRC Section 41780). California has since established a goal of 75 percent recycling, composting, or source reduction by 2020. The California Department of Resources Recycling and Recovery (CalRecycle) administers the CIWMA and assigns jurisdictions tailored per capita and employee disposal rate targets to determine compliance and to focus efforts on successful implementation of diversion programs. Targets are met if a jurisdiction's per capita disposal rate is below or at the target rate (i.e., if each resident is disposing of the target amount or less each year). CalRecycle notes that meeting the disposal rate targets is not necessarily an indication of compliance (CalRecycle 2017a). The most recent information from CalRecycle indicates that Milpitas is meeting its per capita and employee disposal rate targets, as shown in **Table 3.14-1** below.

Table 3.14-1. City of Milpitas Per Capita and Employee Disposal Targets and Rates

Report Year	Annual Per Capita Disposal Rate (ppd) Per Resident	Annual Per Capita Disposal Rate (ppd) Per Employee
Target	6.3	9.7
2011	4.2	7.2
2012	4.5	7.2
2013	5.0	8.2
2014	4.9	7.9
2015	5.3	8.4

Note: ppd = pounds per day

Source: CalRecycle 2017a

Title 8, Section 1541 of the California Code of Regulations: Excavations

Section 1541 of the California Code of Regulations requires, among other things, that excavators identify the location of subsurface utilities prior to initiating construction, as follows: “the approximate location of subsurface installations, such as sewer, telephone, fuel, electric, water lines, or any other installations that reasonably may be expected to be encountered during excavation work, shall be determined by the excavator prior to opening an excavation” (Section 1541[b][1]). Additional requirements of Section 1541 include training of employees involved in excavation work, notification by excavators of regional notification centers (see California Government Code Section 4216 et seq. below) and all known owners of subsurface installations, protection of subsurface installations when the excavation is open, and notification of regional notification centers and utility owners in the event of damage or accidents.

California Government Code Section 4216 et seq.

California Government Code Section 4216 et seq. requires owners and operators of underground utilities to become members of and participate in a regional notification center, which notifies them of planned excavation reports from public and private excavators. This section of the California Government Code also requires every subsurface installation operator to locate and field mark, if known, subsurface installations that may be affected by the excavation prior to the excavation start date indicated by the excavator. In the project area, Underground Service Alert–Northern California (USA North) is the main notification center that is compliant with Section 4216.

3.14.3 Environmental Setting

Water

The City of Milpitas receives potable water from both the District and the San Francisco Public Utilities Commission (SFPUC). The City of Milpitas purchases approximately 65 percent of its water from the District and the remainder from SFPUC (SCVWD 2011). Water provided by the District is primarily from the Sacramento–San Joaquin River Delta with some contributions from local watersheds (e.g., Anderson, Calero Reservoirs), while the water provided by the SFPUC originates primarily from its Hetch Hetchy watershed in the Sierra Nevada mountains. In addition to the potable supplies it receives from the District and the

SFPUC, the City of Milpitas purchases recycled water from the South Bay Water Recycling Program (SBWR), which is administered by the City of San Jose, for irrigation, industrial, and other purposes (SCVWD 2011).

The City of Milpitas owns, operates, and maintains a potable water distribution system consisting of approximately 200 miles of water main, 4,300 valves, 1,600 fire hydrants, five water tanks, four pumping stations, and one well serving more than 16,000 service connections (City of Milpitas 2011a). The City of Milpitas also operates and maintains a recycled water system, owned by the City of San Jose SBWR, which consists of approximately 20 miles of recycled main and associated facilities, serving one industrial and 180 irrigation services in the City. In 2010, the City of Milpitas delivered approximately 9,143 acre-feet of potable water to customers (City of Milpitas 2011a).

Wastewater

The City of Milpitas owns and operates its municipal sewer collection system, consisting of 175 miles of gravity pipe, 5 miles of force main, and two pump stations (City of Milpitas 2011b). Wastewater collected by the City of Milpitas' sewer collection system is routed to the San Jose–Santa Clara Regional Wastewater Facility for treatment. The San Jose–Santa Clara Regional Wastewater Facility treats an average of 110 million gallons per day (mgd) of wastewater, with treatment capacity of up to 167 mgd (City of San Jose 2015). This facility is the largest tertiary treatment plant in the western United States, serving 1.4 million residents and 17,000 business-related sewer connections in an eight-city area. The City of Milpitas discharged 8.4 mgd to the San Jose–Santa Clara Regional Wastewater Facility in 2009/2010 and is contractually limited to a flow of 14.25 mgd (City of Milpitas 2002).

Stormwater

The City of Milpitas *Storm Drain Master Plan* (Schaaf & Wheeler 2013) identifies two stormwater lagoons in the project area: California Circle Lagoon and Abbott Lagoon. California Circle Lagoon is located along the left bank of Reach 2, downstream of the California Circle bridge and upstream of the I-880 crossing. Abbott Lagoon is located at the upstream terminus of Reach 4, just west of North Abbott Avenue. These lagoons drain adjacent streets and ultimately discharge stormwater to Lower Penitencia Creek via pump stations (Schaaf & Wheeler 2013).

Solid Waste

Solid waste generated by the proposed project would be transported to one of a number of landfills in Santa Clara County or neighboring Alameda County. **Table 3.14-2** shows active landfills in the project vicinity that could potentially accept solid waste generated by the proposed project.

Table 3.14-2. Active Landfills in Santa Clara and Alameda Counties

Landfill	Maximum Permitted Capacity (cy)	Remaining Estimated Capacity (cy)	Percentage of Capacity Remaining	Remaining Capacity Date	Estimated Closure Date
<i>Santa Clara County</i>					
Guadalupe Sanitary Landfill	28,600,000	11,055,000	38%	January 1, 2011	January 1, 2048
Kirby Canyon Recycling and Disposal Facility	36,400,000	16,191,600	45%	June 11, 2001	December 31, 2022
Newby Island Landfill	57,500,000	21,200,000	37%	October 31, 2014	January 1, 2041
Zanker Material Processing Facility	640,100	640,100	100%	August 22, 2012	November 1, 2025
<i>Alameda County</i>					
Altamont Landfill and Resource Recovery	124,400,000	65,400,000	53%	December 31, 2014	January 1, 2025
Vasco Road Sanitary Landfill	32,970,000	7,959,079	24%	July 31, 2014	December 31, 2022

Note: cy = cubic yards.

Source: CalRecycle 2017b

Electricity and Natural Gas

Electricity and natural gas are provided to the project area by PG&E. According to the proposed project's Planning Study Report (SCVWD 2016), two parallel PG&E gas lines traverse Reach 1 (one 30-inch-diameter and another 36-inch-diameter gas line). There is also a 10-inch underground nitrogen line in the vicinity of the two gas lines.

In addition, PG&E also operates overhead high-voltage power lines mounted on steel-lattice towers on the east overbank in Reaches 3 and 4. Five power line towers are located east of Reaches 3 and 4. In Reach 2, overhead electrical distribution lines cross the channel.

3.14.4 Impact Analysis

Methodology

The following impact analysis is both qualitative and quantitative in nature. The evaluation involved comparing anticipated service system demands from the proposed project to existing system provider capacity and facilities.

Criteria for Determining Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Have insufficient water supplies available to serve the project from existing entitlements and resources;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- Fail to comply with federal, state, and local statutes and regulations related to solid waste.

Additionally, this DEIR applies the following additional criterion and considers that the proposed project would have a significant effect on utilities and service systems if it would:

- Disrupt operation or require relocation of local utilities that results in substantial disruption of service.

Impact Summary

Table 3.14-3 summarizes utilities and service system impacts of the proposed project.

Table 3.14-3. Summary of Impacts Utilities and Service Systems

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
UTL-1: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board	LS	None	LS
UTL-2: Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	NI	None	NI
UTL-3: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	LS	None	LS

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
UTL-4: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed	LS	None	LS
UTL-5: 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	LS	None	LS
UTL-6: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	LS	None	LS
UTL-7: Comply with federal, state, and local statutes and regulations related to solid waste	LS	None	LS
UTL-8: Potential disruption and/or relocation of existing utilities	LS		LS

LS = Less than Significant, NI = No Impact,

Environmental Impacts

Impact UTL-1: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (Less than Significant)

Construction and Operational Impacts

As described in Chapter 2, *Project Description*, the proposed project would be limited to conducting channel improvements in Lower Penitencia Creek for the purpose of providing increased flood protection. The proposed project would not generate wastewater during operation of the project and therefore would not require construction of any new wastewater treatment facilities. During the construction phase, construction workers would use portable restrooms that would be off-hauled by the contractor for disposal. Short-term increases in wastewater generated by construction workers would not substantially increase the volume of wastewater in the system such that exceedance of wastewater treatment requirements would be an issue at the San Jose–Santa Clara Regional Wastewater Facility. This impact would be less than significant.

Impact UTL-2: Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (No Impact)

Construction and Operational Impacts

As the purpose of the proposed project is to improve flood protection, the proposed project would not require any new water supply or water treatment facilities. Therefore, no new water or wastewater treatment facilities would be required. Project construction would

require some amount of water for dust control purposes, but this amount of water would not be anticipated to be substantial and would be supplied by a water truck rather than the City of Milpitas' municipal system. Therefore, no impact related to construction of new water treatment facilities or insufficient existing entitlements would occur.

Impact UTL-3: Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Less than Significant)

A project could have a significant adverse impact on an existing stormwater drainage system if it substantially increases impervious area such that it would require or result in the construction of new or expanded stormwater drainage facilities.

Construction Impacts

The proposed project would involve improvements to Lower Penitencia Creek, which is a stormwater drainage facility that collects and conveys flow from several local storm drain facilities and tributaries. As stated in the City's Storm Drain Master Plan, all City-owned stormwater facilities drain to District-owned creeks and channels. Penitencia Creek conveys flows from local storm drain facilities to Coyote Creek and eventually to San Francisco Bay. Throughout project construction, all local stormwater facilities would remain in operation. Portions of the creek would be dewatered during construction by diverting creek flow into pipes that would convey the flow around the construction area and back into the creek downstream from the construction area. All local storm drains emptying into Penitencia Creek would be connected to the diversion system so that they would continue to function properly. Dewatering would only occur during the summer dry season, when flows in the storm drains would be minimal; nonetheless, they would continue in operation with no reduction in capacity during creek dewatering.

As described in the environmental setting above, the City of Milpitas' *Storm Drain Master Plan* identifies several existing stormwater drainage facilities in the project area, including the California Circle Lagoon located along the left bank of Reach 2 (visible in Figure 2-3). Given its proximity to the proposed project area, operation of this facility could be affected during project construction (e.g., pumping of water from the lagoon to the creek channel may need to be suspended during certain construction activities). Project construction would occur during the dry season (June 15–October 15); therefore, limitations on pumping from this facility during construction within Reaches 1 and 2 would not be expected to cause adverse effects. The proposed project would not be anticipated to physically affect the lagoon itself, as it would be outside the construction work area. In general, effects on any existing stormwater drainage facilities would not be substantial, and the proposed project would not require or result in the construction of additional stormwater drainage facilities. This impact would be less than significant.

Operational Impacts

The proposed project would not substantially increase impervious areas or otherwise increase the generation of stormwater. The proposed modifications to the San Andreas Drive bridge would result in new headwalls at the downstream and upstream side of the bridge, but any increase in impervious area from the headwall would be minimal and would not substantially affect stormwater runoff generation rates. As mentioned above, the proposed project itself is an improvement of existing stormwater conveyance facilities and would be

operated similar to existing conditions following project construction. Lower Penitencia Creek would continue to convey stormwater flows and provide flood protection. This impact would be less than significant.

Impact UTL-4: Have sufficient water supplies available to serve the project from existing entitlements and resources (Less Than Significant Impact)

Construction Impacts

Project construction would consume water for dust control and street cleaning. Recycled water would be used for these purposes. Small amounts of water would be consumed by construction workers, but would have a negligible impact on potable water supplies. This impact would be less than significant.

Operational Impacts

During project operation, water use would be negligible. Water may be used to clean graffiti from structures, but that use would be infrequent and the amount of water used would be negligible. The wetlands plantings in Reach 1 would be flooded during high tides on a daily basis and would not require irrigation. Trees would be planted as required by the Milpitas Tree Protection Ordinance to compensate for trees removed during project construction. Those trees would require watering to establish. The number of trees to be planted would be less than 50, and they would be native trees adapted to the local climate. To the extent possible, recycled water would be used for irrigation. The amount of water required would not exceed available supplies. This impact would be less than significant.

Impact UTL-5: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments (Less than Significant)

Construction and Operational Impacts

As described in Impact UTL-1, the proposed project would not generate substantial volumes of wastewater that during construction or operation. Short-term increases in wastewater generated by construction workers would not substantially increase the volume of wastewater in the system such that treatment capacity would be an issue at the San Jose–Santa Clara Regional Wastewater Facility. Therefore, impacts regarding wastewater treatment capacity would be less than significant.

Impact UTL-6: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (Less than Significant)

The proposed project's impacts on existing landfill capacity during both construction and operation are discussed below.

Construction Impacts

As described in Chapter 2, *Project Description*, project construction would involve soil excavation for the replacement levee and vegetated bench in Reach 1, floodwalls, and headwalls at the San Andreas Drive bridge. Approximately 800 cy of accumulated sediment

would also be removed from Reaches 2 and 4 and about 1,500 cy of accumulated sediment would be removed from Reach 3. Soil excavated within Reach 1 would be reused to construct the setback replacement levee in Reach 1 and the raised levee in Reach 4, and to backfill low areas along the floodwalls. Based on geotechnical investigations performed for the project (Kleinfelder 2017), almost all of the excavated soils will have suitable physical properties for reuse on site. The total volume of excess soil or sediment requiring off-site disposal or reuse is estimated at 2,300 cy.

As shown in Table 3.14-2, multiple landfills in Santa Clara County and Alameda County could serve the proposed project, and many of these have substantial remaining capacity. From a worst-case perspective, assuming that all construction waste generated by the proposed project requires disposal at the Vasco Road Landfill (i.e., the landfill with the lowest percentage of remaining capacity), the proposed project would reduce that facility's remaining capacity by less than 0.02 percent. Assuming all construction waste is disposed of at Zanker Material Processing Facility (i.e., the landfill with the lowest amount of total capacity), the proposed project would reduce remaining capacity by approximately 0.3 percent. These two scenarios represent the "worst-case" scenario as far as impacts on existing landfill capacity. While it is unlikely that all construction waste would be sent to one landfill, even if it were, it would not result in a significant impact on existing capacity. This impact would be less than significant.

Operational Impacts

As described in Chapter 2, project operation and maintenance activities following construction would be similar to existing conditions. New maintenance activities that could generate solid waste for disposal at a landfill include trash and debris removal associated with maintenance and repair of the floodwalls and headwalls. While these activities would generate some amount of waste that would require disposal at a solid waste landfill, this amount would be similar to existing operations and would not be substantial. For this reason, the proposed project's long-term effects on landfill capacity would be less than significant.

Impact UTL-7: Comply with federal, state, and local statutes and regulations related to solid waste (Less than Significant with Mitigation)

As described in the regulatory setting section above, the CIWMA requires cities to divert 75 percent of solid waste by 2020. The City of Milpitas is currently meeting its per capita and employee target disposal rates under the CIWMA (see Table 3.14-1) (CalRecycle 2017a). While CIWMA targets are not directly applicable to the District or to individual construction projects, the project would be consistent with CIWMA policies by maximizing reuse of materials on site and minimizing the amount of waste generated.

Construction Impacts

As described in Impact UTL-2, the proposed project would involve excavation and demolition of existing structures, which could generate relatively large volumes of construction waste. Excavated material from the vegetated benches proposed for Reach 1 would be reused to construct the setback replacement levee in Reach 1 and the raised levee in Reach 4, and to backfill low areas along the floodwalls. About 2,300 cy of sediment would be removed from the creek channel and would have unsuitable properties for on-site reuse. That sediment would be exported from the project site for off-site disposal. In total, about 90 percent of the excavated soil and sediment generated by the proposed project would be reused on-site. The

proposed project would also generate modest amounts of typical construction wastes, such as lumber, wire, metals, and plastics. By using sheetpiles to construct the floodwalls instead of cast-in-place concrete piles, which are commonly used, the proposed project would generate substantially less construction waste. All project-related waste would be handled, classified, temporarily stored, transported, and disposed of in conformance with applicable federal and state solid waste regulations. This impact would be less than significant.

Operational Impacts

Generation and disposal of solid waste during project operation would be similar to existing conditions. As described in Chapter 2, the District's ongoing maintenance activities, such as trash removal, vegetation management, and maintenance road grading, would continue following project construction. New maintenance activities would involve periodic repair and maintenance of the floodwalls and headwalls. These activities may generate small amounts of solid waste, but not substantially more than under existing conditions. Therefore, long-term effects pertaining to compliance with solid waste regulations would be less than significant.

Impact UTL-8: Potential disruption and/or relocation of existing utilities (Less than Significant)

Buried underground utilities may be encountered during project construction activities without adequate identification and avoidance measures, resulting in disruptions in service, damage, or potentially hazardous accident conditions (e.g., explosion from striking a natural gas pipeline). Such disruptions in service or hazardous accident conditions, as well as any necessary substantial relocation of existing utilities, could constitute a significant impact. The proposed project's potential to adversely affect existing utilities is discussed below for both project construction and operation.

Construction Impacts

As described in the previous impact discussions, project construction would involve excavation and use of heavy earth-moving equipment (e.g., excavator, backhoe). The proposed project also would involve modifications to the San Andreas Drive bridge, which may carry existing utilities. Two parallel PG&E gas lines traverse Reach 1 (one 30-inch and another 36-inch gas line). There is also a 10-inch underground nitrogen line in the vicinity of the two gas lines. In addition to these known utilities, there may be unknown buried utilities along the proposed project reaches that could be affected during project construction and excavation activities. Construction of the proposed vegetated benches, floodwalls, and levees would require excavation, which would present the possibility of impacts on unknown buried utilities.

As described in the environmental setting section above, PG&E electrical distribution lines and poles are present in Reach 2 and PG&E electric transmission lines traverse Reaches 3 and 4. Additionally, within Reaches 3 and 4, overhead electric transmission lines and steel lattice towers run parallel to the eastern levee and maintenance road. Use of tall equipment under the transmission lines would be a potential hazard as a contact between the equipment and power lines could disrupt operation of the powerlines. To avoid that hazard, the project design avoids locating floodwalls directly under the PG&E transmission lines. A number of underground utility lines are present within the project area, including water supply, wastewater, natural gas, and power lines. The District will require the contractor to notify

Underground Service Alert North prior to start of excavation or demolition activities and will coordinate with line utility owners and operators to ensure that project construction does not damage the lines or disrupt service. This construction impact would be less than significant.

Operational Impacts

During project operation, the proposed project would not be anticipated to affect, or have the potential to affect, existing utilities. Similar to existing conditions, project operations would include routine maintenance activities, such as trash and debris removal, vegetation management, maintenance road grading, management of wildlife conflicts, fence repair, and graffiti removal. New maintenance activities would involve periodic repair and maintenance of the floodwalls and headwalls. No substantial excavation or use of heavy equipment are anticipated to be necessary following project construction; therefore, no impacts on underground and aboveground utilities would be anticipated to occur. This operational impact would be less than significant.

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Chapter 4

OTHER STATUTORY CONSIDERATIONS

This chapter describes irreversible impacts, significant and unavoidable impacts, growth-inducing impacts, and cumulative impacts as required by the State CEQA Guidelines.

4.1 Irreversible Impacts

State CEQA Guidelines Section 15126.2(c) requires that an EIR must identify any irreversible impacts, also referred to as “irreversible environmental changes,” which may be caused by a proposed project, including current or future commitments to using nonrenewable resources, and secondary, or growth-inducing, impacts that commit future generations to similar uses. Section 15126 of the State CEQA Guidelines states that significant irreversible environmental changes associated with a proposed project may include the following:

- uses of nonrenewable resources during the initial and continued phases of the project that may be irreversible because a large commitment of such resources makes removal or nonuse thereafter unlikely;
- primary impacts and, particularly, secondary impacts (such as highway improvements that provide access to a previously inaccessible area) that commit future generations to similar uses; and
- irreversible damage, which may result from environmental accidents associated with the project.

The irreversible commitment of nonrenewable resources would occur as a result of the proposed project. Construction activities would require the temporary use of heavy construction equipment, which would require the use of fossil fuels, and the permanent use of raw materials, including nonrenewable resources. The proposed project would provide flood protection to many Milpitas residences and businesses and would reduce the likely need for cleanup and repair work that could be required in the event that a 1-percent (100-year) flood event occurred.

Operation of the proposed project would result in irreversible changes associated with energy consumption. Such an increase in energy demands would be minimal as these would be limited to periodic maintenance activities of the newly installed floodwalls and San Andreas Drive bridge headwalls.

4.2 Growth Inducement

Section 15126.2(d) of the State CEQA Guidelines requires an EIR to include a detailed statement of a proposed project’s anticipated growth-inducing impacts. The analysis of growth-inducing impacts must discuss the ways in which a proposed project could foster

economic or population growth or the construction of additional housing in the surrounding environment. The analysis must also address project-related actions that would remove existing obstacles to population growth, tax existing community service facilities and require construction of new facilities that would cause significant environmental effects, or encourage or facilitate other activities that could, individually or cumulatively, have a significant effect on the environment. A project would be considered growth inducing if it induces growth directly (through the construction of new housing or increasing population) or indirectly (by increasing employment opportunities or eliminating existing constraints on development). Under CEQA, growth is not assumed to be either beneficial or detrimental.

The proposed project would not involve new development or infrastructure installation that could directly induce substantial population growth in the project area. Construction-related jobs would increase in the Bay Area in the short term and would be anticipated to draw from the existing work force. The proposed project would not displace any existing housing units or persons, or create any housing units. Minimal, if any, job growth would be associated with operation of the proposed project, and would not generate sufficient economic activity to result in substantial population growth.

Adequate flood protection is one type of public service, though not the only, that is needed to support additional growth in the City of Milpitas. Other factors that influence residential, commercial or industrial growth in the region include the general plans and other policies of Milpitas, Santa Clara County, and other nearby cities, as well as the availability of water supply, wastewater treatment and disposal capacity, public schools, and transportation services. Economic factors also affect development rates and locations of development.

The proposed project would provide improved flood protection for existing residents and businesses and new residential developments that are currently being constructed near the Lower Penitencia Creek flood zone. Increased flood protection is necessary since future flows within Penitencia Creek are expected to increase as a result of upstream land use changes. However, the City of Milpitas is highly built out and the proposed project would not change current land uses in the project vicinity. Future and ongoing development in the City of Milpitas has been addressed in the City's general plan and other land use planning documents. As previously stated, the proposed project would not increase future density of local housing development or significantly increase economic activity.

For the reasons described above, the proposed project would not induce growth any direct or indirect population growth.

4.3 Cumulative Impacts

According to State CEQA Guidelines Section 15130(a)(1), a cumulative impact is created by the combination of a proposed project with other past, present, and probable future projects causing related impacts. Cumulative impacts can result from individually minor but collectively substantial projects taking place over time (State CEQA Guidelines Section 15355[b]). Under CEQA, an EIR must discuss the cumulative impacts of a project when the project's incremental contribution to the group effect is "cumulatively considerable." An EIR does not need to discuss cumulative impacts that do not result, at least in part, from the project evaluated in the EIR.

To meet the adequacy standard established by State CEQA Guidelines Section 15130, an analysis of cumulative impacts must contain the following elements:

- an analysis of related past, present, and reasonably foreseeable projects or planned development that would affect resources in the project area similar to those affected by the proposed project;
- a summary of the environmental effects expected to result from those projects with specific reference to additional information stating where that information is available; and
- a reasonable analysis of the combined (cumulative) impacts of the relevant projects.

The cumulative impacts analysis must evaluate a project's potential to contribute to the significant cumulative impacts identified, and it must discuss feasible options for mitigating or avoiding any contributions assessed as cumulatively considerable. The discussion of cumulative impacts is not required to provide as much detail as the discussion of the effects attributable to the project alone. Rather, the level of detail is to be guided by what is practical and reasonable.

4.3.1 Approach to Analysis

The following analysis of cumulative impacts focuses on whether the impacts of the proposed project are cumulatively considerable within the context of impacts resulting from the proposed project and other past, present, or reasonably foreseeable future projects. The cumulative impact scenario considers other projects proposed within the area defined for each resource that have the potential to contribute to significant cumulative impacts.

State CEQA Guidelines Section 15130 provides the following two alternative approaches for analyzing and preparing an adequate discussion of significant cumulative impacts:

- the list approach, which involves listing past, existing, and probable future projects or activities that have or would produce related or cumulative impacts, including, if necessary, those projects outside the control of the lead agency; or
- the projection approach, which uses a summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions and their contribution to the cumulative effect.

This EIR uses the list approach for analyzing cumulative impacts. Activities related to the proposed project that are included in the cumulative analysis were determined using several factors, including the location and type of activity and the characteristics of the activity related to resources with the potential to be affected by the proposed project. In addition, regional or global conditions that might lead to cumulative impacts (e.g., GHG emissions) are also described.

Resource Topics Considered and Dismissed

Greenhouse gas emissions are, by nature, a cumulative issue and are already addressed in Section 3.7, *Greenhouse Gas Emissions*; therefore, this topic is not discussed further in this

section. For all other resource topics, as shown in **Table 4-1**, significant cumulative impacts do not exist.

Table 4-1. Resource Topics Dismissed from Further Consideration in the Analysis of Cumulative Impacts due to Lack of Significant Cumulative Impacts

Resource Topic	Rationale for Dismissing from Further Consideration
Aesthetics	The geographic scope of the cumulative aesthetics evaluation is the project site and the nearby areas within visual sight lines. Because the topography of the project vicinity is relatively level and the area is mostly urbanized, proposed improvements would only be visible from nearby viewpoints. Nearby development would be similar to existing urban development in the area and would be guided by the City of Milpitas General Plan as to allowable uses and size and bulk of structures. Based on the above and given the existing urbanized appearance of the area, there would be no significant cumulative impact to aesthetics when considering the proposed project and other projects in the area. The proposed project and other projects would not result in adverse effects on scenic resources, or substantially alter the visual character of the area. When considering the proposed project along with other projects, there would not be a significant cumulative impact on aesthetics.
Cultural Resources	The geographic scope of cumulative cultural resources evaluation includes the project area and immediate surroundings. Construction of the proposed project and other development projects in Milpitas could lead to cumulative loss of significant historic, archaeological, or paleontological resources. As described in Section 3.5, <i>Cultural Resources</i> , there are no historical resources and no known archaeological resources within the project site. The District would implement BMPs to ensure that archaeological resources, including Native American human remains are protected from damage and properly studied, recovered, and curated in the event that they are found during project construction. State law requires other development projects to similarly protect archaeological resources and human remains uncovered during construction of those projects. When considering the proposed project along with other projects, there would not be a significant cumulative impact on cultural resources.
Geology, Soils, and Seismicity	The geographic scope of geology, soils, and seismicity evaluation includes the project area and immediate surroundings. Other projects in Milpitas would be required to comply with California Building Code requirements. The proposed project and other developments would be designed to withstand seismic hazards (e.g., liquefaction) and expansive and corrosive soils. When considering the proposed project along with other projects, there would not be a significant cumulative impact to geology, soils, or seismicity.
Hazards and Hazardous Materials	With the exception of activities conducted by the District's SMP, there are no other cumulative projects that would be located within the same footprint as the proposed project. As described in Section 3.8, <i>Hazards and Hazardous Materials</i> , no known hazardous waste sites are located at the project site; however due to the urbanized nature of the area, potential exists for project excavations to encounter contaminated soil or groundwater. District BMPs would be implemented to ensure that contaminated media, if encountered, are

Resource Topic	Rationale for Dismissing from Further Consideration
	handled in compliance with federal and state laws regarding hazardous wastes. Other nearby cumulative construction projects such as the Lower Berryessa Creek Flood Improvements Project and iStar and Waterstone development projects would also be required to follow federal and state laws regarding contaminated soil or groundwater. Based on the lack of the known contamination in the project area, and legal requirements for handling of contaminated media if encountered in the future, the potential for other nearby projects to contribute to cumulative impacts regarding hazardous materials is low. When considering the proposed project along with other projects, there would not be a significant cumulative impact to hazards or hazardous materials.
Land Use	As described in Section 3.10, <i>Land Use and Planning</i>, the proposed project would not divide an established community or change land use at the project site or vicinity. The proposed project would also not conflict with local plans such as the <i>City of Milpitas General Plan</i>, <i>Milpitas Trails Master Plan</i> or the <i>City of Milpitas' Bikeway Master Plan</i>. Similar to the proposed project, other projects are subject to planning, environmental review, and permitting processes. Through those processes, inconsistencies with relevant plans and policies would be resolved before project implementation. When considering the proposed project along with other projects, there would not be a significant cumulative impact to land use.
Recreation	Similar to the proposed project, other nearby projects including the Upper Berryessa Creek Flood Protection Project and the Upper Penitencia Creek Project (described in detail in Table 4-3 below) have the potential to affect recreational trails in their respective project areas during construction. However, because these projects and the proposed project are in different stages of development, it is unlikely that they would be under construction simultaneously. The District's Lower Berryessa Creek Flood Protection Improvement Project adjoins the proposed project area and would temporarily affect recreational trails during construction. However, construction of Phase 1 of the Lower Berryessa Creek project, which is closest to the Lower Penitencia Creek Improvements Project area, has been completed and will not occur concurrently with construction of the proposed project. Construction of Phase 2 of the Lower Berryessa Creek project may overlap construction of the proposed project, but would be over 0.5 mile from the Lower Penitencia Creek project area. When considering the proposed project along with other projects, there would not be a significant cumulative impact to recreation.
Utilities and Service Systems	For aboveground and belowground utilities, the geographic scope for evaluating cumulative impacts includes the project area and immediate surrounding areas. With regards to solid waste management, the geographic scope includes Santa Clara County. The Lower and Upper Berryessa Creek projects are under construction and include plans to relocate aboveground and underground utilities lines as necessary. Buried underground utilities may be encountered during project construction activities. To prevent significant disruption of service, affected parties will be notified in advance of possible service disruptions and safety protocols would be implemented to avoid damage, or potentially hazardous accident conditions (e.g., explosion from

Resource Topic	Rationale for Dismissing from Further Consideration
	striking a natural gas pipeline). Other development projects would conform to the City of Milpitas General Plan and would not result in increased demand on utility and service systems beyond that which can be accommodated by existing and planned infrastructure. Milpitas is served by the San Jose/Santa Clara Water Pollution Control Plant, which has prepared a Master Plan to accommodate expected future increases in wastewater treatment growth in the plant's service area. Population growth within Santa Clara County would result in increased generation of solid wastes; however, this would be offset by the requirements for increased re-use and diversion of solid waste included in the CIWMA. Existing solid waste facilities in the County have many years of estimated capacity to accommodate solid wastes, and overall capacity would be increased by the Newby Island Sanitary Landfill Rezoning and Recyclery Project. That project would provide 15.12 million cubic yards of additional landfill capacity. When considering the proposed project along with other projects, there would not be a significant cumulative impact to utilities and services systems.

Geographic Scope of Analysis

The level of detail of a cumulative impact analysis should consider a proposed project's geographic scope and other factors (e.g., a project's construction or operational activities, the nature of the environmental resource being examined) to ensure that the level of detail is practical and reasonable. The discussion below focuses on the cumulative impacts of the proposed project for environmental resources that could be expected to be cumulatively affected by the proposed project in conjunction with other past, present, and reasonably foreseeable future projects. The specific geographic scope for each environmental resource topic analyzed in this EIR for cumulative impacts is provided below.

The defined specific geographic scope for each environmental resource area analyzed in this DEIR to which the proposed project could contribute to cumulative impacts is provided below in **Table 4-2**.

Table 4-2. Geographic Scope for Resources with Significant Cumulative Impacts Relevant to the Proposed Project

Resource	Geographic Scope
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Lower Penitencia Creek Watershed
Hydrology and Water Quality	Upper and Lower Berryessa Creek, Lower Penitencia Creek, Coyote Creek, and South San Francisco Bay
Noise and Vibration	Project area and surrounding areas exposed to noise and ground-borne vibration generated in the project area (within the City of Milpitas)

Resource	Geographic Scope
Transportation and Traffic	I-880 and roadways with traffic generated by the proposed project, including Dixon Landing Road, California Circle, Milmont Drive, N. Milpitas Boulevard, and San Andreas Drive

Table 4-3 lists projects planned in the City of Milpitas that could affect resources that would also be affected by the proposed project. The list was developed by reviewing sources available on the City of Milpitas website, communication with City of Milpitas staff, and referring to the Governor's Office of Planning and Research CEQAnet database. While it is unlikely that every cumulative project is listed, the list of cumulative projects is considered comprehensive and is representative of the types of impacts that would be generated by other projects related to the proposed project. The evaluation of cumulative impacts assumes that the impacts of past and present projects are represented by baseline conditions, and that cumulative impacts are considered in the context of baseline conditions alongside reasonably foreseeable future projects.

Table 4-3. Reasonably Foreseeable Future Projects that Might Cumulatively Affect Resources of Concern for the Proposed Project

No.	Project Title	Brief Project Description	Distance from Proposed Project Site
<i>Milpitas Development Projects</i>			
1	Waterstone California Circle Residential Project	The project proposes development of 84 single-family homes on 10.7 acres at 1494-1600 California Circle. This project was approved in 2013. At the time the proposed project EIR was prepared, construction of the Waterstone California Circle project was underway. Construction is expected to be complete before construction of the proposed project commences.	Immediately west of Reach 3 of the project site
2	iStar Residential	The project proposes construction of 145 units on 9.45 acres at 1210 California Circle. Construction is expected to be complete before construction of the proposed project commences.	Immediately west of the southern portion of Reach 3
3	Springhill Marriott Suites	The project proposes construction of a new hotel at 1201 Cadillac Court. This project is identified as pending by the City of Milpitas.	Approximately 0.25 mile west of Reach 4
4	Holiday Inn 1100 Cadillac Court	The project proposes a two-lot subdivision of an undeveloped parcel with the Venture Commerce Center. A hotel would be developed at 1100 Cadillac Court. Approval to begin foundation was approved in September 2015; building permits are currently under review with the City of Milpitas Planning Department.	Approximately 0.25 mile southwest of Reach 4
5	Pacific Mall & Hotel	The project proposes development of 284,587 square feet of retail uses at a mall and a 12-story (240-room) hotel at 11 Ranch Drive. This project was approved in 2014; no building permits have been submitted (Rosas, pers. comm., 2015).	Approximately 1.2 miles southwest of Reach 4
6	Orchid	The project proposes construction of 199 units on 3.02 acres at 31 South Milpitas Boulevard.	Approximately 1.25 miles southeast of Reach 4
7	Taylor Morrison	The project proposes construction of 26 units and 5 live-work spaces on 1.26 acres at 75 South Milpitas.	Approximately 1.35 miles southeast of Reach 4
8	Los Coches Residential Project	The project consists of two separate parcels at 31 South Milpitas (one 7.4-acre built-out parcel and another 3.9-acre parcel). The project entails demolition of the entire 11.3-acre site and construction of 80 single-family residential homes, including on- and off-site pedestrian and bicycle-oriented trail improvements. Construction is currently underway.	Approximately 1.25 miles southeast of Reach 4

No.	Project Title	Brief Project Description	Distance from Proposed Project Site
9	Los Coches Live/ Work Residential Project	The project proposes development of 28 units and 4 live-work spaces on 9.65 acres planned at 345 Los Coches (at the intersection of South Milpitas Boulevard and Los Coches Street). Construction has not yet begun.	Approximately 1.35 miles southeast of Reach 4
10	905-980 Los Coches Street (Robson Single-Family)	The project proposes development of 83 dwelling units planned on 4.98 acres at 905-980 Los Coches Street. Construction is currently underway.	Approximately 1.6 miles southeast of Reach 4
11	Cerano Apartments	The project proposes development of 374 units on 7.58 acres at 501 Murphy Ranch Road.	Approximately 2.1 miles southwest of Reach 4
12	Coyote Creek Townhomes	The project proposes construction of 134 units on 9.2 acres at 601 Murphy Ranch Road. Construction is nearly complete (Rosas, pers. comm., 2015).	Approximately 2.1 miles southwest of Reach 4
13	Landmark Tower	The project proposes development of 375 units on 3 acres at 600 Barber Lane. Planning entitlements have been received but the project proponent has not yet submitted building plans.	Approximately 1.75 miles south of Reach 4
14	1102 Abel Street (Centria West)/ D.R. Horton	The project proposes development of 366 units on 5.2 acres at 1102 Abel Street. Construction is currently underway (Rosas, pers. comm., 2015).	Approximately 2.27 miles south of Reach 4
15	Ilara Apartments	The project proposes development of 204 dwelling units surrounding a parking garage on 2.83 acres at 1201 South Main Street. Construction is near completion (Rosas, pers. comm., 2015).	Approximately 2.45 miles south of Reach 4
16	Integral Properties	The project proposes development of 954 units on 13.36 acres at 1315 McCandless Avenue. Construction status is currently unknown (Rosas, pers. comm., 2015).	Approximately 2.45 miles south of Reach 4
17	Avenue Community	The project proposes development of 203 units on 9.68 acres at 1515 McCandless Avenue. Construction status is currently unknown (Rosas, pers. comm., 2015).	Approximately 2.7 miles south of Reach 4
18	Senior Lifestyle	The project proposes development of 387 units on 5.94 acres at 1504 South Main Street.	Approximately 2.7 miles south of Reach 4
19	D.R. Horton Harmony Project	The project proposes development of a mixture of 276 townhomes and condominiums on a 12.33-acre site at Montague Expressway and McCandless Drive. Construction is nearly complete (Rosas, pers. comm., 2015).	Approximately 3 miles southeast of Reach 4

No.	Project Title	Brief Project Description	Distance from Proposed Project Site
20	450 Montague Residential Project (Lyon Communities Montague)	The project proposes development of 89 units on 10.5 acres at 450 Montague Expressway. Planning entitlements have been obtained; the City of Milpitas Planning Department is currently reviewing building plans.	Approximately 2.8 miles southeast of Reach 4
21	Pace Contour	The project proposes development of 134 units on 9.2 acres at 300, 324-368 Montague Court.	Approximately 2.75 miles southeast of Reach 4
22	Traverse Residential Project	The project proposes development of 207 dwelling units on 12.5 acres at 569-625 Trade Zone Boulevard. Building permit has been approved for one 5-unit building as of December 2014 (Rosas, pers. comm., 2015).	Approximately 3 miles southeast of Reach 4
23	Edge	The project proposes development of 381 units and 8,100 square feet of commercial use on 5.6 acres at 765 Montague Expressway.	Approximately 2.75 miles southeast of Reach 4
24	Citation	The project proposes development of 732 units on 16 acres at 1200 Piper Drive.	Approximately 2.6 miles southeast of Reach 4
25	115-245 North McCarthy Boulevard (Equity Office)	The project proposes construction of 424,814 square feet of office space in six 5-story buildings and a parking garage. Site development and tentative map have been approved but building permit has not been issued (Rosas, pers. comm., 2015).	Approximately 1.3 miles southwest of Reach 4
26	Sinclair Frontage Road	The project proposes development of 80 single-family dwellings on 9.65 acres at 245-371 Sinclair Frontage Road. No building permit has been submitted yet (Rosas, pers. comm., 2015).	Approximately 1.7 miles southeast of Reach 4
27	New McCandless Drive Elementary School Project	The Milpitas Unified School District is proposing to acquire land on and in the vicinity of McCandless Drive and Houret Court in Milpitas to develop and operate a K-6 elementary school. The site is approximately 10 acres and would span several vacant and developed parcels. The school would alleviate increases in the District's existing and projected student enrollment and would be in operation by the 2018/2019 school year. The NOP was published January 2015 (CEQANet 2016).	Approximately 3 miles south of Reach 4

No.	Project Title	Brief Project Description	Distance from Proposed Project Site
<i>Other SCVWD, Public Infrastructure, and Flood Protection Projects</i>			
28	SCVWD Lower Berryessa Creek Flood Protection Project	The project proposes to provide flood protection in the event of a 100-year flood event. The project extends approximately 1.7 miles through the City of Milpitas from the confluence of Lower Berryessa Creek with Lower Penitencia Creek south to Calaveras Boulevard. It also includes approximately 2.1 miles of Calera and Tularcitos Creeks. Construction of the project's first phase (just south of the Milmont Drive bridge to Abel Street) began in 2015 (SCVWD 2015a). Overall project construction is scheduled for completion in 2018.	Adjacent to the southernmost portion of the project area
29	USACE Upper Berryessa Creek Flood Protection Project	The project proposes to increase flood protection throughout Upper Berryessa Creek to provide adequate flood protection from a 100-year flood event. Project area extends from Calaveras Boulevard to I-680. Construction of this project is scheduled for completion in 2017.	Approximately 1.5 miles southeast of project area
30	SCVWD Stream Maintenance Program	The District's SMP provides maintenance standards and guides maintenance activities for the District to meet its designed flood protection mandates. It is an ongoing, districtwide program that focuses on sediment removal, vegetation management (e.g., mowing of levee banks for fire safety purposes), and bank protection activities. Regulatory permits for this ongoing project provide coverage through 2023. The project area along the Lower Penitencia Creek channel is maintained within the SMP. Reaches 3 and 4 of the Lower Penitencia Creek channel undergo periodic sediment removal, most recently in October 2015, to maintain conveyance capacity in the channel.	Overlaps the project area
31	SCVWD Upper Penitencia Creek Project	The Upper Penitencia Creek Project would provide flood protection in the event of a 100-year flood. The project encompasses approximately 4.2 miles of Upper Penitencia Creek from Dorel Drive to the Coyote Creek confluence in San Jose. The project is currently in the planning phase (SCVWD 2015b).	Approximately 5.5 miles south of the project area
32	BART Silicon Valley (formerly Silicon Valley Rapid Transit Corridor)	BART and VTA are working together to construct a 16.1-mile extension of the BART system from the planned Warm Springs Station in Fremont through Milpitas and San Jose to Santa Clara. The first phase of BART Silicon Valley (referred to as the Berryessa Extension Project) consists of the first 9.9 miles of the extension of BART from the current planned Warm Springs station, through Milpitas, to near Las Plumas Avenue in San Jose. Construction is currently underway at different areas along the planned line (CEQANet 2016). Roadway improvements for Dixon Landing Road/Milmont Drive are currently underway and were estimated to be complete by mid-2016 (VTA BART Silicon Valley 2016).	Approximately 0.25 mile east of Reach 3

No.	Project Title	Brief Project Description	Distance from Proposed Project Site
33	Newby Island Sanitary Landfill Rezoning and Recyclery Project	The City of San Jose proposes to rezone the Newby Island Sanitary Landfill and the adjacent Recyclery to increase the landfill's maximum permitted height and authorize uses that were unauthorized by the previous zoning. The project would allow an increase in capacity of the landfill by approximately 15.12 million cubic yards, excluding cover materials.	Approximately 0.2 mile west of the project area
34	San Jose/Santa Clara Water Pollution Control Plant Master Plan (Plant Master Plan)	The Plant Master Plan includes various improvements needed at the water pollution control plant to address aging infrastructure, reduce odors, accommodate anticipated population growth in the plant's service area, and comply with evolving water quality regulations. The Plant Master Plan also includes a long-term land use plan for lands surrounding the existing plant.	Existing Plant approximately 1.7 miles west of the project area; Plant Master Plan planning area approximately 0.5 mile west of the project area
35	City of Milpitas Bicycle Master Plan projects	According to the City of Milpitas <i>Bicycle Master Plan</i> , a Class I multi-use trail is proposed along Lower Penitencia Creek between North McCarthy Boulevard and California Circle. The timing of this trail project is unknown but would likely occur after completion of the proposed project.	Overlaps with Reaches 1 through 3
36	South San Francisco Bay Shoreline Study	The South San Francisco Bay Shoreline Study is a congressionally authorized study by USACE, the District, and the California Coastal Conservancy to identify and recommend flood risk management and ecosystem restoration projects along South San Francisco Bay for federal funding. This study is looking at the feasibility of options for managing flood risk along the South Bay shoreline, undertaking ecosystem restoration, and expanding public access. The goal of the study is to protect the parts of Santa Clara County's shoreline with the highest potential damages and threats to human health and safety from flooding. A tentatively selected plan for levee alignments, wetland restoration, and public access has been identified in the Alviso area. An Environmental Impact Study was completed in 2015.	Adjacent to Reach 1

Sources: *City of Milpitas 2015a and 2015b; SCVWD 2015a and 2015b; Rosas, pers. comm., 2015*

4.3.2 Significant Cumulative Impacts

This section describes the topic areas for which past, present, and reasonably foreseeable projects would cause significant cumulative impacts.

Air Quality

The San Francisco Bay Area air basin is considered in attainment or unclassified for all air pollutants except the state and federal ozone and particulate matter of 2.5 micrometers or less (PM_{2.5}) ambient air quality standards, and the state particulate matter of 10 micrometers or less (PM₁₀) ambient air quality standard. Ozone is primarily caused by emissions of ozone-precursors from on-road mobile (vehicle) emissions, off-road mobile sources, organic compounds evaporation, and consumer products (BAAQMD 2014). The primary sources of PM_{2.5} are combustion from stationary sources, on-road motor vehicles, off-road mobile sources, and dust sources (BAAQMD 2014). In addition, PM₁₀ emissions in the Bay Area air basin are primarily from fugitive dust from construction and farming operations, paved and unpaved road dust, domestic combustion, and on-road motor vehicles. In addition, accidental fires can contribute to PM₁₀ and PM_{2.5} emissions. (BAAQMD 2014). The projects listed in Table 4-3 would directly generate considerable amounts of NO_x and PM and indirectly ozone. Because the Bay Area is in nonattainment of federal and state ambient air quality standards for ozone and PM_{2.5}, and state standards for PM₁₀, cumulative emissions would result in a significant cumulative impact on air quality.

Biological Resources

Future and ongoing development activities in Milpitas, other District projects such as the Lower Berryessa Creek Flood Protection Project, and the District's ongoing activities associated with the SMP could result in impacts on many of the same habitat types and species in the Lower Penitencia Creek Watershed that would be affected by the proposed project. Table 4-3 identifies several projects that have been or would be constructed near the project area (e.g. Lower Berryessa Creek Flood Protection Project, the District's SMP, iStar and Waterstone developments, and South San Francisco Bay Shoreline Study), potentially affecting biological resources during the same period as the proposed project. When considering the proposed project along with other projects in the same watershed, this is considered a significant cumulative impact.

Hydrology and Water Quality

As listed in Table 4-3, several nearby projects could result in a variety of impacts on water resources in the project vicinity. Specifically, these projects could include the Waterstone California Circle Residential Project (immediately west of Reach 3), South San Francisco Bay Shoreline Study, Plant Master Plan, the iStar Residential Project (immediately west of the southern terminus of Reach 3), and other District projects such as the Lower Berryessa Creek Flood Protection Project (directly upstream of the project area) and the USACE Upper Berryessa Creek Flood Protection Project. Additionally, the SMP activities are ongoing in the project area. Increased development, mostly through redevelopment or more intensive densification in urban areas, including the Berryessa Creek watershed, could lead to a variety of impacts on water resources, including new sources of point-source and non-point-source pollution. Because the San Francisco Bay RWQCB requires all new development to retain and manage additional runoff on site, the increase in impervious surfaces and increased volume

of stormwater runoff associated with additional development and urban densification are not anticipated to change substantially. According to the most recent list of water quality impairments under Section 303(d) of the CWA, Lower Penitencia Creek is not listed as impaired; however, the lower portion of Coyote Creek (downstream of Lower Penitencia Creek) is listed for diazinon and trash from stormwater runoff and illegal dumping. Construction projects in the area would have the potential to generate water pollutants, including trash and diazinon. Because increased intensity of urban development in the area could add to the impaired status of lower Coyote Creek, there would be a significant cumulative impact to water quality.

The Upper and Lower Berryessa Creek projects would increase the flow conveyance capacity of over 4 miles of creeks that are upstream of Lower Penitencia Creek. Those projects are under construction and would enlarge those channels to accommodate the 1% flow without overtopping of the creek banks. As a result of those projects, the 1% flow discharged to Lower Penitencia Creek would increase from the existing 4,830 cfs to 6,900 cfs, which would be a significant cumulative hydrologic impact.

Noise and Vibration

The geographic scope of cumulative noise impacts encompasses the project area as well as areas adjacent to construction access and haul routes that are located near noise-sensitive land uses. Several projects listed in Table 4-3 may overlap with the proposed project's construction activities. Projects located within 0.25 mile of the proposed project would generate noise that could, when combined with project construction noise, cause a significant cumulative noise impact. Those projects are: the Waterstone Residential Project, iStar Residential Project, Springhill Marriott, Holiday Inn/ 1100 Cadillac Court, Lower Berryessa Creek Flood Protection Project, Stream Maintenance Program (SMP), and Bart Silicon Valley Extension. Construction of the first four of those projects could occur simultaneously with project construction. Construction of Phase 1 of the Lower Berryessa Flood Protection Project was completed in 2016 and Phase 2 construction would occur more than 0.25 miles from the project site. SMP activities would not occur at the same time as project construction. Construction is also complete on the section of and Bart Silicon Valley Extension within 0.25 miles of the project site. Thus, construction of these latter three projects would not overlap project construction and would not add to cumulative noise impacts. Nevertheless, construction of the Waterstone, iStar, Springhill Marriott and Holiday Inn projects would occur at the same time as project construction, and would contribute to cumulative noise and vibration exposure of local residents and nearby noise-sensitive uses. Cumulative noise and vibration impacts due to construction activities at the project site and vicinity would be significant.

Transportation and Traffic

As described in Section 3.13, *Transportation and Traffic*, intersections evaluated for the proposed project operate at acceptable LOS; however, with increased development and population growth in Milpitas and adjacent areas, traffic congestion may worsen. Table 4-3 identifies several projects that would generate temporary and/or permanent new traffic on the same roadways and during the same period that would be affected by construction of the proposed project. The combined generation of traffic would temporarily result in a significant cumulative impact.

4.3.3 Project Contributions to Significant Cumulative Impacts

The following section describes the proposed project's contribution to significant cumulative impacts. **Table 4-4** summarizes the proposed project's contribution to cumulative impacts.

Table 4-4. Summary of Significant Cumulative Impacts and Project Contribution

Impact	Level of Significance Before Mitigation	Applicable Mitigation Measures	Level of Significance After Mitigation
CUM-1: Cumulative Impacts on Air Quality	S	Mitigation Measure AQ-1	NCC
CUM-2: Cumulative Impacts on Biological Resources	S	Mitigation Measures BIO-1 through BIO-13	NCC
CUM-3: Cumulative Impacts on Hydrology and Water Quality	S	None	NCC
CUM-4: Cumulative Impacts on Noise and Vibration	S	Mitigation Measure NOI-1	CC
CUM-5: Cumulative Impacts on Traffic Patterns and Safety Hazards	S	Mitigation Measure TRA-1	NCC

S = Significant; NCC = Not Cumulatively Considerable; CC = Cumulatively Considerable

Impact CUM-1: Cumulative Impacts on Air Quality (Not Cumulatively Considerable)

As described in Section 3.3.4, *Impact Analysis, Air Quality*, emissions related to construction and operation of the proposed project would result in emissions of NO_x above the established BAAQMD thresholds, not violate an air quality standard or make a substantial contribution to existing air pollution. According to the BAAQMD's established mass emissions thresholds of significance (BAAQMD 2010), projects emitting less than the project-level significance thresholds for construction and operational impacts (identified in Table 3.3-5) would not be expected to result in a considerable contribution to a significant cumulative impact (pertaining to existing regional ozone and PM issues). The significance thresholds that apply to cumulative impacts were developed considering other sources of air pollutants and overall growth of emissions in the air basin.

At the time of Draft EIR preparation, the BAAQMD was not recommending use of these construction thresholds due to ongoing litigation on unrelated thresholds. However, the District considers these thresholds to be appropriate for use in this analysis because they are based on substantial evidence developed by the BAAQMD as the level to ensure attainment of air quality standards.

The analysis of proposed project emissions presented in Section 3.3.4, *Impact Analysis*, shows that ~~However~~, with implementation of BMP AQ-1 and Mitigation Measure AQ-1, the BAAQMD's significance thresholds would not be exceeded. Implementation of Mitigation Measure AQ-1 ~~these measures~~ would further reduce air emissions to and ensure the proposed project's emissions would be reduced to a level such that it the proposed project would not

make a considerable contribution to cumulative air quality impacts even when considering the other projects occurring in the area.

Impact CUM-2: Cumulative Impacts on Biological Resources (Not Cumulatively Considerable)

The proposed project could affect biological resources in the Lower Penitencia Creek watershed through habitat alterations or losses. Project activities would involve dry-season channel dewatering, floodwall construction, levee modifications, bench excavations, and bridge headwalls.

As discussed in Section 3.4, *Biological Resources*, the proposed project could adversely affect special-status species or habitat used by special-status species including longfin smelt, Central California Coast steelhead, western pond turtles, burrowing owls, Alameda song sparrow and San Francisco common yellowthroat, salt marsh harvest mouse, special-status bats, and Congdon's tarplant (see Impact BIO-1). Implementation of various District BMPs pertaining to water quality and biological resources would minimize the proposed project's potential impacts on these species. Projects in close proximity to the project area such as the Lower Berryessa Creek Flood Protection Project could also result in impacts on western pond turtles and special-status birds and bats. Construction of the iStar and Waterstone development could also result in adverse effects on special-status birds and bats, resulting in a significant cumulative impact.

As described in Section 3.4, the proposed project would implement a number of mitigation measures to reduce impacts on sensitive habitats and on special-status species, jurisdictional wetlands and other waters, and locally protected trees. Specifically, implementation of Mitigation Measures BIO-1 (Exclude Fish Prior to Dewatering Activities), BIO-2 (Conduct Preconstruction Surveys for Western Pond Turtles and Relocate if Necessary), BIO-3 (Conduct Preconstruction Surveys for Nesting Birds), BIO-4 (Implement Buffer Zones for Nesting Birds), BIO-5 (Develop and Conduct Worker Environmental Awareness Program), BIO-6 (Implement Hand Removal of Vegetation in Reach 1 and Staging Area A), BIO-7 (Install Exclusion Barrier and Conduct Salt Marsh Harvest Mouse Preconstruction Survey), BIO-8 (Salt Marsh Harvest Mouse Habitat Monitoring Plan), BIO-9 (Conduct Focused Preconstruction Survey for Congdon's Tarplant), BIO-10 (Compensate for Congdon's Tarplant Impacts), BIO-11 (Clean Construction Equipment), and BIO-12 (Dispose of Invasive Plants) would ensure the proposed project's contribution to cumulative impacts on special-status species would not be cumulatively considerable.

The proposed project would also result in temporary and permanent effects on jurisdictional wetlands and/or other waters of the U.S./state throughout all four reaches of Lower Penitencia Creek (see Impact BIO-3). The Lower Berryessa Creek Flood Protection Project, located upstream of the proposed project, would involve similar in-channel improvements and result in impacts on jurisdictional wetlands and other waters of the U.S./state. The Upper Berryessa Creek Flood Protection Project, located about two miles upstream of the proposed project would impact other waters of the U.S./state. Collectively, these projects could result in a significant cumulative impact on wetlands and other waters of the U.S./state. The proposed project includes creation of a wetland bench that would be planted with native plants to create a tidal wetlands habitat. Mitigation Measure BIO-13 (Wetlands and Jurisdictional Waters Monitoring Plan and Contingency Actions) would ensure that the wetland bench supports ecological functions of wetland vegetation and the proposed project's contribution

to cumulative impacts to jurisdictional wetlands and other waters of the U.S./state would not be cumulatively considerable.

The project would remove about ~~3322~~ trees with dbh of 6 inches or greater from the ~~sparse riparian canopy~~top of bank along Reaches 2, 3, and 4 of the project area. The Lower and Upper Berryessa Creek projects would also remove a number of ~~riparian~~ trees, adding to the cumulative impact on ~~riparian habitat~~trees protected under the City's tree ordinance. The proposed project would plant replacement trees in conformance with the City's tree protection ordinance; thereby ensuring that the proposed project would not make a cumulatively considerable contribution to cumulative impacts on ~~riparian~~protected trees.

Impact CUM-3: Cumulative Impacts on Hydrology and Water Quality (Not Cumulatively Considerable)

As described in Section 3.8, *Hydrology and Water Quality*, project design includes creation of a wetland bench in Reach 1 which would provide storage for flood waters and increased areas of tidal wetlands that would have a beneficial effect on water quality. The project would also continue existing drainage patterns while reducing flood risks. The elimination of flood waters overtopping the creek banks during the 1% flow event would prevent flood waters washing of large amounts of pollutants from flooded urban areas into Lower Penitencia Creek, Coyote Creek, and South San Francisco Bay. Thus, the project would improve water quality of the water bodies during periodic high creek flows, which would increase in the future due to improvements under construction to Upper and Lower Berryessa Creek, which is the largest tributary to Lower Penitencia Creek. The proposed project would divert creek water around the work areas within the channel, and would discharge that water only if it would meet discharge standards, thereby preventing adverse effect on the quality of receiving waters. Additionally, the proposed project would implement a SWPPP to prevent discharge of substantial pollutants during project construction. The District would implement a number of BMPs to prevent release of pollutants to the creek, ensure proper handling of materials, and prohibit activities in the creek channel (e.g., vehicle fueling or maintenance) which would protect water quality. The proposed project would not make a cumulatively considerable contribution to cumulative impacts on water quality.

As described in Section 4.3.1, above, a significant cumulative impact related to hydrology would occur as the Lower and Upper Berryessa Creek projects would increase the 1-percent flow from 4,830 cfs to 6,900 cfs. Without the proposed project, Lower Penitencia Creek would not have the capacity to convey the 1-percent flood event and flood hazards would increase in the project vicinity. The proposed project would increase the capacity of Lower Penitencia Creek to convey increased 1-percent flows from the improved Upper and Lower Berryessa Creek without overtopping of the Lower Penitencia Creek banks. In addition, the project would extend flood protection benefits from the upper watershed projects downstream to the Lower Penitencia Creek and Coyote Creek confluence. The Coyote Creek channel downstream of the project area has sufficient flow conveyance capacity to accommodate the combined 1% flows of Lower Penitencia and Coyote Creek. Therefore, construction and operation of the proposed project would not increase downstream flood hazards. The proposed project's contribution to cumulative hydrologic impact would not be cumulatively considerable.

Impact CUM-4: Cumulative Impacts on Noise and Vibration (Cumulatively Considerable)

As described in Section 3.11, *Noise*, project construction activities would generate noise that would exceed FTA noise exposure thresholds and the City's General Plan Policy (6-I-1) which calls for avoiding noise level increases of 3dB or more than 65 dB L_{dn} at residential property lines for nearby residential uses. Noise generated during construction of the proposed project would also contribute to the ambient noise environment and would result in a temporary increase in community noise levels that would exceed the City's General Plan Policy G-I-1 for community noise exposure of residential uses. Construction would also cause vibration exceeding annoyance levels at nearby residences, but would not cause damage to those structures. Because noise and vibration impacts are localized, affecting only the receptors in the immediate vicinity, and because construction of the project would occur for a short duration (up to 4 months at a given location), no individual receptor would be exposed to excessive noise or vibration levels from construction for an extended period. The following projects would be located within 0.25 mile of the project site and could be under construction simultaneously with the proposed project: the Waterstone Residential Project, iStar Residential Project, Springhill Marriott, and Holiday Inn/ 1100 Cadillac Court. Construction of these projects would generate noise exceeding FTA thresholds and the City's thresholds for residential noise exposure and would result in significant temporary increases in ambient noise. Cumulative noise impacts would be significant. Implementation of Mitigation Measure NOI-1 (Implement Noise- and Vibration-reducing Measures) would minimize noise and vibration impacts associated with construction of the proposed project. However, because that measure would not reduce construction noise generated by the project to below the FTA threshold for exposure of residential uses, would likely cause a 3 dB L_{dn} or more increase in ambient noise levels at the property lines of nearby residential properties, and the project would temporarily result in a substantial increase in ambient noise levels above existing noise levels, construction of the proposed project would result in a temporary but cumulatively considerable contribution to significant cumulative noise impacts.

Impact CUM-65: Cumulative Impacts on Traffic Patterns and Safety Hazards (Not Cumulatively Considerable)

Project construction would generate trips on several roadways within the project area, primarily in Milpitas, from materials hauling and worker commute trips. Construction trip

generation is presented in Table 3.13-2 in Section 3.13, *Transportation and Traffic*. As shown in Table 3.13-5, construction trips generated by the project would not result in a degradation of LOS at any of the study area intersections. This table also shows that construction of the proposed project along with other approved projects (including the Springhill Marriot Suites, Holiday Inn Suites at 1100 Cadillac Court, Waterstone Residential, and iStar Residential Projects) would result in acceptable LOS at the study area intersections.

There is a possibility that the presence of slow-moving vehicles and equipment associated with both the proposed project and other projects could result in temporary safety hazards on local roads. This would be a significant cumulative impact. Implementation of Mitigation Measure TRA-1 (Traffic Control Plan), would minimize traffic safety hazards on local roads, including San Andreas Drive, where capacity would be temporarily reduced during construction of the San Andreas Drive bridge headwall. With implementation of this mitigation measure, the proposed project's contribution to this cumulative impact would not be cumulatively considerable.

4.4 Significant and Unavoidable Impacts

Section 15126.2(b) of the State CEQA Guidelines requires an EIR to describe any significant impacts that cannot be mitigated to a less-than-significant level. All of the impacts associated with the proposed project would be reduced to a less-than-significant level through the implementation of identified mitigation measures and BMPs, with the exception of the impacts discussed below. The following impacts have been identified as significant and unavoidable:

- Exposure of persons to or generation of noise levels in excess of standards established in excess of standards established in the local general plan or noise ordinance or, in the applicable standards of other agencies (Impact NOI-1)
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (Impact NOI-2)
- Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (Impact NOI-4)

In addition to the significant and unavoidable impacts described above, the project would make a cumulatively considerable contribution to significant cumulative noise impacts during project construction.

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Chapter 5

ALTERNATIVES

This chapter describes the regulatory requirements for evaluating alternatives in an EIR, presents the alternatives development process for the proposed project, describes the alternatives considered and those considered but dismissed from detailed analysis, provides environmental impact analysis of the alternatives considered, presents a comparison of alternatives, and identifies the environmentally superior alternative.

5.1 Regulatory Requirements

CEQA requires that an EIR evaluate a reasonable range of potentially feasible alternatives to the proposed project, including the No Project Alternative. The No Project Alternative allows decision makers to compare the impacts of approving the action against the impacts of not approving the action. Although no clear rule exists for determining a reasonable range of alternatives to a proposed project, CEQA provides guidance that can be used to define the range of alternatives for consideration in the environmental document.

The alternatives described in an EIR must feasibly accomplish most of the basic project objectives, should reduce or eliminate one or more of the significant impacts of the proposed project (although the alternative could have greater impacts overall), and must be potentially feasible (State CEQA Guidelines Section 15126.6[a]). In determining whether alternatives are potentially feasible, Lead Agencies are guided by the general definition of feasibility found in State CEQA Guidelines Section 15364: “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In accordance with State CEQA Guidelines Section 15126.6(f), the Lead Agency should consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, and jurisdictional boundaries in determining the feasibility of alternatives to be evaluated in an EIR. An EIR must briefly describe the rationale for selection and rejection of alternatives and the information that the Lead Agency relied on in making the selection. It also should identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reason for their exclusion (State CEQA Guidelines Section 15126.6[c]).

An EIR’s analysis of alternatives is required to identify the environmentally superior alternative among all those considered (State CEQA Guidelines Sections 15126.6[a] and 15126.6[e][2]). If the “no project” alternative is identified as the environmentally superior alternative, then the EIR must also identify an environmentally superior alternative amongst the other (action) alternatives.

These guidelines were used in developing and evaluating the alternatives as described below.

5.2 Alternatives Development Process

The proposed project's purpose and objectives, as well as its significant environmental impacts, were considered while developing alternatives to the proposed project. In accordance with the requirements of CEQA, alternatives were developed that would achieve most of the proposed project's basic objectives while reducing one or more of its significant adverse environmental impacts. Alternatives development was also based on feasibility. As described in Chapter 2, *Project Description*, throughout the District's Natural Flood Protection (NFP) evaluation process, the District evaluated three potentially feasible design alternatives in addition to Design Alternative 2A, which was further refined to develop the proposed project. This chapter includes an evaluation of those modified design alternatives.

5.2.1 Project Goals and Objectives

The following goals and objectives are the same as those set out in Section 2.2 in Chapter 2, *Project Description*. The primary objective of the proposed project is to convey the increased flows from the improved Upper and Lower Berryessa Creeks to Coyote Creek without overtopping of the banks.

Specific project objectives are as follows:

- Convey the Lower Berryessa Creek 1-percent design flow;
- Meet required water surface elevations at the confluences of Lower Penitencia Creek with Coyote Creek and Berryessa Creek;
- Minimize the need for seasonal removal of sediment and non-woody vegetation;
- Maintain existing FEMA accreditation of the east levee located between California Circle and Berryessa Creek; and
- Ensure the project improvements meet FEMA certification requirements.

Alternatives were developed to meet most of the specific objectives listed above.

5.2.2 Significant Environmental Impacts of the Proposed Project

A number of project impacts have been identified as significant, but would be mitigated to a level of less-than-significant through implementation of mitigation measures. The proposed project would result in significant but mitigable impacts related to; biological resources; geology, soils, and seismicity; hazards and hazardous materials; and transportation and traffic. These impacts are listed in Table ES-1 in the *Executive Summary* of this DEIR.

5.2.3 Significant and Unavoidable Environmental Impacts of the Proposed Project

The following impacts have been identified as significant and unavoidable:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance or, in the applicable standards of other agencies (Impact NOI-1)
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels (Impact NOI-2)

- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (Impact NOI-4)

In addition to the significant and unavoidable impacts described above, the project would make a cumulatively considerable contribution to significant cumulative noise impacts during project construction.

5.3 Alternatives Considered

The following alternatives were considered for the proposed project:

- No Project Alternative
- Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal
- Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls
- Alternative 3: Reach 1 Raised Levee, Reach 3 Concrete Channel Lining, and Floodwalls

The proposed project corresponds to Design Alternative in the District's the Staff-Recommended Alternative Report (SCVWD 2015). Alternatives 1, 2, and 3 in this EIR correspond to e design alternatives in the Staff-Recommended Alternative Report as follows:

- EIR Alternative 1 = Design Alternative 1
- EIR Alternative 2 = Design Alternative 4
- EIR Alternative 3 = Design Alternative 6

These alternatives use different combinations and sizes of channel improvements to feasibly obtain the project objectives. During the District's NFP evaluation process, described in the PSR, the District determined that Design Alternative 2A would best meet the project objectives. This design alternative was then further refined to create the proposed project. **Table 5-1** summarizes the key components of the proposed project and each EIR alternative; the following sections describe characteristics of each alternative and generally describe the impacts associated with each alternative relative to the proposed project.

Table 5-1. Summary of Proposed Project and Characteristics of EIR Alternatives by Project Reach

Project/Alternative	Reach 1 Coyote Creek to I-880	Reach 2 I-880 to California Circle	Reach 3 California Circle to Milmont Drive	Reach 4 Milmont Drive to San Andreas Drive	San Andreas Drive Bridge
Proposed Project	- Relocate and raise south bank levee by up to 4 ft - Wetland bench along south bank <u>50-foot-long section of floodwall on the north bank</u>	6-ft-tall floodwall on south bank <u>and a 25-foot-long section of floodwall on the north bank</u> - Removal of 70 cy of sediment during construction	5.5-ft-tall floodwalls on both banks - Earthen ramps on top of levee that cross over floodwall and connect to existing Penitencia Creek Trail - Removal of 1,500 cy of sediment during construction	- Up to 6-ft-tall floodwall on west bank - Levee raised by up to 6 ft on east bank - Removal of 730 cy of sediment during construction	Headwalls on the downstream and upstream faces of bridge
No Project Alternative	No improvements	No improvements	No improvements	No improvements	No improvements
Alternative 1 (Reach 1 Raised Setback Levee, Floodwalls, and Ongoing Sediment Removal)	Raise south bank levee by up to 4 ft	6-ft-tall floodwalls	4-ft-tall floodwalls on both banks	5-ft-tall floodwalls on both banks	Headwalls on the downstream and upstream faces of bridge
Alternative 2 (Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls)	- Relocate and raise south bank levee by up to 4 ft. - Wetland bench along south bank	5-ft-tall floodwall on south bank	3.5-ft-tall floodwall (up to 18.5 ft tall when viewed from channel interior) on west bank 25- to 45-ft-wide Wetland bench and depressed channel access road on west bank	3-ft-tall floodwalls on both banks	Headwalls on the downstream and upstream faces of bridge

Project/Alternative	Reach 1 Coyote Creek to I-880	Reach 2 I-880 to California Circle	Reach 3 California Circle to Milmont Drive	Reach 4 Milmont Drive to San Andreas Drive	San Andreas Drive Bridge
			▪ Depressed in-channel maintenance road on west bank		
Alternative 3 (Reach 1 Raised Levee, Reach 3 Concrete Channel Lining, and Floodwalls)	▪ Raise south bank levee by up to 4 ft	▪ 5.5-ft-tall floodwall on south bank	▪ 4-ft-tall floodwalls on both banks ▪ Excavate and remove central berm ▪ Line channel with concrete	▪ 3-ft-tall floodwalls on both banks	▪ Headwalls on the downstream and upstream faces of bridge

5.3.1 No Project Alternative

Characteristics of this Alternative

Under the No Project Alternative, no new construction activities would occur. In Reach 1, the south levee would not be relocated or raised and no wetland bench would be constructed. Floodwalls would not be constructed in Reaches 1, 2, 3, or 4 and headwalls would not be added to the San Andreas Drive bridge. Ongoing maintenance activities, including sediment removal and vegetation management currently ongoing under the District's SMP, would continue in the future. This alternative would not meet the proposed project's primary objective of conveying Lower Penitencia Creek's 1-percent design flow (described further below), would not meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would not maintain certification of the east levee or meet FEMA certification standards. Additionally, the alternative would not minimize the need for removal of sediment and non-woody vegetation

Impact Analysis

The No Project Alternative would avoid all of the impacts associated with construction of the proposed project because no construction or ground disturbing activities would occur, and maintenance of the channel would continue under the SMP. These include temporary noise and ground-borne vibrations in proximity to sensitive receptors, air pollutant emissions from construction equipment and vehicles, temporary impacts on water quality, traffic delays, effects on wetland habitat and special-status species, and impacts on other biological resources. Significant and unavoidable impacts related to noise and ground-borne vibration effects on nearby residences resulting from the proposed project would be avoided. In addition, significant but mitigable impacts to air quality, biological resources, geology and soils, hazardous materials, and traffic and resulting from the proposed project would be avoided. Future maintenance of the channel would continue under the District's SMP and sediment removal would occur more frequently than under the proposed project, resulting in periodic disturbance of aquatic and riparian habitat that would be greater than if the proposed project were implemented. Additionally, the enhancements to Reach 1 tidal wetlands included in the proposed project would not be achieved, and the current degraded and isolated conditions of Reach 1 wetlands, which provide marginal habitat value, would continue indefinitely.

Under the No Project Alternative, the existing flood management infrastructure within Lower Penitencia Creek would continue to function and convey the current 1-percent (or 100-year) design discharge of 4,830 cfs. However, because USACE's Upper Berryessa Creek Flood Risk Management Project and the District's Lower Berryessa Creek Flood Protection Improvements Project will increase upstream conveyance capacity, larger flows will be conveyed to Lower Penitencia Creek after construction of those two projects is completed. Lower Penitencia Creek's 1-percent flow is projected to increase to an estimated 6,900 cfs after completion of the Lower and Upper Berryessa Creek projects. Lower Penitencia Creek would lack capacity to convey those increased flows during the 100-year discharge event under the No Project Alternative. In the event of a 100-year flood event, the No Project Alternative would likely result in substantial flood damage to nearby land uses, including residential, office space, the District's maintenance roads, nearby public roads, I-880, and the Penitencia Creek Trail. Flood damage and subsequent clean-up efforts could result in significant environmental effects, including erosion; adverse water quality effects; and

impacts on biological resources, cultural resources, traffic and circulation, noise, air quality, recreational resources, and utilities and service systems.

5.3.2 Alternative 1: Reach 1 Raised Levee, Floodwalls, and Ongoing Sediment Removal

Characteristics of this Alternative

Under Alternative 1, which is Design Alternative 1 in the District's PSR, the south bank levee in Reach 1 would be raised by about 4 feet (similar to the project) but would not be relocated, which would prevent creation of a wetland bench in Reach 1. Floodwalls would be constructed in Reaches 2, 3, and 4 and would be of similar height as those for the proposed project. Similar to the proposed project, headwalls would be constructed on the downstream and upstream sides of the existing San Andreas Drive bridge to prevent backwater from overtopping the bridge structure and flowing into neighboring residential neighborhoods during the 1-percent design flow. Maintenance for Alternative 1 would involve periodic sediment removal in Reaches 2 and 4, which would be more frequent than under the proposed project. As with the proposed project and similar to existing conditions, other routine maintenance activities would involve vegetation management along the channel and periodic maintenance and repair for the floodwalls and San Andreas Drive bridge headwalls.

The primary difference between this alternative and the proposed project is that the Reach 1 replacement levee would not be setback from the creek and a wetlands bench would not be created in Reach 1. Alternative 1 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. However, this alternative would not minimize the need for removal of sediment and non-woody vegetation.

Impact Analysis

Alternative 1 would be anticipated to have fewer construction impacts associated with relocating the replacement levee and constructing the wetland bench in Reach 1 than the proposed project. Alternative 1 would have less potential to disturb special-status species and habitat used by special-status species in this area. Temporary impacts on aquatic resources would also be reduced because Reach 1 construction would mostly or completely avoid disturbance of the seasonal wetlands on the south bank.

Alternative 1 would result in similar construction-related impacts as the proposed project, including temporary transportation and traffic impacts, use of hazardous materials, air emissions, noise and vibration, and impacts on hydrology and water quality. Alternative 1 also would increase operational impacts associated with increased sediment removal in Reaches 2 and 4 compared to the proposed project. These would include emissions from operation of excavation equipment and impacts on biological resources and water quality. Future maintenance of the channel would continue under the District's SMP and sediment removal would occur more frequently than under the proposed project because the project is designed to accommodate greater accumulation of sediment before removal is required. More frequent sediment removal would result in periodic disturbance of aquatic and riparian habitat that would be greater than if the proposed project were implemented. Additionally, the enhancements to Reach 1 tidal wetlands included in the proposed project would not be

achieved, and the current degraded and isolated conditions of Reach 1 wetlands, which provide marginal habitat value, would continue indefinitely.

5.3.3 Alternative 2: Reach 1 Raised Setback Levee, Reaches 1 and 3 Wetland Benches, and Floodwalls

Characteristics of this Alternative

Under Alternative 2, identified as Design Alternative 4 in the PSR, the south bank levee in Reach 1 would be relocated and raised by about 4 feet, which would create space for establishing a 50-foot-wide wetland bench immediately south of the existing channel (same as the proposed project). Floodwalls would be constructed in Reaches 2, 3, and 4. Floodwalls would be about 5 feet tall in Reach 2 and 3-3.5 feet tall in Reach 4. In Reach 3, the west bank floodwall would have a total height of 18.5 feet when viewed from inside the channel, but it would be partially below grade and extend about 4 feet above the existing levee. Since the existing levee would be removed, a new depressed maintenance road would be required within the creek channel at the base of the levee, and because the road would be exposed to creek flows, it would have to be surfaced with articulated concrete blocks, adding about 1.2 acres of new hardscape to the channel. This alternative would create enhanced tidal wetlands in Reach 1, similar to the proposed project. In Reach 3, a 25- to 45-foot-wide wetland bench and depressed channel access road would be constructed within the west side of the channel. Wetland vegetation would be planted in the bench. The channel access road would be located between the floodwall and the wetland bench.

The primary differences between Alternative 2 and the proposed project are as follows: (1) the west bank floodwall in Reach 3 for Alternative 2 would be substantially taller (when viewed from inside the channel) than the floodwall proposed as part of the project; (2) Alternative 2 would include a wetland bench in Reach 3, which is not part of the proposed project; and (3) an in-channel maintenance road would be built at the base of the west bank floodwall in Reach 3. Alternative 2 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards.

Impact Analysis

Compared to the proposed project, Alternative 2 may result in similar or greater impacts to aesthetic resources due to the taller floodwall on the west bank of Reach 3. Although the Reach 3 floodwall would only be 4 feet tall when viewed from areas outside the channel, due to construction of the wetland bench and depressed access road, it would be about 18.5 feet tall when viewed from within the channel or from the Penitencia Creek Trail on the east bank of the creek. This could result in greater visual impacts. Recreationists using the Penitencia Creek Trail would have unobstructed views of the taller floodwall and armored maintenance road at its base. The vegetation in the Reach 3 wetland bench would contribute to the aesthetic enjoyment for recreationists using the Penitencia Creek Trail.

The increased hardscape in the channel due to the Reach 3 floodwall and depressed maintenance road could result in increased pollutant flows to the creek, adversely affecting water quality. This would be partially offset by the wetland bench between the road and the

creek channel, which would help to filter pollutants from storm runoff before they reach the creek.

Alternative 2 also would have greater construction-related impacts than the proposed project due to construction of the depressed maintenance road and wetland bench in Reach 3, which would require substantially more excavation than the proposed project. Additionally, because the floodwall would be much taller than the floodwall proposed as part of the project, it may require a pile foundation, which would increase the amount of noise and vibration affecting residences located west of Reach 3 during construction. Alternative 2 would exacerbate the significant and unavoidable construction-related noise and vibration impacts resulting from the proposed project. Construction of the taller floodwall and depressed maintenance road components would result in increased haul truck trips (due to excavation and importing of construction materials) and therefore increased traffic impacts during construction. The excess soil generated by this alternative would be greater than for the proposed project; therefore, this alternative would exacerbate project-related impacts with regard to solid waste disposal. This alternative would also result in greater air emissions and noise impacts from operating equipment and vehicles.

The increased hardscape would replace existing aquatic and riparian habitat located on the side slope and base of the existing earthen levee which would be removed. Once construction is complete, Alternative 2 would create more wetland habitat than the proposed project. The wetland bench in Reach 3 would be planted with native species adapted to tidal conditions and may provide habitat for common and special-status species. Up to 3 acres of wetland vegetation would be established in this reach. This would be partially offset by the elimination of the Reach 3 central berm, which provides existing riparian habitat and would be retained by the proposed project.

5.3.4 Alternative 3: Reach 1 Raised Levee, Reach 3 Concrete Channel Lining, and Floodwalls

Characteristics of this Alternative

Under Alternative 3, identified as Design Alternative 6 in the District's PSR (SCVWD 2016), the south levee in Reach 1 would be raised by up to 4 feet but would not be relocated. Floodwalls would be constructed in Reaches 2, 3, and 4; the floodwall in Reaches 3 and 4 would be substantially shorter than the proposed project floodwalls. In Reach 3, the central berm would be excavated and removed. Throughout the entire length of this reach, the channel would be lined with concrete (trapezoidal shape, 1:1 side slopes). Increased maintenance activities would be required for graffiti removal the amount of exposed concrete would be substantially greater than for the proposed project. in Reach 3. However, this alternative would reduce vegetation management activities compared to the proposed project and existing conditions. As for the proposed project, headwalls would be constructed on the downstream and upstream sides of the existing San Andreas Drive bridge to prevent backwater from overtopping the bridge structure and flowing into neighboring residential neighborhoods during a 1-percent flood event.

The primary differences between Alternative 3 and the proposed project are as follows: (1) the Reach 1 levee would not be relocated and a wetland bench would not be constructed for Alternative 3; (2) the central berm in Reach 3 would be removed and replaced by a

concrete-lined channel; Alternative 3 would meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would maintain certification of the east levee, and would meet FEMA certification standards. This alternative would only partially meet objective to minimize the need for removal of sediment and non-woody vegetation. Alternative 2 would minimize vegetation removal because about 8 acres of vegetation would be permanently replaced with concrete lining, but the need for future sediment removal would not be minimized.

Impact Analysis

This alternative would reduce impacts associated with relocation of the replacement levee in Reach 1 and the construction of a wetland bench in Reach 1, which would occur under the proposed project. Because Alternative 3 would not include these features, which would involve substantial excavation and ground disturbance, it would avoid impacts on buried cultural resources and biological resources, including aquatic habitats and special-status species. However, it also would not realize the beneficial biological resources impacts from creating wetland habitat within the Reach 1 wetland bench. Additionally, concrete lining of Reach 3 would replace about 8 acres of existing aquatic and riparian habitat with concrete lining. The 8-acre increase in hardscape within the channel would have adverse effects on water quality as the pollutant-filtering properties of a natural vegetated channel bottom would be eliminated. Increased concrete lining would tend to raise water temperatures, which would diminish the channel's habitat value for aquatic special-status species such as longfin smelt.

Alternative 3 would result in greater construction-related traffic, noise, vibration, and air quality impacts due to excavation and removal of the Reach 3 berm and installing concrete lining in the Reach 3 channel. These activities would require substantially more haul truck trips in comparison to the proposed project. Lining the channel with concrete also would result in loss of about 8 acres riparian and aquatic habitat throughout Reach 3, most of which occurs on the berm and some of which is used by special-status species; this would adversely affect the ecological functions the existing creek channel may provide.

5.4 Alternatives Considered and Dismissed

The following alternatives were considered, but ultimately were dismissed from further analysis for one or more of the following reasons: (1) an alternative would not sufficiently meet most of the proposed project objectives; (2) an alternative was determined to be infeasible; (3) an alternative would not avoid or substantially reduce one or more significant impacts of the proposed project; (4) an alternative is closely similar to the proposed project; and/or (5) another similar alternative has been evaluated in detail in this EIR.

- **Conceptual Design Alternative 7: Off-Stream Detention Basin.** This alternative would involve constructing an off-stream detention basin. Based on future 1-percent design flow of approximately 6,900 cfs on Lower Penitencia Creek at the Lower Berryessa Creek confluence, approximately 650 acre-feet of water would need to be detained. The RWQCB suggested this alternative in comment 5 of its EIR scoping comment letter dated July 28, 2015 (see Appendix A).

This alternative would require 43-65 acres of land near the creek to create a detention basin with a depth of 10-15 feet that would contain 650 acre-feet of flood water. In addition, this alternative would require acquisition of substantial amount of land, demolition of large numbers of existing structures, and possibly relocation of residents and/or businesses. Additionally, this alternative would require far more earth movement than the proposed project and would result in greater construction noise impacts than the proposed project. For both the proposed project and this alternative, construction noise impacts would be significant and ~~and~~ unavoidable, but the impact would be more severe for this alternative. Similarly, this alternative would result in significant impacts to air quality, and traffic that would be more severe than for the proposed project. The cost to implement this alternative would far exceed the project budget and this alternative was determined infeasible (SCVWD 2016).

- **Conceptual Design Alternative 8: Bypass Channel to Coyote Creek.** Under this alternative, a 2,500-foot-long bypass channel would be constructed across McCarthy Ranch Boulevard, I-880, and Cadillac Court. This bypass channel would also cross four privately owned parcels, three of which have been developed with commercial buildings and parking lots. Given the high value of land in Silicon Valley, it would be very costly for the District to successfully acquire these four parcels at a reasonable cost, which could possibly include relocating these businesses. This alternative would require breaching of the Coyote Creek and Lower Penitencia Creek levees. It would also require easements to tunnel below existing residential and industrial developments, as well as I-880. The feasibility of this alternative may also be constrained due the presence of important underground utility lines. Based on preliminary evaluation, this alternative could result in adverse thermal effects on fish habitat as water is discharged from a bypass to Coyote Creek (which has been designated as critical habitat for California Central Coast steelhead). For ~~this~~ these reasons, and because this alternative would result in greater construction impacts (due to excavation) and potentially greater impacts on residential and commercial uses, the bypass channel alternative was dismissed from further consideration (SCVWD 2016).
- **Conceptual Design Alternative 9: Annual Sediment Removal.** Under this alternative, sediment would be removed from the channel on an annual basis. This alternative would not meet the primary objective of conveying Lower Penitencia Creek's 1-percent design flow, would not meet the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would not maintain certification of the east levee, and would not meet FEMA certification standards. This alternative would also not meet the objective to minimize the need for removal of sediment and non-woody vegetation. In addition, the annual removal of sediment and vegetation growing on it would result in substantial periodic disruption of the ecosystem. Additionally, dewatering of the creek during the dry season is required to remove sediment, and would dry out the creek for several months. The disruption and drying of the creek would stress the ecosystem. Full regrowth of vegetation generally takes more than one year, thus annual sediment removal would prevent full revegetation of the creek channel. By conducting such work on an annual basis, only poor-quality habitat would develop. For these reasons, this alternative was dismissed from further consideration (SCVWD 2016).

- **Geomorphic Channel Planted with Woody Riparian Trees and Reduced Channel Access Roads;** The RWQCB suggested this project alternative in comment 6 of its EIR scoping comment letter of July 28, 2015 (See Appendix A). This alternative would result in a wooded stream channel with higher roughness coefficients than the existing channel or the channel that would be constructed by the proposed project. Higher roughness values would decrease the flow capacity of the channel and prevent the channel from accommodating the design 1% flow, without either enlarging the channel or substantially constructing substantially higher floodwalls to convey the design flow. It is uncertain if the channel could be enlarged sufficiently or if floodwalls could be constructed of sufficient height to meet the project objectives of conveying Lower Penitencia Creek's 1-percent design flow and meeting the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks. If the design flow cannot be met, this alternative would not maintain certification of the east levee, and would not meet FEMA certification standards. It is unlikely that this alternative would meet the project objective focused on minimizing the need for removal of sediment and non-woody vegetation, as the entire project reach is tidal and even a geomorphic channel would be subject to ongoing deposition of tidal sediment.

Enlarging the channel in Reaches 2, 3, and 4 would require the acquisition of substantial amounts of existing developed real estate and would be cost-prohibitive. In addition, enlarging the channel alternative would require substantially more earth movement than the proposed project and would result in greater construction noise impacts than the proposed project. For both the proposed project and this alternative, construction noise impacts would be significant and unavoidable, but the noise impacts would be more severe under this alternative. Similarly, this alternative would result in significant impacts to air quality, and traffic that would be more severe than for the proposed project.

As this alternative would require taller floodwalls than the proposed project, the floodwalls would result in substantially greater impacts than the project with respect to aesthetics, air quality, construction noise and vibration, and hazards and hazardous materials. ~~Because this alternative would increase the severity of significant and unavoidable noise and vibration impacts, this alternative would not meet the District's responsibility to reduce and/or eliminate significant environmental impacts and was rejected by the District.~~ Additionally, this alternative would cost more to implement than the proposed project because floodwalls are relatively expensive to construct and construction costs increase significantly with increased wall height.

This alternative would result in decreased long-term impacts to biological resources as it would restore or enhance more aquatic and riparian habitat than the proposed project. However, compared to the proposed project, this alternative would exacerbate significant environmental impacts pertaining to air quality, hydrology and water quality, construction noise and vibration, and traffic and transportation. For those reasons, this alternative was rejected.

5.5 Comparison of Alternatives and Environmentally Superior Alternative

CEQA does not provide a definition for the environmentally superior alternative; however, CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. For the purposes of this analysis, the

environmentally superior alternative is considered to be that alternative with the least adverse environmental impacts on the project area and its surrounding environment. The identification of the environmentally superior alternative considers the relative degree of significant impacts, as well as the relative degree of environmental benefit associated with each alternative as compared with the proposed project. The paragraphs below discuss and compare the environmental findings of the analyzed alternatives relative to one another and the proposed project.

The No Project Alternative would not meet the proposed project’s primary objective of conveying Lower Penitencia Creek’s 1-percent design flow (described further below), would not meet the the required water surface elevations at the confluences with Coyote and Lower Berryessa creeks, would not maintain certification of the east levee or meet FEMA certification standards. Additionally, the alternative would not minimize the need for removal of sediment and non-woody vegetation.

In the event of a 100-year flood event, the No Project Alternative could result in substantial impacts related to erosion, water quality, biological resources, and recreation. Clean-up efforts could result in other impacts related to temporary traffic, noise, and air quality emissions. Although the extent of such effects is undetermined at this time, the potential damage to surrounding land uses is considered severe and worse than environmental impacts associated with the action alternatives. For this reason, the No Project Alternative is not considered environmentally superior.

Alternative 1 would meet most of the project objectives. When compared to the proposed project or Alternative 2, Alternative 1 would result in less severe construction-related impacts since less earth-moving activities would take place. In the long-term, Alternative 1 would require more frequent sediment removal work in Reaches 2 and 4, and therefore result in somewhat greater operational impacts on air quality, traffic, noise, biological resources, and water quality relative to Alternative 2. Significant impacts on air quality, traffic, noise and vibration, biological resources, water quality, and aesthetics would not be reduced under this alternative.

Alternative 3 would meet most of the project objectives. As with Alternative 1, this alternative would have fewer air quality, traffic, and noise impacts in Reach 1 because no levee relocation work would occur. However, because concrete lining of the channel is expected to require substantially more haul truck trips, this alternative would likely have greater air quality, traffic, hazard and hazardous materials, and noise and vibration impacts than the proposed project or Alternative 1. This alternative would also result in significant impacts on biological resources, including the loss of riparian habitat currently found throughout the central berm in Reach 3 and substantially greater impacts on water quality, including increased water temperature, due to the concrete lining of Reach 3. Significant impacts on air quality, traffic,

noise and vibration, biological resources, aesthetics, and water quality would not be reduced by Alternative 3.

Among the alternatives considered in this EIR (not including consideration of the proposed project), Alternative 2 is considered the environmentally superior alternative. When considering the proposed project against Alternative 2, however, the proposed project is environmentally superior. Alternative 2 would permanently create greater wetlands in the project area than the proposed project, but would also result in permanent removal of more riparian habitat and creation of more in-stream hardscape than the proposed project. Alternative 2 would also result in greater construction-related impacts associated with traffic, noise, vibration, hazards and hazardous materials, utilities and service systems, and air quality. While the proposed project would expose residents to significant and unavoidable construction noise and vibration impacts, Alternative 2 would increase the severity of those impacts.

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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation & Maintenance Agreement for Anton Milpitas 730 LLC, a Delaware Limited Liability Company located at 730 E Capitol Avenue.
Category:	Consent Calendar-Community Development
Meeting Date:	12/14/2021
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 Anton Milpitas 730 LLC at 730 E Capitol Avenue.

Background:

On June 21, 2016, the property owner, Anton Milpitas 730 LLC, received entitlements from the City allowing for the development of a 3.340-acre property located at 730 E. Capital Avenue within the Transit Area Specific Plan/Metro Area. The development included the construction of a mixed used building comprising approximately 266 dwelling units and 1,676 square feet of commercial space with emergency vehicle access, associated on and offsite improvements, landscaping, irrigation, and stormwater treatment facilities.

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 Anton mixed use project constructed stormwater Bio-treatment devices and Anton Milpitas 730 LLC will be responsible for the perpetual maintenance and operation of the bio-treatment areas specified in Agreement. Anton Milpitas 730 LLC has executed the required Agreement which has been reviewed by the City Attorney as to form and by the Engineering Director/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 approval for the development, the City's Municipal Code, and it would be prohibitive by state law.

Reason not recommended: To comply with the conditions for the completion of the project and to allow for the on-going annual inspection of installed stormwater Bio-treatment devices, it is recommended the City Council approve the Stormwater Management Facilities Operation and Maintenance Agreement for the project.

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 Anton Milpitas 730 LLC for Anton Mixed Use Apartments at 730 E Capitol Avenue.

Attachments:

1. Stormwater Management Facilities Operation and Maintenance Agreement

**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: 086-37-039

**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 _____ Anton Milpitas 730 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 multi-story mixed use apartment building comprising of 266 residential units and 1,676 sq. ft of ground floor retail with emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 3.34 acre site located at 730 E. Capitol Avenue in Milpitas and more commonly known as Anton Ascend, Project Nos. PJ 1178, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):

1. Resolution No. 8556 approving Site Development Permit No. SD15- 0014,

2. Resolution No. 8556 approving Environmental Assessment No. EA15- 0002 ; 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 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: Wes Carter
President of Anton Residential
Anton Milpitas 730 LLC
1610 R Street, Suite 250
Sacramento, CA 995811

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:

**ANTON MILPITAS 730 LLC,
a Delaware limited liability company**

By: Blackhorse Company, LLC
a California limited liability company
its Manager

By: _____
Name: _____
Title: _____

CITY:

**CITY OF MILPITAS,
A MUNICIPAL CORPORATION**

By: _____
Steven McHarris, City Manager

Approved as to form:

Approved:

By: _____
Christopher J. Diaz,
City Attorney

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

Recommended for approval:

By: _____
Steve Erickson, P.E.
Engineering Director/City Engineer

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
ANTON MILPITAS 730

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

PARCEL A OF LOT LINE ADJUSTMENT RECORDED DECEMBER 02, 2016 AS INSTRUMENT NO. 23516882 OF OFFICIAL RECORDS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL A, AS SAID PARCEL A IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP, FILED JULY 10, 1978 IN BOOK 422 OF MAPS, PAGE 9, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL A, SAID CORNER BEING COMMON WITH THE SOUTHEAST CORNER OF PARCEL TWO OF LOT LINE ADJUSTMENT 2015-004 RECORDED BY GRANT DEED, OCTOBER 8, 2015, IN DOCUMENT NO. 23102251, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA;

THENCE, ALONG THE EASTERLY LINE OF SAID PARCEL TWO AND PARCEL ONE OF SAID LOT LINE ADJUSTMENT 2015-004, NORTH 06°19'59" EAST 555.77 FEET TO THE SOUTHWESTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED MARCH 16, 2000 AS DOCUMENT NO. 15181681, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

THENCE, ALONG SAID SOUTHWESTERN LINE THE FOLLOWING FIVE (5) COURSES: 1) SOUTH 58°09'12" EAST 234.36 FEET, 2) SOUTH 52°26'34" EAST 20.10 FEET, 3) SOUTH 31°50'48" WEST 2.00 FEET, 4) SOUTH 58°09'12" EAST 55.90 FEET, AND 5) NORTH 31°50'48" EAST 2.03 FEET TO A POINT ON THE SOUTHWESTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED AUGUST 12, 2002 AS DOCUMENT NO. 16415211, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

THENCE, ALONG LAST SAID SOUTHWESTERN LINE THE FOLLOWING TWO (2) COURSES:

1) SOUTH 57°51'16" EAST 39.68 FEET, AND

2) SOUTH 58°25'33" EAST 54.53 FEET;

THENCE, LEAVING SAID SOUTHWESTERN LINE, SOUTH 31°47'05" WEST 41.42 FEET;

THENCE, ALONG THE ARC OF A TANGENT 272.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°10'23", AN ARC DISTANCE OF 62.54 FEET;

THENCE, ALONG THE ARC OF A TANGENT, REVERSE 272.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 13°10'14", AN ARC DISTANCE OF 62.52 FEET;

THENCE, SOUTH 31°46'56" WEST 166.52 FEET;

THENCE, ALONG THE ARC OF A TANGENT 250.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12°32'24", AN ARC DISTANCE OF 54.72 FEET;

THENCE, SOUTH 19°14'32" WEST 71.16 FEET TO THE SOUTHERN LINE OF SAID PARCEL A;

THENCE, ALONG THE SOUTHERN LINE OF SAID PARCEL A THE FOLLOWING TWO (2) COURSES:

1) NORTH 69°37'20" WEST 193.51 FEET, AND

2) NORTH 83°41'53" WEST 12.95 FEET TO SAID POINT OF BEGINNING.

APN: 086-37-039

Stormwater Control Operation and Maintenance Plan

730 E. Capitol Avenue
MILPITAS, CALIFORNIA

December 2020



Prepared by:



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I. Inspection and Maintenance Log

**Stormwater Treatment Measure Operation and Maintenance
Inspection Report to the City of Milpitas, California**

This report and attached Inspection and Maintenance Checklists document the inspection and maintenance conducted for the identified stormwater treatment measure(s) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

I. Property Information:

Property Address of APN: 730 E. Capitol Avenue

Property Owner: Anton Development Company, LLC

II. Contact Information:

Name of person to contact regarding this report: Rachel Green

Phone number of contact person: Kevin Ma: (650) 549-1607 E-mail: rgreen@antondev.com

Address to which correspondence regarding this report should be directed:
1617 N California Blvd, Suite 250, Walnut Creek, California 94596

III. Reporting Period:

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from _____ to _____.

IV. Stormwater Treatment Measure Information:

The following stormwater treatment measures (identified treatment measures) are located on the property identified above and are subject to the Maintenance Agreement:

Identifying Number of Treatment Measure	Type of Treatment Measure	Location of Treatment Measure on the Property
B1 – B3	Bioretention	On-Site Bioretention Facilities
P1 – P22	Raised Planters	Raised Planter Biotreatment Facilities
MF-1, 2, 3, 4, 6	Media Filters	On-Site Media Filters

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

V. Summary of Inspections and Maintenance:

Summarize the following information using the attached Inspection and Maintenance Checklists:

Identifying Number of Treatment Measure	Date of Inspection	Operation and Maintenance Activities Performed and Date(s) Conducted	Additional Comments

VI. Sediment Removal:

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period: _____ cubic yards.

How was sediment disposed?

- ☐ landfill
- ☐ other location on-site as described in and allowed by the maintenance plan
- ☐ other, explain _____

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

VII. Inspector Information:

The inspections documented in the attached Inspection and Maintenance Checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

VIII. Certification:

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

Signature of Property Owner or Other Responsible Party

Date

Rachel Green
Type or Print Name

Anton Development Company, LLC
Company Name

1617 N California Blvd, Suite 250, Walnut Creek, California 94596
Address

(650) 549-1607
Phone number

rgreen@antondev.com
E-mail

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

**Bioretention Area Maintenance Plan for
730 E. Capitol Avenue**

December 2020

Project Address and Cross Streets 730 E. Capitol Avenue

Assessor's Parcel No.: 086-37-026, -027

Property Owner: Anton Development Company, LLC

Phone No.: (650) 549-1607

Designated Contact: Rachel Green Phone No.: (650)549-1607

Mailing Address: 1617 N California Blvd, Suite 250, Walnut Creek, California 94596

The property contains 3 bioretention area(s), located as described below and as shown in the attached site plan¹.

- **Bioretention Areas B1 - B2** are located On-Site.

I. Routine Maintenance Activities

The principal maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may lead to bioretention area failure. Routine maintenance activities, and the frequency at which they will be conducted, are shown in Table 1.

Table 1 Routine Maintenance Activities for Bioretention Areas		
No.	Maintenance Task	Frequency of Task
1	Remove obstructions, debris and trash from bioretention area and dispose of properly.	Monthly, or as needed after storm events
2	Inspect bioretention area for ponded water. If ponded water does not drain within 2-3 days, till and replace the surface soil and replant.	Monthly, or as needed after storm events
3	Inspect inlets for channels, soil exposure or other evidence of erosion. Clear obstructions and remove sediment.	Monthly, or as needed after storm events
4	Remove and replace all dead and diseased vegetation.	Twice a year
5	Maintain vegetation and the irrigation system. Prune and weed to keep bioretention area neat and orderly in appearance. Remove and or replace any dead plants.	Twice a year
6	Check that mulch is at appropriate depth (2 inches per soil specifications) and replenish as necessary before wet season begins.	Monthly
7	Inspect the energy dissipation at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch.	Annually, before the wet season begins
8	Inspect bioretention area using the attached inspection checklist.	Monthly, or after large storm events, and after removal of accumulated debris or material

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

II. Use of Pesticides

The use of pesticides and quick release fertilizers shall be minimized, and the principles of integrated pest management (IPM) followed:

1. Employ non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
2. Prune plants properly and at the appropriate time of year.
3. Provide adequate irrigation for landscape plants. Do not over water.
4. Limit fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferable. Check with municipality for specific requirements.
5. Pest control should avoid harming non-target organisms, or negatively affecting air and water quality and public health. Apply chemical controls only when monitoring indicates that preventative and non-chemical methods are not keeping pests below acceptable levels. When pesticides are required, apply the least toxic and the least persistent pesticide that will provide adequate pest control. Do not apply pesticides on a prescheduled basis.
6. Sweep up spilled fertilizer and pesticides. Do not wash away or bury such spills.
7. Do not over apply pesticide. Spray only where the infestation exists. Follow the manufacturer's instructions for mixing and applying materials.
8. Only licensed, trained pesticide applicators shall apply pesticides.
9. Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
10. Unwanted/unused pesticides shall be disposed as hazardous waste.

III. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District
1580 Berger Dr.
San Jose, California 95112
Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356
www.sccgov.org/portal/site/vector

IV. Inspections

The attached Bioretention Area Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 730 E. Capitol Avenue

Property Owner: Anton Development, LLC

Treatment Measure No.: _____ Date of Inspection: _____ Type of Inspection: ☐ Monthly ☐ End of Wet Season

Inspector(s): _____ ☐ After heavy runoff ☐ Other: _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Flow-Through Planter Maintenance Plan for
730 E. Capitol Avenue
December 2020

Project Address and Cross Streets 730 E. Capitol Avenue

Assessor's Parcel No.: 086-37-026, -27

Property Owner: Anton Development Company, LLC Phone No.: (650) 549-1607

Designated Contact: Rachel Green Phone No.: (650) 549-1607

Mailing Address: 1617 N California Blvd, Suite 250, Walnut Creek, California 94596

The property contains 22 Flow-Through Planter(s), located as described below and as shown in the attached site plan¹.

- Flow-Through Planter P1 – P9 are located at 750 E. Capitol Building.
- Flow-Through Planter P10 – P22 are located at 730 E. Capitol Building

I. Routine Maintenance Activities

The principal maintenance objectives are to ensure that water flows unimpeded into the flow-through planter and landscaping remains attractive in appearance. Table 1 shows the routine maintenance activities, and the frequency at which they will be conducted.

Table 1 Routine Maintenance Activities for Flow-Through Planters		
No.	Maintenance Task	Frequency of Task
1	Evaluate health of trees and groundcover. Remove and replace all dead and diseased vegetation. Treat vegetation using preventative and low-toxic methods.	Twice a year
2	Maintain the vegetation and irrigation system. Prune and weed to keep flow-through planter neat and orderly in appearance.	As needed
4	Check that there is sufficient biotreatment soil media (18 inch depth). Check that soil is at the appropriate level to allow water to temporarily pond above soil surface (6-12 inches per design).	Before wet season and as necessary
5	Remove accumulated sediment, litter and debris from flow-through planter and dispose of properly. Replenish mulch as needed.	Before wet season and as necessary
6	Inspect flow-through planter to ensure that there are no clogs.	Monthly during the wet season, and as needed after storm events
7	Inspect downspouts from rooftops and sheet flow from paved areas to ensure flow to planter box is unimpeded. Remove debris and repair damaged pipes. Check splash blocks or rocks and repair, replace and replenish as necessary.	Monthly during the wet season, and as needed after storm events
8	Inspect overflow pipe to ensure that it will safely convey excess flows to storm drain. Repair or replace any damaged or disconnected piping.	Before the wet season, and as necessary
9	Inspect flow-through planter to ensure that box is structurally sound (no cracks or leaks). Repair as necessary.	Monthly during the wet season, and as needed after storm events
10	Inspect flow-through planter using the attached inspection checklist.	Monthly, or after large storm events, and after removal of accumulated debris or material

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

II. Use of Pesticides

The use of pesticides and quick release fertilizers shall be minimized, and the principles of integrated pest management (IPM) followed:

1. Employ non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
2. Prune plants properly and at the appropriate time of year.
3. Provide adequate irrigation for landscape plants. Do not over water.
4. Limit fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferable. Check with municipality for specific requirements.
5. Pest control should avoid harming non-target organisms, or negatively affecting air and water quality and public health. Apply chemical controls only when monitoring indicates that preventative and non-chemical methods are not keeping pests below acceptable levels. When pesticides are required, apply the least toxic and the least persistent pesticide that will provide adequate pest control. Do not apply pesticides on a prescheduled basis.
6. Sweep up spilled fertilizer and pesticides. Do not wash away or bury such spills.
7. Do not over apply pesticide. Spray only where the infestation exists. Follow the manufacturer's instructions for mixing and applying materials.
8. Only licensed, trained pesticide applicators shall apply pesticides.
9. Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
10. Unwanted/unused pesticides shall be disposed as hazardous waste.

III. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District
1580 Berger Dr.
San Jose, California 95112
Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356
www.sccgov.org/portal/site/vector

IV. Inspections

The attached Flow-Through Planter Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

Flow-Through Planter Inspection and Maintenance Checklist

Property Address: 750 E. Capitol Avenue

Property Owner: Anton Development, LLC

Treatment Measure No.: _____ Date of Inspection: _____ Type of Inspection: ☐ Monthly ☐ Pre-Wet Season
☐ After heavy runoff ☐ End of Wet Season

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
2. Soil	Soil too deep or too shallow.			Soil is at proper depth (per soil specifications) for optimum filtration and flow.
3. Mulch	Mulch is missing or patchy in appearance.			Mulch is even in appearance.
4. Sediment, Trash and Debris Accumulation	Sediment, trash and debris accumulated in the flow-through planter. Planter does not drain within 3-4 hours.			Sediment, trash and debris removed from flow-through planter and disposed of properly. Planter drains within 3-4 hours.
5. Clogs/Drainage	Planter does not drain within 3-4 hours after rainfall.			Planter drains per design specifications.
6. Downspouts and Sheet Flow	Flow to planter is impeded. Downspouts are clogged or pipes are damaged. Splash blocks and rocks in need of repair, replacement or replenishment.			Downspouts and sheet flow is conveyed efficiently to the planter.
7. Overflow Pipe	Does not safely convey excess flows to storm drain. Piping damaged or disconnected.			Overflow pipe conveys excess flow to storm drain efficiently.
8. Structural Soundness	Planter is cracked, leaking or falling apart.			Cracks and leaks are repaired and planter is structurally sound.
9. Miscellaneous	Any condition not covered above that needs attention in order for the flow-through planter to function as designed.			Meet the design specifications.

Media Filter Maintenance Plan for
730 E. Capitol Avenue
December 2020

Project Address and Cross Streets 730 E. Capitol Avenue
Assessor's Parcel No.: 086-37-026, -27
Property Owner: Anton Development Company, LLC Phone No.: (650) 549-1607
Designated Contact: Rachel Green Phone No.: (650) 549-1607
Mailing Address: 1617 N California Blvd, Suite 250, Walnut Creek, California 94596

The property contains 6 media filters, located as described below and as shown in the attached site plan¹.

- Media Filters MF-1 & MF-2 are located North of the 750 E. Capitol Building.
- Media Filter MF-3 is located South of the 750 E. Capitol building adjacent to the EVA.
- Media Filter MF-4 is located East of the 730 E. Capitol Building at the driveway entrance into the garage.
- Media Filter MF-5 is located South of the 730 E. Capitol building at Street C.
- Media Filter MF-6 is located North of the 730 E. Capitol building.

I Routine Maintenance Activities

The principal maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may lead to failure of the media filter. Follow manufacturer's requirements for maintenance. Routine maintenance activities, and the frequency at which they will be conducted, are shown in Table 1.

Table 1 Routine Maintenance Activities for Media Filters		
No.	Maintenance Task	Frequency of Task
1	Inspect for standing water, sediment, trash and	Monthly during rainy season
2	Remove accumulated trash and debris in the unit during routine inspections.	Monthly during rainy season, or as needed after storm
3	Inspect to ensure that the facility is draining completely within five days and per	Once during the wet season after major storm event.
4	Replace the media per manufacturer's instructions or as indicated by the condition of the unit.	Once a year or as needed
5	Inspect media filters using the attached inspection checklist.	Quarterly or as needed

II. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District
1580 Berger Dr.
San Jose, California 95112
Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356
www.sccgov.org/portal/site/vector
[Email: info@smcmad.org](mailto:info@smcmad.org)

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

Media Filter Maintenance Plan

Date of Inspection: _____

Property Address: 730 E. Capitol Avenue

Treatment Measure No.: _____

IV. Inspections

The attached Treatment Measure Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

Media Filters Inspection and Maintenance Checklist

Property Address: 730 E. Capitol Avenue

Property Owner: Anton Development, LLC

Treatment Measure No.: _____ Date of Inspection: _____ Type of Inspection: ☐ Monthly ☐ Pre-Wet Season
☐ After heavy runoff ☐ End of Wet Season
☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Sediment, trash and debris accumulation on filter	Sediment, trash and debris accumulated in the media filter unit, vault or piping.			Sediment, trash and debris removed and disposed of properly.
2. Standing water	Treatment unit or vault does not drain within five days after rainfall.			Source of clogging removed. Filter drains per design specifications.
3. Mosquitoes	Evidence of mosquito larvae in treatment unit.			No evidence of mosquito larvae.
4. Miscellaneous	Any condition not covered above that needs attention in order for the manufactured treatment measure to function as designed.			Meet the design specifications.
5. Media Filter Cartridge	- Once a year or as needed - Following a contaminated spill in the drainage area.			Meet the design specifications.

II. Updates, Revisions and Errata

Future updates, revisions and errata shall be listed in this section.

III. Introduction

This Operation and Maintenance Manual (O&M) for 730 E. Capitol is submitted to the City of Milpitas as an accompaniment to the private and public improvement plans. The Stormwater Control Plan provides recommendations on the use of permanent Best Management Practices (BMPs) for the proposed project. BMP technical requirements are presented in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook dated June 2016.

The project address is 730 E Capitol Avenue which is located south of E Capitol Avenue (APN 086-37-026, 086-37-027) as shown in Appendix G Figure 1. The overall project (including 730 E Capitol) will include apartment buildings comprising of a total of 567 units, 2 retail/leasing plazas, public and private roadways, an EVA roadway, landscaped paseos, entertainment courtyards and open space improvements. The projects lies within the 8.3± ac project boundary, as well as sidewalk, landscape and roadway improvements equating to 1.2± ac of public right-of-way and roadway easement area within the site. Construction of the 730 & 750 E. Capitol project consists of two phases where construction of the 750 E. Capitol building starts prior to the 730 E. Capitol building.

Upon construction of the proposed improvements, approximately 6.85 acres (72%) will be covered by impervious surface and about 2.67 acres (28%) will be covered by landscaped areas including lawns, shrubs, and trees.

Proposed on-site drainage system:

Upon construction of the proposed improvements, approximately 6.85 acres (72%) will be covered by impervious surface and about 2.67 acres (28%) will be covered by landscaped areas including lawns, shrubs, and trees. All walkways these areas will be sloped to drain onto the surrounding landscaping.

Drainage areas B1-B3, M13-M30 and nearby courtyards will discharge into the existing storm drain line located adjacent to the southern border of the site which ultimately flows through an existing outfall in to Penitencia Creek. These areas will be treated by a combination of bioretention, raised planters, and media filtration before entering the storm drain system.

Drainage areas P1-P22, M1-M12 and M31-M33 nearby courtyards will discharge into the existing public storm drain line along East Capitol Avenue. These areas will be treated by a combination of bioretention, raised planters, and media filtration before entering the storm drain system.

The treatment BMPs used on this site include:

- Bioretention Areas
- Raised Planters
- Media Filters

IV. **Responsibility for Maintenance**

A. ***General***

1. Contact Information

Designation of Individuals Responsible for Stormwater Treatment BMP Operation and Maintenance

Date Completed:
Facility Name:
Facility Address:

Designated Contact for Operation and Maintenance

Primary Contact:
Telephone:
Alternate Telephone:
Email:

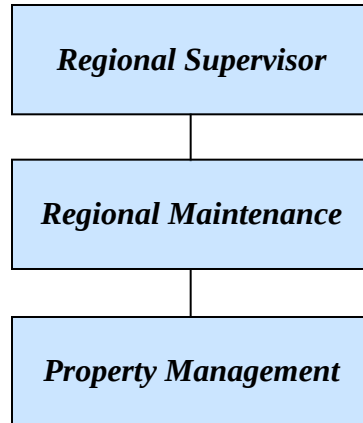
Off-Hours or Emergency Contact

Primary Contact: Emergency Line
Telephone:
Alternate Telephone:
Email:

Corporate Officer (Authorized to Execute Contracts with City)

Primary Contact:
Title or Position:
Telephone:
Alternate Telephone:
Email:

2. Organization Chart



3. O&M Agreement

An operation and maintenance agreement between the Owner and City of Milpitas will be recorded with the County of Santa Clara.

Stormwater treatment facilities used for the treatment of public street runoff (South Milpitas Boulevard) are to be maintained by the City of Milpitas.

4. Maintenance Funding

- a. Sources of funds for maintenance: Maintenance funds will be paid by the Homeowner's Association.
- b. Budget category or line item: Funds for the maintenance of the BMPs will be listed under the "Maintenance Contracts" line item in the Homeowner's Association.
- c. Description of procedure and process for ensuring adequate funding for maintenance: The cost of maintenance operations shall be covered by the Homeowner's Association.

B. *Staff Training Program*

Employees will be trained to comply with the terms of the Operations and Maintenance Agreement to be recorded. Employees will be trained in the proper disposal of trash materials and hazardous waste. Employees will be trained to comply with the storm water inlet labels printed with the logo “No Dumping / Flows to Bay.” This educational measure is intended to prevent unlawful dumping of waste materials, such as motor oil, into the storm drain system.

C. *Records*

The Homeowners Association will maintain annual records of the operation and maintenance of the structural BMP units. The records will consist of annual inspection reports and certificates of compliance provided by the maintenance company contracted to service the structural BMP units. The reports will be available to the City inspector upon request.

D. *Safety*

Only personnel with confined space training and possessing the necessary safety equipment should enter the mechanical BMP units to perform maintenance or inspection procedures. Inspections of the internal components can, in most cases, be accomplished through observations from the ground surface. The removal of the sediment from the units’ sump should be performed by trained personnel and all debris should be disposed of per EPA standards.

V. Summary of Drainage Areas and BMPs

A. *Drainage Areas*

1. Approximately 6.85 acres (72%) of the site is covered by impervious surface and about 2.67 acres (28%) is covered by landscaping or other pervious surfaces.
2. Drainage areas B1-B3, M13-M30 and nearby courtyards will discharge into the existing storm drain line located adjacent to the southern border of the site which ultimately flows through an existing outfall in to Penitencia Creek. These areas will be treated by a combination of bioretention, raised planters, and media filtration before entering the storm drain system.

Drainage areas P1-P22, M1-M12 and M31-M33 and nearby courtyards will discharge into the existing public storm drain line along East Capitol Avenue. These areas will be treated by a combination of bioretention, raised planters, and media filtration before entering the storm drain system

B. *Treatment BMPs*

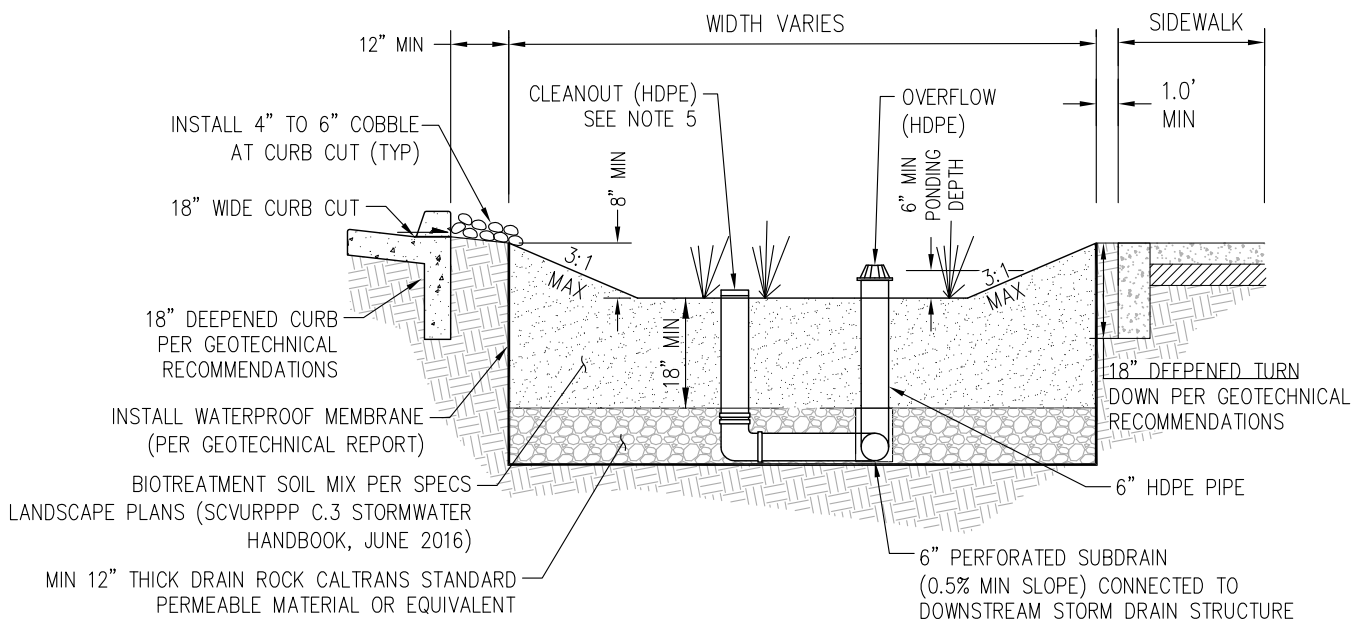
The treatment BMPs used on this site are shown in the Appendix and include:

1. Bioretention Areas: Two Bioretention areas will be constructed south of the 730 E Capitol Building adjacent to Street C. These features use a combination of ponding, permeable planting soils, infiltration materials and sub-drains systems. They are designed to filter pollutants from stormwater runoff from adjacent roof areas and other impervious surfaces.
2. Raised Planters: Raised Planters will be constructed along the perimeter of the apartment buildings at the northern edge of the site and will treat roof runoff from the building. These planters use a combination of ponding, permeable planting soils, infiltration materials and sub-drain systems. They are designed to filter pollutants from stormwater runoff from adjacent roof areas.
3. Media Filters: Media filters will be installed at locations in which untreated stormwater is discharging into the public storm drain main. These structures provide an effective method of preventing pollutants – such as street litter, trash and debris, vegetation, coarse sediments, and the attached nutrient and heavy metal pollutants – from entering public waterways.

VI. BMP Design Documentation

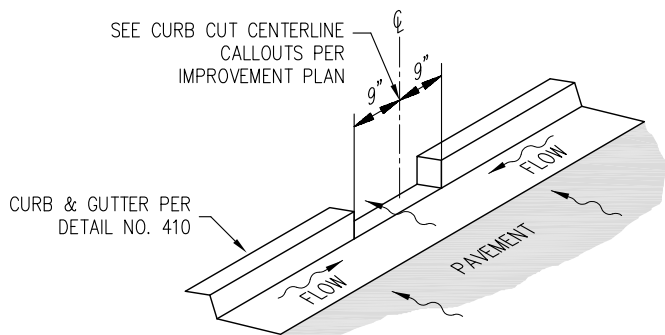
A. *“As-Built” Drawings of Each BMP*

Typical details provided at this time. As-built drawings will be provided upon completion of BMP construction.



BIORETENTION AREA IN LANDSCAPE AREAS

NOT TO SCALE



12" VERTICAL CURB CUT DETAIL

NOT TO SCALE

FIGURE 9 TYPICAL BIORETENTION AREA

730 & 750 E. CAPITOL AVENUE

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

DATE: JANUARY 13, 2017

NOT TO SCALE

NOTES:

1. INSTALL DEEPEMED CURB AND WATERPROOF BARRIER PER GEOTECHNICAL RECOMMENDATIONS.
2. 3" OF FLOAT-RESISTANT AGED/COMPOSTED MULCH SHALL BE USED ON ANY EXPOSED EARTH IN THE BIORETENTION AREAS.
3. 4"-6" COBBLE SHALL BE USED FOR ENERGY DISSIPATION WHERE NECESSARY.
4. THE 6" PERFORATED PVC UNDERDRAIN SHALL BE PLACED AT THE BOTTOM OF THE DRAIN ROCK LAYER WITH PERFORATIONS FACING DOWNWARD.
5. CONTRACTOR TO INSTALL AN UNDERDRAIN CLEANOUT WITH THE CLEANOUT CAP (HDPE) INSTALLED FLUSH WITH THE SOIL SURFACE.



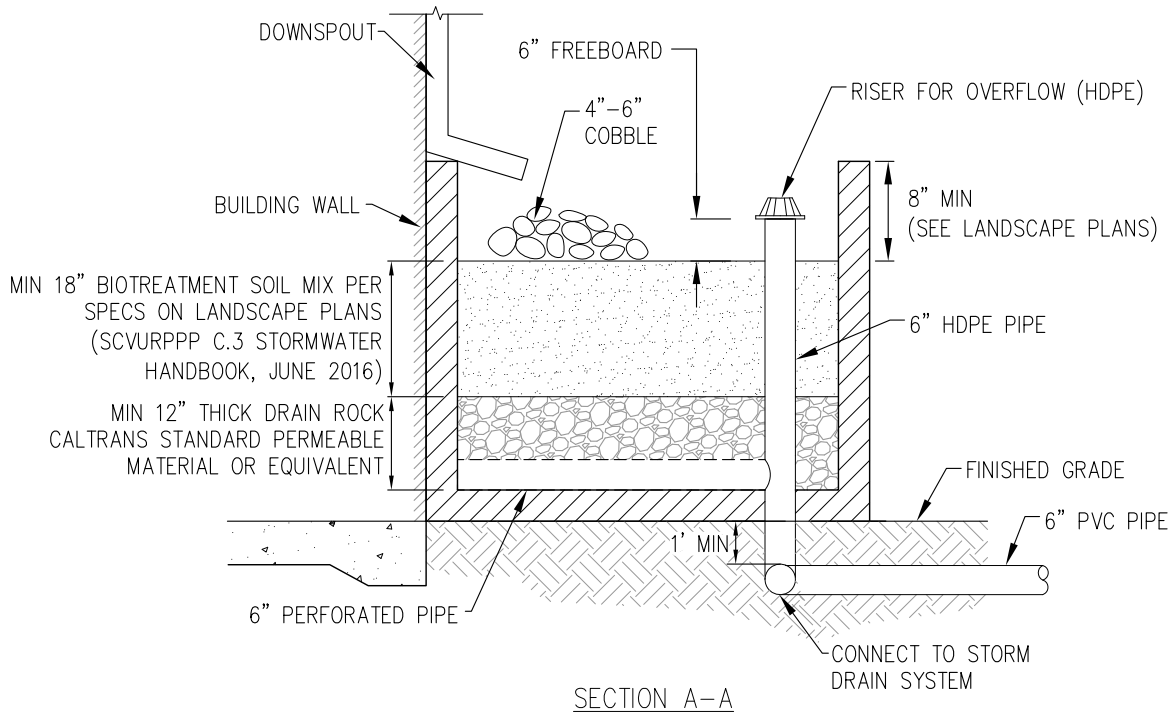
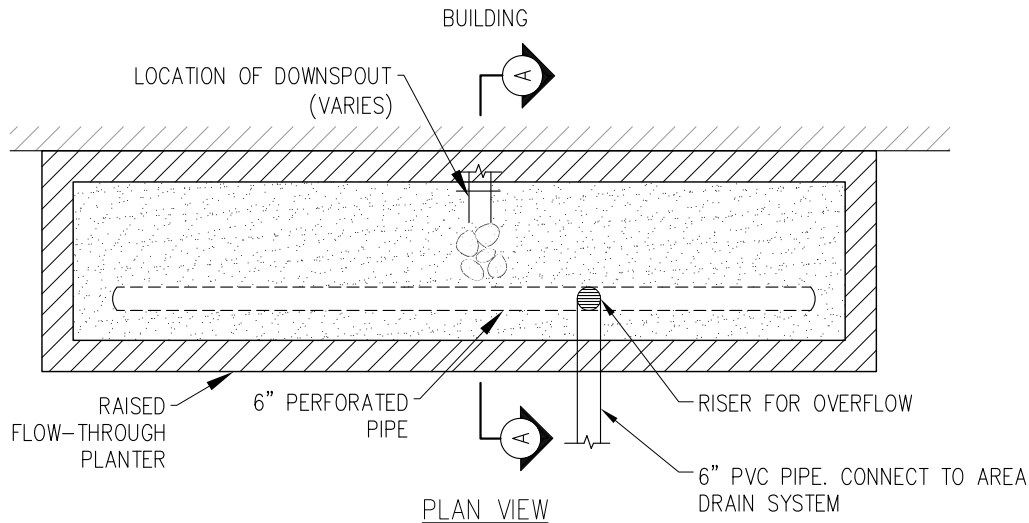
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& Gibson, Inc.

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www.cbgi.com

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NOTES:

1. 3" OF FLOAT-RESISTANT AGED/COMPOSTED MULCH SHALL BE USED ON ANY EXPOSED EARTH IN THE BIORETENTION AREAS.
2. 4"-6" COBBLE SHALL BE USED FOR ENERGY DISSIPATION WHERE NECESSARY.
3. THE 6" PERFORATED PVC UNDERDRAIN SHALL BE PLACED AT THE BOTTOM OF THE DRAIN ROCK LAYER WITH PERFORATIONS FACING DOWNWARD.
4. CONTRACTOR TO INSTALL AN UNDERDRAIN CLEANOUT WITH THE CLEANOUT CAP INSTALLED FLUSH WITH THE SOIL SURFACE.

FIGURE 10 TYPICAL RAISED PLANTER 730 & 750 E. CAPITOL AVENUE

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

DATE: JANUARY 13, 2017

NOT TO SCALE



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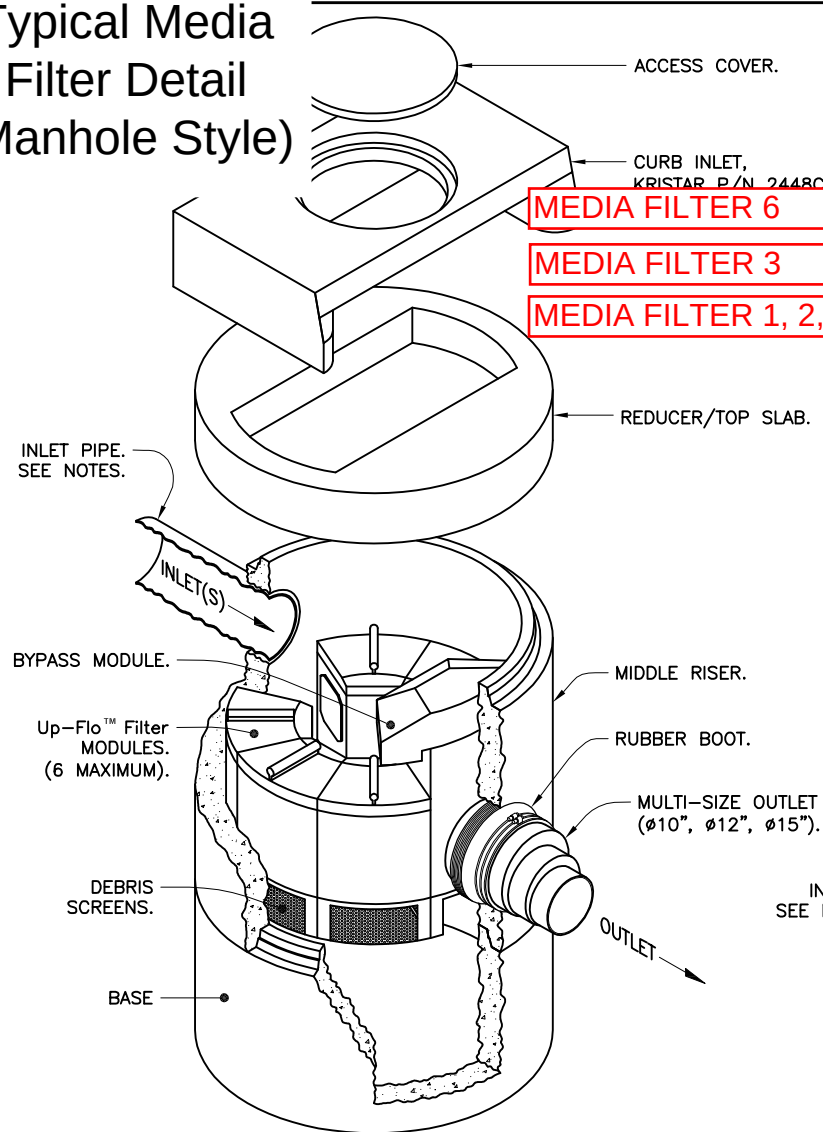
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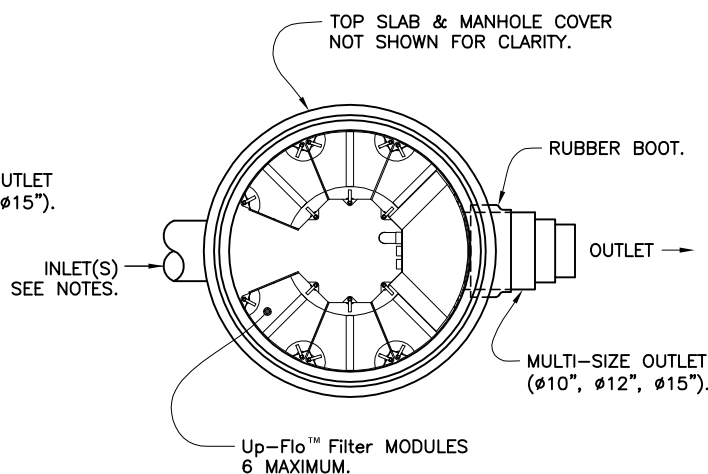
1/12/2017 3:48 PM

Typical Media Filter Detail (Manhole Style)



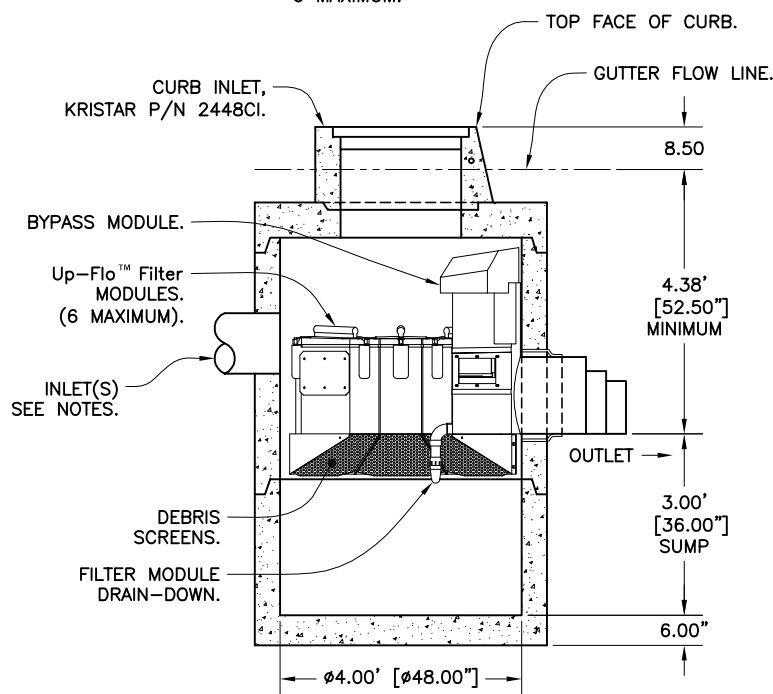
MODEL NUMBER	TREATMENT FLOW RATE for CPZ MEDIA	
	GPM	CFS
CF-48UF-1CI	25	0.056
CF-48UF-2CI	50	0.110
CF-48UF-3CI	75	0.167
CF-48UF-4CI	100	0.223
CF-48UF-5CI	125	0.279
CF-48UF-6CI	150	0.334
BYPASS FLOW RATE: 5-7 CFS		

Up-Flo™ Filter is manufactured under license agreement with Hydro International.



NOTES:

1. Precast concrete structure shall be manufactured in accordance with ASTM Designation C478.
2. For structure dimensions other than those shown, refer to custom structure drawing. Detail reflects design intent only. Refer to project specific drawings for actual dimensions.
3. Structure may be specified with extended base slab to allow for anti-floatation ballast. Contact Kristar Enterprises for additional information.
4. Inlet & outlet elevations, may differ by 0-3 feet. For invert elevation differences that exceed 3 feet contact Kristar Enterprises. Multiple inlets can be accommodated.
5. Custom systems are available for pipe orientations or sizes not shown. Contact Kristar Enterprises for engineering assistance.
6. Multi-size outlet is designed to accept PVC SDR-35 (Ø10", Ø12", & Ø15").



SECTION VIEW

TITLE

Up-Flo™ Filter Ø48" MANHOLE CONFIGURATION WITH CURB INLET - 6 MODULE MAXIMUM



KriStar Enterprises, Inc.

360 Sutton Place, Santa Rosa, CA 95407
Ph: 800.579.8819, Fax: 707.524.8186, www.kr

704 m

DRAWING NO. UF-MH-0002 REV ECO 0059 JPR 12/30/08 DATE JPR 4/28/08 SHEET 1 OF 1

VI. BMP Design Documentation

B. Data, Manuals, and Maintenance Documents



Design Considerations

- Soil for Infiltration
- Tributary Area
- Slope
- Aesthetics
- Environmental Side-effects

Description

The bioretention best management practice (BMP) functions as a soil and plant-based filtration device that removes pollutants through a variety of physical, biological, and chemical treatment processes. These facilities normally consist of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. The runoff's velocity is reduced by passing over or through buffer strip and subsequently distributed evenly along a ponding area. Exfiltration of the stored water in the bioretention area planting soil into the underlying soils occurs over a period of days.

California Experience

None documented. Bioretention has been used as a stormwater BMP since 1992. In addition to Prince George's County, MD and Alexandria, VA, bioretention has been used successfully at urban and suburban areas in Montgomery County, MD; Baltimore County, MD; Chesterfield County, VA; Prince William County, VA; Smith Mountain Lake State Park, VA; and Cary, NC.

Advantages

- Bioretention provides stormwater treatment that enhances the quality of downstream water bodies by temporarily storing runoff in the BMP and releasing it over a period of four days to the receiving water (EPA, 1999).
- The vegetation provides shade and wind breaks, absorbs noise, and improves an area's landscape.

Limitations

- The bioretention BMP is not recommended for areas with slopes greater than 20% or where mature tree removal would

Targeted Constituents

☒	Sediment	■
☒	Nutrients	▲
☒	Trash	■
☒	Metals	■
☒	Bacteria	■
☒	Oil and Grease	■
☒	Organics	■

Legend (Removal Effectiveness)

- Low
- High
- ▲ Medium



be required since clogging may result, particularly if the BMP receives runoff with high sediment loads (EPA, 1999).

- Bioretention is not a suitable BMP at locations where the water table is within 6 feet of the ground surface and where the surrounding soil stratum is unstable.
- By design, bioretention BMPs have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water.
- In cold climates the soil may freeze, preventing runoff from infiltrating into the planting soil.

Design and Sizing Guidelines

- The bioretention area should be sized to capture the design storm runoff.
- In areas where the native soil permeability is less than 0.5 in/hr an underdrain should be provided.
- Recommended minimum dimensions are 15 feet by 40 feet, although the preferred width is 25 feet. Excavated depth should be 4 feet.
- Area should drain completely within 72 hours.
- Approximately 1 tree or shrub per 50 ft² of bioretention area should be included.
- Cover area with about 3 inches of mulch.

Construction/Inspection Considerations

Bioretention area should not be established until contributing watershed is stabilized.

Performance

Bioretention removes stormwater pollutants through physical and biological processes, including adsorption, filtration, plant uptake, microbial activity, decomposition, sedimentation and volatilization (EPA, 1999). Adsorption is the process whereby particulate pollutants attach to soil (e.g., clay) or vegetation surfaces. Adequate contact time between the surface and pollutant must be provided for in the design of the system for this removal process to occur. Thus, the infiltration rate of the soils must not exceed those specified in the design criteria or pollutant removal may decrease. Pollutants removed by adsorption include metals, phosphorus, and hydrocarbons. Filtration occurs as runoff passes through the bioretention area media, such as the sand bed, ground cover, and planting soil.

Common particulates removed from stormwater include particulate organic matter, phosphorus, and suspended solids. Biological processes that occur in wetlands result in pollutant uptake by plants and microorganisms in the soil. Plant growth is sustained by the uptake of nutrients from the soils, with woody plants locking up these nutrients through the seasons. Microbial activity within the soil also contributes to the removal of nitrogen and organic matter. Nitrogen is removed by nitrifying and denitrifying bacteria, while aerobic bacteria are responsible for the decomposition of the organic matter. Microbial processes require oxygen and can result in depleted oxygen levels if the bioretention area is not adequately

aerated. Sedimentation occurs in the swale or ponding area as the velocity slows and solids fall out of suspension.

The removal effectiveness of bioretention has been studied during field and laboratory studies conducted by the University of Maryland (Davis et al, 1998). During these experiments, synthetic stormwater runoff was pumped through several laboratory and field bioretention areas to simulate typical storm events in Prince George's County, MD. Removal rates for heavy metals and nutrients are shown in Table 1.

Table 1 Laboratory and Estimated Bioretention Davis et al. (1998); PGDER (1993)	
Pollutant	Removal Rate
Total Phosphorus	70-83%
Metals (Cu, Zn, Pb)	93-98%
TKN	68-80%
Total Suspended Solids	90%
Organics	90%
Bacteria	90%

Results for both the laboratory and field experiments were similar for each of the pollutants analyzed. Doubling or halving the influent pollutant levels had little effect on the effluent pollutants concentrations (Davis et al, 1998).

The microbial activity and plant uptake occurring in the bioretention area will likely result in higher removal rates than those determined for infiltration BMPs.

Siting Criteria

Bioretention BMPs are generally used to treat stormwater from impervious surfaces at commercial, residential, and industrial areas (EPA, 1999). Implementation of bioretention for stormwater management is ideal for median strips, parking lot islands, and swales. Moreover, the runoff in these areas can be designed to either divert directly into the bioretention area or convey into the bioretention area by a curb and gutter collection system.

The best location for bioretention areas is upland from inlets that receive sheet flow from graded areas and at areas that will be excavated (EPA, 1999). In order to maximize treatment effectiveness, the site must be graded in such a way that minimizes erosive conditions as sheet flow is conveyed to the treatment area. Locations where a bioretention area can be readily incorporated into the site plan without further environmental damage are preferred. Furthermore, to effectively minimize sediment loading in the treatment area, bioretention only should be used in stabilized drainage areas.

Additional Design Guidelines

The layout of the bioretention area is determined after site constraints such as location of utilities, underlying soils, existing vegetation, and drainage are considered (EPA, 1999). Sites with loamy sand soils are especially appropriate for bioretention because the excavated soil can be backfilled and used as the planting soil, thus eliminating the cost of importing planting soil.

The use of bioretention may not be feasible given an unstable surrounding soil stratum, soils with clay content greater than 25 percent, a site with slopes greater than 20 percent, and/or a site with mature trees that would be removed during construction of the BMP.

Bioretention can be designed to be off-line or on-line of the existing drainage system (EPA, 1999). The drainage area for a bioretention area should be between 0.1 and 0.4 hectares (0.25 and 1.0 acres). Larger drainage areas may require multiple bioretention areas. Furthermore, the maximum drainage area for a bioretention area is determined by the expected rainfall intensity and runoff rate. Stabilized areas may erode when velocities are greater than 5 feet per second (1.5 meter per second). The designer should determine the potential for erosive conditions at the site.

The size of the bioretention area, which is a function of the drainage area and the runoff generated from the area is sized to capture the water quality volume.

The recommended minimum dimensions of the bioretention area are 15 feet (4.6 meters) wide by 40 feet (12.2 meters) long, where the minimum width allows enough space for a dense, randomly-distributed area of trees and shrubs to become established. Thus replicating a natural forest and creating a microclimate, thereby enabling the bioretention area to tolerate the effects of heat stress, acid rain, runoff pollutants, and insect and disease infestations which landscaped areas in urban settings typically are unable to tolerate. The preferred width is 25 feet (7.6 meters), with a length of twice the width. Essentially, any facilities wider than 20 feet (6.1 meters) should be twice as long as they are wide, which promotes the distribution of flow and decreases the chances of concentrated flow.

In order to provide adequate storage and prevent water from standing for excessive periods of time the ponding depth of the bioretention area should not exceed 6 inches (15 centimeters). Water should not be left to stand for more than 72 hours. A restriction on the type of plants that can be used may be necessary due to some plants' water intolerance. Furthermore, if water is left standing for longer than 72 hours mosquitoes and other insects may start to breed.

The appropriate planting soil should be backfilled into the excavated bioretention area. Planting soils should be sandy loam, loamy sand, or loam texture with a clay content ranging from 10 to 25 percent.

Generally the soil should have infiltration rates greater than 0.5 inches (1.25 centimeters) per hour, which is typical of sandy loams, loamy sands, or loams. The pH of the soil should range between 5.5 and 6.5, where pollutants such as organic nitrogen and phosphorus can be adsorbed by the soil and microbial activity can flourish. Additional requirements for the planting soil include a 1.5 to 3 percent organic content and a maximum 500 ppm concentration of soluble salts.

Soil tests should be performed for every 500 cubic yards (382 cubic meters) of planting soil, with the exception of pH and organic content tests, which are required only once per bioretention area (EPA, 1999). Planting soil should be 4 inches (10.1 centimeters) deeper than the bottom of the largest root ball and 4 feet (1.2 meters) altogether. This depth will provide adequate soil for the plants' root systems to become established, prevent plant damage due to severe wind, and provide adequate moisture capacity. Most sites will require excavation in order to obtain the recommended depth.

Planting soil depths of greater than 4 feet (1.2 meters) may require additional construction practices such as shoring measures (EPA, 1999). Planting soil should be placed in 18 inches or greater lifts and lightly compacted until the desired depth is reached. Since high canopy trees may be destroyed during maintenance the bioretention area should be vegetated to resemble a terrestrial forest community ecosystem that is dominated by understory trees. Three species each of both trees and shrubs are recommended to be planted at a rate of 2500 trees and shrubs per hectare (1000 per acre). For instance, a 15 foot (4.6 meter) by 40 foot (12.2 meter) bioretention area (600 square feet or 55.75 square meters) would require 14 trees and shrubs. The shrub-to-tree ratio should be 2:1 to 3:1.

Trees and shrubs should be planted when conditions are favorable. Vegetation should be watered at the end of each day for fourteen days following its planting. Plant species tolerant of pollutant loads and varying wet and dry conditions should be used in the bioretention area.

The designer should assess aesthetics, site layout, and maintenance requirements when selecting plant species. Adjacent non-native invasive species should be identified and the designer should take measures, such as providing a soil breach to eliminate the threat of these species invading the bioretention area. Regional landscaping manuals should be consulted to ensure that the planting of the bioretention area meets the landscaping requirements established by the local authorities. The designers should evaluate the best placement of vegetation within the bioretention area. Plants should be placed at irregular intervals to replicate a natural forest. Trees should be placed on the perimeter of the area to provide shade and shelter from the wind. Trees and shrubs can be sheltered from damaging flows if they are placed away from the path of the incoming runoff. In cold climates, species that are more tolerant to cold winds, such as evergreens, should be placed in windier areas of the site.

Following placement of the trees and shrubs, the ground cover and/or mulch should be established. Ground cover such as grasses or legumes can be planted at the beginning of the growing season. Mulch should be placed immediately after trees and shrubs are planted. Two to 3 inches (5 to 7.6 cm) of commercially-available fine shredded hardwood mulch or shredded hardwood chips should be applied to the bioretention area to protect from erosion.

Maintenance

The primary maintenance requirement for bioretention areas is that of inspection and repair or replacement of the treatment area's components. Generally, this involves nothing more than the routine periodic maintenance that is required of any landscaped area. Plants that are appropriate for the site, climatic, and watering conditions should be selected for use in the bioretention cell. Appropriately selected plants will aide in reducing fertilizer, pesticide, water, and overall maintenance requirements. Bioretention system components should blend over time through plant and root growth, organic decomposition, and the development of a natural

soil horizon. These biologic and physical processes over time will lengthen the facility's life span and reduce the need for extensive maintenance.

Routine maintenance should include a biannual health evaluation of the trees and shrubs and subsequent removal of any dead or diseased vegetation (EPA, 1999). Diseased vegetation should be treated as needed using preventative and low-toxic measures to the extent possible. BMPs have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water. Routine inspections for areas of standing water within the BMP and corrective measures to restore proper infiltration rates are necessary to prevent creating mosquito and other vector habitat. In addition, bioretention BMPs are susceptible to invasion by aggressive plant species such as cattails, which increase the chances of water standing and subsequent vector production if not routinely maintained.

In order to maintain the treatment area's appearance it may be necessary to prune and weed. Furthermore, mulch replacement is suggested when erosion is evident or when the site begins to look unattractive. Specifically, the entire area may require mulch replacement every two to three years, although spot mulching may be sufficient when there are random void areas. Mulch replacement should be done prior to the start of the wet season.

New Jersey's Department of Environmental Protection states in their bioretention systems standards that accumulated sediment and debris removal (especially at the inflow point) will normally be the primary maintenance function. Other potential tasks include replacement of dead vegetation, soil pH regulation, erosion repair at inflow points, mulch replenishment, unclogging the underdrain, and repairing overflow structures. There is also the possibility that the cation exchange capacity of the soils in the cell will be significantly reduced over time. Depending on pollutant loads, soils may need to be replaced within 5-10 years of construction (LID, 2000).

Cost

Construction Cost

Construction cost estimates for a bioretention area are slightly greater than those for the required landscaping for a new development (EPA, 1999). A general rule of thumb (Coffman, 1999) is that residential bioretention areas average about \$3 to \$4 per square foot, depending on soil conditions and the density and types of plants used. Commercial, industrial and institutional site costs can range between \$10 to \$40 per square foot, based on the need for control structures, curbing, storm drains and underdrains.

Retrofitting a site typically costs more, averaging \$6,500 per bioretention area. The higher costs are attributed to the demolition of existing concrete, asphalt, and existing structures and the replacement of fill material with planting soil. The costs of retrofitting a commercial site in Maryland, Kettering Development, with 15 bioretention areas were estimated at \$111,600.

In any bioretention area design, the cost of plants varies substantially and can account for a significant portion of the expenditures. While these cost estimates are slightly greater than those of typical landscaping treatment (due to the increased number of plantings, additional soil excavation, backfill material, use of underdrains etc.), those landscaping expenses that would be required regardless of the bioretention installation should be subtracted when determining the net cost.

Perhaps of most importance, however, the cost savings compared to the use of traditional structural stormwater conveyance systems makes bioretention areas quite attractive financially. For example, the use of bioretention can decrease the cost required for constructing stormwater conveyance systems at a site. A medical office building in Maryland was able to reduce the amount of storm drain pipe that was needed from 800 to 230 feet - a cost savings of \$24,000 (PGDER, 1993). And a new residential development spent a total of approximately \$100,000 using bioretention cells on each lot instead of nearly \$400,000 for the traditional stormwater ponds that were originally planned (Rappahanock,). Also, in residential areas, stormwater management controls become a part of each property owner's landscape, reducing the public burden to maintain large centralized facilities.

Maintenance Cost

The operation and maintenance costs for a bioretention facility will be comparable to those of typical landscaping required for a site. Costs beyond the normal landscaping fees will include the cost for testing the soils and may include costs for a sand bed and planting soil.

References and Sources of Additional Information

Coffman, L.S., R. Goo and R. Frederick, 1999: Low impact development: an innovative alternative approach to stormwater management. Proceedings of the 26th Annual Water Resources Planning and Management Conference ASCE, June 6-9, Tempe, Arizona.

Davis, A.P., Shokouhian, M., Sharma, H. and Minami, C., "Laboratory Study of Biological Retention (Bioretention) for Urban Stormwater Management," *Water Environ. Res.*, 73(1), 5-14 (2001).

Davis, A.P., Shokouhian, M., Sharma, H., Minami, C., and Winogradoff, D. "Water Quality Improvement through Bioretention: Lead, Copper, and Zinc," *Water Environ. Res.*, accepted for publication, August 2002.

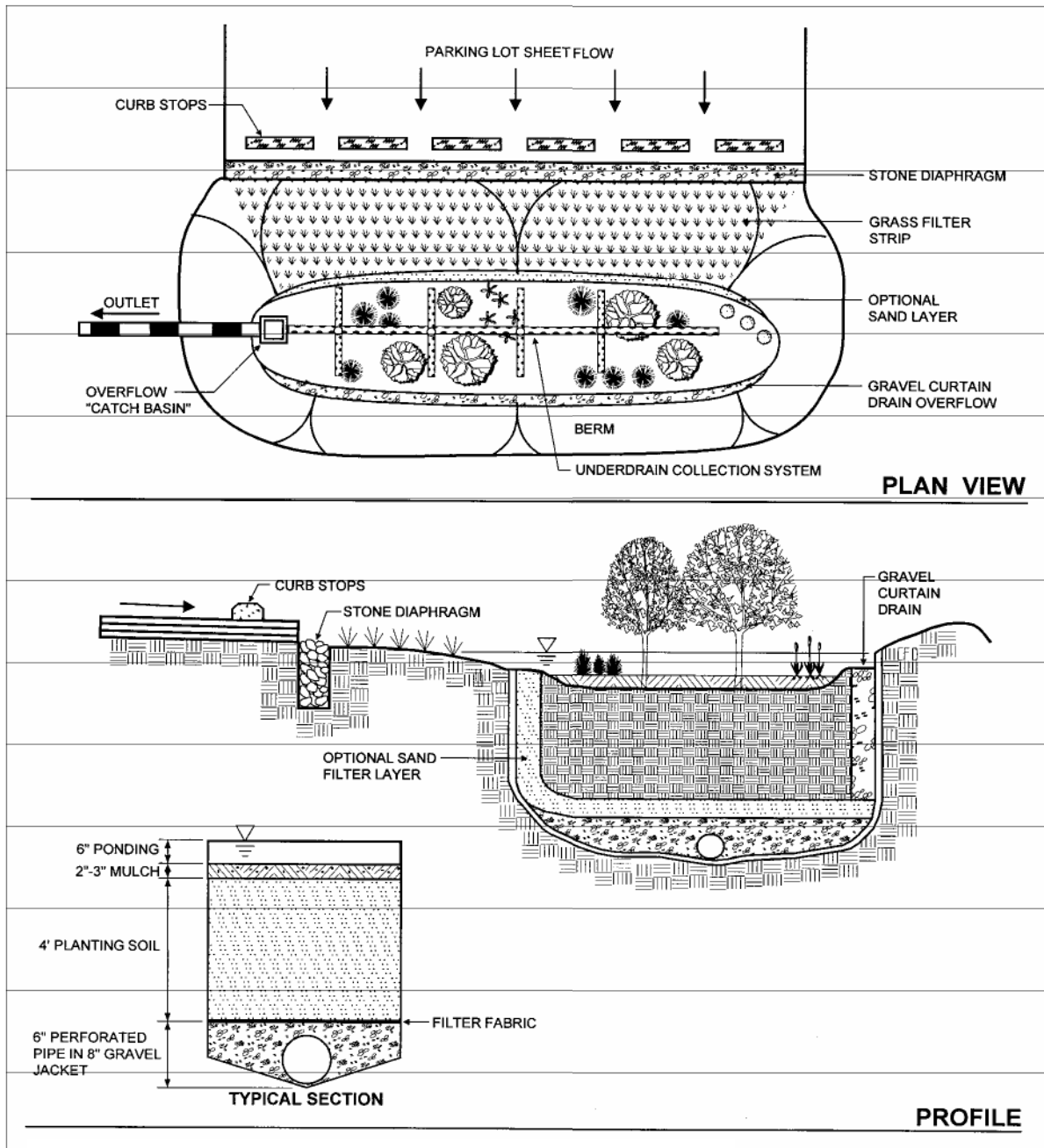
Kim, H., Seagren, E.A., and Davis, A.P., "Engineered Bioretention for Removal of Nitrate from Stormwater Runoff," *WEFTEC 2000 Conference Proceedings on CDROM Research Symposium, Nitrogen Removal*, Session 19, Anaheim CA, October 2000.

Hsieh, C.-h. and Davis, A.P. "Engineering Bioretention for Treatment of Urban Stormwater Runoff," *Watersheds 2002, Proceedings on CDROM Research Symposium*, Session 15, Ft. Lauderdale, FL, Feb. 2002.

Prince George's County Department of Environmental Resources (PGDER), 1993. Design Manual for Use of *Bioretention in Stormwater Management*. Division of Environmental Management, Watershed Protection Branch. Landover, MD.

U.S. EPA Office of Water, 1999. Stormwater Technology Fact Sheet: Bioretention. EPA 832-F-99-012.

Weinstein, N. Davis, A.P. and Veeramachaneni, R. "Low Impact Development (LID) Stormwater Management Approach for the Control of Diffuse Pollution from Urban Roadways," *5th International Conference Diffuse/Nonpoint Pollution and Watershed Management Proceedings*, C.S. Melching and Emre Alp, Eds. 2001 International Water Association



Schematic of a Bioretention Facility (MDE, 2000)

6.2 Flow-Through Planter



Figure 6-7: Flow-through planters at Hampton Park residences in San Jose. Photo: EOA, Inc.

Best uses

- Treating roof runoff
- Next to buildings
- Dense urban areas
- Locations where infiltration is not desired

Advantages

- Can be adjacent to structures
- Versatile
- May be any shape
- Low maintenance

Limitations

- Requires sufficient head
- Careful selection of plants
- Requires level installation
- Susceptible to clogging

Flow-through planters function similar to bioretention areas but are designed to detain and treat runoff without allowing seepage into the underlying soil. They are a type of biotreatment facility that is completely lined and surrounded with concrete or other structural planter box walls with waterproof membranes. They can be used next to buildings and other locations where soil moisture is a potential concern. Flow-through planters typically receive runoff via downspouts leading from the roofs of adjacent buildings. However, flow-through planters can also be set level with the surrounding grade and receive runoff as sheet flow. Pollutants are removed as the runoff passes through the biotreatment soil mix and is collected in an underlying drain rock layer and perforated underdrain. The underdrain must be directed to a storm drain or other discharge point. An overflow inlet conveys flows that exceed the capacity of the planter.

Design and Sizing Guidelines

TREATMENT MEASURE DIMENSIONS AND SIZING

- It is recommended that flow-through planters be designed with a surface area that is 4% of the impervious area draining to it. This sizing factor is derived from the flow-based treatment standard (runoff from 0.2 in/hr intensity rainfall) and a desired surface loading rate of 5 in/hr. Alternatively, if there are site constraints, planter size may be calculated using a volume-based treatment method or a combination flow- and volume-based treatment method described in Appendix B.
- The surface of the planting bed should be relatively level but may have a slight slope if needed to distribute stormwater flows throughout the surface area.
- Surface ponding depths may vary, with a recommended 6-inch depth and a maximum 12-inch depth if allowed by the municipality. The depth is measured from the surface of the biotreatment soil and not adjusted for the application of mulch. If the design ponding depth exceeds 6 inches, the landscape architect should approve the planting palette for the desired depth.

- The inlet elevation of the overflow drain should be at least 6 inches above the low point of the planting area and at least 2 inches above the high point of the planting area (i.e., the top of planting mounds). Planter box walls should be higher than overflow elevation. The maximum head requirements should be checked using the maximum flow and planter outlet configuration. Four inches of freeboard should be provided, and an overflow point away from structures should be designed. Additional freeboard requirements may apply to protect nearby structures from flooding; check with the local jurisdiction.
- Waterproofing should be installed as required to protect adjacent building walls.
- Units should be located in areas that can be accessible at any given time for the purpose of operation and maintenance and inspections.

INLETS TO TREATMENT MEASURE

Flows may enter the planter in the following ways:

- As overland flow from landscaping or pavement
- Through a curb opening (minimum 18 inches with the number and locations designed so that runoff is dispersed throughout the bioretention area)
- Through a curb drain
- Through a pop-up or bubble-up emitter
- Through roof leader or other conveyance from building roof
- If the flow-through planter is installed at grade, allow a change in elevation of 4 to 6 inches between the surrounding paved surface and the planting soil elevation, so that vegetation or mulch build-up does not obstruct flow.
- Install splash blocks, cobbles or rocks, underlain by geotextile fabric as needed, to dissipate flow energy and avoid erosion where runoff enters the planter.
- For long linear planters, space inlets to the planter at 10-foot intervals or install a flow spreader (see Figures 6-12 and 6-13).
- Flow-through planters should be designed so that drainage into and out of the treatment measure is by gravity flow. This promotes effective, low-maintenance operation and helps avoid mosquito problems. Pumped systems should only be used on retrofit projects, as a last resort.

See Section 5.2 of the SCVURPPP C.3 Handbook for example inlets and additional guidance.

UNDERDRAIN AND OVERFLOW STRUCTURES

- An underdrain system is required for flow-through planters.
- The underdrain should consist of a minimum 4-inch diameter perforated pipe with cleanouts and connection to a storm drain or discharge point. To help prevent clogging, two rows of perforation may be used.
- The underdrain trench should include a minimum 12-inch thick layer of drain rock, such as Caltrans Standard Section 68-1.025 permeable material Class 2 or equivalent. The underdrain should be placed near the bottom of the drain rock layer, with perforations facing downward, at a minimum 0.5% slope (unless a flatter slope is allowed by the municipality based on site-specific conditions).
- A cleanout for the underdrain should be provided, consisting of a vertical, rigid, non-perforated PVC pipe, with a minimum diameter of 4 inches and a watertight cap fit flush with the planter bed surface.
- To avoid clogging, filter fabric should not be used in or around the underdrain or between the biotreatment soil mix and the drain rock. If desired, a 2-inch pea gravel layer may be used between the biotreatment soil mix and the drain rock.
- To avoid excess hydraulic pressure on subsurface concrete treatment system structures:

1. The depth to seasonal high groundwater level should be at least 5 feet from the bottom of the structure.
2. A geo technical engineer should be consulted for situations where the bottom of the structure is less than 5 feet from the seasonal high groundwater level.

PLANTING SOIL REQUIREMENTS

- Soils used in the planter should meet the biotreatment soil mix specifications included in Appendix C of this Handbook. A minimum long term infiltration rate of 5 inches per hour is required (initial infiltration rate may exceed this to allow for tendency of infiltration rate to reduce over time).
- Flow-through planters should have a minimum biotreatment soil mix depth of 18 inches.

VEGETATION

- Plant species selected should be suitable for the flow-through planter location, biotreatment soils and occasional inundation. A variety of plants, including ground cover, grasses, and shrubs, helps maintain a healthy soil environment and pollutant removal capabilities. See planting guidance in Appendix D.
- Plants within the planter area need to be spaced closely enough to ensure substantial plant coverage to prevent scour, keep mulch in place and provide pleasing aesthetics. The local jurisdiction may have landscaping guidelines that specify plant spacing.
- Use integrated pest management (IPM) principles in the landscape design, i.e., select native and/or pest resistant plants, to avoid the need for synthetic pesticides and quick-release fertilizer. Check with the local jurisdiction regarding local IPM policies.
- Drought tolerant plants are preferred and may be required by the local municipality. Provide sufficient irrigation for the initial establishment period as well as long term maintenance of plant life.
- Install and maintain a 3-inch layer of composted arbor mulch (also called “aged mulch”) in areas between plantings. Pea gravel or large bark mulches that resist floating may also be used. “Micro-bark” and “gorilla hair” mulches are not recommended. Cobbles should only be used for erosion protection at inlets. Large boulders should not be placed in the bioretention area.
- Vegetation should not block inflow, create safety issues, or obstruct utilities.

Construction Requirements

- At-grade planters are not intended to work as construction-phase BMPs. Protect the area from construction site runoff; divert runoff from unstabilized areas away from completed planter areas.

Maintenance Requirements

- Provide a Maintenance Agreement (or other document or mechanism) that states the parties' responsibility for maintenance and upkeep.
- Prepare a maintenance plan and submit it with the Maintenance Agreement. Refer to Chapter 8 and Appendix G for specific maintenance requirements.

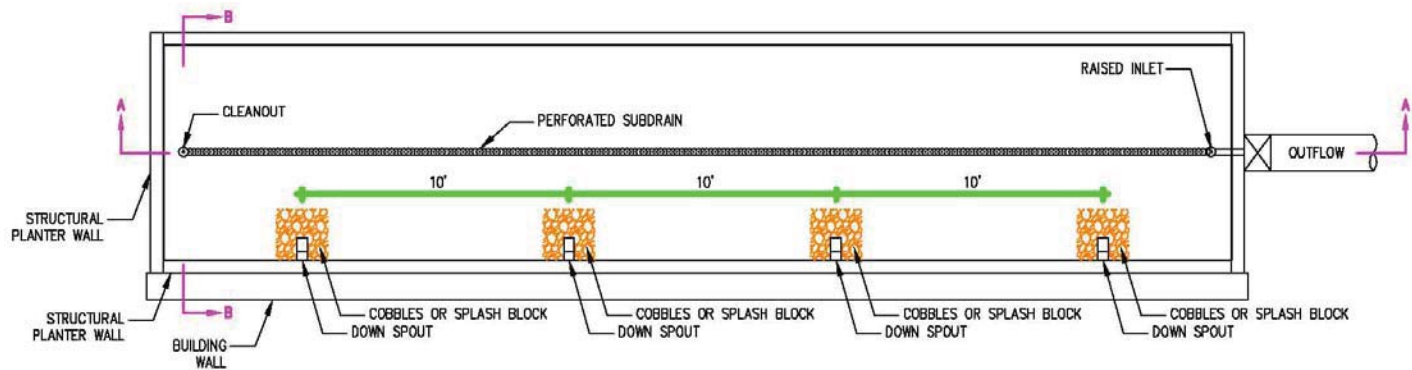


Figure 6-8: Plan view of long, linear planter, with inlets to the planter distributed along its length at 10' intervals.

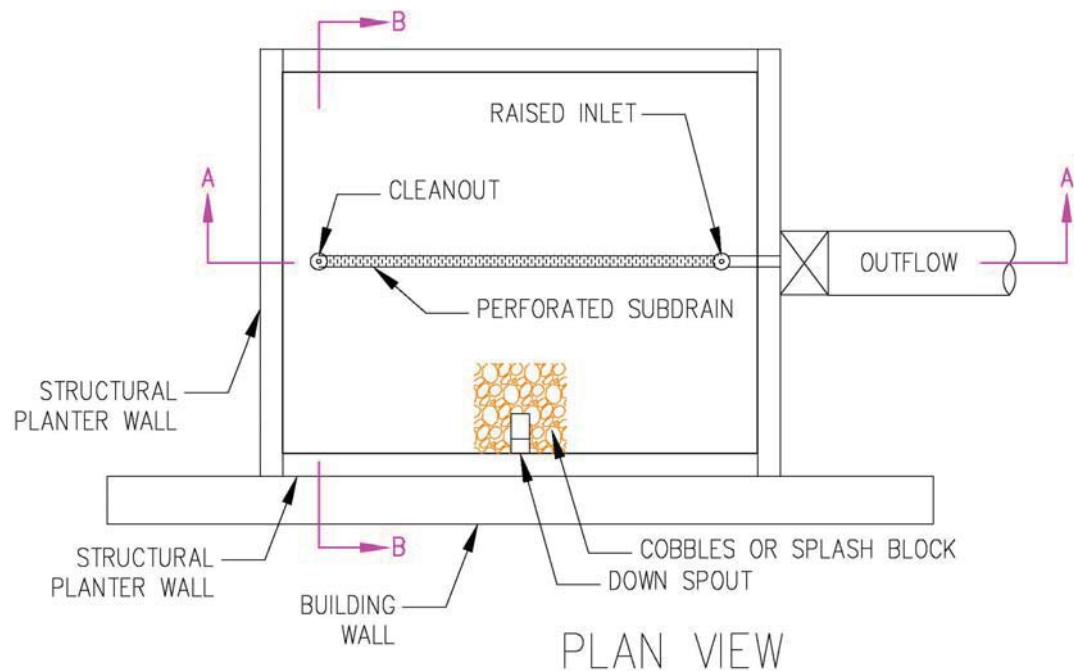


Figure 6-9: Plan view of planter designed to disperse flows adequately with only one inlet to planter

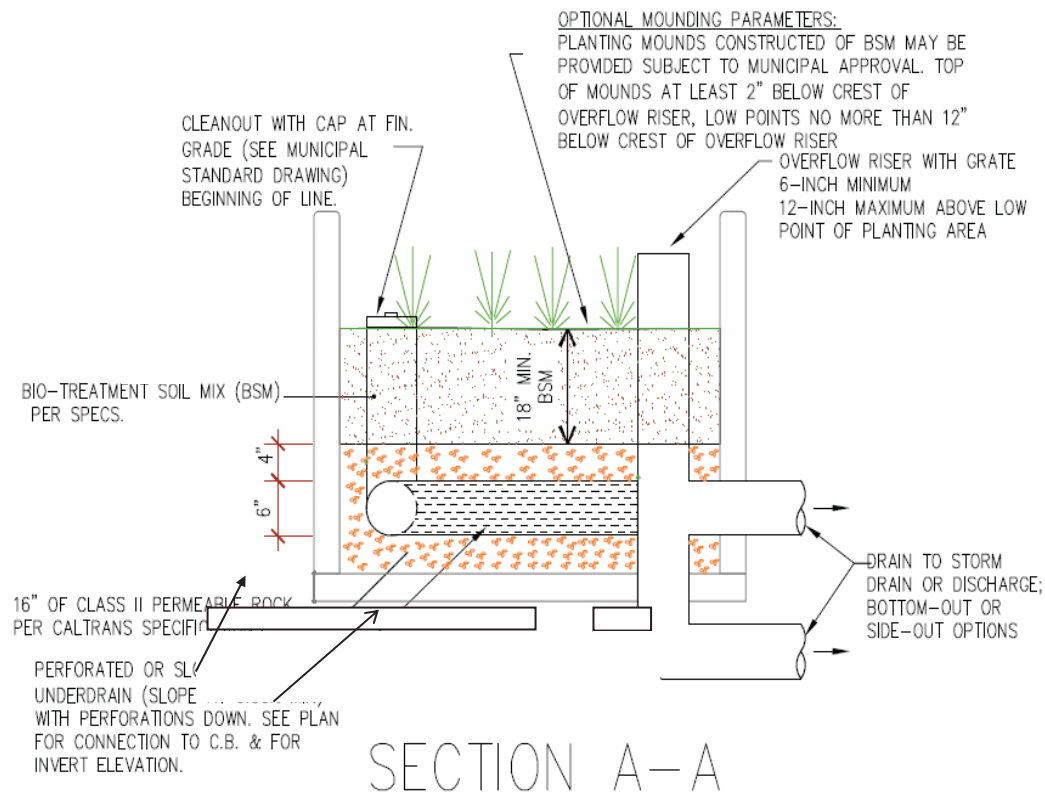


Figure 6-10: Cross section A-A of flow-through planter, shows side view of underdrain

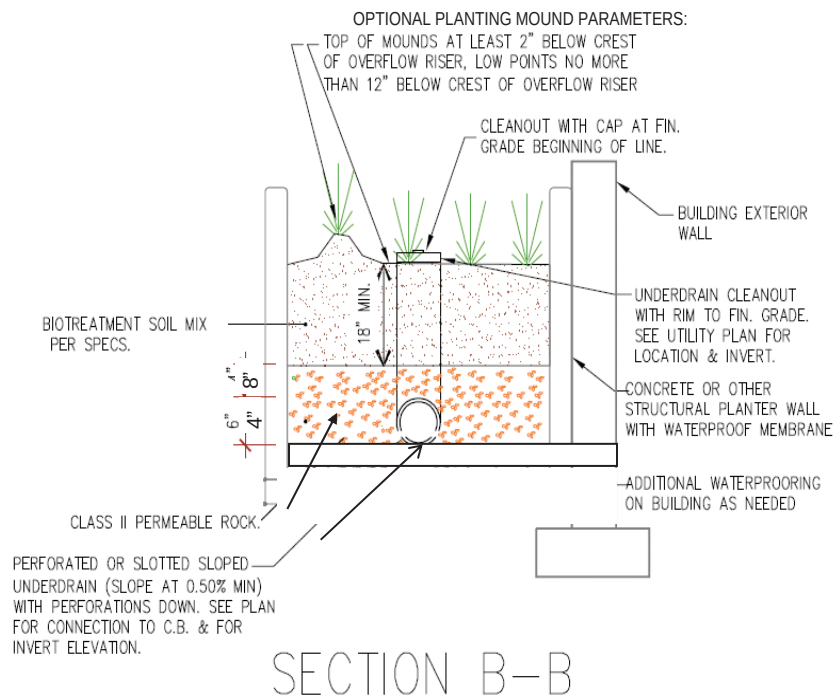


Figure 6-11: Cross section B-B of flow-through planter, shows cross section of underdrain



Figure 6-12: Half-buried, perforated flexible pipe serves as a flow spreader to distribute stormwater evenly throughout a long flow-through planter in Emeryville (Source: GreenGrid/Weston Solutions).



Figure 6-13: The same planter as shown in Figure 6-12, after vegetation has matured and partially conceals the half-buried pipe from view (Source: San Francisco Estuary Partnership).



Design Considerations

- Aesthetics
- Hydraulic Head

Description

Stormwater media filters are usually two-chambered including a pretreatment settling basin and a filter bed filled with sand or other absorptive filtering media. As stormwater flows into the first chamber, large particles settle out, and then finer particles and other pollutants are removed as stormwater flows through the filtering media in the second chamber. There are a number of design variations including the Austin sand filter, Delaware sand filter, and multi-chambered treatment train (MCTT).

California Experience

Caltrans constructed and monitored five Austin sand filters, two MCTTs, and one Delaware design in southern California. Pollutant removal was very similar for each of the designs; however operational and maintenance aspects were quite different. The Delaware filter and MCTT maintain permanent pools and consequently mosquito management was a critical issue, while the Austin style which is designed to empty completely between storms was less affected. Removal of the top few inches of sand was required at 3 of the Austin filters and the Delaware filter during the third year of operation; consequently, sizing of the filter bed is a critical design factor for establishing maintenance frequency.

Advantages

- Relatively high pollutant removal, especially for sediment and associated pollutants.
- Widespread application with sufficient capture volume can provide significant control of channel erosion and enlargement caused by changes to flow frequency relationships resulting from the increase of impervious cover in a watershed.

Limitations

Targeted Constituents

☒	Sediment	■
☒	Nutrients	●
☒	Trash	■
☒	Metals	■
☒	Bacteria	▲
☒	Oil and Grease	■
☒	Organics	■

Legend (Removal Effectiveness)

- Low
- High
- ▲ Medium



- More expensive to construct than many other BMPs.
- May require more maintenance than some other BMPs depending upon the sizing of the filter bed.
- Generally require more hydraulic head to operate properly (minimum 4 feet).
- High solids loads will cause the filter to clog.
- Work best for relatively small, impervious watersheds.
- Filters in residential areas can present aesthetic and safety problems if constructed with vertical concrete walls.
- Certain designs (e.g., MCTT and Delaware filter) maintain permanent sources of standing water where mosquito and midge breeding is likely to occur.

Design and Sizing Guidelines

- Capture volume determined by local requirements or sized to treat 85% of the annual runoff volume.
- Filter bed sized to discharge the capture volume over a period of 48 hours.
- Filter bed 18 inches thick above underdrain system.
- Include energy dissipation in the inlet design to reduce resuspension of accumulated sediment.
- A maintenance ramp should be included in the design to facilitate access to the sedimentation and filter basins for maintenance activities (particularly for the Austin design).
- Designs that utilize covered sedimentation and filtration basins should be accessible to vector control personnel via access doors to facilitate vector surveillance and controlling the basins if needed.

Construction/Inspection Considerations

- Tributary area should be completely stabilized before media is installed to prevent premature clogging.

Performance

The pollutant removal performance of media filters and other stormwater BMPs is generally characterized by the percent reduction in the influent load. This method implies a relationship between influent and effluent concentrations. For instance, it would be expected that a device that is reported to achieve a 75% reduction would have an effluent concentration equal to 25% of the influent concentrations. Recent work in California (Caltrans, 2002) on various sand filter designs indicates that this model for characterizing performance is inadequate. Figure 4 presents a graph relating influent and effluent TSS concentrations for the Austin full sedimentation design.

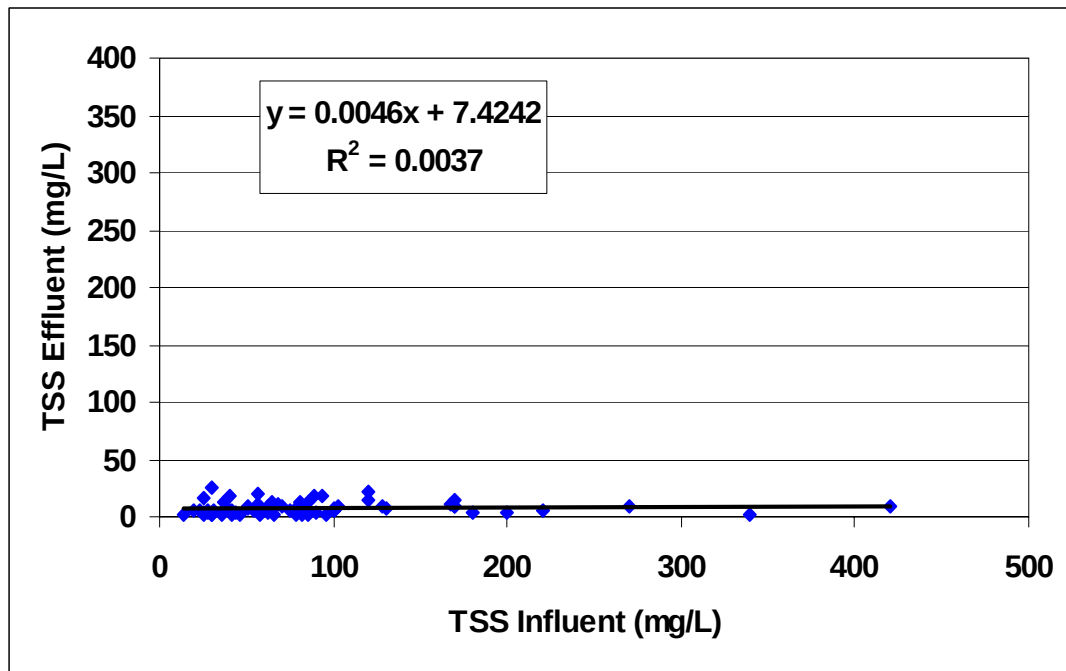


Figure 4
Comparison of Influent and Effluent Concentrations for TSS

It is clearly evident that the effluent concentration is relative constant and independent of influent concentration. Consequently, the performance is more accurately characterized by the effluent concentration, which is about 7.5 mg/L. Constant effluent concentrations also are observed for all other particle related constituents such as particulate metals (total - dissolved) and particulate phosphorus.

The small uncertainty in the estimate of the mean effluent concentration highlights the very consistent effluent quality for TSS produced by sand filters. In addition, it demonstrates that a calculated percent reduction for TSS and other constituents with similar behavior for Austin sand filters is a secondary characteristic of the device and depends primarily on the specific influent concentrations observed. The distinction between a constant effluent quality and a percent reduction is extremely important to recognize if the results are to be used to estimate effluent quality from sand filters installed at other sites with different influent concentrations or for estimating compliance with water quality standards for storms with high concentrations of particulate constituents.

If the conventionally derived removal efficiency (90%) were used to estimate the TSS concentrations in the treated runoff from storms with high influent concentrations, the estimated effluent concentration would be too high. For instance, the storm with the highest observed influent concentration (420 mg/L) would be expected to have a concentration in the treated runoff of 42 mg/L, rather than the 10 mg/L that was measured. In fact, the TSS effluent concentrations for all events with influent concentrations greater than 200 mg/L were 10 mg/L or less.

The stable effluent concentration of a sand filter under very different influent TSS concentrations implies something about the properties of the influent particle size distribution. If one assumes that

only the smallest size fraction can pass through the filter, then the similarity in effluent concentrations suggests that there is little difference in the total mass of the smallest sized particles even when the total TSS concentration varies greatly. Further, the difference in TSS concentration must then be caused by changes in the relative amount of the larger size fractions. Further research is necessary to determine the range of particle size that is effectively removed in the filter and the portion of the size fraction of suspended solids that it represents in urban stormwater.

Sand filters are effective stormwater management practices for pollutant removal. Conventional removal rates for all sand filters and organic filters are presented in Table 1. With the exception of nitrates, which are always exported from filtering systems because of the conversion of ammonia and organic nitrogen to nitrate, they perform relatively well at removing pollutants.

Table 1 Sand filter removal efficiencies (percent)						
	Sand Filter (Glick et al, 1998)	Compost Filter System		Multi-Chamber Treatment Train		
		Stewart, 1992	Leif, 1999	Pitt et al., 1997	Pitt, 1996	Greb et al., 1998
TSS	89	95	85	85	83	98
TP	59	41	4	80	-	84
TN	17	-	-	-	-	-
Nitrate	-76	-34	-95	-	14	-
Metals	72-86	61-88	44-75	65-90	91-100	83-89
Bacteria	65	-	-	-	-	-

From the few studies available, it is difficult to determine if organic filters necessarily have higher removal efficiencies than sand filters. The MCTT may have high pollutant removal for some constituents, although an evaluation of these devices by the California Department of Transportation indicated no significant difference for most conventional pollutants.

In addition to the relatively high pollutant removal in media filters, these devices, when sized to capture the channel forming storm volume, are highly effective at attenuating peak flow rates and reducing channel erosion.

Siting Criteria

In general, sand filters are preferred over infiltration practices, such as infiltration trenches, when contamination of groundwater with conventional pollutants is of concern. This usually occurs in areas where underlying soils alone cannot treat runoff adequately - or ground water tables are high. In most cases, sand filters can be constructed with impermeable basin or chamber bottoms, which help to collect, treat, and release runoff to a storm drainage system or directly to surface water with no contact between contaminated runoff and groundwater. In regions where evaporation exceeds rainfall and a wet pond would be unlikely to maintain the required permanent pool, a sand filtration system can be used.

The selection of a sand filter design depends largely on the drainage area's characteristics. For example, the Washington, D.C. and Delaware sand filter systems are well suited for highly impervious areas where land available for structural controls is limited, since both are installed underground. They have been used to treat runoff from parking lots, driveways, loading docks, service stations, garages, airport runways/taxiways, and storage yards. The Austin sand filtration system is more suited for large drainage areas that have both impervious and pervious surfaces. This system is located at grade and is used to treat runoff from any urban land use.

It is challenging to use most sand filters in very flat terrain because they require a significant amount of hydraulic head (about 4 feet), to allow flow through the system. One exception is the perimeter sand filter, which can be applied with as little as 2 feet of head.

Sand filters are best applied on relatively small sites (up to 25 acres for surface sand filters and closer to 2 acres for perimeter or underground filters). Filters have been used on larger drainage areas, of up to 100 acres, but these systems can clog when they treat larger drainage areas unless adequate measures are provided to prevent clogging, such as a larger sedimentation chamber or more intensive regular maintenance.

When sand filters are designed as a stand-alone practice, they can be used on almost any soil because they can be designed so that stormwater never infiltrates into the soil or interacts with the ground water. Alternatively, sand filters can be designed as pretreatment for an infiltration practice, where soils do play a role.

Additional Design Guidelines

Pretreatment is a critical component of any stormwater management practice. In sand filters, pretreatment is achieved in the sedimentation chamber that precedes the filter bed. In this chamber, the coarsest particles settle out and thus do not reach the filter bed. Pretreatment reduces the maintenance burden of sand filters by reducing the potential for these sediments to clog the filter. When pretreatment is not provided designers should increase the size of the filter area to reduce the clogging potential. In sand filters, designers should select a medium sand as the filtering medium. A fine aggregate (ASTM C-33) that is intended for use in concrete is commonly specified.

Many guidelines recommend sizing the filter bed using Darcy's Law, which relates the velocity of fluids to the hydraulic head and the coefficient of permeability of a medium. The resulting equation, as derived by the city of Austin, Texas, (1996), is

$$A_f = WQV_d / [k_t (h+d)]$$

Where:

A_f = area of the filter bed (ft²);

d = depth of the filter bed (ft; usually about 1.5 feet, depending on the design);

k = coefficient of permeability of the filtering medium (ft/ day);

t = time for the water quality volume to filter through the system (days; usually assumed to be 1.67 days); and

h = average water height above the sand bed (ft; assumed to be one-half of the maximum head).

Typical values for k , as assembled by CWP (1996), are shown in Table 2.

Table 2 Coefficient of permeability values for stormwater filtering practices (CWP, 1996)	
Filter Medium	Coefficient of Permeability (ft/day)
Sand	3.5
Peat/ Sand	2.75
Compost	8.7

The permeability of sand shown in Table 2 is extremely conservative, but is widely used since it is incorporated in the design guidelines of the City of Austin. When the sand is initially installed, the permeability is so high (over 100 ft/d) that generally only a portion of the filter area is required to infiltrate the entire volume, especially in a “full sedimentation” Austin design where the capture volume is released to the filter basin over 24 hours.

The preceding methodology results in a filter bed area that is oversized when new and the entire water quality volume is filtered in less than a day with no significant height of water on top of the sand bed. Consequently, the following simple rule of thumb is adequate for sizing the filter area. If the filter is preceded by a sedimentation basin that releases the water quality volume (WQV) to the filter over 24 hours, then

$$A_f = WQV/18$$

If no pretreatment is provided then the filter area is calculated more conservatively as:

$$A_f = WQV/10$$

Typically, filtering practices are designed as “off-line” systems, meaning that during larger storms all runoff greater than the water quality volume is bypassed untreated using a flow splitter, which is a structure that directs larger flows to the storm drain system or to a stabilized channel. One exception is the perimeter filter; in this design, all flows enter the system, but larger flows overflow to an outlet chamber and are not treated by the practice.

The Austin design variations are preferred where there is sufficient space, because they lack a permanent pool, which eliminates vector concerns. Design details of this variation are summarized below.

Summary of Design Recommendations

- (1) Capture Volume - The facility should be sized to capture the required water quality volume, preferably in a separate pretreatment sedimentation basin.

- (2) Basin Geometry – The water depth in the sedimentation basin when full should be at least 2 feet and no greater than 10 feet. A fixed vertical sediment depth marker should be installed in the sedimentation basin to indicate when 20% of the basin volume has been lost because of sediment accumulation. When a pretreatment sedimentation basin is provided the minimum average surface area for the sand filter (A_f) is calculated from the following equation:

$$A_f = WQV / 18$$

If no pretreatment is provided then the filter area is calculated as:

$$A_f = WQV / 10$$

- (3) Sand and Gravel Configuration - The sand filter is constructed with 18 inches of sand overlying 6 inches of gravel. The sand and gravel media are separated by permeable geotextile fabric and the gravel layer is situated on geotextile fabric. Four-inch perforated PVC pipe is used to drain captured flows from the gravel layer. A minimum of 2 inches of gravel must cover the top surface of the PVC pipe. Figure 5 presents a schematic representation of a standard sand bed profile.
- (4) Sand Properties – The sand grain size distribution should be comparable to that of “washed concrete sand,” as specified for fine aggregate in ASTM C-33.
- (5) Underdrain Pipe Configuration – In an Austin filter, the underdrain piping should consist of a main collector pipe and two or more lateral branch pipes, each with a minimum diameter of 4 inches. The pipes should have a minimum slope of 1% (1/8 inch per foot) and the laterals should be spaced at intervals of no more than 10 feet. There should be no fewer than two lateral branch pipes. Each individual underdrain pipe should have a cleanout access location. All piping is to be Schedule 40 PVC. The maximum spacing between rows of perforations should not exceed 6 inches.
- (6) Flow Splitter - The inflow structure to the sedimentation chamber should incorporate a flow-splitting device capable of isolating the capture volume and bypassing the 25-year peak flow around the facility with the sedimentation/ filtration pond full.

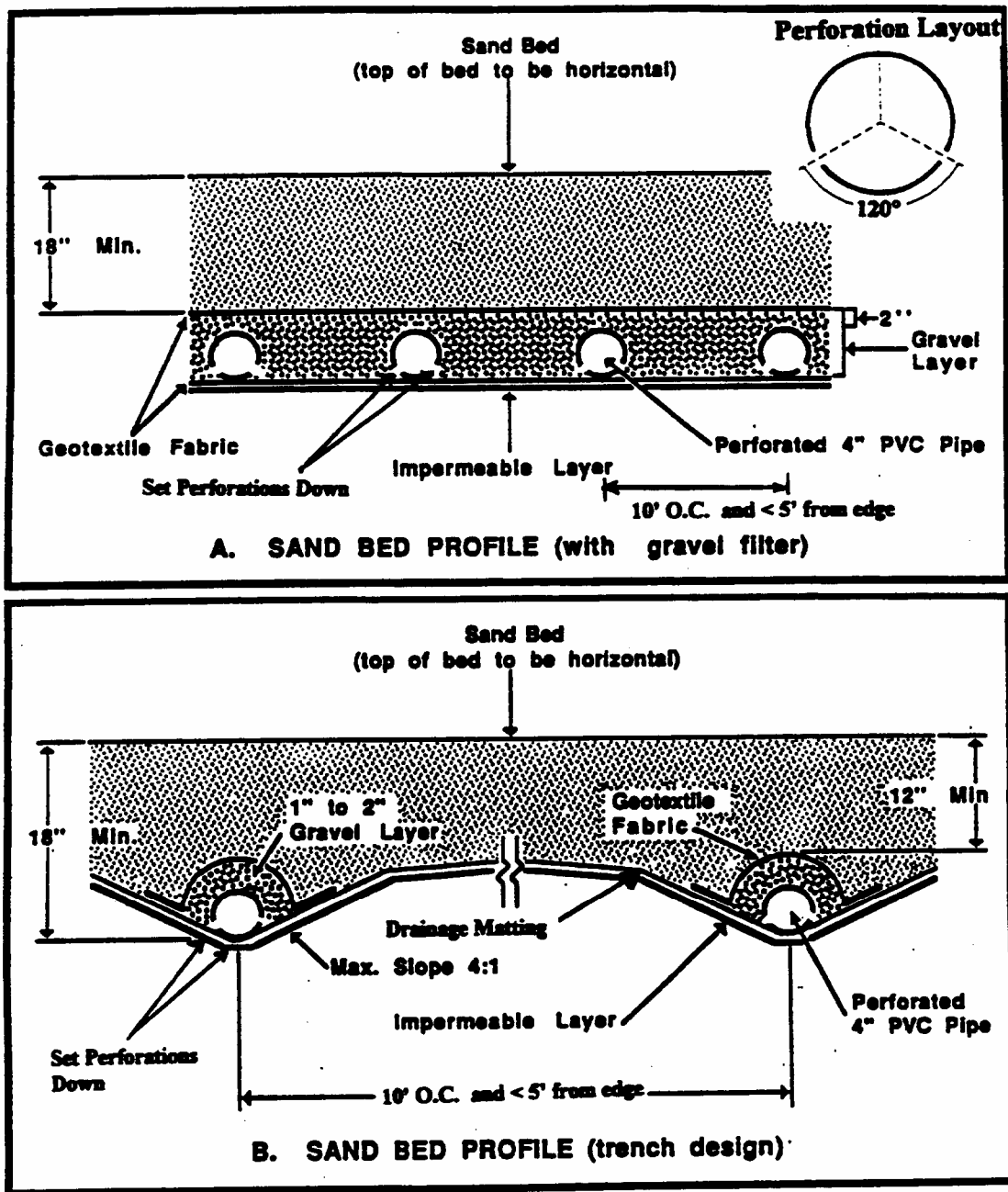


Figure 5
Schematic of Sand Bed Profile

- (7) Basin Inlet – Energy dissipation is required at the sedimentation basin inlet so that flows entering the basin should be distributed uniformly and at low velocity in order to prevent resuspension and encourage quiescent conditions necessary for deposition of solids.
- (8) Sedimentation Pond Outlet Structure - The outflow structure from the sedimentation chamber should be (1) an earthen berm; (2) a concrete wall; or (3) a rock gabion. Gabion outflow structures should extend across the full width of the facility such that no short-circuiting of flows can occur. The gabion rock should be 4 inches in diameter. The

receiving end of the sand filter should be protected (splash pad, riprap, etc.) such that erosion of the sand media does not occur. When a riser pipe is used to connect the sedimentation and filtration basins (example in Figure 6), a valve should be included to isolate the sedimentation basin in case of a hazardous material spill in the watershed. The control for the valve must be accessible at all times, including when the basin is full. The riser pipe should have a minimum diameter of 6 inches with four 1-inch perforations per row. The vertical spacing between rows should be 4 inches (on centers).

- (9) Sand Filter Discharge – If a gabion structure is used to separate the sedimentation and filtration basins, a valve must be installed so that discharge from the BMP can be stopped in case runoff from a spill of hazardous material enters the sand filter. The control for the valve must be accessible at all times, including when the basin is full.

Maintenance

Even though sand filters are generally thought of as one of the higher maintenance BMPs, in a recent California study an average of only about 49 hours a year were required for field activities. This was less maintenance than was required by extended detention basins serving comparable sized catchments. Most maintenance consists of routine removal of trash and debris, especially in Austin sand filters where the outlet riser from the sedimentation basin can become clogged.

Most data (i.e. Clark, 2001) indicate that hydraulic failure from clogging of the sand media occurs before pollutant breakthrough. Typically, only the very top of the sand becomes clogged while the rest remains in relative pristine condition as shown in Figure 7. The rate of clogging has been related to the TSS loading on the filter bed (Urbonas, 1999); however, the data are quite variable. Empirical observation of sites treating urban and highway runoff indicates that clogging of the filter occurs after 2 – 10 years of service. Presumably, this is related to differences in the type and amount of sediment in the catchment areas of the various installations. Once clogging occurs the top 2 – 3 inches of filter media is removed, which restores much, but not all, of the lost permeability. This removal of the surface layer can occur several times before the entire filter bed must be replaced. The cost of the removal of the surface layer is not prohibitive, generally ranging between \$2,000 (EPA Fact Sheet) and \$4,000 (Caltrans, 2002) depending on the size of the filter.

Media filters can become a nuisance due to mosquito and midge breeding in certain designs or if not regularly maintained. "Wet" designs (e.g., MCTT and Delaware filter) are more conducive to vectors than others (e.g., Austin filters) because they maintain permanent sources of standing water where breeding is likely to occur. Caltrans successfully excluded mosquitoes and midges from accessing the permanent water in the sedimentation basin of MCTT installations through use of a tight-fitting aluminum cover to seal vectors out. However, typical wet designs may require routine inspections and treatments by local mosquito and vector control agencies to suppress mosquito production. Vector habitats may also be created in "dry" designs when media filters clog, and/or when features such as level spreaders that hold water over 72 hours are included in the installation. Dry designs such as Austin filters should dewater completely (recommended 72 hour residence time or less) to prevent creating mosquito and other vector habitats. Maintenance efforts to prevent vector breeding in dry designs will need to focus on basic housekeeping practices such as removal of debris accumulations and vegetation management (in filter media) to prevent clogs and/or pools of standing water.

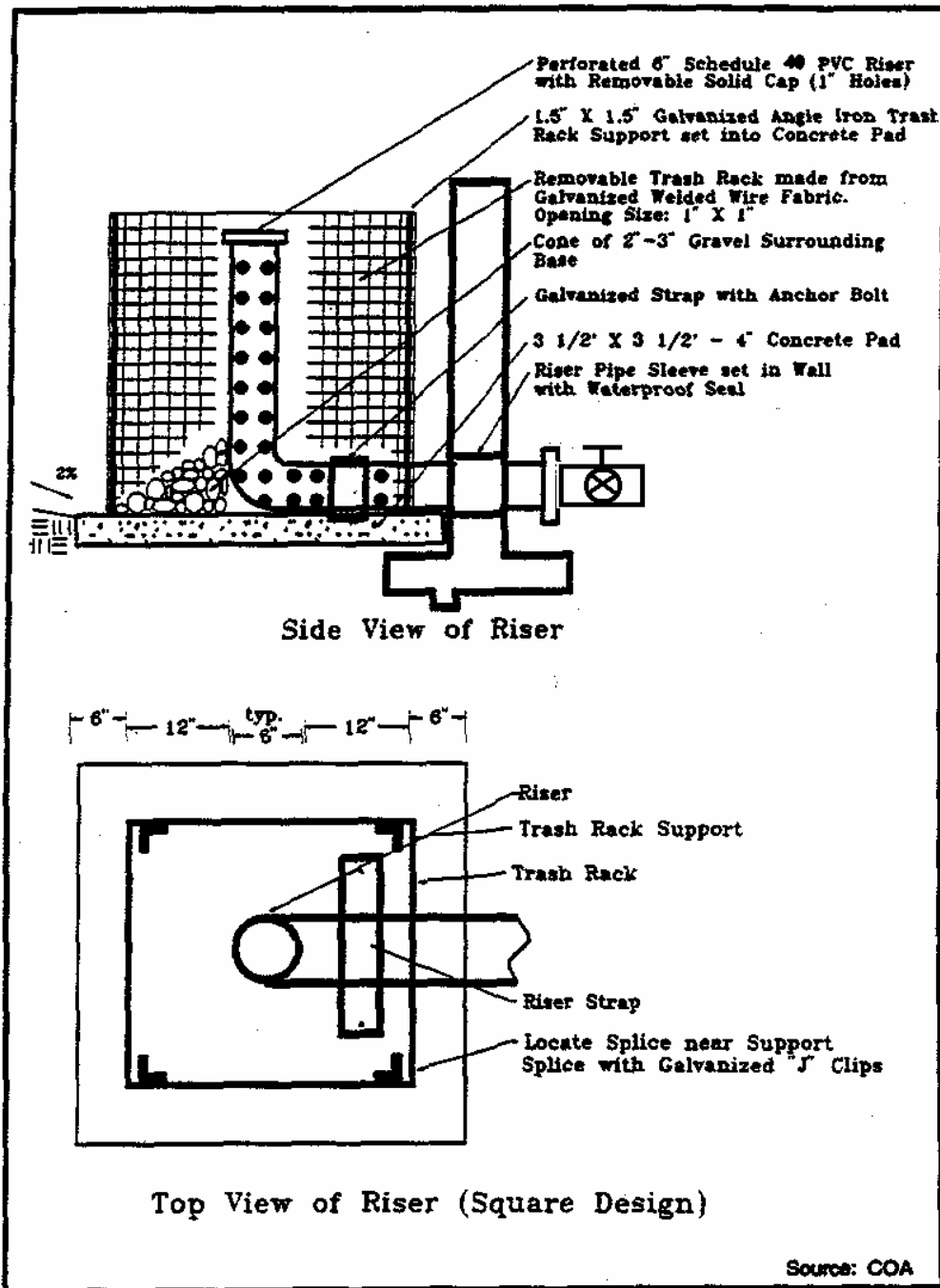


Figure 6
Detail of Sedimentation Riser Pipe



Figure 7
Formation of Clogging Crust on Filter Bed

Recommended maintenance activities and frequencies include:

- Inspections semi-annually for standing water, sediment, trash and debris, and to identify potential problems.
- Remove accumulated trash and debris in the sedimentation basin, from the riser pipe, and the filter bed during routine inspections.
- Inspect the facility once during the wet season after a large rain event to determine whether the facility is draining completely within 72 hr.
- Remove top 50 mm (2 in.) of sand and dispose of sediment if facility drain time exceeds 72 hr. Restore media depth to 450 mm (18 in.) when overall media depth drops to 300 mm (12 in.).
- Remove accumulated sediment in the sedimentation basin every 10 yr or when the sediment occupies 10 percent of the basin volume, whichever is less.

Cost

Construction Cost

There are few consistent published data on the cost of sand filters, largely because, with the exception of Austin, Texas, Alexandria, Virginia, and Washington, D.C., they have not been widely used. Furthermore, filters have such varied designs that it is difficult to assign a cost to filters in general. A study by Brown and Schueler (1997) was unable to find a statistically valid relationship between the volume of water treated in a filter and the cost of the practice. The EPA filter fact sheet indicates a cost for an Austin sand filter at \$18,500 (1997 dollars) for a 0.4 hectare- (1 acre-)

drainage area. However, the same design implemented at a 1.1 ha site by the California Department of Transportation, cost \$240,000. Consequently, there is a tremendous uncertainty about what the average construction cost might be.

It is important to note that, although underground and perimeter sand filters can be more expensive than surface sand filters, they consume no surface space, making them a relatively cost-effective practice in ultra-urban areas where land is at a premium.

Given the number of facilities installed in the areas that promote their use it should be possible to develop fairly accurate construction cost numbers through a more comprehensive survey of municipalities and developers that have implemented these filters.

Maintenance Cost

Annual costs for maintaining sand filter systems average about 5 percent of the initial construction cost (Schueler, 1992). Media is replaced as needed, with the frequency correlated with the solids loading on the filter bed. Currently the sand is being replaced in the D.C. filter systems about every 2 years, while an Austin design might last 3-10 years depending on the watershed characteristics. The cost to replace the gravel layer, filter fabric and top portion of the sand for D.C. sand filters is approximately \$1,700 (1997 dollars).

Caltrans estimated future maintenance costs for the Austin design, assuming a device sized to treat runoff from approximately 4 acres. These estimates are presented in Table 3 and assume a fully burdened hourly rate of \$44 for labor. This estimate is somewhat uncertain, since complete replacement of the filter bed was not required during the period that maintenance costs were recorded.

Table 3 Expected Annual Maintenance Costs for an Austin Sand Filter			
Activity	Labor Hours	Equipment and Materials (\$)	Cost
Inspections	4	0	176
Maintenance	36	125	1,706
Vector Control	0	0	0
Administration	3	0	132
Direct Costs	-	888	888
Total	43	\$1,013	\$2,902

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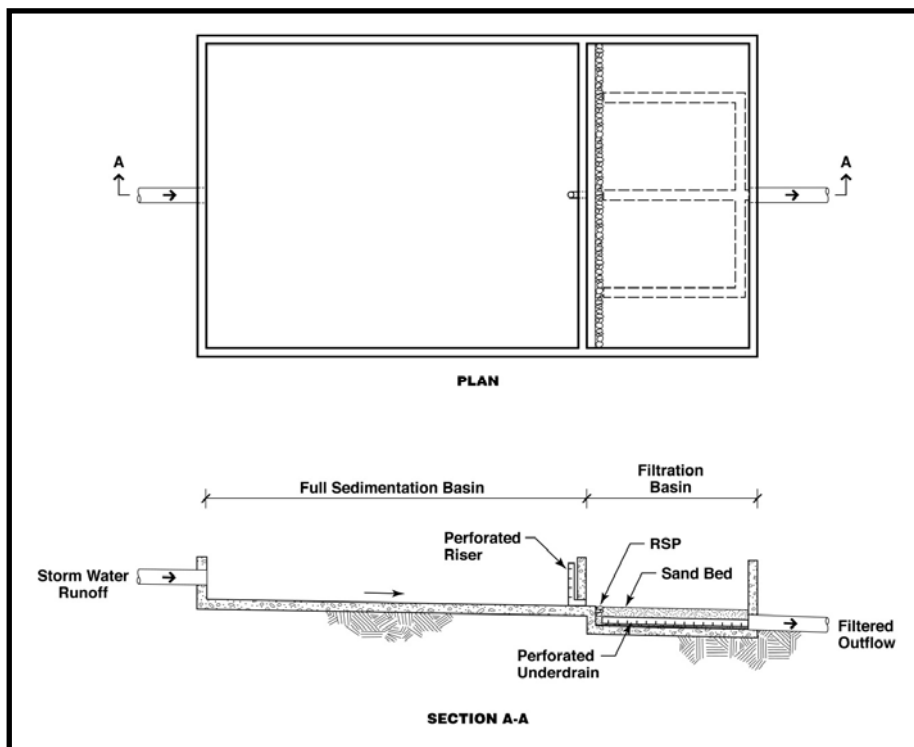
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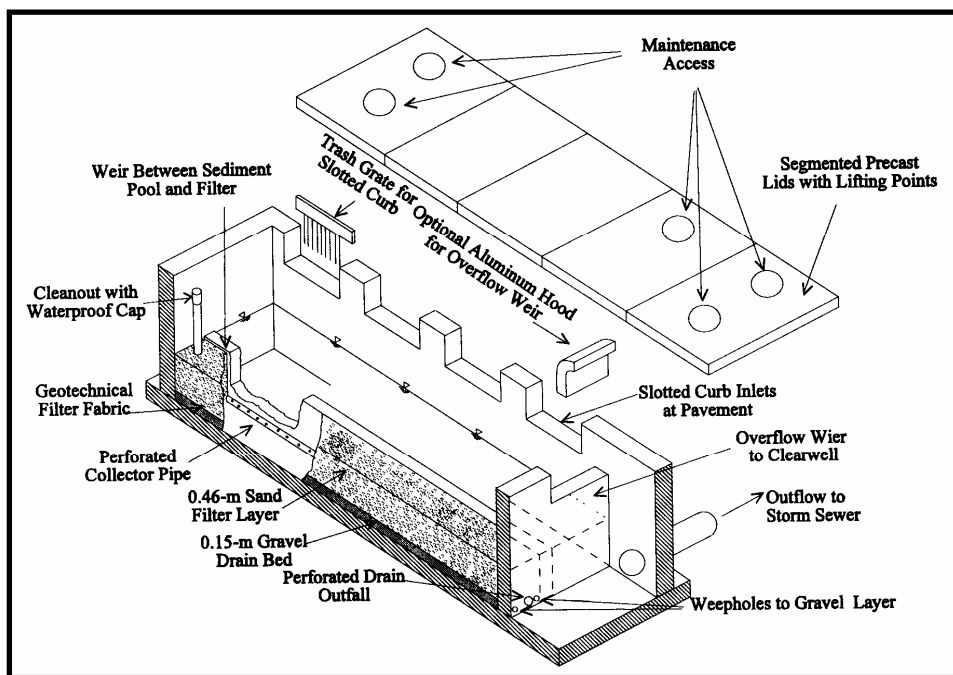
Watershed Management Institute (WMI). 1997. *Operation, Maintenance, and Management of Stormwater Management Systems*. Prepared for U.S. EPA Office of Water, Washington, DC, by Watershed Management Institute.

Welborn, C., and J. Veenhuis. 1987. *Effects of Runoff Controls on the Quantity and Quality of Urban Runoff in Two Locations in Austin, TX*. USGS Water Resources Investigations Report. 87-4004. 88 pp.

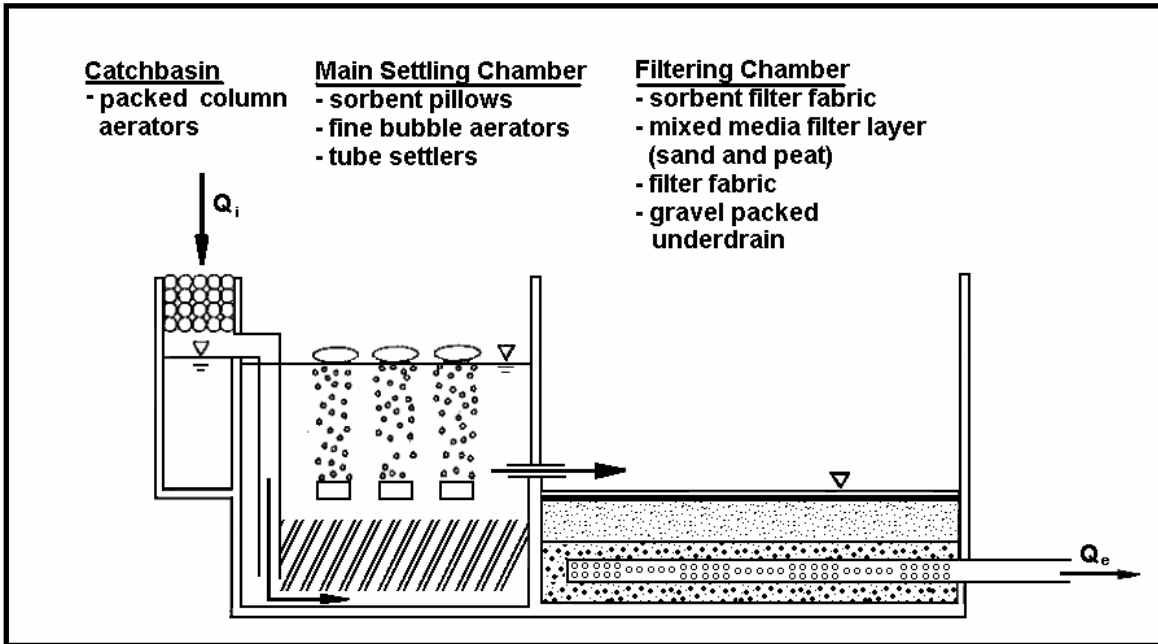
Young, G.K., et al., 1996, *Evaluation and Management of Highway Runoff Water Quality*, Publication No. FHWA-PD-96-032, U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning.



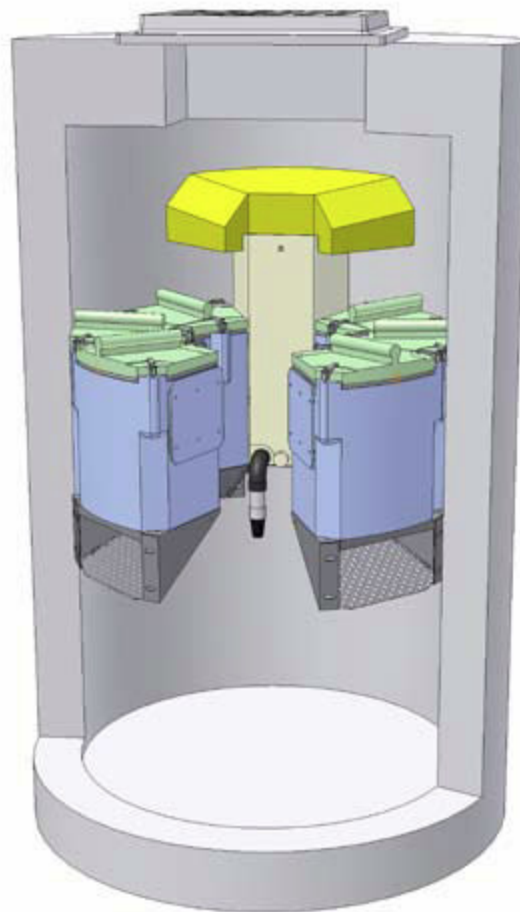
Schematic of the "Full Sedimentation" Austin Sand Filter



Schematic of a Delaware Sand Filter (Young et al., 1996)



Schematic of a MCTT (Robertson et al., 1995)



The Up-Flo Filter

Stormwater Treatment System

Operation and Maintenance Manual

Table of Contents

3	Up-Flo® Filter - Overview - General Product Description - Typical Configurations - Maintenance Services
4	Operation - Introduction - Pollutant Capture - Reduced Clogging - Overflow Protection
5	Maintenance - Overview - First-Year Monitoring - Inspection - Floatables, Oil and Sump Cleanout - Replacement of Media Packs and Drain Down Filter
12	Up-Flo® Filter Installation Log
13	Up-Flo® Filter Inspection and Maintenance Log

IMPORTANT - ORDER REPLACEMENT PARTS FOR MAINTENANCE - **IMPORTANT**

Annual maintenance requires replacement of the filter media packs and the Drain Down filter. Contact KriStar Enterprises, Inc., to order replacements. Allow 2-4 weeks for delivery.

Office hours Monday thru Friday 8:00 A.M. to 5:00 P.M. PST
Toll free: 1-800-579-8819
Phone: 707-524-8181
Fax: 707-524-8186

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DISCLAIMER: Information and data contained in this manual is exclusively for the purpose of assisting in the operation and maintenance of Hydro International plc's Up-Flo® Filter. No warranty is given nor can liability be accepted for use of this information for any other purpose. Hydro International plc have a policy of continuous product development and reserve the right to amend specifications without notice.



Product Overview

The Up-Flo® Filter is a modular high-rate stormwater filtration device. As shown below, it is typically installed into a 4-ft diameter catch basin structure. Each Filter Module has a screen and support bracket that is attached to the concrete manhole and each contains a Media Pack that includes flow distribution and filtration media. Modules can attach to each other to form a "ring" of up to six modules. Up to two of the modules are attached to an Outlet Module that has a Bypass Hood and filtered Drain Down. The modular design can be supplied in different configurations depending on the application as shown in the following illustrations.

An upward flow path through the Filter Modules allow stormwater to be screened and filtered. In addition to the screening and filtering processes, gross pollutants will also settle into the sump or float to the surface of the water held within the manhole. The standard units are supplied with a 3-ft sump to allow for sediment and gross pollutant accumulations between maintenance intervals.

The following manual describes the operation of the Up-Flo Filter and provides general maintenance requirements that will ensure the filter will continue to operate and perform as intended. In general, a minimum of two inspections are required the first year to monitor sediment and gross pollutant accumulations in the manhole structure and inspect the Filter

Media Pack and Drain Down Filter. The frequency of the maintenance interval is site specific as it will depend on the rate of pollutant accumulations. The first year of inspections and monitoring pollutant accumulations will determine future maintenance intervals.

Hydro International offers maintenance contracts nationwide, through Drainage Protections Systems (DPS). It is hoped that owners will take advantage of this service as operators of DPS have been trained and certified to ensure that maintenance will be performed properly. Should the owner choose to conduct maintenance procedures themselves, it is recommended that DPS be contacted to discuss the following procedures and consider contacting a representative from DPS for the first maintenance cycle.

Contact our Maintenance Operations Department

Office hours Monday thru Friday 8:00 A.M. to 5:00 P.M. PST

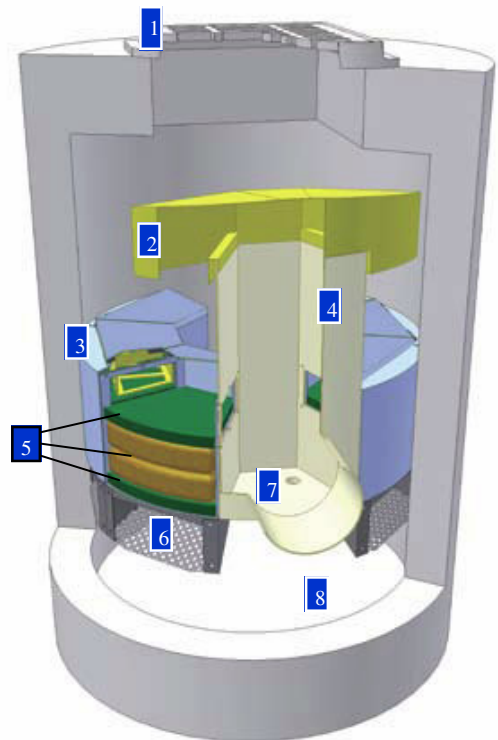
Toll free: 1-888-950-8826

Phone: 951-698-3683

Fax: 951-698-8371

UP-FLO FILTER COMPONENTS

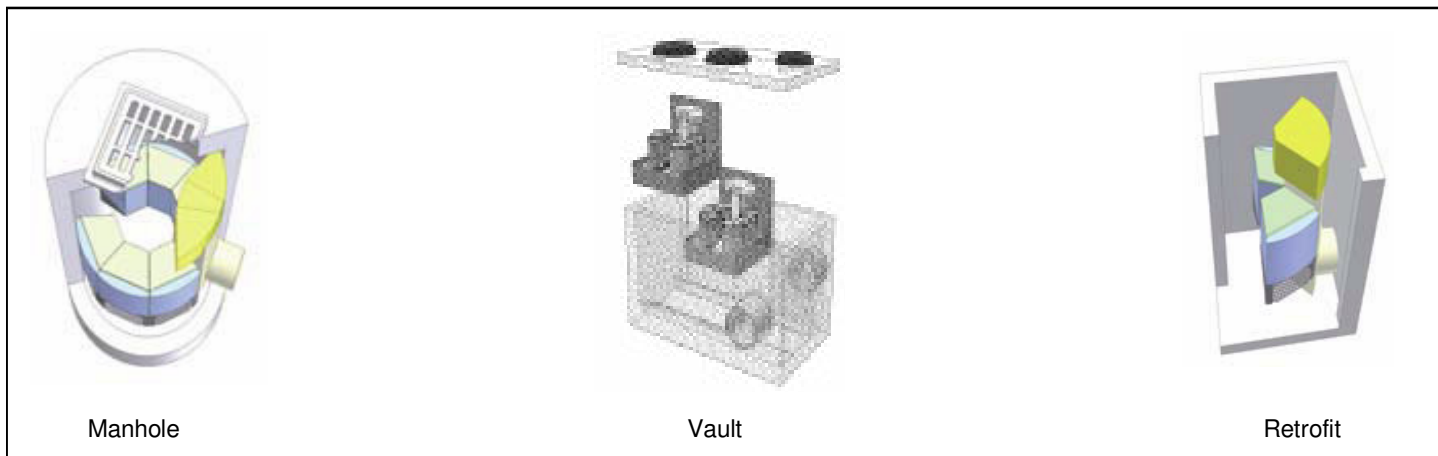
1. Inlet Grate
2. Bypass Siphon with Floatables Baffle
3. Filter Module
4. Outlet Module
5. Media Pack
6. Angled Screen
7. Drain Down Assembly (not visible)
8. Sump



3.



Configurations



Operation

INTRODUCTION

The Up-Flo Filter operates on simple fluid hydraulics. It is self-activating, has no moving parts, no external power requirements and is fabricated with durable non-corrosive components. Personnel are not required to operate the unit and maintenance is limited to periodic inspections, sediment and floatables removal, Media Pack replacement and Drain Down Filter replacement.

POLLUTANT CAPTURE

The Up-Flo Filter is designed to operate as a “treatment train” by incorporating multiple treatment technologies into a single device. Trash and gross debris are removed by sedimentation and screening before they are introduced to the filtration media. The Up-Flo Filter is a wet sump device. Between storm events, oil and floatables are stored on the water surface separate from the sediment storage volume in the sump (see Figure 1). The high-capacity bypass siphon acts as a floatables baffle to prevent washout of captured floatable pollutants during high-intensity events.

REDUCED CLOGGING

The Up-Flo Filter has been designed to minimize the occurrence of clogging and blinding. The Up-Flo Filter employs a unique Drain Down design that allows the water level in the chamber to drop below the filter media between events. The Drain Down mechanism creates a reverse flow that flushes captured pollutants off the surface of the filter bag, helping to prevent blinding. By allowing the water to drain out, the drain-down mechanism also reduces the weight of the filter bags. This makes the bags easier and safer to remove during maintenance operations.

OVERFLOW PROTECTION

The Angled Screens are designed to prevent ragging and blinding. The Angled Screens are situated below the Filter Modules, sheltering them from the direct path of the influent. Coarse debris settles in the sump before the runoff flows up through the screens, protecting them from blinding. In the unlikely event of a blockage, the high capacity Siphonic Bypass is designed to convey high enough flow that large storm events will not create upstream flooding.

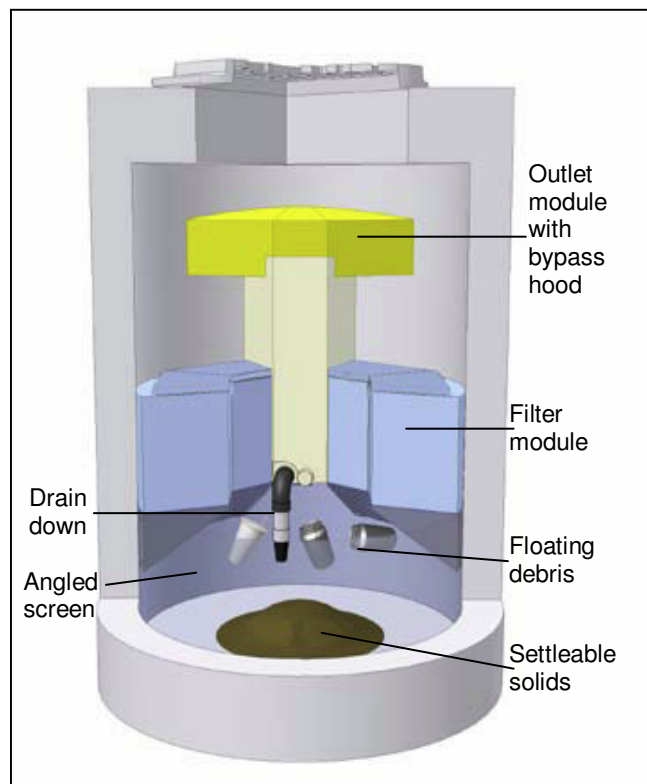


Figure 1: Pollutants captured in the Up-Flo Filter

Maintenance

OVERVIEW

The Up-Flo Filter protects the environment by removing a wide range of pollutants from stormwater runoff. Periodic removal of these captured pollutants is essential to the proper functioning of the Up-Flo Filter.

The Up-Flo Filter design allows for easy and safe inspection, monitoring and clean-out procedures. It has a wide central opening between the Filter Modules for easy and comfortable access to all of the components (See figure 2). Completion of all the maintenance activities for a typical manhole Up-Flo Filter takes less than one hour.

Maintenance activities include inspection, floatables removal, oil removal, sediment removal, Media Pack replacement, and Drain Down Filter replacement. Maintenance intervals are determined from monitoring the Up-Flo Filter during its first year of operation. Depending on the site, some maintenance activities may have to be performed on a more frequent basis than others. In the case of inspection and floatables removal, a vactor truck is not required. Otherwise, a vactor truck is normally required for oil removal, removal of sediment from the sump, and replacement of the Media Packs and Drain Down Filter. In most cases, entry into the Up-Flo Filter vessel is required for replacement of the Media Packs and Drain Down Filter, and OSHA Confined Space Entry procedures will have to be followed.

Media Packs should not be installed in the modules until construction activities are complete and site stabilization is effective.

FIRST-YEAR MONITORING

Hydro International recommends that inspections be performed at least every six months during the first year of operation. Use the following guidelines for determining maintenance intervals:

- **Floatables and Oil Monitoring:** The water surface in the Up-Flo Filter should be monitored for accumulation of floatables and oil. Floatables should not be allowed to accumulate to the point where they completely cover the surface of the water. Oil should not be allowed to accumulate to the point where it has formed a measurable thickness on the surface of the water. The rate of floatables and oil accumulation can be estimated by dividing the surface area covered by floatables and/or oil by the number of months since the Up-Flo Filter was installed.
- **Sediment Monitoring:** A simple probe, such as the Sludge-Judge®, should be used to determine the depth of sediment

in the sump. The maximum allowable sediment depth in a typical 4-foot diameter manhole equipped with an Up-Flo Filter is 16". In any case, sediment must be removed before it blocks the inlet to the Drain Down Filter. The rate of sediment accumulation can be estimated by dividing the measured depth of sediment by the number of months since the Up-Flo Filter was installed.

- **Media Pack Monitoring:** Filter bags should be weighed to determine the amount of particles that have been captured in the bags. Filter bags from one or two modules should be weighed. Spent filter bags weigh approximately 40 lbs wet. The rate of filter bag clogging can be estimated by subtracting the wet weight of a new bag (approximately 20 lbs.) from the measured wet weight of the bags being checked and dividing by the number of months since the bags were installed.

- **Drain Down Filter Monitoring:** The water level in the Up-Flo Filter should be monitored to ensure that the Drain Down Filter is operating properly. One to two days after a significant rainfall, the water level inside the vessel should have dropped to a point where it is equal with the base of the Filter Modules. If the water level has not reached that point, then the Drain Down Filter has either become clogged or blinded by trash or debris. If there is no evidence of trash or debris around the Drain Down Filter inlet, then it has likely become clogged with particles. The rate of Drain Down Filter clogging can be estimated by noting the number of months since the Up-Flo Filter was installed.

Hydro International recommends a maximum maintenance interval of one year for all maintenance activities but, based on the first-year monitoring, a shorter maintenance interval for some maintenance activities may be appropriate.

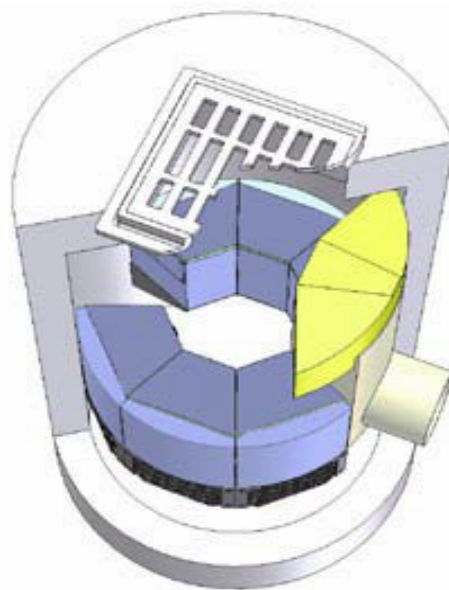


Figure 2: The wide central opening in the Up-Flo Filter

INSPECTION

Inspection is a simple process that requires monitoring pollutant accumulations. Maintenance crews should be familiar with the Up-Flo Filter and its components prior to inspection.

SCHEDULING

• Inspection may be conducted during any season of the year but should occur shortly after a predicted rainfall to ensure components are operating properly.

RECOMMENDED EQUIPMENT

- Safety Equipment and Personal Protective Equipment (traffic cones, work gloves, etc.)
- Scale to measure the weight of the filter bags
- Crow bar to remove grate or lid
- Pole with skimmer or net
- Sediment probe (such as a Sludge Judge®)
- Up-Flo Filter Maintenance Log
- Trash bags for removed floatables

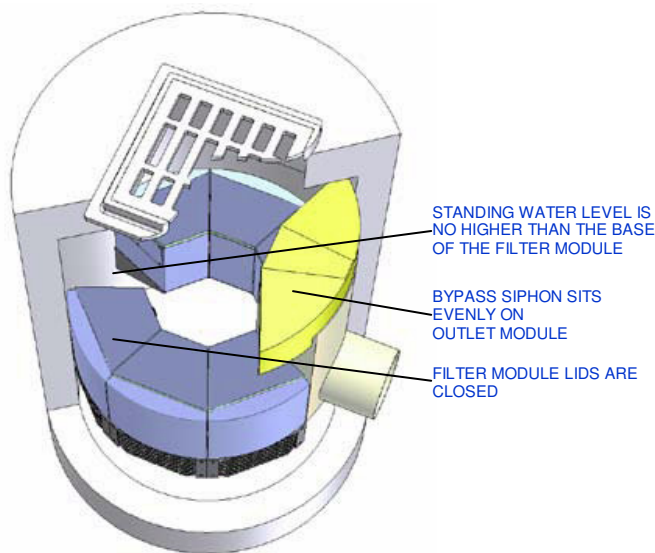


Figure 3: Inspection view of the Up-Flo Filter

INSPECTION PROCEDURES

1. Set up any necessary safety equipment (such as traffic cones) to provide access to the Up-Flo® Filter. Safety equipment should notify passing pedestrian and road traffic that work is being done.
2. Remove the grate or lid to the manhole or vault.
3. Without entering the vessel, look down into the chamber to inspect the inside. Make note of any irregularities. See Figure 3 for a typical Inspection View.
4. Without entering the vessel, use the pole with the skimmer net to remove floatables and loose debris from the chamber.
5. Using a sediment probe such as a Sludge Judge®, measure the depth of sediment that has collected in the sump of the vessel. Maximum sediment depth is 16 inches.
6. Remove the Filter Module lid by turning the cam latch and remove the Filter Media Pack (refer to page 8 Replacement Procedures). Weigh the filter bags from one or two modules. Filter bags should be replaced if the wet weight exceeds 40 lbs.
7. On the Maintenance Log record the date, unit location, estimated volume of floatables and gross debris removed, and the depth of sediment measured. Also note any apparent irregularities such as damaged components or a high standing water level (see Figure 3 for the standard standing water level).
8. Securely replace the grate or lid.
9. Remove safety equipment.
10. Contact Drainage Protection Services at 1-888-950-8826 to discuss any irregularities noted during inspection.

FLOATABLES, OIL, AND SUMP CLEANOUT

A commercially or municipally owned sump-vac is used to remove captured sediment, oil and floatables (Figure 4).

Floatables and loose debris can also be netted with a skimmer and pole. The access port located at the top of the manhole provides unobstructed access for a vector hose and skimmer pole to be lowered to the base of the sump.

SCHEDULING

- Floatables and sump cleanout may typically be done during any season of the year - before and after the rainy season
- Floatables and sump cleanout should occur as soon as possible following a contaminated spill in the contributing drainage area

RECOMMENDED EQUIPMENT

- Safety Equipment (traffic cones, etc)
- Crow bar to remove grate or lid
- Pole with skimmer or net (if only floatables are being removed)
- Sediment probe (such as a Sludge Judge®)
- Vector truck (flexible hose preferred)
- Pressure nozzle attachment or other screen-cleaning device
- Up-Flo Filter Maintenance Log

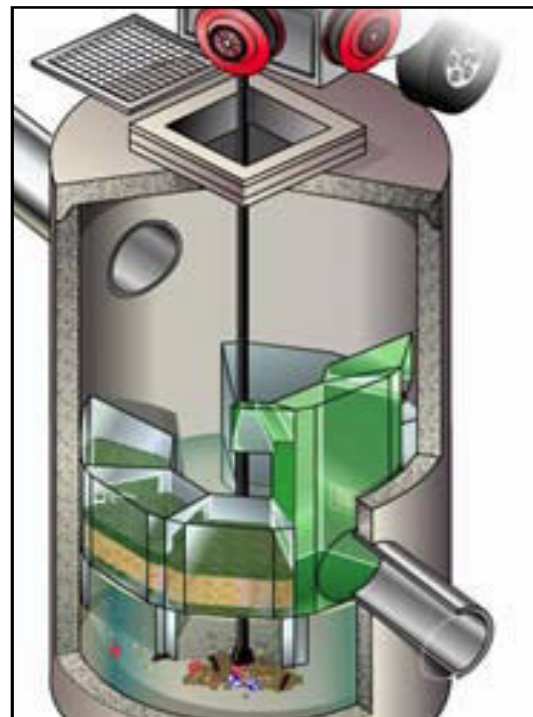


Figure 4: Sediment is removed with a vector hose

7.

FLOATABLES, OIL AND SUMP CLEAN OUT PROCEDURES

1. Set up any necessary safety equipment (such as traffic cones) around the access of the Up-Flo Filter. Safety equipment should notify passing pedestrian and road traffic that work is being done.
2. Remove the grate or lid to the manhole or vault.
3. Without entering the vessel, look down into the chamber to inspect the inside. Make note of any irregularities.
4. If the standing water level in the sump is above the base of the Filter Modules (see Figure 3), tug the Pull Chain(s) to release the Drain Down Plug(s). Allow the excess water to drain out of the chamber.
5. Use the skimmer pole to fit the Drain Down plug back into the open port.
6. Once all floatables and oil have been removed, drop the vactor hose to the base of the sump. Vactor out the sediment and gross debris from the sump floor. Up to 0.6 yds of sediment and 360 gallons of water will be removed from a typical man-hole Up-Flo Filter during this process.
7. Retract the vactor hose from the vessel.
8. Inspect the Angled Screens for blockages and ragging. If present, remove the obstruction or ragging materials from the surface using a hose or other screen-cleaning device.
9. On the Maintenance Log record the date, unit location, estimated volume of floatables, oils, and gross debris removed, and the depth of sediment measured. Note any apparent irregularities such as damaged components or blockages.
10. Securely replace the grate or lid.
11. Remove safety equipment.
12. Dispose of sediment and gross debris at your local landfill; following local regulations.
13. Dispose of oil and sump water at a licensed water treatment facility.

14. Contact DPS at 1-888-950-8826 to discuss any irregularities noted during cleanout.

REPLACEMENT OF MEDIA PACKS AND DRAIN DOWN FILTER

Unless the Up-Flo Filter has been installed as a very shallow unit, it is necessary to have an OSHA-confined space entry trained person enter the vessel to replace Media Packs.

SCHEDULING

- Call DPS to order replacement Media Packs and Drain Down filter prior to scheduling maintenance.
- Because Media Pack replacement requires entry into the Up-Flo chamber, maintenance events should be scheduled during dry weather.
- Media Pack replacement should occur immediately after a contaminated spill in the contributing drainage area.



Figure 5: Cut-away view of the Filter Module

RECOMMENDED EQUIPMENT

- Safety Equipment (traffic cones, etc)
- Crow bar to remove grate or lid
- Pole with skimmer or net (if floatables removal is not to be done with vactor hose)
- Sediment probe (such as a Sludge Judge®)
- Vactor truck (flexible hose preferred)
- OSHA Confined Space Entry Equipment
- Up-Flo Filter Replacement Media Packs (available from DPS)
- Up-Flo Filter Maintenance Log
- Screwdriver (flat head)
- Replacement Drain Down Filter components supplied by DPS

MEDIA PACK AND DRAIN DOWN FILTER REPLACEMENT PROCEDURES

1. Follow Floatables and Sump Cleanout Procedures, 1 – 10.
2. Following OSHA Confined Space Entry procedures, enter the Up-Flo Filter Chamber.
3. Open the Filter Module by turning the three cam latches on the front and sides of the module. Remove the lid **1** to gain access to the Media Pack (Figure 6).
4. Remove and discard the spent **Media Pack**. The **Media Pack** contents include:
 - A top layer of green **2** Flow-Distributing Media.
 - Two (2) Media Bags **3** equipped with nylon handles.
 - A bottom layer of green **2** Flow-Distributing Media.

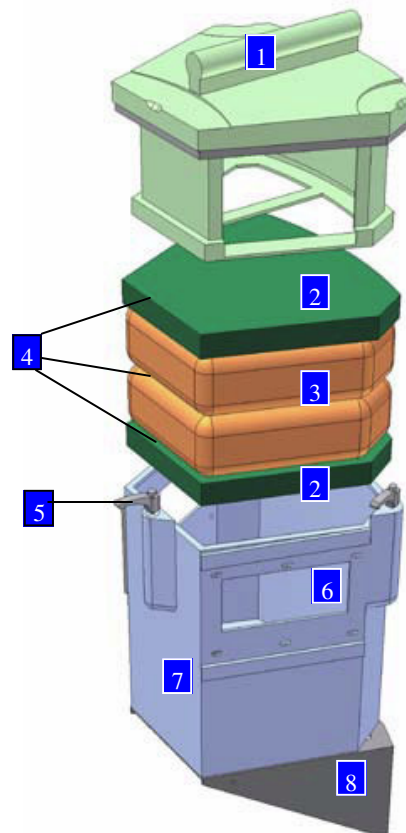
1. FILTER MODULE COVER AND MEDIA RESTRAINT**2. FLOW-DISTRIBUTING MEDIA****3. FILTER MEDIA BAGS****4. REPLACEABLE MEDIA PACK****5. CAM LATCH****6. CONVEYANCE CHANNEL****7. FILTER MODULE****8. SUPPORT BRACKET / ANGLED SCREEN**

Figure 6: The Filter Module houses the Media Restraint and the Media

9.

5. Insert a new Media Pack, supplied by DPS.

- First, insert a bottom layer of green **Flow-Distributing Media**. Be sure that the media sits snugly and level at the bottom of the Filter Module.
- Next, insert the first of two (2) replacement **Media Bags**. Smooth the bag out with your hands to make sure that the bag extends snugly to the walls and corners of the Filter Module.
- Insert the second **Media Bag**, following the same procedure.
- Insert the top layer of green **Flow-Distributing Media**. Be sure that the piece fits snugly against the walls and corners of the Filter Module.
- Put the lid on and secure the three latches. Check to make sure that the latches are closed properly.

6. Use a screwdriver to unscrew the **Drain Down Filter** from the face of the Outlet Module (see Figure 7). **DO NOT DISCARD THIS PIECE.**

7. Install new **Drain Down Filter** supplied by DPS.

8. Exit the Up-Flo Filter chamber and securely replace the grate or lid.

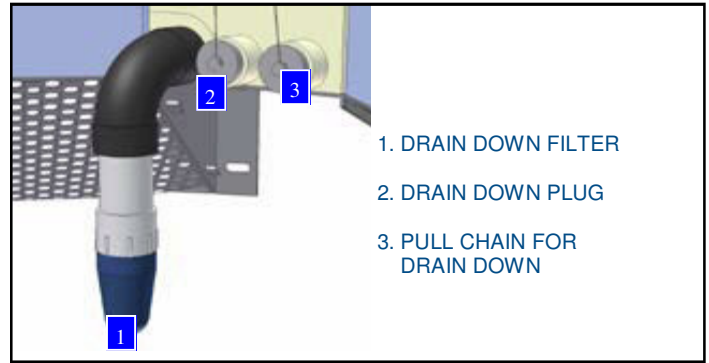


Figure 7: The Drain Down Filter

9. On the Maintenance Log provided by DPS, record the date, unit location, estimated volume of floatables, oil and gross debris removed, and the depth of sediment measured. Note the number of Media Packs replaced. Note any irregularities such as damaged components or blockages.

10. Remove safety equipment.

11. Dispose of spent media packs at your local landfill, following local regulations.

12. Return the spent Drain Down Filter to DPS.

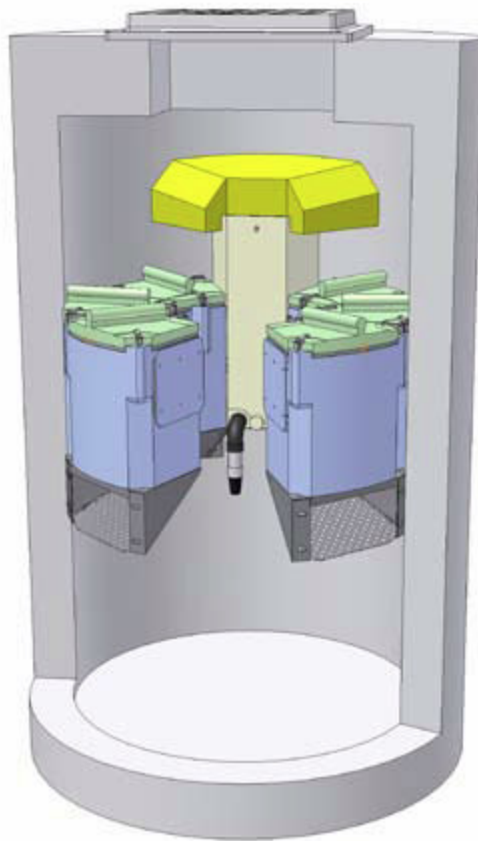
13. Contact DPS to discuss any irregularities noted during annual maintenance.

Maintenance at a Glance

ACTIVITY	FREQUENCY
Inspection	- Regularly during first year of installation - Every 6 months after the first year of installation
Floatables/Oils Removal	- Twice per year or as needed - Following a contaminated spill in the drainage area
Sediment Removal	- Twice per year or as needed - Following a contaminated spill in the drainage area
Media Pack Replacement	- Once per year or as needed - Following a contaminated spill in the drainage area
Drain Down Filter Replacement	- Once per year with Media Pack replacement - As needed, in the event of continuous base flow conditions

UP-FLO® FILTER

INSPECTION & MAINTENANCE LOG



11.



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Up-Flo® Filter Installation Log

DPS REFERENCE NUMBER:	
SITE NAME: Apex Apartment Community	
SITE LOCATION: 1102 South Abel Street, Milpitas, California	
OWNER: Milpitas Centria West, LLC	CONTRACTOR: J. Flores Construction
CONTACT NAME: Peter Zak	CONTACT NAME: Jesus Flores
COMPANY NAME: Apex Apartment Community	COMPANY NAME: J. Flores Construction
ADDRESS: 4901 Birch Street Newport Beach, CA 92660	ADDRESS: 4229 Mission Street San Francisco, CA 94112
TELEPHONE: (949) 838-1244	TELEPHONE: (415) 337-2934
FAX: (949) 252-9202	FAX:

INSTALLATION DATE: 06/ 20 /12

CONFIGURATION (CIRCLE ONE):

MANHOLE

RETROFIT

VAULT SYSTEM

TOTAL NUMBER OF UP-FLO™ FILTER MODULES: 1

12.



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Up-Flo® Filter Inspection and Maintenance Log

DATE	INITIALS	AREA/DEPTH OF FLOATABLES AND OILS	SEDIMENT DEPTH MEASURED	VOLUME OF SEDIMENT REMOVED	NUMBER OF MEDIA PACKS REPLACED	SITE ACTIVITY AND COMMENTS



VII. BMP Maintenance Schedule

A. *Annual Maintenance Schedule for all BMPs*

Treatment BMPs require minimum maintenance similar to that for any landscape areas. BMPs must be regularly maintained to ensure that they continue to be effective and do not cause flooding or other harmful nuisances.

B. *Inspection and Maintenance Schedule for each BMP*

1. *Routine Inspection and Maintenance:* Regular inspections shall be made of all BMP features and any maintenance performed as needed. Any collected debris shall be removed from the feature.
 - The bioretention areas and raised planters shall be maintained as described in TC-32 of the California Stormwater BMP Handbook prepared by CASQA.
 - Media filters should be maintained per manufacturer specifications.
2. *Annual Inspection and Maintenance:* Annual inspections and maintenance shall be performed as described above in the “Routine Inspection and Maintenance” Section.
3. *Inspection and Maintenance during the Rainy Season:* All BMP features shall be inspected immediately after the first rain event of the season. During the rainy season the BMP features shall be inspected at least once every 30 days and after any significant rain event.

C. *Service Agreement Information*

The frequency of cleaning the treatment BMPs will depend on the generation of trash and debris and sediment at the site. Cleanout and preventive maintenance schedules will be determined based on operating experience. The mechanical BMP units should be periodically inspected to determine the amount of accumulated pollutants and to ensure the cleanout frequency is adequate to handle the predicted pollutant load being processed by the unit.

VIII. Copy of O&M Agreement

(Final Recorded Copy to be Inserted)

Appendix

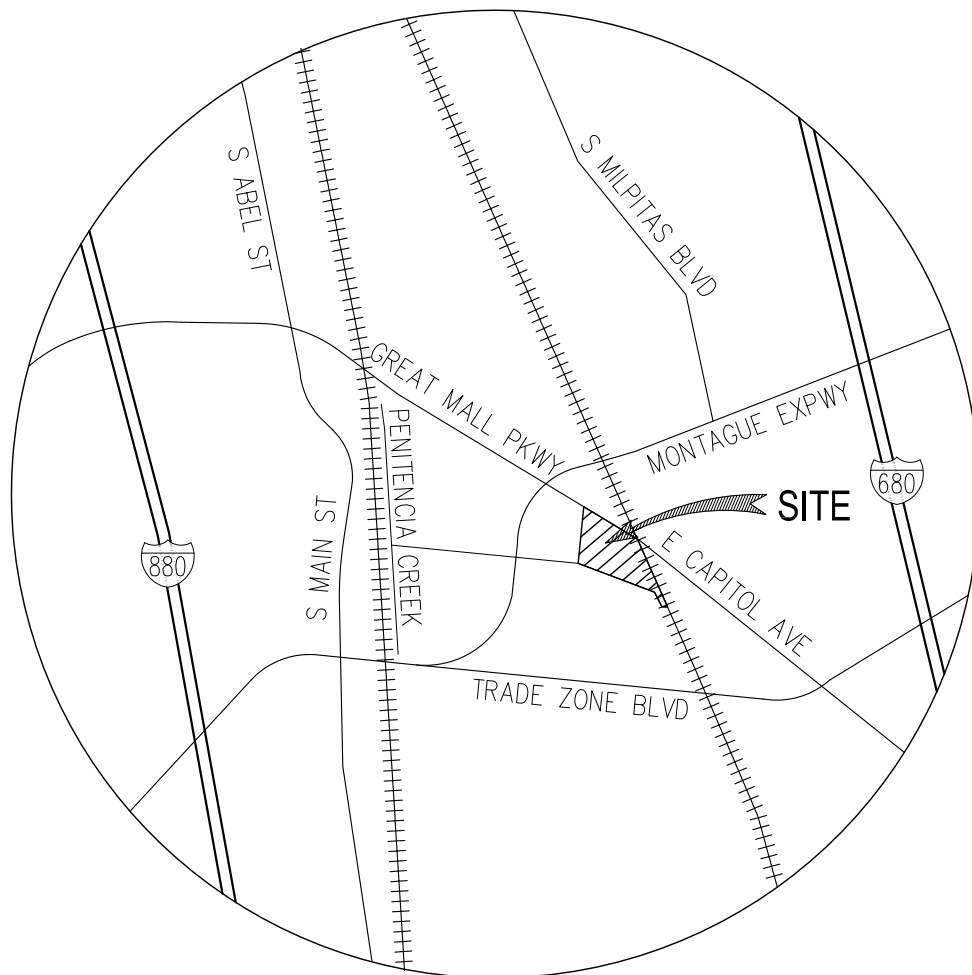
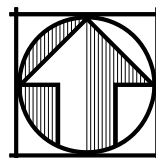


FIGURE 1
VICINITY MAP
730 & 750 E. CAPITOL AVENUE

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

DATE: JANUARY 20, 2017

NOT TO SCALE



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 www.cbands

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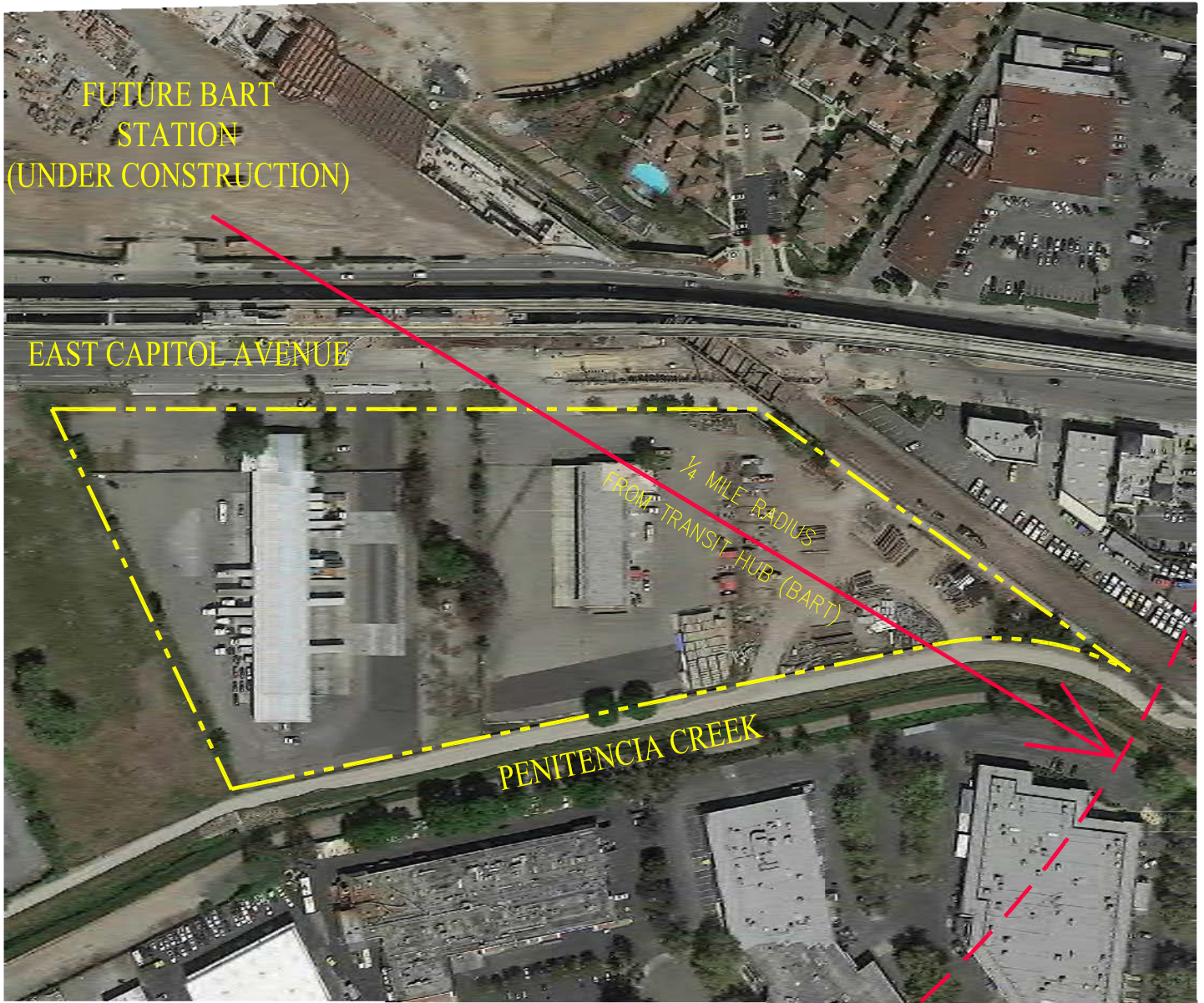


FIGURE 2

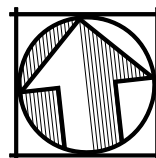
AERIAL EXHIBIT

730 & 750 E. CAPITOL AVENUE

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

DATE: JANUARY 20, 2017

SCALE: 1" = 200'

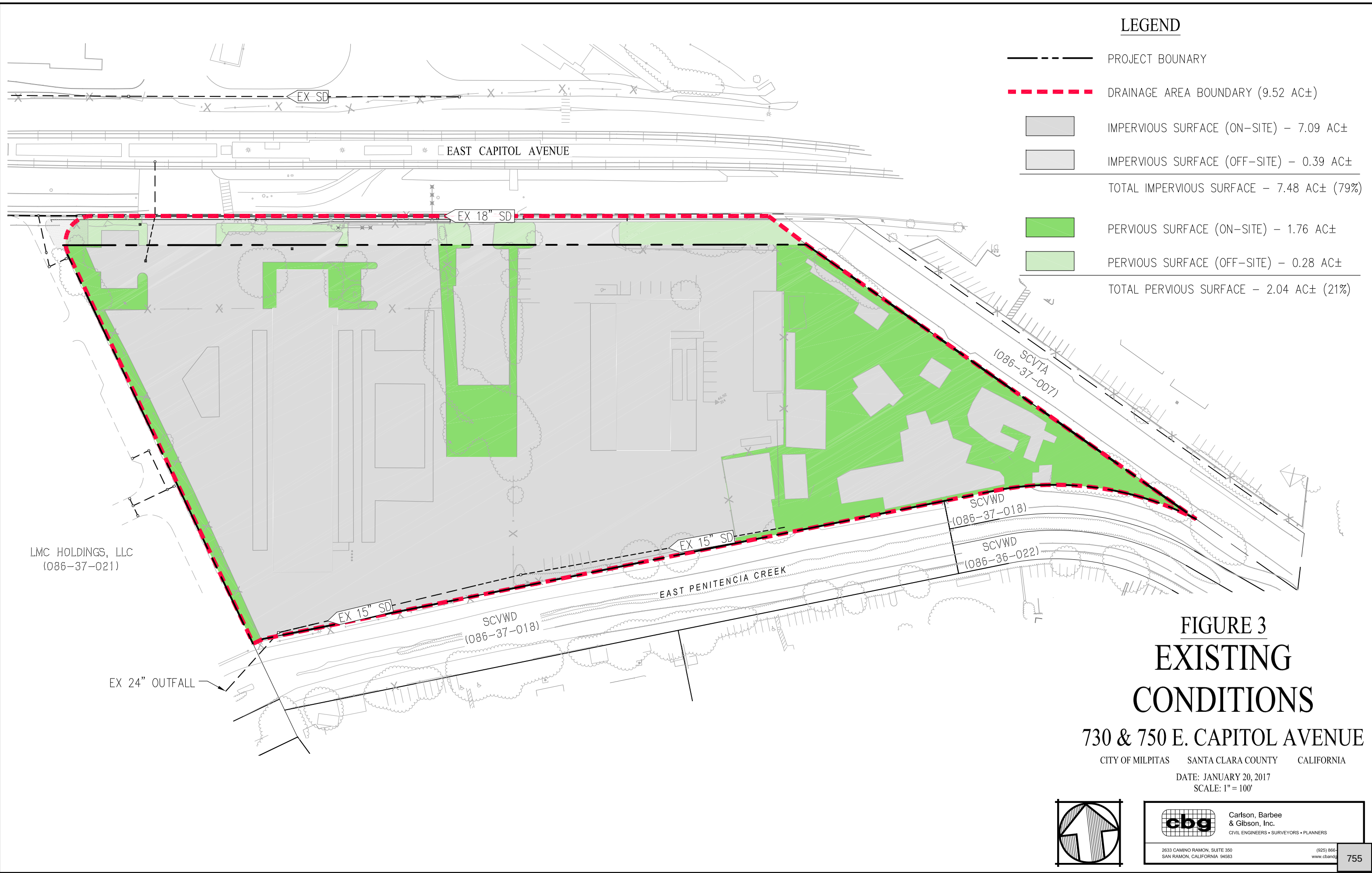


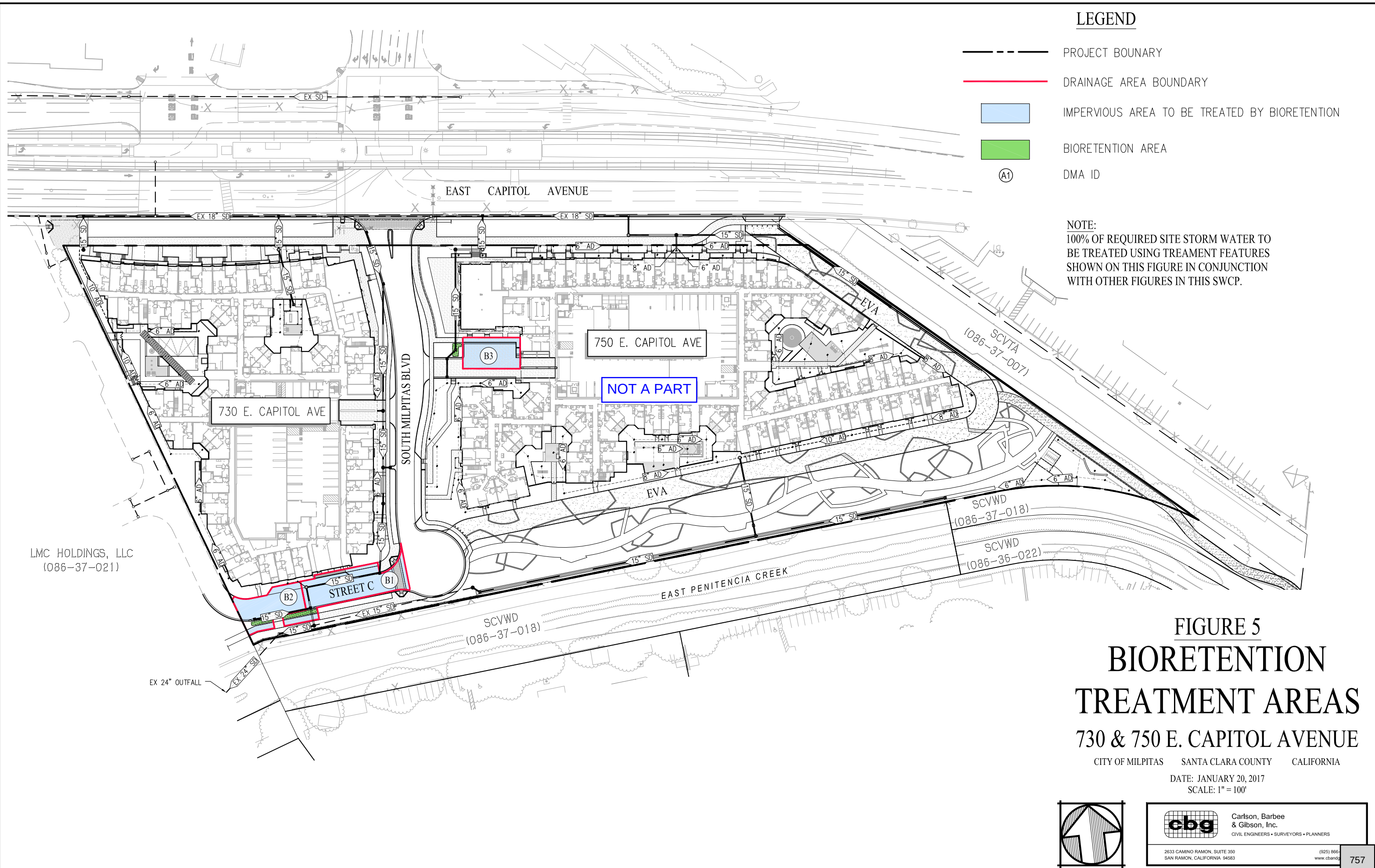
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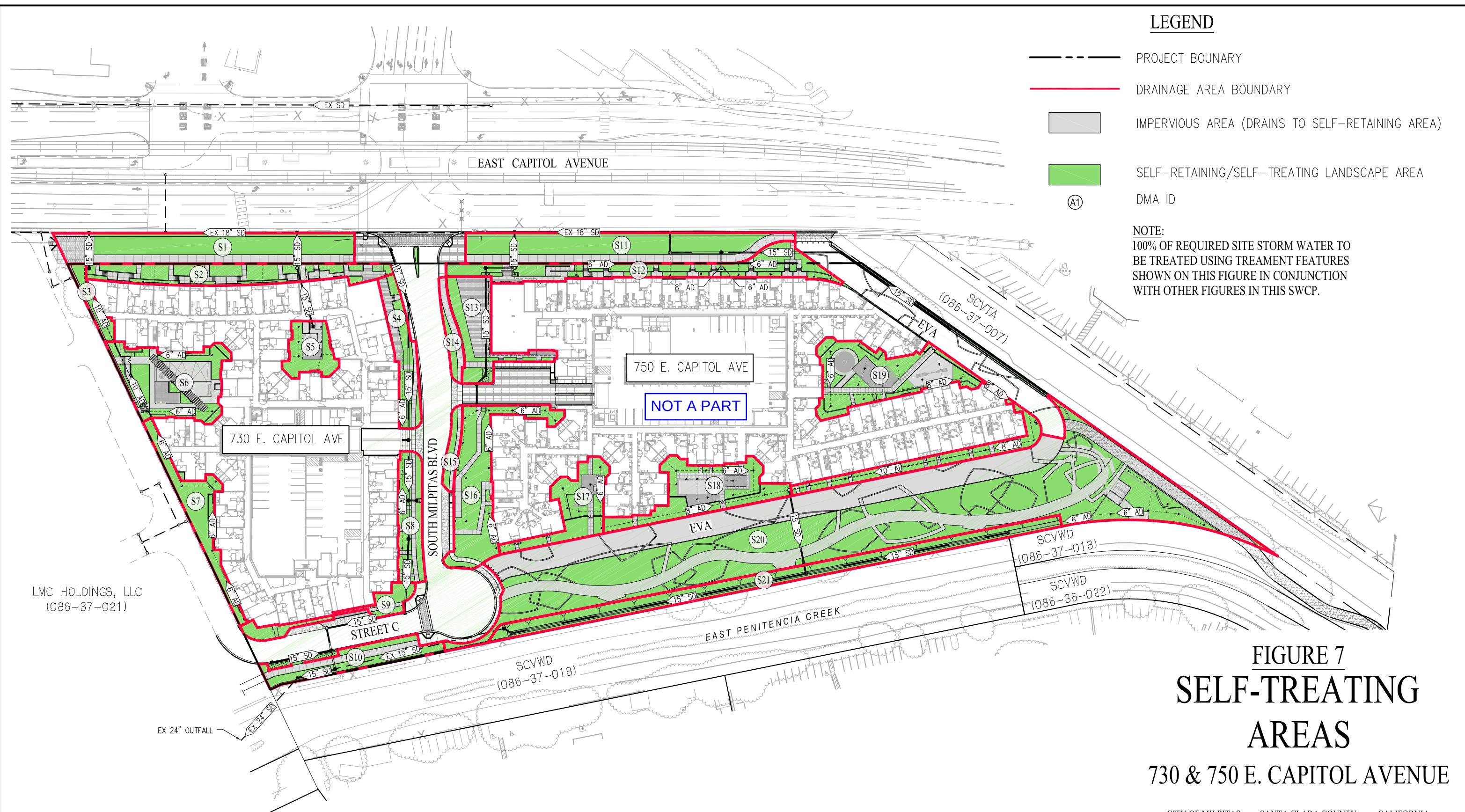
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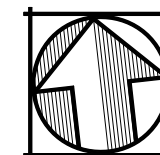






CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

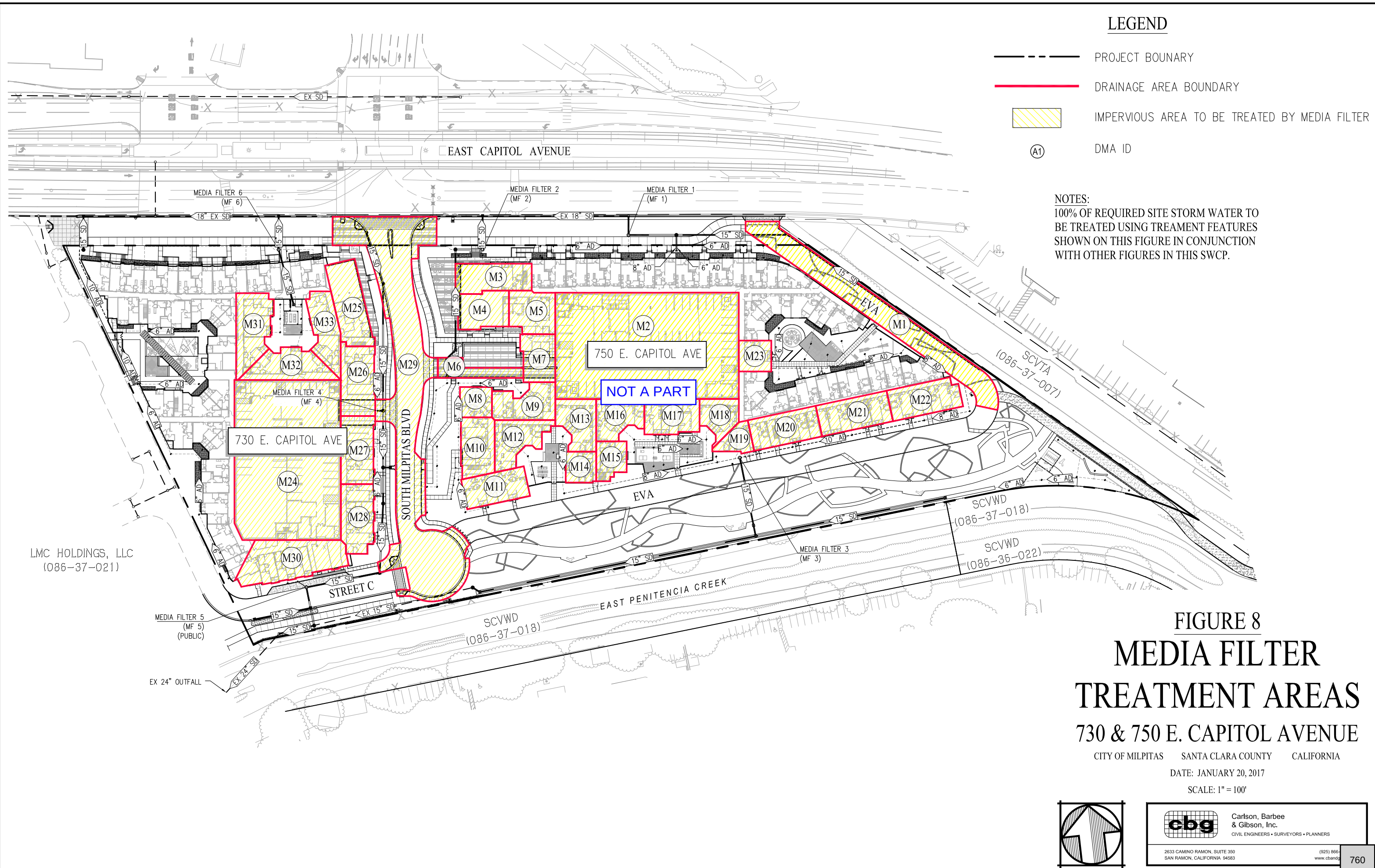
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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, and the Milpitas Police Officer's Association amending the Sick Leave Cash Out MOU provisions.
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/14/2021
Staff Contact:	Jeannine Seher, Director of Human Resources, 408-586-3086
Recommendation:	Approve and Authorize the City Manager to Enter into a Side Letter to Amend the Memorandum of Understanding between the City and LIUNA/UPEC Local 792, and the Milpitas Police Officer's Association amending the Sick Leave Cash Out MOU provisions.

Background:

All employers conducting business in California are subject to the federal and state employment tax laws. Employers are responsible for reporting wages paid to their employees and paying Unemployment Insurance (UI) tax and Employment Training Tax (ETT) on those wages, as well as withholding and remitting federal and state income tax, Medicare tax, and SDI due on those wages. When an employee receives a benefit that is not otherwise nontaxable (e.g., health insurance), and has control of how that benefit is received, the employer is obligated to treat the benefit as taxable wages and withhold applicable taxes on the value of that benefit, regardless of whether or not the employee actually received the monetary value of the benefit, that is known as the constructive receipt doctrine codified in Section 451 of the Internal Revenue Code.

Employees in the LIUNA and MPOA Bargaining Units, hired prior to 1999 have the ability to cash out sick leave accruals each fiscal year as specified in the Memorandum of Understanding (MOU). The constructive receipt doctrine requires the employer to tax employees who have a "choice" of taking cash for accrued sick leave accruals during a given year, are to be treated as if the employee has actually received the cash that year – regardless of whether or not the employee has actually taken the cash.

In order to continue to provide this benefit but to avoid the constructive receipt doctrine codified in Section 451 of the Internal Revenue Code, the parties have reached agreement on alternative language, as specified in the side letter.

Analysis:

The IRS states that the constructive receipt doctrine can be mitigated if the sick leave cash out is limited by:

- 1) Restricting the cash out option of vacation to unforeseeable emergencies. The unforeseeable emergencies must be well defined and in compliance with guiding regulations. Further, the amount of the cash out is limited to an amount reasonably necessary to satisfy the emergency need (such as the amount needed to cover unforeseen hospital expenses).
- 2) Structuring the cash out provision in a manner that substantially restricts the employee's choice to receiving the cash out. For example, the City could establish a program that requires cash out of all hours accrued over a specific amount – such as cashing out all accruals over 80 hours and eliminate all other cash out provisions.

- 3) The City could continue giving the employee the choice as to the number of hours one could elect to cash out; however, this election would be against “future accruals” and must be made prior to when the leave accrues and once made, the election is irrevocable.

Options 1 and 3 above are consistent with MOU provisions for vacation leave cash out. Option 2 was not selected as it was not a desirable resolution of the employees.

Payouts shall be available in the same fashion and dates as vacation leave cash out.

Policy Alternative:

Alternative: Maintain the existing MOU language.

Pros: Will provide a previously committed benefit to City employees in the applicable bargaining units.

Cons: The City will have to modify its payroll system and practices and begin taxing employees in this bargaining unit on their vacation accruals, regardless of whether or not they utilize the vacation cash-out provision of the MOU.

Reason for Not Recommending: In order to tax employees on their vacation accruals, the City will need to augment its current payroll system and processing, which will create significant technologic and administrative challenges.

Fiscal Impact:

There are insignificant impacts associated with implementing this change, to include staff time to change administrative forms and update work processes.

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. Pro-Tech Side letter
3. Mid-Con Side Letter
4. MPOA Side Letter

SIDE LETTER AGREEMENT
Between the City of Milpitas
and
Professional and Technical Unit (LIUNA)
Regarding Sick Leave Cash Outs

On May 14, 2021, the City of Milpitas, hereinafter referred to as the City, and the LIUNA, UPEC 792, hereinafter referred to as the Union, representing the Professional and Technical Unit (Pro-Tech), collectively referred to as (the Parties) entered into a Side Letter Agreement regarding the change to the vacation cash out election language in the MOU. This change involving the constructive receipt doctrine (codified in Section 451 of the Internal Revenue Code) also applies to Sick Leave. The IRS views an employee's choice whether to cash out sick leave within the same year as it is earned as "constructive receipt" as the IRS essentially prohibits an employee from having a choice whether or not to receive taxable wages/income in a different year outside of certain specific circumstances and programs.

To address this problem and avoid employees to be taxed, and to maximize the benefit employees now enjoy, the City proposes modifying the sick leave cash out election language in the MOU, Section 10.03.1 as follows:

Proposed Language:

10.03.1 Sick leave cash out for existing employee's "IRS Constructive Receipt": Employees hired on or before July 17, 1999, with five or more years of service wishing to cash out future sick leave accruals may make a request by completing and submitting an Irrevocable Sick Leave Cash Out request form to the Director of Human Resources. Forms will be accepted between November 1st of each year through the end of the first full pay period in December. Payout shall be in accordance with appropriate pay out formulas described in Section 10.03. However, the maximum annual amount shall not exceed 50% of employee's sick leave balance. Employees eligible for this benefit shall at all times maintain a sick leave balance of at least 240 hours.

For the City of Milpitas:

For Pro-Tech/LIUNA:

_____ Jeannine M. Seher Human Resources Director	_____ Date	 _____ Steve Allen, LIUNA	_____ 11/29/2021 Date
_____ Steven McHarris City Manager	_____ Date	 _____ Avery Stark, President	_____ 11/29/2021 Date

SIDE LETTER AGREEMENT
Between the City of Milpitas
and
Mid-Management and Confidential Unit (MidCon) - LIUNA
Regarding Sick Leave Cash Outs

On May 14, 2021, the City of Milpitas, hereinafter referred to as the City, and the LIUNA, UPEC 792, hereinafter referred to as the Union, representing the Mid-Management and Confidential Unit (MidCon), collectively referred to as (the Parties) entered into a Side Letter Agreement regarding the change to the vacation cash out election language in the MOU. This change involving the constructive receipt doctrine (codified in Section 451 of the Internal Revenue Code) also applies to Sick Leave. The IRS views an employee's choice whether to cash out sick leave within the same year as it is earned as "constructive receipt" as the IRS essentially prohibits an employee from having a choice whether or not to receive taxable wages/income in a different year outside of certain specific circumstances and programs.

To address this problem and avoid employees to be taxed, and to maximize the benefit employees now enjoy, the City proposes modifying the sick leave cash out election language in the MOU, Section 9.04 as follows:

Proposed Language:

9.04 Sick leave cash out for existing employee's "IRS Constructive Receipt": Employees hired on or before July 17, 1999, with five (5) or more years of service wishing to cash out future sick leave accruals may make a request by completing and submitting an Irrevocable Sick Leave Cash Out request form to the Director of Human Resources. Forms will be accepted between November 1st of each year through the end of the first full pay period in December. Payout shall be in accordance with appropriate pay out formulas described in Section 9.03. However, the maximum annual amount shall not exceed 50% of employee's sick leave balance. Employees eligible for this benefit shall at all times maintain a sick leave balance of at least 240 hours.

For the City of Milpitas:

For Mid-Con/LIUNA:

Jeannine M. Seher
Human Resources Director

Date


Steve Allen, LIUNA

11/29/2021
Date

Steven McHarris
City Manager

Date


Toni-Lynn Charlop, President

11/29/21
Date

SIDE LETTER AGREEMENT
Between the City of Milpitas
and
Milpitas Employee Association (MEA) - LIUNA
Regarding Sick Leave Cash Outs

On June 2, 2021, the City of Milpitas, hereinafter referred to as the City, and the LIUNA, UPEC 792, hereinafter referred to as the Union, representing the Milpitas Employee Association (MEA), collectively referred to as (the Parties) entered into a Side Letter Agreement regarding the change to the vacation cash out election language in the MOU. This change involving the constructive receipt doctrine (codified in Section 451 of the Internal Revenue Code) also applies to Sick Leave. The IRS views an employee's choice whether to cash out sick leave within the same year as it is earned as "constructive receipt" as the IRS essentially prohibits an employee from having a choice whether or not to receive taxable wages/income in a different year outside of certain specific circumstances and programs.

To address this problem and avoid employees to be taxed, and to maximize the benefit employees now enjoy, the City proposes modifying the sick leave cash out election language in the MOU, Section 24.04 as follows:

Proposed Language:

24.04 Sick leave cash out for existing employee's "IRS Constructive Receipt": Employees hired on or before July 17, 1999, with five (5) or more years of service wishing to cash out future sick leave accruals may make a request by completing and submitting an Irrevocable Sick Leave Cash Out request form to the Director of Human Resources. Forms will be accepted between November 1st of each year through the end of the first full pay period in December. Payout shall be in accordance with appropriate pay out formulas described in Section 24.05. However, the maximum annual amount shall not exceed 50% of employee's sick leave balance. Employees eligible for this benefit shall at all times maintain a sick leave balance of at least 240 hours.

For the City of Milpitas:

Jeannine M. Seher
Human Resources Director

Date

For MEA/LIUNA:

Steve Allen
Union Representative, LIUNA

11/29/2021

Date

Steven G. McHarris
City Manager

Date

Robert DeLong
MEA President

11-30-2021
Date

SIDE LETTER AGREEMENT
Between the City of Milpitas
and
Milpitas Police Officers Association
Regarding Sick Leave Cash Outs

On April 30, 2021, the City of Milpitas, hereinafter referred to as the City, and the Milpitas Police Officers Association ("Association"), collectively referred to as (the Parties) entered into a Side Letter Agreement regarding the change to the vacation cash out election language in the MOU. This change involving the constructive receipt doctrine (codified in Section 451 of the Internal Revenue Code) also applies to Sick Leave. The IRS views an employee's choice whether to cash out sick leave within the same year as it is earned as "constructive receipt" as the IRS essentially prohibits an employee from having a choice whether or not to receive taxable wages/income in a different year outside of certain specific circumstances and programs.

To address this problem and avoid employees to be taxed, and to maximize the benefit employees now enjoy, the City proposes modifying the sick leave cash out election language in the MOU, Section 10.08 as follows:

Proposed Language:

10.08 Employees with five (5) years or more of service may elect to cash out or deposit into deferred compensation accrued sick leave. Employees wishing to cash out accrued sick leave may make a request by completing and submitting an Irrevocable Sick Leave Cash Out request form to the Director of Human Resources. Forms will be accepted between November 1st of each year through the end of the first full pay period in December. For employees hired on or before July 17, 1999, the maximum annual cash out or deposit into deferred compensation shall be the rates set forth in Section 10.05. For employees hired on or after July 18, 1999, the maximum annual cash out or deposit into deferred compensation shall be the rates set forth in Sections 10.07.1 – 10.07.4. The maximum amount shall not exceed 50% of an employee's balance. All personnel shall maintain a balance of at least 240 hours.

For the City of Milpitas:

For the MPOA:

Jeannine M. Seher
Human Resources Director

Date

Alex Prince
Alexander Prince,
MPOA President

12/6/21

Date

Steven McHarris
City Manager

Date



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Monthly Report for Unhoused Services
Category:	Consent Calendar-Community Development
Meeting Date:	12/14/2021
Staff Contact:	Sharon Goei, Building Safety and Housing Director, 408-586-3260
Recommendation:	Receive September and October 2021 report for unhoused services.

Background:

On November 10, 2020, the City Council approved and authorized staff to enter into an agreement for homeless outreach, assessment, and street-based case management services with Santa Clara County Office of Supportive Housing. On March 1, 2021, the County's Homeless Engagement and Access Team (HEAT), via Abode Services, began conducting outreach to engage and provide resources to the City's unhoused residents.

On December 1, 2020, the City Council directed staff to implement a six-month pilot mobile shower and laundry Dignity on Wheels program with WeHOPE. The nonprofit service provider, WeHOPE, began providing mobile shower and laundry services every Sunday starting March 21, 2021, on the site on Winsor Street, immediately south of the Milpitas Library. On September 7, 2021, the City Council directed staff to continue the mobile shower and laundry program for an additional 12 months.

This report reflects the September and October 2021 progress for unhoused services.

Analysis:

In September and October 2021, the HEAT Team continued to collaborate with City staff and County Office of Supportive Housing to conduct outreach throughout the City of Milpitas to engage and provide resources to the City's unhoused residents. During the month of September, the HEAT Team enrolled 12 clients and completed 13 assessments. During the month of October, the HEAT Team enrolled 9 clients and completed 9 assessments. Adding to 83 clients enrolled and 85 clients assessed since services began in March, this makes a total of 104 clients enrolled and 107 clients assessed. Since the HEAT Team has been conducting proactive outreach throughout Milpitas, they have been able to locate and connect with unhoused residents both at known and new locations. For the unhoused individuals that did not provide identifying information for the Team to enroll or assess, the Team provided basic needs items and community resources. See Attachment 2 and 5 for the HEAT Team September and October 2021 reports, respectively.

During the month of September, WeHOPE provided four sessions to the unhoused community, providing a total of 80 showers and 35 loads of laundry, serving 52 individuals. See Attachment 3 for the WeHOPE Dignity on Wheels September 2021 report. During the month of October, WeHOPE provided five sessions to the unhoused community, providing a total of 88 showers and 43 loads of laundry, serving 52 individuals. See Attachment 6 for the WeHOPE Dignity on Wheels October 2021 report.

In addition to working closely with the above service providers, City departments continued to collaborate in providing assistance to the unhoused residents as well as addressing the health and safety of the community. For a summary of the various activities and services for Milpitas unhoused residents as described above, refer to Attachment 1 and 4 for the September and October 2021 reports for unhoused services, respectively.

Fiscal Impact:

There is no fiscal impact to the City budget other than staff time related to this item.

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).

Recommendation:

Receive September and October 2021 report for unhoused services.

Attachments:

1. September 2021 report for unhoused services
2. September 2021 HEAT Team report
3. September 2021 WeHOPE Dignity on Wheels report
4. October 2021 report for unhoused services
5. October 2021 HEAT Team report
6. October 2021 WeHOPE Dignity on Wheels report

SEPTEMBER 2021 REPORT FOR UNHOUSED SERVICES												
Outreach Location	Type	Jurisdiction	Unhoused Count	Date Counted	Date Referred	Clients Enrolled	Date Enrolled	Clients Assessed	Date Assessed	Clients Housed	Date Housed	Notes
1. Hillview Bridge	Encampment	Valley Water			2/26/2021							
2. Topaz Street 1	Encampment	City			N/A							
3. Serra Center	Encampment	Private Property			3/26/2021							
4. Ocean Supermarket	Encampment	Private Property			N/A							
5. Dixon Road 1	Encampment	City			3/25/2021							
6. Dixon Road 2	RV Vehicles	City			3/25/2021							
7. Calaveras Blvd Overpass	Encampment	City			3/19/2021							
8. Dempsey Road 1	Encampment	City			3/25/2021							
9. Sinclair Frontage Road	Encampment	Union Pacific Railroad	1	9/15/2021	3/25/2021	1	9/15/2021	1	9/15/2021			
10. Yosemite Business Park	Encampment	Private Property			3/25/2021							
11. Gibraltar Court	Trailers	City			3/25/2021							
12. Topaz Street 2	Encampment	City	2	9/13/2021	3/25/2021	2	9/13/2021	2	9/13/2021			
13. Railroad Court	Camp/Trailers	City	1	9/28/2021	3/25/2021	1	9/28/2021	1	9/28/2021			
14. Abel Plaza	Encampment	Private Property			3/25/2021							
15. S. Main Street	Encampment	City			3/25/2021							
16. S. Abbott Avenue	Encampment	City (if on street) or County (if on County property)			3/25/2021							
17. W. Calaveras Blvd	Encampment	City			3/25/2021							
18. Ethyl Court	Camp/Cars	City			3/25/2021							
19. Hammond Way	Cars/Trailers	City			3/25/2021							
20. Coyote Creek Trail 1	Encampment	Valley Water			3/25/2021							
21. Coyote Creek Trail 2	Encampment	Valley Water			3/25/2021							
22. Coyote Creek Trail 3	Encampment	Valley Water			3/25/2021							
23. Calaveras Plaza Shopping Center	Outreach (contact made in non-encampment setting)	N/A			N/A							
24. Dignity on Wheels Mobile Shower and Laundry	Outreach (contact made in non-encampment setting)	N/A	3	9/19/2021	N/A	3	9/19/2021	3	9/19/2021			
25. Dixon Landing Shopping Center	Outreach (contact made in non-encampment setting)	N/A			N/A							
26. Great Mall	Outreach (contact made in non-encampment setting)	N/A			N/A							
27. Milpitas Library	Outreach (contact made in non-encampment setting)	City			N/A							
28. Main Street	Outreach (contact made in non-encampment setting)	N/A			N/A							
29. Other (Street, Panhandle, Vehicle Dweller, or Unidentified Location)	Outreach (contact made in non-encampment setting)	N/A			N/A							
30. Dempsey Road 2	Encampment	Private Property			N/A							
31. Serra Center	Outreach (contact made in non-encampment setting)	N/A			N/A							
32. E. Calaveras Blvd	Outreach (contact made in non-encampment setting)	N/A			N/A							
33. Dempsey Road 3	Outreach (contact made in non-encampment setting)	Private Property			N/A							
34. Galaxy Court	Outreach (contact made in non-encampment setting)	City			N/A							
35. Ranch Drive	Outreach (contact made in non-encampment setting)	City			N/A							
36. Jacklin Rd	Car	City	2	9/7/2021	N/A	2	9/7/2021	2	9/7/2021			
37. Folsom Ct	Outreach (contact made in non-encampment setting)	City	1	9/15/2021	N/A	1	9/15/2021	1	9/15/2021			
38. Other (near Extended Stay)	Outreach (contact made in non-encampment setting)	City	1	9/15/2021	N/A			1	9/15/2021			
39. S. Park Victoria	Outreach (contact made in non-encampment setting)	City	1	9/17/2021	N/A	1	9/17/2021	1	9/17/2021			
40. O'Toole Elms Park	Outreach (contact made in non-encampment setting)	City	1	9/24/2021	N/A	1	9/24/2021	1	9/24/2021			
Total			13			12		13				

WeHOPE Dignity on Wheels Mobile Shower and Laundry	Session Location	Service Dates	Number of Sessions	Total Unduplicated Individuals Served	Showers Provided	Loads of Laundry Provided
	Milpitas Library	9/5/2021, 9/12/2021, 9/19/2021, 9/26/2021	4	52	80	35

Santa Clara County Office of Supportive Housing
 Abode Services
 Milpitas HEAT Team
 September Report

In September, Abode's HEAT outreach team was deployed to various encampments within the City of Milpitas and was also deployed to engage with transient unhoused individuals on the street level as well. The team continued to coordinate outreach efforts at new locations to locate and identify unhoused individuals in need of supportive services, through a collaborative effort between the City of Milpitas, Milpitas Police Department, the Office of Supportive Housing (OSH), and local community advocates.

In September, Abode's HEAT team successfully enrolled 12 new clients and completed 13 assessments. In addition, on September 19th, the HEAT outreach team supported the Dignity on Wheels event to connect with eligible participants in need of a Vi-SPDAT or other collateral services. Ultimately, the HEAT team administered 3 Vi-SPDAT assessments during the event and provided resources, as well as, basic needs items (food, clothing, hygiene) to those that attended the event.

Throughout September, the team continued to coordinate care with the OSH clinical team to better support new and previously enrolled participants with high mental health acuity to support them in stabilizing various domains of their life. In addition, HEAT staff continued to facilitate linkage to employment stability programs, backpack medical services for medically acute individuals, provided Uplift bus passes to support with transportation needs, and shelter referrals.

The following table reflects the number of outreach contacts, the total number of unhoused enrolled into the SCC HEAT program, as well as the number of VI-SPDAT assessments administered:

Milpitas HEAT Contact, Enrolled, Assessed
 Clients: September 2021

Outreach Location	Outreach Contact	Enrolled	Assessments
Milpitas Vehicle Dweller- 24 Hour Fitness Jacklin Rd.	2	2	2
9/7/21	2	2	2
Milpitas Encampment- Topaz Street 8	2	2	2
9/13/21	2	2	2
Milpitas Encampment- Sinclair Frontage 5	1	1	1
9/15/21	1	1	1
Milpitas Outreach- Folsom Ct.	1	1	1
9/15/21	1	1	1
Milpitas Outreach-Other-Extended Stay	1	0	1
9/15/21	1	0	1
Milpitas Outreach- S Park Victoria	1	1	1
9/17/21	1	1	1
Milpitas Outreach – Dignity on Wheels	3	3	3

9/19/21	3	3	3
Milpitas Outreach- O'Toole Elms Park	1	1	1
9/24/21	1	1	1
Milpitas Vehicle Dweller- Railroad 9	1	1	1
9/28/21	1	1	1
Grand Total	13	12	13

Milpitas Outreach= Contact made with client in non-encampment setting

Milpitas Encampment= Contact made at a location where a tent and/or other structures are used as shelter



Reporting Period		Total unduplicated individuals served during reporting period			Total unduplicated individuals served during contract term					Total Field Visits this month							
9/1/2021-9/30/2021		52			102					88							
								Age (for Field Visits)									
Session Locations		Service Date(s)	Hours	Unduplicated Individuals at Sessions	Showers Provided	Loads of Laundry Provided	>19	20-29	30-39	40-49	50-59	60-69	70-79	80+	Doesn't Know or Refused		
TOTALS FOR MONTH			16 hours	52	80	35	0	0	22	29	21	14	0	2	0		
Sundays		9/5/2021															
		9/12/2021															
		9/19/2021															
		9/26/2021															
Gender (unduplicated)						Ethnicity (for Field Visits)							Race (for Field Visits)				
Male	Female	Trans Female (M to F)	Trans Male (F to M)	Gender Non-Conforming	Doesn't Know or Refused	White	Black of African American	Asian	American Indian or Alaskan Native	Native Hawaiian or Other Pacific Islander	Multiple Races	Doesn't Know or Refused	Non-Hispanic/Non-Latino	Hispanic/Latino	Doesn't Know or Refused		
37	15	0	0	0	0	12	4	12	8	0	2	50	15	1	72		

OCTOBER 2021 REPORT FOR UNHOUSED SERVICES												
Outreach Location	Type	Jurisdiction	Unhoused Count	Date Counted	Date Referred	Clients Enrolled	Date Enrolled	Clients Assessed	Date Assessed	Clients Housed	Date Housed	Notes
1. Hillview Bridge	Encampment	Valley Water	1	10/20/2021	2/26/2021	1	10/20/2021	1	10/20/2021			
2. Topaz Street 1	Encampment	City			N/A							
3. Serra Center	Encampment	Private Property			3/26/2021							
4. Ocean Supermarket	Encampment	Private Property			N/A							
5. Dixon Road 1	Encampment	City			3/25/2021							
6. Dixon Road 2	RV Vehicles	City			3/25/2021							
7. Calaveras Blvd Overpass	Encampment	City			3/19/2021							
8. Dempsey Road 1	Encampment	City			3/25/2021							
9. Sinclair Frontage Road	Encampment	Union Pacific Railroad			3/25/2021							
10. Yosemite Business Park	Encampment	Private Property	2	10/7/2021, 10/11/2021	3/25/2021	2	10/7/2021, 10/11/2021	2	10/7/2021, 10/11/2021			
11. Gibraltar Court	Trailers	City			3/25/2021							
12. Topaz Street 2	Encampment	City			3/25/2021							
13. Railroad Court	Camp/Trailers	City	1	10/19/2021	3/25/2021	1	10/19/2021	1	10/19/2021			
14. Abel Plaza	Encampment	Private Property			3/25/2021							
15. S. Main Street	Encampment	City			3/25/2021							
16. S. Abbott Avenue	Encampment	City (if on street) or County (if on County property)			3/25/2021							
17. W. Calaveras Blvd	Encampment	City			3/25/2021							
18. Ethyl Court	Camp/Cars	City			3/25/2021							
19. Hammond Way	Cars/Trailers	City			3/25/2021							
20. Coyote Creek Trail 1	Encampment	Valley Water			3/25/2021							
21. Coyote Creek Trail 2	Encampment	Valley Water			3/25/2021							
22. Coyote Creek Trail 3	Encampment	Valley Water			3/25/2021							
23. Calaveras Plaza Shopping Center	Outreach (contact made in non-encampment setting)	N/A			N/A							
24. Dignity on Wheels Mobile Shower and Laundry	Outreach (contact made in non-encampment setting)	N/A	2	10/24/2021	N/A	2	10/24/2021	2	10/24/2021			
25. Dixon Landing Shopping Center	Outreach (contact made in non-encampment setting)	N/A			N/A							
26. Great Mall	Outreach (contact made in non-encampment setting)	N/A			N/A							
27. Milpitas Library	Outreach (contact made in non-encampment setting)	City	1	10/20/2021	N/A	1	10/20/2021	1	10/20/2021			
28. Main Street	Outreach (contact made in non-encampment setting)	N/A			N/A							
29. Other (Street, Panhandle, Vehicle Dweller, or Unidentified Location)	Outreach (contact made in non-encampment setting)	N/A			N/A							
30. Dempsey Road 2	Encampment	Private Property			N/A							
31. Serra Center	Outreach (contact made in non-encampment setting)	N/A			N/A							
32. E. Calaveras Blvd	Outreach (contact made in non-encampment setting)	N/A			N/A							
33. Dempsey Road 3	Outreach (contact made in non-encampment setting)	Private Property			N/A							
34. Galaxy Court	Outreach (contact made in non-encampment setting)	City			N/A							
35. Ranch Drive	Outreach (contact made in non-encampment setting)	City			N/A							
36. Jacklin Rd	Car	City			N/A							
37. Folsom Ct	Outreach (contact made in non-encampment setting)	City			N/A							
38. Other (near Extended Stay)	Outreach (contact made in non-encampment setting)	City			N/A							
39. S. Park Victoria	Outreach (contact made in non-encampment setting)	City			N/A							
40. O'Toole Elms Park	Outreach (contact made in non-encampment setting)	City			N/A							
41. America's Best Value Inn	Outreach (contact made in non-encampment setting)	Private Property	2	10/26/2021		2	10/26/2021	2	10/26/2021			
Total			9			9		9				

WeHOPE Dignity on Wheels Mobile Shower and Laundry	Session Location	Service Dates	Number of Sessions	Total Unduplicated Individuals Served	Showers Provided	Loads of Laundry Provided
	Milpitas Library	9/3/2021, 10/10/2021, 10/17/2021, 10/24/2021, 10/31/2021	5	52	88	43

Santa Clara County Office of Supportive Housing
 Abode Services
 Milpitas HEAT Team
 October 2021 Report

In October, the Abode HEAT staff provided outreach services to various unhoused individuals located throughout the city of Milpitas that were living in vehicles and encampments. Throughout the month, the HEAT team responded to various referrals in collaboration with the Milpitas Police department and the city of Milpitas to mitigate public health, safety concerns, and support city restorations objectives in community. The HEAT teams' focal point was to support vulnerable homeless individuals in completing the Vi-SPDAT and to refer eligible households to Santa Clara County's Coordinated Entry System for supportive housing eligibility, as well as, to link participants to various supportive services conducive for mental health stability and wellbeing.

Throughout the month of October, the Abode HEAT staff continued to coordinate outreach efforts at new locations to locate and identify new vulnerable homeless households in need of supportive services. The Abode HEAT staff enrolled 9 new clients and completed 9 assessments in October. In addition, the Abode HEAT staff was present at the October 24th Dignity on Wheels event where staff provided basic need items to all participants that attended. The team utilized housing problem techniques to support a homeless couple in completing the Vi-SPDAT assessment and linked them to other collateral services. In total, the HEAT team administered 2 Vi-SPDAT assessments during the event.

In conclusion, the Abode HEAT staff, continued to coordinate care and collaborate with various community-based organizations to better support the unhoused with specialized services. HEAT staff continued to coordinate care for participants with high mental health acuity with the OSH clinical team and facilitated linkage to various outpatient providers, which included the VHHP program for medically acute individuals and employment stability programs. The HEAT staff supported the unhoused in overcoming transportation barriers by providing quarterly Uplift bus passes to better support them in managing their basic needs and medical appointments.

The following table reflects the number of outreach contacts, the total number of unhoused enrolled into the SCC HEAT program, as well as the number of Vi-SPDAT assessments administered:

Milpitas HEAT Contact, Enrolled, Assessed Clients: October

Outreach Location	Outreach Contact	Enrolled	Assessments
Milpitas Encampment- Yosemite 6	2	2	2
10/7/21	1	1	1
10/11/21	1	1	1
Milpitas Outreach- Railroad Court #9	1	1	1
10/19/21	1	1	1
Milpitas Outreach- Milpitas Library	1	1	1
10/20/21	1	1	1
Milpitas Encampment-Hillview/Berryessa bridge.	1	1	1
10/20/21	1	1	1

Milpitas Outreach-Dignity on Wheels	2	2	2
10/24/21	2	2	2
Milpitas Outreach- Americas Beset Value Inn	2	2	2
10/26/21	2	2	2
Grand Total	9	9	9

Milpitas Outreach= Contact made with client in non-encampment setting

Milpitas Encampment= Contact made at a location where a tent and/or other structures are used as shelter

Reporting Period		Total unduplicated individuals served during reporting period			Total unduplicated individuals served during contract term			Total Field Visits this month							
10/1/2021-10/31/2021		52			92			89							
								Age (for Field Visits)							
Session Locations		Service Date(s)	Hours	Unduplicated Individuals at Sessions	Showers Provided	Loads of Laundry Provided	>19	20-29	30-39	40-49	50-59	60-69	70-79	80+	Doesn't Know or Refused
TOTALS FOR MONTH			20 hours	52	88	43	0	0	18	21	29	19	2	0	0
Sundays	10/3/2021														
	10/10/2021														
	10/17/2021														
	10/24/2021														
	10/31/2021														
Gender (unduplicated)						Ethnicity (for Field Visits)							Race (for Field Visits)		
Male	Female	Trans Female (M to F)	Trans Male (F to M)	Gender Non-Conforming	Doesn't Know or Refused	White	Black of African American	Asian	American Indian or Alaskan Native	Native Hawaiian or Other Pacific Islander	Multiple Races	Doesn't Know or Refused	Non-Hispanic/Non-Latino	Hispanic/Latino	Doesn't Know or Refused
37	15	0	0	0	0	18	3	7	12	0	1	48	12	7	70



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Action on a Resolution Acknowledging Receipt by City Council of a State Mandated Compliance Report on Required Annual Fire Inspection of Certain Occupancies.
Category:	Consent Calendar-Public Safety
Meeting Date:	12/14/2021
Staff Contact:	Albert Zamora, 408-586-3371
Recommendations:	Adopt a Resolution acknowledging receipt of the report herein by the Milpitas Fire Department regarding the inspection of certain occupancies requiring annual inspections pursuant to sections CA HSC §13146.2 and §13146.3 of the CA Health and Safety Code.

Background:

Senate Bill 1205 (SB 1205) adopted CA HSC §13146.4, which became effective in September 2018, enhanced an existing law that required every city, county or district fire department providing fire protection services to annually inspect specific residential occupancies, including hotels, motels, apartment houses, and similar occupancies for compliance with building standards, within the jurisdiction (CA HSC §13146.2). Existing law also requires annual inspection of every building used as a K-12th grade public or private school within the jurisdiction (CA HSC §13146.3). SB-1205 creates a new mandatory process whereby fire departments must report annually to their governing authority regarding compliance with safety inspection requirements. SB-1205 further requires the governing authority to acknowledge receipt of the report via resolution or another similar formal document. Within the City of Milpitas, for the calendar year 2020, there were 271 occupancies required to be inspected under the current state regulations.

Analysis:

Senate Bill 1205 requires an inspection status report to be given to Council during its annual budget discussion (or at another time determined by Council), and that Council acknowledge receipt of the report in the manner described above.

As part of the reporting requirements, the Milpitas Fire Department is pleased to report the completion of 96% of residential type occupancy inspections and the completion of 83% of school type occupancy inspections for the calendar year 2020.

It should be noted that due to the Covid-19 Pandemic in calendar year 2020, certain schools and multi-residential facilities were closed and not accessible for their respective annual inspections.

2020 Inspection Status Report Data

Occupancy Type	No. of Facilities	Inspections Performed	% Completion
Public and Private Schools	24	20	83
Residential Occupancies: Apartment Houses, Hotels/Motels, and other Similar Residential Occupancies.	247	237	96

Policy Alternative(s):

California Senate Bill SB1205 was approved and signed into State Law by the Governor of the State of California on September 27, 2018. Therefore, there is no Policy Alternative.

Fiscal Impact:

Section 66014 of the California Government Code as referenced in the Health & Safety Code Section 13146, as well as the 2019 California Fire Code Sections 1.11.2.1.1, and Section 106.2, allows fire departments to charge fees for permit, inspection, and enforcement activities. The City Council has previously approved a cost recovery mechanism for the inspection mandates in the form of inspection fees as allowed by the Health and Safety Code. Receiving this report has no fiscal impact.

California Environmental Quality Act:

The action being considered does not constitute a project within the meaning of the CA Environmental Quality Act (CEQA) guidelines section 15378(a) as it is not a potential for resulting in either a direct physical change in the environment, nor a reasonably foreseeable indirect physical change in the environment.

Recommendations:

Adopt a Resolution acknowledging receipt of the report herein by the Milpitas Fire Department regarding the inspection of certain occupancies requiring annual inspections pursuant to sections CA HSC §13146.2 and §13146.3 of the CA Health and Safety Code.

Attachments:

SB1205 Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA
ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE MILPITAS FIRE DEPARTMENT
REGARDING THE INSPECTION OF CERTAIN OCCUPANCIES REQUIRING ANNUAL INSPECTIONS
IN SUCH OCCUPANCIES PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA
HEALTH AND SAFETY CODE.**

WHEREAS, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018;

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments, including Milpitas Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, apartment house, and other similar residential-type occupancies for compliance with building standards, as provided; and

WHEREAS, California Health & Safety Code Section 13146.4 requires all fire departments, including the Milpitas Fire Department, that provides fire protection services to report annually to its administering authority in its compliance with Section 13146.2 and 13146.3; and

WHEREAS, the City Council intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgement of the Milpitas Fire Department's compliance with California Health and Safety Code Sections 13146.2 and 13146.3

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

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.

PASSED AND ADOPTED this 14th 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 Diaz, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program
Category	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	12/14/2021
Staff Contact:	Tony Ndah, Public Works Director, 408-586-2602
Recommendation:	Approve and Authorize the City Manager to execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program.

Background:

California is experiencing its second dry year in a row where Sierra Nevada snowpack, the source of nearly one-third of the state's water, was 59% of the historical average on April 1, 2021. Exasperating the issue is that much of the snowmelt that came from this snowpack has soaked into the ground rather than run into rivers and reservoirs. These conditions have prompted state and local water regulators, including both of the City's water suppliers (Valley Water And San Francisco Public Utilities Commission), to call for water conservation measures.

On June 9, 2021, the Valley Water Board of Directors adopted a resolution calling for mandatory water use reductions equivalent to a 15% reduction compared to 2019. On July 8, 2021, Governor Newsom declared a drought emergency in Santa Clara County and called on Californians to voluntarily reduce water consumption by 15% from 2020 levels. On November 23, 2021 San Francisco Public Utilities Commission (SFPUC) declared a water shortage emergency and is calling for a voluntary reduction of 10% from 2020 levels. The various water conservation goals are summarized in the table below.

Water Conservation Goals by Agency

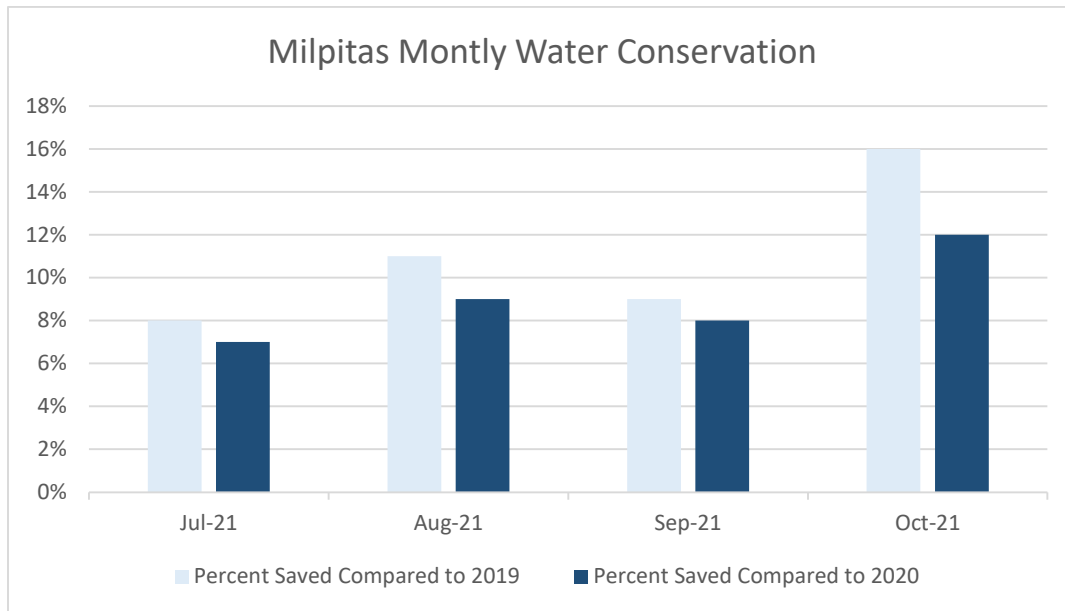
	Valley Water	SFPUC	State
Base Year	2019	2020	2020
Conservation Target	15% Mandatory	10% Voluntary	15% Voluntary

On August 5th, the City Council adopted Ordinance No. 240.7 Relating to the Water Shortage Contingency Plan and declared a Water Shortage Level 2 Drought Emergency, requiring residents and businesses to abide by the City's permanent water waste restrictions and to reduce outdoor watering to 3-days a week in order to achieve a water conservation goal of 11% to 20% compared to 2020.

The City's current program includes water conservation public outreach and education, water-efficient and sustainable landscape classes and workshops, installation of water refill stations, water use customer portal, and cost-sharing in Valley Water's landscape and rainwater harvesting programs that increase the eligible rebate amount for Milpitas participants. On August 9, the City Council, based on a request from Councilmember Chua directed staff to bring back for Council approval an increase to the City's rebate program to match Sant Clara Valley Water District's two dollars rebate increase and look into expanding the "Lawn Buster" program to more residents based on income. On October 19th, the City Council authorized the City manager to execute an amendment to the City's agreement with Valley Water to expand the City's cost-sharing amounts for water efficiency rebates and to expand the Lawn Busters Program provided by Valley

Water to qualified participants. That program is administered by Our City Forest and funded by Valley Water. It targets people who would not otherwise be able to afford a lawn conversion project.

Since the City Council declared the Level 2 Drought Emergency, Milpitas residents and businesses have steadily increased their water conservation efforts. In October, Milpitas used 16% less water compared to 2019 and 12% less water compared to 2020.



As winter approaches, the outlook for rain and snow remains questionable and drought conditions may continue. Ongoing water conservation will continue to be critical to ensuring adequate water supplies are available. Outdoor water use provides the single biggest potential source of untapped water savings. About half of the water use in a typical home is used for outdoor landscaping. Converting lawns to drought-tolerant plants can save approximately 34 gallons per sq. ft per year. Applying these water savings to an average lawn size results in conserving the amount of water in three 12 by 24 ft. swimming pools.

Analysis:

Staff have been working with Valley Water and Our City Forest to develop a Milpitas specific turn-key lawn conversion pilot program. Under the proposed agreement, Our City Forest will administer the Lawn Bust Milpitas Pilot and will convert up to 20,000 square feet of high-water using turf to drought-tolerant plants (replacing the lawns of 20-25 single-family homes). This Pilot program will be available on first-come first-serve basis to any interested Milpitas single-family home owner. If the pilot exceeds demand, a waiting list will be established.

Our City Forest will administer the program and provide approved participants with the following services:

- Tailored landscape design featuring native, drought-friendly alternate landscape
- Covering of the existing lawn and vegetation utilizing sheet mulching and capping off existing irrigation systems
- Installation of drought-tolerant garden per approved design and instructions for ongoing maintenance, including hand watering

Participants in the pilot will have the option to choose between three landscape design packages and will pay a good faith deposit amount based on the package chosen:

- Basic Package: \$100 deposit, includes replacing the lawn with groundcovers and native grasses
- Urban Forest Garden: \$250 deposit, incorporates trees and flowering shrubs.

- Premium Oasis: \$500 deposit, includes different mulch types for an additional cost and a more custom design.

Under this program, Our City Forest will not be installing a new irrigation system due to long-term maintenance liability and homeowners will be provided with instructions for proper ongoing hand watering. Homeowners who want to include a new irrigation system in their project will need to pay for the additional service separately, or can choose to participate in the traditional Lawn Conversion Rebate Program where they can hire their own landscape professional or complete the project on their own.

Our City Forest has proposed an overall program cost of \$6 per square foot of converted lawn. For a total cost of \$120,000. Through the City's amended cost-sharing agreement with Valley Water, Valley Water has agreed to pay its share of the lawn conversion rebate amount directly to the City to offset direct program costs. This would eliminate the need for the program participant to pay for part of the conversion costs to Our City Forest and apply for a rebate through Valley Water. Valley Water's will contribute \$2 per square foot converted toward the Lawn Bust Milpitas for a total not to exceed \$40,000.

Next Steps:

Upon execution of the agreement, City staff will begin working with Our City Forest to develop program materials and an outreach plan. This will include a custom website for the program, flyers, and social media engagement. Key project milestones include:

Task	Schedule
Develop Program website and outreach materials	Jan 2022
Begin outreach and accept applications	Jan 2022 and ongoing
First 2 site visits and conversions scheduled	Jan/Feb 2022
Conduct site visits and schedule conversions	Monthly (planting paused July/August due to heat)
Program Evaluation and Report to Council	No later than December 2022

Policy Alternatives:

Alternative 1: City Council does not approve of expanding the Water Conservation Program to include the Lawn Bust Milpitas Pilot.

Pros: City would have cost savings by not spending funds on these programs.

Cons: City would not provide additional services to help residents save water.

Reason not recommending: This alternative is not recommended because expanding the Water Conservation Program will provide financial and project assistance to help Milpitas residents implement ongoing water conservation measures, which will help the City to meet state-mandated water conservation targets and reduce water use in drought periods.

Fiscal Impact:

The estimated not-to-exceed City cost for the pilot will not exceed \$120,000 in FY 2021-2022 with up to \$40,000 to be reimbursed by Valley Water. Funding for this is available in CIP #7126, Water Conservation Program. As of December 08, 2021, the balance in CP7126 is at \$216,581. Future funding needs to continue this program beyond the pilot would be brought forward for Council consideration as part of the annual budget development process.

California Environmental Quality Act:

This action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15301 as the maintenance of existing landscaping with no expansion of use. It is also exempt pursuant to CEQA Guideline 15304 as it involves new landscaping including the replacement of existing conventional landscaping with water efficient landscaping as explicitly acknowledged at CEQA Guideline 15304(b).

Recommendation:

Authorize the City Manager to execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program.

Attachments:

1. Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program.

**CITY OF MILPITAS
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as of [REDACTED], 20[REDACTED] (“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 OUR CITY FOREST, a non-profit 501(c)(3) organization incorporated in the State of California with its principal place of business at 1195 Clark Street, San Jose, CA 95125 (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:

Administration and Implementation of Lawn Bust Milpitas Program (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 **\$ One Hundred and Twenty Thousand Dollars [\$120,000.00]**. 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 **December 1, 2021** to **December 31, 2022**, unless earlier terminated as provided herein. The City reserves the right to review the Consultant's performance at the end of each year and cancel all or part of the Agreement.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit D (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is One Thousand Dollars and Zero Cents (\$1,000.00) or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or

interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.

16. Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for

which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

c. The Consultant understands and accepts that at all times; the Agreement is subject to appropriation of funds by the Milpitas City Council. The Agreement may terminate without penalty, liability or expense of any kind to the City at the end of Agreement term. The City has no obligation to make appropriations for the Agreement in lieu of appropriations for new or other contracts. City budget decisions are subject to the discretion of the Mayor and City Council. Consultant's assumption of risk of possible non-appropriation is a part of the consideration for the Agreement. This section controls against any and all other provisions of the Agreement.

17. Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

18. Organization

Consultant shall assign Gabby Fitts as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

19. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

20. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Milpitas

1265 N. Milpitas Blvd.

Milpitas, California 95035

Attn: Elaine Marshall,

Deputy Public Works Director

CONSULTANT:

Our City Forest

1195 Clark Street, San Jose, CA 95125

Attn: Gabby Fitts

Director of Field Operations

and shall be effective upon receipt thereof.

21. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

22. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

23. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

24. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

25. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

26. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

27. Time of Essence

Time is of the essence for each and every provision of this Agreement.

28. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

29. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

30. Wage Theft Prevention

a. Consultant, and any subconsultant it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

b. BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONSULTANT OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONSULTANT AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONSULTANT OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

c. If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Consultant or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Consultant learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Consultant shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Consultant or its subconsultant(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Consultant or its subconsultant is subject to a payment or other alternative plan, the Consultant or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

e. Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

f. Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND OUR CITY FOREST**

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:

Tony Ndah, Public Works Director

OUR CITY FOREST

Signature

Name

Title

Date

DIR Registration Number (If Applicable)

EXHIBIT A

Scope of Services

Lawn Bust Milpitas

CONSULTANT will administer the Lawn Bust Milpitas Pilot, a turn-key lawn make-over program for residential homeowners in Milpitas. The pilot will convert-up to 20,000 square feet of high-water using turf to drought-tolerant plants and complete an estimated 20 single family home lawn conversions. Services provided by CONSULTANT will include the following: Program Administration, Program Promotion, Site Consultation and Selection, Landscape Design and Installation, Customer Training, and Reporting. All completed conversion projects will meet Valley Water's Landscape Conversion Requirements (<https://scvwd.dropletportal.com/landscape-conversion-requirements>).

Program Administration

1. CONSULTANT will handle all program administrative functions including project management, schedule, customer service, records and document management. CONSULTANT will meet with City staff on a regular basis and provide project status reports and updates. OFC will provide all necessary staffing for the duration of the project. All inquiries will be responded to within five working days.

Program Promotion

1. CONSULTANT will set up an online website that will include at least the following information:
 - Program Description
 - Program Eligibility Criteria
 - Frequently Asked Questions
 - Example Lawn Conversions with clear descriptions
 - Link for residents to submit online applications
 - Contact information (phone and email) for inquiries
2. CONSULTANT will help create a custom flyer advertising the program
3. All program materials will be reviewed and approved by City staff.

Site Consultation and Selection

1. CONSULTANT will accept applications and will review for eligibility. CONSULTANT will follow up with interested applicants within 5 working days of application receipt.
2. CONSULTANT will evaluate sites and ensure that the site meets the program's requirements.
 - a. Eligibility criteria to be developed with and approved by City staff and will include at least the following:
 - b. Projects must be located within the City of Milpitas
 - c. Project applicant must be the homeowner
 - d. Project will service only single-family homes

- e. The conversion area must also be visible to others (ex: front yard).
 - f. Approved project cannot participate in or apply for Valley Water's Landscape Conversion Rebate.
 - g. Converted projects will not include irrigation, and all plantings will require hand watering for ongoing maintenance
 - h. Homeowner must agree to maintain the converted garden in healthy condition
3. CONSULTANT will meet with applicant to conduct a site survey to review potential lawn conversion, discuss the design options and preferences, and program conditions.
 4. Upon confirmation of eligibility and homeowner's willingness to agree to program conditions, CONSULTANT will formally notify applicants that the project is approved and follow up with approved applicants to complete the Homeowner and Stewardship Agreements before starting any design or construction.
 5. CONSULTANT will complete a tailored landscape drought-tolerant garden design based on the landscape package chosen by the homeowner and will prioritize incorporating native plants where applicable.
 - a. CONSULTANT will offer three landscape design packages and will collect a good faith deposit amount based on the package chosen:
 - i. Basic Package: \$100 deposit, includes replacing the lawn with groundcovers and native grasses
 - ii. Urban Forest Garden: \$250 deposit, incorporates trees and flowering shrubs.
 - iii. Premium Oasis: \$500 deposit, includes different mulch types for an additional cost and a more custom design.

CONSULTANT will present the final design, which will include a proposed detailed installation schedule, for homeowner approval.

6. Upon homeowner approval of design and schedule, CONSULTANT will take all actions needed to complete the conversion project according to approved design and schedule, including but not limited to :
 - a. Covering of the existing lawn and vegetation utilizing sheet mulching
 - b. Capping of existing irrigation system
 - c. Installation of new plants and mulch
7. CONSULTANT will provide homeowners with detailed instructions for ongoing maintenance.
8. CONSULTANT will schedule follow-up visits to ensure the plants are healthy. These will be conducted one (1), three (3), and five (5) weeks after installation.

Reporting

1. CONSULTANT will provide City access to a live project queue sheet that outlines the active project site details. This list will include the application date, site survey date, approval date, site address, customer name, contact information, square feet to be converted, and completion date. CONSULTANT will also provide monthly status updates to the City.
2. CONSULTANT will invoice the City of Milpitas on a bi-annual basis for completed projects. With the invoice, CONSULTANT will include the following data for each project:
 - 1) Participants Full Name
 - 2) Contact information, including email and phone number
 - 3) Site Address
 - 4) Approximate turf conversion area
 - 5) Existing Irrigation System (yes/no)
 - 6) First Contact Date
 - 7) Conversion Date
 - 8) Confirmed Lawn Size
 - 9) Landscape Design Package Selected by Homeowner
 - 10) Deposit Amount Paid by Homeowner
 - 11) Amount Due from City
 - 12) Verified Project Completion with site owner
 - 13) Post Inspection: verified plant health; functioning irrigation system
 - 14) Plant List for project site
 - 15) Photos from sites, pre-and post-installation
3. CONSULTANT will complete all the pilot projects by December 31, 2022.

EXHIBIT B

Schedule of Charges/Payments

CITY agrees to pay CONSULTANT the amounts specified below (not to exceed a total amount of \$120,000) during the term of this agreement for completed and verified lawn conversions:

- \$6 per square foot for replacing turf with climate-appropriate landscaping. The total amount payable for turf replacement shall not exceed 20,000 square feet of converted landscape by December 31, 2022.

EXHIBIT C

Activity Schedule

PROPOSED PROJECT SCHEDULE

December 2021: Website and Outreach Materials published
January 2022: First 2 site visits completed & conversions scheduled
February 2022: 2 site visits & conversions scheduled and completed
March 2022: 2 site visits & conversions scheduled and completed
April 2022: 2 site visits & conversions scheduled and completed
May 2022: 2 site visits & conversions scheduled and completed
June 2022: 2 site visits & conversions scheduled and completed
July 2022: All plantings paused for extreme heat.
August 2022: All plantings paused for extreme heat.
September 2022: 2 site visits & conversions scheduled and completed
October 2022: 2 site visits & conversions scheduled and completed
November 2022: 2 site visits & conversions scheduled and completed
December 2022: 2 site visits & conversions scheduled and completed. Program wrap up

EXHIBIT “D”

INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an “X” indicated in the space before the requirement apply to Contractor’s or Consultant’s Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor’s or Consultant’s insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

___ Coverage at least as broad as Insurance Services Office (“ISO”) Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

__X__ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

___ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

X Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

 Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

 Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

 X Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

 (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

 Insurance appropriate to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

 X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

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 noncontributory 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.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept Commissioner Resignations
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/14/2021
Staff Contact:	Wendy Wood, City Clerk, 408-586-3001
Recommendation:	Accept the resignations of Commissioner Darl Travis from the Veterans Commission and Ricky Davis from the Homelessness Task Force; and confirm the noticing of the unscheduled vacancies.

Background:

In accordance with the City of Milpitas Commission By-Laws, any member or alternate member of a Commission who is no longer available to serve must submit a resignation in writing by sending a written communication to the Mayor and the City Clerk, per adopted City Council Resolution No. 7702. The written resignation must then be accepted and confirmed by City Council via action on the consent calendar at a regularly scheduled City Council meeting. Darl Travis submitted his resignation from the Veterans Commission on December 2, 2021, and Ricky Davis submitted his resignation from the Homelessness Task Force on December 8, 2021.

Analysis:

By state law, a Notice of an Unscheduled Vacancy must be posted by the City Clerk to advertise the vacant Commission seat. Final appointment to the board, commission, or committee for the Unscheduled Vacancy shall not be made by the legislative body for at least ten working days after the posting of the notice in the Clerk's office. The notice of the Unscheduled Vacancy for the Veterans Commission was posted December 2, 2021 and notice of the Unscheduled Vacancy for the Homelessness Taskforce was posted on December 10, 2021, in accordance with California Government Code 54974 (a).

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

Accept the resignations of Darl Travis from the Veterans Commission and Ricky Davis from the Homelessness Task Force and confirm the noticing of the unscheduled vacancies.

Attachments:

1. Emails from Commissioner Darl Travis and Ricky Davis

Wendy Wood

Subject: FW: Milpitas Veterans Commission

From: Darl Travis

Sent: Thursday, December 2, 2021 9:38 AM

To: Wendy Wood <wwood@ci.milpitas.ca.gov>

Subject: Milpitas Veterans Commission

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Ms. Wood:

Please accept this email as my formal resignation from the City of Milpitas Veterans Commission.

I am grateful for the opportunity to serve, and wish the commission continued success.

Sincerely,

Darl I Travis

Wendy Wood

Subject: FW: Milpitas Homelessness Task Force

From: Ricky Davis
Sent: Wednesday, December 8, 2021 10:09 AM
To: Sharon Goei <sgoei@ci.milpitas.ca.gov>
Subject: Re: Milpitas Homelessness Task Force

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

I will have to withdraw from the task force I do not have the ability to be on it anymore

From: Sharon Goei
Sent: Tuesday, December 7, 2021 11:41 AM
To: Ricky Davis <ricky.duane.davis@gmail.com>
Cc: Adam Marcus <amarcus@ci.milpitas.ca.gov>; Robert Musallam <rmusallam@ci.milpitas.ca.gov>
Subject: RE: Milpitas Homelessness Task Force

Hi Ricky,

Just following up. Please let us know. Thanks.

Sharon



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/14/2021
Staff Contact:	Christopher J. Diaz, City Attorney, (408) 586-3040
Recommendation:	Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

Background:

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended, allowing Councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum present in the jurisdiction. As the Council is well aware, this allowed all City Council meetings and other meetings of legislative bodies of the City to be conducted by Zoom with councilmembers, commission members, committee members, and staff all joining from remote virtual locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual meetings until September 30, 2021.

With the expiration of the Governor's Executive Order and the uncertainty that surrounded the Governor's potential recall, the State Legislature also took the remote meeting issue into its own hands through the adoption of Assembly Bill 361, which is explained in more depth in the Analysis section below.

On October 5, 2021, the City Council adopted Resolution No. 9105, making findings that there is an existing State of Emergency and that state or local officials continue to recommend social distancing measures to prevent the spread of COVID-19. In particular, the resolution included reference to Cal-OSHA regulation 3205, which

recommends physical distancing in the workplace. By motion and majority vote, the City Council may reconfirm the findings of Resolution No. 9105 and continue to hold virtual meetings pursuant to AB 361.

Analysis:

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. The Governor by executive order signed on September 20, 2021, suspended the effective date of AB 361 to October 1, 2021. As a result, if the City desires to have virtual meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the City Council must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees.

The above conditions continue to exist at this time, and staff recommends that the City Council by motion reconfirm the findings made in Resolution No. 9105 so that the City Council and all other subordinate legislative bodies may continue to meet virtually.

Lastly, it is important to that AB 361 is optional. If the City Council wishes, it may meet in person. In addition, hybrid meetings are permissible. However, according to City Management, there is not a hybrid option for Commissions, Committees and Task Forces at the City. Thus, regardless of whether the City Council may prefer to meet in person, City Management is recommending that the City Council reconfirm the findings in the resolution to ensure all other Commission, Committee, and Task Force meetings can continue to meet and allow the public to meet remotely without risking public health.

Policy Alternatives:

Alternative 1: Do not by motion reconfirm the findings made in the resolution making findings and determinations under Assembly Bill 361 for the continuation of virtual meetings.

Pros: None

Cons: Many of the existing Commission, Committee, and Task Force meetings will not be able to meet virtually or through a hybrid format forcing all staff, commission or committee members, and the public to attend meetings in person.

Reason not recommended: The COVID-19 pandemic continues to be a global health issue and by forcing commission, committee, and task force meetings to be in person, public health may be put at risk.

Fiscal Impact:

The City Council's reconfirmation of the findings made in the resolution to continue with virtual meetings will maintain the status quo and no financial impact is anticipated by the reconfirmation of the findings.

California Environmental Quality Act:

The City Council's reconfirmation of the findings made in the resolution is not a project under the California Environmental Quality Act (CEQA) Guideline 15378(b)(5) as it constitutes an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment. Further, virtual meetings are likely to reduce certain impacts associated with vehicular travel related to in-person public meetings.

Recommendation:

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

Attachment

Resolution 9105

RESOLUTION 9105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to, among other things, provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually, without fully adhering to the rules otherwise applicable to teleconferencing, during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, the City Council of the City of Milpitas has considered the circumstances of the state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing to prevent the spread of COVID-19, in particular, Cal-OSHA regulation 3205 recommends physical distancing in the workplace generally and regulates a “close contact” defined as being within 6 feet of another under certain circumstances; and

WHEREAS, in order to continue to impose social distancing while holding in-person meetings there is a high likelihood that members of the public would not all be able to be present in the meetings spaces; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are no longer necessary; and

WHEREAS, the City Council of the City of Milpitas desires that all City legislative bodies continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council and all other legislative bodies of the City of Milpitas who are required to hold public meetings, shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the City Council.

PASSED AND ADOPTED this 5th day of October 2021, by the following vote:

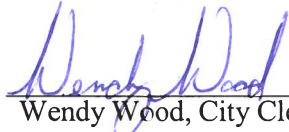
AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua,
Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

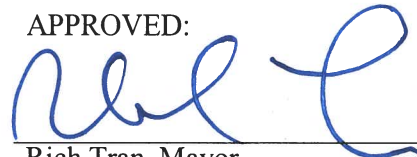
ABSTAIN: (0) None

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:	Adopt a Resolution to Adopt the Parks and Recreation Master Plan Update and Adopt the Parks and Recreation Master Plan Negative Declaration/Initial Study
Category:	Public Hearings-Community Services and Sustainable Infrastructure
Meeting Date:	12/14/2021
Staff Contact:	Steve Erickson, Engineering Director/City Engineer, 408-586-3301: and Renee Lorentzen, Recreation and Community Services Director, 408-586-3409
Recommendation:	1. Open the public hearing for comments and move to close the hearing. 2. Adopt a Resolution to Adopt the Parks and Recreation Master Plan Update and Adopt the Negative Declaration/Initial Study for the Parks and Recreation Master Plan 3. Authorize the Engineering Director/City Engineer to file a Notice of Determination in accordance with CEQA guidelines section 15075. 4. Provide feedback to staff regarding potential funding strategies

Background:

Parks and Recreation Master Plan Update (Master Plan Update) was approved as part of the adoption of the 2022-2026 Capital Improvement Program. The Master Plan Update includes an analysis of Park conditions, improvement recommendations and estimated costs, recommended maintenance practices, and recommendations for recreation program fees and implementation of program cost recovery options.

The firm of Gates & Associates (Gates) along with sub-consultants Matrix Consulting Group (Matrix) and David J. Powers and Associate (DJ Powers) was retained to provide the comprehensive Master Plan update including the fee assessment and cost recovery recommendations. The firm of DJ Powers reviewed the draft Master Plan Update and evaluated proposed park projects and recommended improvements and prepared the Initial Study document in conformance with the California Environmental Quality Act (CEQA) guidelines.

Community Engagement

Significant effort was made to include the community in the creation of the update to the Master Plan. City staff and Gates attended eleven City Commission Meetings to present park project information and progress and to seek feedback from Commissioners and the public.

Staff completed eight community outreach events that were held to determine the type of park improvements and infrastructure desired by the Milpitas community. Staff and Gates hosted an information table and spoke with attendees at the 2019 Tree Lighting Ceremony and the February 2020 Lunar New Year event. More than 1,000 responses were obtained from attendees at these two events.

In March 2020 following the Covid-19 stay at home order, City staff and Gates initiated community outreach and participation opportunities using online survey questionnaires and interactive mapping tools to gather park specific community input. 750 survey invitation postcards were sent to random Milpitas residents to maximize survey participation. More than 400 responses were received from these online events.

Four focus group meetings with new resident communities, organized sports representatives, teens, and a discussion focused on social services including senior services, and two virtual townhall meetings were held on October 10 and 14 to allow the community to share its ideas for its parks and recreation programs. The focus group for organized sports included representatives from the Cricket, Soccer, Football, Baseball and Pickle

communities. These outreach events were publicized on the City's website and social media, recreation and community services customer emails, media press releases, and in the senior newsletter. All outreach was translated into Chinese, Vietnamese, and Spanish. Information and data gained from these outreach events assisted Gates in its analysis of the City's existing park infrastructure and recreation programs.

On March 16, 2021, the City Council adopted the fee assessment and cost recovery options recommended in the Master Plan Update following presentation by Gates and Matrix. On May 3, 2021, the Master Plan Update was presented to the Parks Recreation Cultural Resource Commission (PRCRC), and the PRCRC recommended the document be presented to the City Council.

Staff presented the park improvement portion of the of the Master Plan Update to the City Council for review on June 21, 2021. The presentation included a summary of park conditions, recommended improvements, and a review of current funding deficiencies between estimated costs of park improvement and maintenance versus available funding from received the City's General Fund, Community Facilities Districts (CFD), and developer fees. The Council overall was in support of the updated Master Plan content, goals, and implementation strategies, and directed staff to return with a prioritized list of park improvements for further Council consideration and for funding through the America Rescue Plan Act (ARPA) funding.

Analysis:

The updated Parks and Recreation Master Plan document (**Attachment 1**) incorporates directions from the City Council received during previous meetings, and the document is now ready for adoption by the City Council.

The document includes an assessment of existing city parks', recreation programs fee assessment, goals for park expansion and improvement, improvement cost estimates, recommendations for maintenance, implementation, and funding strategies. The following are the recommended key strategies recommended for implementation in order to be able to continue providing high-quality parks and recreational opportunities to the Milpitas Community.

Recommended Master Plan Park Implementation strategies

The following implementation strategies and goals are recommended to improve the City's parks and recreation opportunities within the City:

- Routinely rebuild and replace worn out park infrastructure
- Provide programming and community events to encourage more residents to visit parks and public spaces
- Improve connections between parks with an integrated network of streets, sidewalks, and trail facilities
- Coordinate with agencies such as the County, Milpitas Unified School District, the Cities of San Jose and Fremont to provide new shared park and recreation opportunities such as extending the pedestrian trail systems
- Expand the park system with privately owned and publicly accessible recreation areas through the development process.

Potential Funding Strategies

The Master Plan Update identifies an overall funding need of \$93 million for the next 20 years, of which \$8 million are short-term improvements needed during the next five years. To start addressing this need, the Plan provides recommendations for the City to explore funding sources to allow for the perpetual maintenance, improvement, and expansion of the City's parks and recreation system:

- Review the City's Development Impact Fee structure for private development projects. Current development fees are lower than other adjacent communities
- Review the City's development Park-in-Lieu fee structure to ensure the fee is based on current appraised land values and institute a process to update the fee on an annual basis
- Explore a nexus study to broaden the use of Development Impact Fees to add amenities and enhance capacity of existing parks throughout the City to meet the needs of new residents in the Metro Specific Plan Area

- Explore the use of special taxes, bond measures, assessments districts, or bond measures to fund park improvements and maintenance

As part of this memorandum, staff requests feedback regarding the potential funding strategies and which of the funding strategies the City Council would like staff to explore further. Depending on Council feedback, staff will bring back an analysis of potential new revenue streams, impact to residents and businesses, and requirements for implementation and/or voter approval. In order to accomplish this work, staff may need to contract with consultant(s) and seek an appropriation of funds.

ARPA Funded Park Improvement Project Update

On August 9, 2021, staff presented a prioritized list of recommended park improvements to the City Council. The Council subsequently approved the recommendations for improvement and allocated \$4,386,815 of America Rescue Plan Act (ARPA) for needed short-term repairs and improvements at 20 of the City's 36 parks. The implementation of these repairs and improvements will address health and safety repairs and improve the condition of parks noted as in critical and poor condition. The investment of ARPA funds addresses just over half of the short-term improvements identified for the next five years.

\$2.1M of the overall \$4.39M in funding allocated will be used to complete health and safety repairs to 20 parks and provide replacement of swing sets, play equipment, and surface repairs. The remaining \$2.28M in funding will be used to complete short-term improvements to Sandalwood, Sinnott, Starlight, and Strickroth Parks that are noted in critical condition, and improvements to Murphy, Sunnyhills, Albert Augustine Jr., Robert E. Browne, Foothill, Ben Rogers, Oliver Jones Memorial, Hidden Lakes and Parc Metro West Parks that are noted in poor condition.

The Engineering and Public Works Departments are working through the project planning phase for use of the approved ARPA park funding. Due to staffing shortages, current workload including projects already underway, staff anticipates starting the park ARPA project design phase and presenting professional service contract(s) to the City Council for approval in Spring 2022. The project design phase will require 12-16 months to complete and the public bidding process will be completed to obtain a contractor used to construct the improvements at the 20 parks. The duration of construction is anticipated to require 12 months.

Policy Alternative:

Alternative: Do not adopt the Resolution adopting the negative declaration/initial study for the Project and the Parks and Recreation Master Plan Update.

Pros: None

Cons: The update to the Parks and Recreation Master Plan provides a road map to help the City maintain and improve its park infrastructure and recreation programs offered to the community, and the adoption of the Negative Declaration/Initial Study CEQA document is a required step for implementation of the updated Master Plan.

Reason not recommended: The current City Parks and Recreation Master Plan was adopted in 2009 and it is an outdated plan and portions of the existing plan are no longer applicable or reflect the goals of the Council and changes in the community's demographics and population. An updated Master Plan is much needed for the continued growth and improvement of the city's parks and recreation infrastructure.

Fiscal Impact:

There is no fiscal impact associated with the adoption of the Negative Declaration/Initial Study and the Parks and Recreation Master Plan Document. However, \$93 M funding is required to implement the proposed short and long-term recommendations, goals, and improvements as shown in the updated Master Plan.

California Environmental Quality Act:

The City of Milpitas, as the Lead Agency, has prepared an Initial Study/Negative Declaration (IS/ND) (**Attachment 2**) and the Notice of Determination (**Attachment 3**) for the Milpitas Park and Recreation Master Plan Update (Project) pursuant to the California Environmental Quality Act (CEQA), as amended.

The IS/ND document analyzes the Project at a programmatic level in accordance with Sections 15371 and 15071 of the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et. seq.) and applicable General Plan policies including the City Municipal Code regulations. The IS/ND document concludes that the proposed Project will not have a significant effect on the environment.

The Notice of Intent (NOI) to adopt a negative declaration was publicized in accordance with the City and State noticing requirements. The Notice was published on the City webpage, Milpitas Post newspaper, project webpage, County recording office and Milpitas Library. The publication of the initial study for a 20-day public review and comments began on September 24th, 2021 and ended on October 13th, 2021. During this period, the initial study document was made available to local, state, federal agencies and to other interested organizations and individuals for review. The City received no public comments on the initial study during the 20-day public comment period which ended on October 13th, 2021.

Notice of a December 14, 2021 Public Hearing for the adoption of the Negative Declaration/Initial Study was published and circulated as required by California Environmental Quality Act (CEQA). Staff recommends the City Council open the Public Hearing, receive comments, and move to close the Public Hearing following any testimony received and to adopt a Resolution (**Attachment 4**) adopting the Negative Declaration for the Parks and Recreation Master Plan update, Project No. 5115.

Recommendation:

1. Open the public hearing for comments and move to close the hearing.
2. Adopt a Resolution to Adopt the Parks and Recreation Master Plan Update and Adopt the Negative Declaration/Initial Study for the Parks and Recreation Master Plan.
3. Authorize the Engineering Director/City Engineer to file a Notice of Determination in accordance with CEQA guidelines section 15075.
4. Provide feedback to staff regarding potential funding strategies.

Attachments:

1. Parks and Recreation Master Plan Update
2. Parks and Recreation Master Plan Negative Declaration and Initial Study
3. Notice of Determination
4. Resolution

Play Milpitas

CITY OF MILPITAS
PARKS & RECREATION
MASTER PLAN UPDATE



ADOPTED ON

Prepared for the City of Milpitas
by Gates + Associates with Matrix
Consulting Group

City of Milpitas
455 E. Calaveras Blvd.
ci.milpitas.ca.gov



ACKNOWLEDGMENTS

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Vice-Mayor	Carmen Montano
Council Member	Anthony Phan
Council Member	Karina R. Dominguez
Council Member	Evelyn Chua

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Deputy City Manager	Walter C. Rossmann
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Public Works Director	Tony Ndah
Engineering Director/City Engineer	Steven Erickson
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CIP Manager	Michael Silveira
Associate Civil Engineer	Lyhak Eam

CONSULTANTS

Gates + Associates

Matrix Consulting Group

David J. Powers

RESERVED FOR RESOLUTION DOCUMENT

RESERVED FOR RESOLUTION DOCUMENT

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EXECUTIVE SUMMARY

WHAT IS THE PARKS AND RECREATION MASTER PLAN?

The Master Plan is a visioning document rather than an implementation plan. It identifies potential policy changes and upgrades and/or enhancement projects that could gradually be implemented over time to improve the public park and recreation system. The Master Plan identifies enhancement projects at the City's 37 public parks which are recommended to be implemented over the next 20 years; focusing on recommendations that could enhance park and recreation opportunities for Milpitas residents and visitors based on public input and comments received during the community outreach process. The Master Plan also includes a preliminary long-term conceptual improvement plan for each park site, to be used in the future as a guide when funding is available. Once subsequent improvement projects are underway, staff will use these conceptual plans as a guide to further evaluate the feasibility and community's desire with a more focused community discussion, professional assessment and site logistics. Due to expected availability of funds, not all of these projects can be implemented over the coming two decades. However, the Master Plan includes prioritization criteria that can help City decision-makers identify projects to include within the annual Capital Improvement Program (CIP) budget.

NEED FOR MASTER PLAN UPDATE

The Milpitas community places a high value on its Park and Recreation system. The City provides a variety of beloved parks and recreation experiences. The Recreation and Community Services (RCS) Department offers a diverse range of classes and programs for youth, adults and 50+ residents. During the pandemic, the department strategically adapted programs to offer online opportunities to meet community needs and is ramping up in-person classes and events with a substantially reduced staff in comparison to the years before the pandemic. The RCS Department hosts numerous popular, well attended cultural and civic events throughout the year. This department also provides social services support connecting residents with financial aid, health care, care-giving, food resources, housing options, mental health resources, legal services and more.

The General Plan anticipates that over the next 20 years, the Milpitas population will grow from 80,000 to 113,530 residents. Much of this growth will occur in Specific Plan areas, and new housing in these areas will be in higher density multi-family neighborhoods. These residents will rely on the park system to address many of the recreation and socialization needs typically accommodated in a suburban backyard. This growth, increasing land values, and a shortage of available land have limited the opportunities for the City to acquire new park land. Even achieving the reduced park acreage requirement, established in the General Plan for the Specific Plan areas, will be a challenge. Thus, the Parks and Recreation Master Plan Update identifies strategies to both address current recreation needs and also plan for the changing needs related to future growth.

The 2009 Parks and Recreation Master Plan prioritized the protection and upkeep of the existing park system. It identified a need for over \$100 million (in 2009 dollars) to implement the renovations and improvements. Based on those recommendations, the City invested \$34 million in the park system including synthetic turf fields, restroom, and

concession building improvements to the sports center, a new skate park, and renovations of several neighborhood parks and playgrounds including Creighton Park and Higuera Adobe Park. In the Specific Plan area that surrounds the new Milpitas Transit Center, both public and private parks and open space have been developed.

COMMUNITY NEEDS

Many of the highest community priorities in the 2009 Parks and Recreation Master Plan continue to be high priorities in the updated Master Plan:

- Acquisition and development of new park land
- Renovation and enhancement of existing parks
- Enhanced connectivity with a community wide trail system
- New/updated playgrounds
- Construction of a large community park
- Continue partnerships with Milpitas Unified School District (MUSD) to provide sports fields

Ongoing and emerging needs for the community include demand for girls' softball fields, cricket pitches, community gardens, amenities to support teen use of parks, better park lighting, more reservable picnic facilities, programming of activities in parks and more community events. Creating a park system that is inclusive and welcoming to people of all-abilities, ages and ethnic backgrounds is very important to the community.

METHODOLOGY

The planning process used to update the 2009 Parks and Recreation Master Plan was a synthesis of the following:

- An assessment of the existing parks (deficiencies and future renovation opportunities)
- An assessment of the existing recreation programs, events, and fees
- Integration with current General Plan Update, Trail, Pedestrian and Bicycle Master Plan and the Metro Specific Planning efforts
- City staff insights and experiences
- Community engagement

Public participation was fundamental to the Parks and Recreation Master Plan Update process. The plan incorporated a multi-layered outreach strategy with a variety of input opportunities over the course of the project to gather a range of perspectives that reflect of the needs and desires of the Milpitas community.

Project information, including input opportunities, was distributed frequently over the course of the project through established City communication channels including social media and email blasts. A project web page linked on the

City website served as an information portal throughout the process. The outreach process included pop-up events, virtual town halls, virtual focus group meetings, two online surveys, presentations to multiple City commissions, and a presentation of the draft Master Plan to the City Council in June 2021.

KEY POLICY RECOMMENDATIONS

Acquisition Of Land For Increased Park Acreage And Expansion Of Recreational Experiences For A Growing Community

To ensure the City can continue to provide high quality parks and recreational opportunities to Milpitas residents, the Parks and Recreation Master Plan Update recommends the City:

- Continue partnerships with other public agencies such as MUSD and the County of Santa Clara, in pursuing joint-use agreements. Providing adequate flat acreage for sports fields in collaboration with MUSD will be essential.
- Maximize recreation opportunities, capacity, and experiences in new parks developed in Specific Plan areas emphasizing experience over acreage. Parks should be designed to accommodate physical, social and passive use by residents with a variety of interests, ages, abilities and backgrounds.
- Utilize park in-lieu fees generated by new development to fund the improvements of existing parks, and enhancing recreation capacity and experiences. As existing parks are enhanced, they will become destinations for residents of Specific Plan areas seeking experiences and uses that cannot be accommodated by the limited parkland in Specific Plan areas.
- Continue partnerships with private developers to plan and develop new park and open space areas within new development projects.

Program Assessment And Cost Recovery For Recreation Programs

The Master Plan Update includes an assessment of current recreation programming and a review of peer communities program offerings, user fees and cost recovery policies. In March 2021, the City Council adopted a cost recovery policy and set an overall goal of 40% cost recovery through user fees for both direct and indirect program cost. For some classes, the marketplace can accommodate a higher cost recovery target, allowing a partial cost underwriting of desired classes and programs with less cost recovery potential. These cost recovery goals will be phased in over the next 5 years. City staff will need to continually monitor programming offerings to efficiently adjust in response to evolving community needs and marketplace demands.

Need for Adequate Park Funding

The Master Plan Update identifies numerous park improvements to address current deficiencies and unmet needs of the community and it includes the associated costs to implement these improvements. It also provides a road map for implementation as well as criteria for prioritizing projects based on level of need, condition of existing facilities,

recreation parity among the different areas of the City and other factors. \$93M funding is required to implement the proposed short and long-term recommendations, goals, and improvements as shown in the updated Master Plan.

Over the last 5 years, the Capital Improvement Program has funded an average of \$6M in park repair and improvement projects with 60% of the funding from Metro Specific Plan fees (formerly TASP) for projects within the defined Metro Specific area. Only \$2.5 million in funding came from the General Fund for parks outside the Metro Specific area. This level of funding is not enough, and the finance gap between the cost of the desired level of annual maintenance and improvements versus available funding will continue to grow as park infrastructure ages and the burden of safety mandates increases. While the City continually pursues grants and other funding sources, there is a need to establish a secure, predictable funding stream to allow park improvement projects to proceed in a cost-effective and timely manner.

On August 9, 2021, the City Council approved an allocation of \$3.5 million from of the American Rescue Plan Act (ARPA) and \$0.9 million from the Federal Fund for a total amount of \$4.4 million for park improvements. \$2.1 million was allocated for immediate health and safety repairs to 20 parks including the replacement of swings, play equipment and surfacing repairs, removal of tree hazards, and paving replacement and repair. The remaining \$2.3 million was allocated to complete short-term improvements at four parks in critical condition (Sandalwood, Sinnott, Starlight, Strickroth) and eight parks in poor condition (Murphy, Sunnyhills Albert Augustine Jr. Memorial, Robert E. Browne, Foothill, Ben Rogers, Oliver Jones Memorial, Hidden Lakes, Parc Metro West). Implementation of these ongoing maintenance and improvements will not only address the community's health and safety concerns at each park, but also improve the overall park condition from critical/poor condition to fair/good condition.

In addition to addressing existing park and recreation needs, the projected growth of the City will require additional parkland and recreation facilities to meet the needs of future residents. Currently this need is addressed by requiring new development to provide parks for their communities funded through impact fees. However, with the cost and shortage of available land in Milpitas, this has been a challenge to implement and will compound existing deficiencies. In order to secure funding to meet future Milpitas park and recreation needs, the City should consider:

- Review of the current Development Impact Fee structure to confirm it reflects the true cost to acquire park land, and to develop and expand park and community center facilities to meet the needs of future residents. The City's current development fees are lower than other Santa Clara communities. Some cities have park impact fees for office, rental, individual and institutional uses. The City may wish to explore similar fee structures.
- Review of the current development Park-in-Lieu fee to confirm the fee calculations are based on current appraised land values in Milpitas and institute a process to update the fee on an annual basis.
- Explore a potential nexus study to broaden use of existing Development Impact Fees to add amenities and enhance capacity of existing parks throughout City to meet the needs of new residents in the Metro Specific Plan Area.
- Explore benefits and costs as well as potential support for development of special assessment districts (Community Facilities Districts or Enhanced Infrastructure Financing Districts) or a bond measure to fund park improvements and maintenance. An assessment or bond measure could help address funding for much needed improvements to existing community buildings as well.

CONCLUSION

After over a decade since the last Parks and Recreation Master Plan, this Update provides a comprehensive picture of the City's current needs park infrastructure and recreation programs available to our residents. Based on that assessment, which included extensive public outreach and community engagement process, the Plan charts possible paths forward based on available funding.

It is abundantly clear that investments in the existing park system for the last decade have not kept pace with a growing population. Further, insufficient maintenance budgets caused deterioration of the system. The lack of General Fund funding has resulted in unsafe conditions in most parks across the City and a third of the parks are classified to be in critical and poor condition requiring short-term improvements. However, with the Metro Specific Plan build-out, parks infrastructure investments funded through the Metro Specific Plan Development Fee new parks have been added in the Metro Area.

In August 2021, the City Council allocated approximately \$3.5 million of American Rescue Plan Act funds to address unsafe conditions in the park system as identified in this Plan. However, a long-term maintenance and capital improvement strategy, including an infrastructure tax measure and robust development impact fees, are required to improve the existing park system for the next 20 years and pay for the increased park infrastructure needs related to an increased population.

Due to the decreased service demands related to the Covid-19 pandemic, the Recreation and Community Services Department's budget was significantly reduced (full-time staffing was reduced by 25% or about 5 positions). However, with the lifting of pandemic related restrictions, the demand for services is increasing. Short-term as well as long-term, the department needs to be adequately funded to respond to the varied community needs and expectations. With some ARPA funding, the Council started to fund one position for the current fiscal year with ongoing funding to be allocated for the coming fiscal year. With the adoption of the Cost Recovery Policy for the Recreation and Community Service Department, the Council approved a path forward for the Department to increase revenue to partially fund the restoration of needed staff.

INTRODUCTION



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OVERVIEW

This Parks and Recreation Master Plan is intended to provide a road map to guide decision making to help the City maintain, manage and develop the envisioned park and recreation system and provide the community with the recreational opportunities that they desire. The Parks and Recreation Master Plan studies the existing park and recreation system and draws on extensive community engagement to identify a planning blueprint to expand, improve and protect these assets for the future.

CHAPTER 1: INTRODUCTION

PURPOSE OF THE DOCUMENT

The City of Milpitas has undertaken a coordinated planning effort in order to ensure that it provides adequate infrastructure for its current and future residents, visitors and employees. This Parks and Recreation Master Plan is a part of that coordinated effort, and lays out the City's vision for the future of its parks and recreation facilities.

The Parks Master Plan is a strategic document. It studies the existing park system and facilities, and identifies a planning blueprint to expand, improve and protect the City's network of parks and facilities as the City continues to grow.

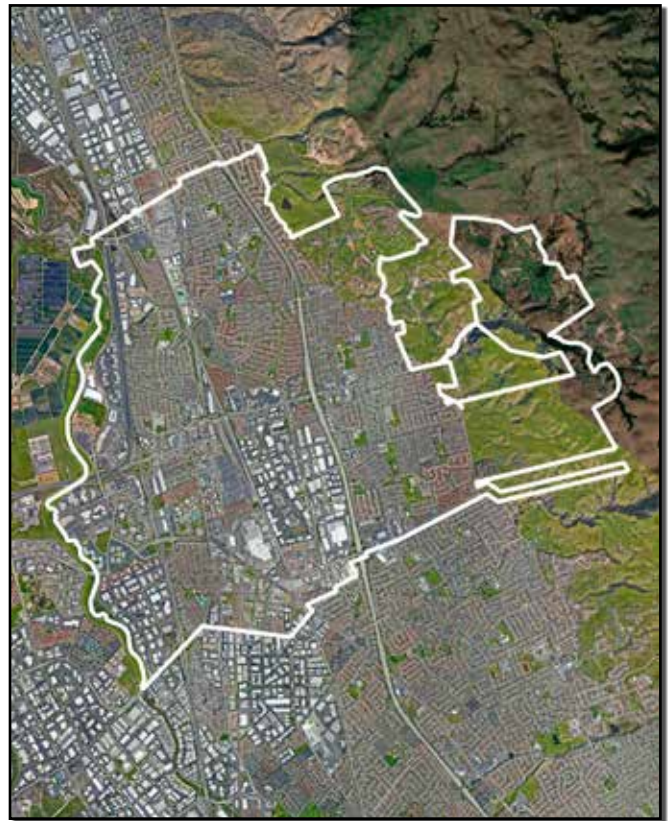
The Parks Master Plan process is similar to many strategic plan processes: the context is analyzed, demographic analysis is conducted, an inventory of resources is conducted, community input and guidance is solicited, a needs assessment is performed, standards are proposed, goals and recommendations result, and an implementation plan is adopted. This plan builds on itself, section by section, with each chapter using the previous chapter(s) information to define steps required to address issues identified.

The Parks and Recreation Master Plan provides:

- background and context for evaluating the existing parks and recreation system;
- an inventory of existing parks and recreation facilities and programs;
- an analysis of the appropriate standards that will meet the needs of the current and future population;
- recommendations for improving and maintaining the existing parks and recreation system;
- recommendations for acquiring or obtaining access to additional properties for future park uses;

- a strategy for addressing recreation needs, as well as managing and maintaining recreational facilities;
- an approach for implementation of short and long-term improvements and ongoing maintenance;
- a record of the community involvement in developing the plan; and
- recommendations to seek additional funding for the Parks and Recreation Master Plan.

The Parks and Recreation Master Plan provides both a long-term vision for the City's park system, and specific policies and standards to direct day-to-day decisions. It sets forth a framework that will allow the City to respond to new opportunities as they arise, and to ensure that new development provides adequate parks and recreation facilities to meet the needs of Milpitas' future residents.



Aerial photo of Milpitas

ROLE OF PARKS & RECREATION

As stated in the City of Milpitas' General Plan 2040, "The Parks, Recreation, and Open Space Element provides the framework to ensure all Milpitas residents, employees, and visitors have a safe, convenient, and equitable access to a diverse range of outdoor activities, naturalized open space areas, and recreational opportunities."

Parks meet the diverse recreational needs of the community. They promote health and wellness at a time when lifestyles are tending to become more sedentary. They help people deal with the stress of daily living, and support positive social interactions. The Recreation and Community Services Department provides programs that focus on health and wellness for everyone.

A high quality park system provides economic benefits. It enhances community character and identity, and creates a more attractive place to live, work and visit. This, in turn, raises property values, attracts quality employers, and generates revenues for local businesses.



Inclusive access to the park system is a high priority for the City of Milpitas. Any new improvements are required by the Americans with Disabilities Act (ADA) and the California Building Code to provide access for people of all abilities.



MISSION

The City of Milpitas Recreation and Community Services Department's mission is to enrich our community through exceptional programs and services. Our vision is a Milpitas where all residents have access to excellent, affordable, innovative and well-run recreation activities, programs, facilities and community services. Our work encourages cultural unity and hometown pride, creates a sense of place, supports economic development, promotes health and wellness, fosters human development, addresses important social service needs and adds fun to the lives of those who live and work in Milpitas.

CHAPTER 1: INTRODUCTION

DOCUMENT SUMMARY

1. Introduction

This chapter gives a brief overview of the purpose and value of the Master Plan process, and a summary of the document.

2. Planning Context

This chapter discusses the role of parks and recreation in a community. It also discusses the factors which influence the vision and priorities addressed in the Master Plan. The chapter describes the physical setting in which the park system is being planned, as well as the demographics of the Milpitas community. It discusses current trends in park use, recreation programming, and attitudes towards parks and recreation. It also reviews the Parks and Recreation Master Plan's relationship to other City planning documents and policies.

3. Recreation

This chapter studies the existing programs, services and events offered by the City of Milpitas. It compares programs and fees currently offered by the City and comparable agencies, and recommends adjustments. It also synthesizes community input regarding the programs, events and services and recommends changes the residents of Milpitas desire.

4. Needs Assessment

This chapter reviews the process used to analyze the Milpitas community's needs and priorities, now and in the future. It describes the extensive community participation in the development of the plan, as well as benchmarking and survey information that informed the Master Plan. It summarizes some of the immediate needs and deficiencies.



5. Goals & Recommendations

This chapter sets out the goals, standards, and recommendations for Milpitas' Parks and Recreation system. It addresses acreage and access standards, sports field and facility standards, and considerations regarding locations and components of future community parks and community serving facilities.

6. Implementation

This chapter includes park prioritization matrix to assist the City to determine the repair and maintenance schedule of each park site, recommend implementation strategies to increase park and recreation level of service, and funding strategies to finance park and facility improvements.

7. Appendices

- Community Outreach
- Program Fee Analysis
- Recreation Value System
- Facility Condition Assessment
- Public Works O&M Costs
- Milpitas Playground Rehabilitation Project
- JUA Open Space Document
- CEQA Document
- Resolution Approving Cost Recovery Policy

PLANNING CONTEXT

Play Milpitas

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2



PLANNING CONTEXT

OVERVIEW

To plan a park and recreation system that will best meet the needs of current and future residents of Milpitas, one must understand the context - the climate and physical setting, the current and projected demographics, other planning efforts that affect the Parks and Recreation Master Plan, and the evolving trends in the way people use parks and what they expect from their parks and recreation system.

The City of Milpitas is located in Santa Clara County, and has a population of approximately 85,000 residents. The City has experienced significant growth during the last decade and projects a population of 113,530 by 2040. Milpitas is committed to the strategic and financially sustainable development of the city, and this Master Plan Update will assist the Department of Recreation and Community Services and Public Works in achieving health and wellness for the Milpitas community.

SETTING

The City developed on the flat plain between the Mission Hills to the east and bay lands to the west. The Mission Hills and Monument Peak (elevation 2,594 feet) form a distinctive scenic backdrop to the city and are important to community identity and character. The community enjoys extensive hillside views of the foothills and the tree-lined Coyote Creek corridor which provide Milpitas with a scenic backdrop and visual reference points.

Milpitas is often called the “Crossroads of Silicon Valley” with most of its land situated between two major freeways (I-880 and I-680), State Route 237, and a County expressway. Milpitas’ location affords residents, visitors and employers convenient access to all parts of Silicon Valley and the San Francisco areas.

Milpitas features a variety of housing options, quality schools and conveniently-located neighborhood parks. The City provides a variety of recreational opportunities, including aquatics, cultural arts and theater, sports leagues and activities, youth programming and senior activities and services.

Based on the recommendations of the 2009 Parks and Recreation Master Plan, in the ensuing 10 years, the City invested over \$34 million in park system improvements. The City undertook a number of major renovation projects including:

- **Milpitas Sports Complex** – pool rehab, new synthetic fields, locker room upgrades, lighting and bleacher improvements
- **Higuera Adobe Park**
- **Pinewood Park**
- **Alviso Adobe Park and Building**
- **Creighton Park**

- **Cardoza Park Playground**
- **Calle Oriente Park and Playground**
- **Milpitas Skate Park** - including concession and restroom building
- **Sandalwood Park** – in design process
- **McCandless Park** - under construction

During this time period, the City also completed a number of smaller renovation projects including:

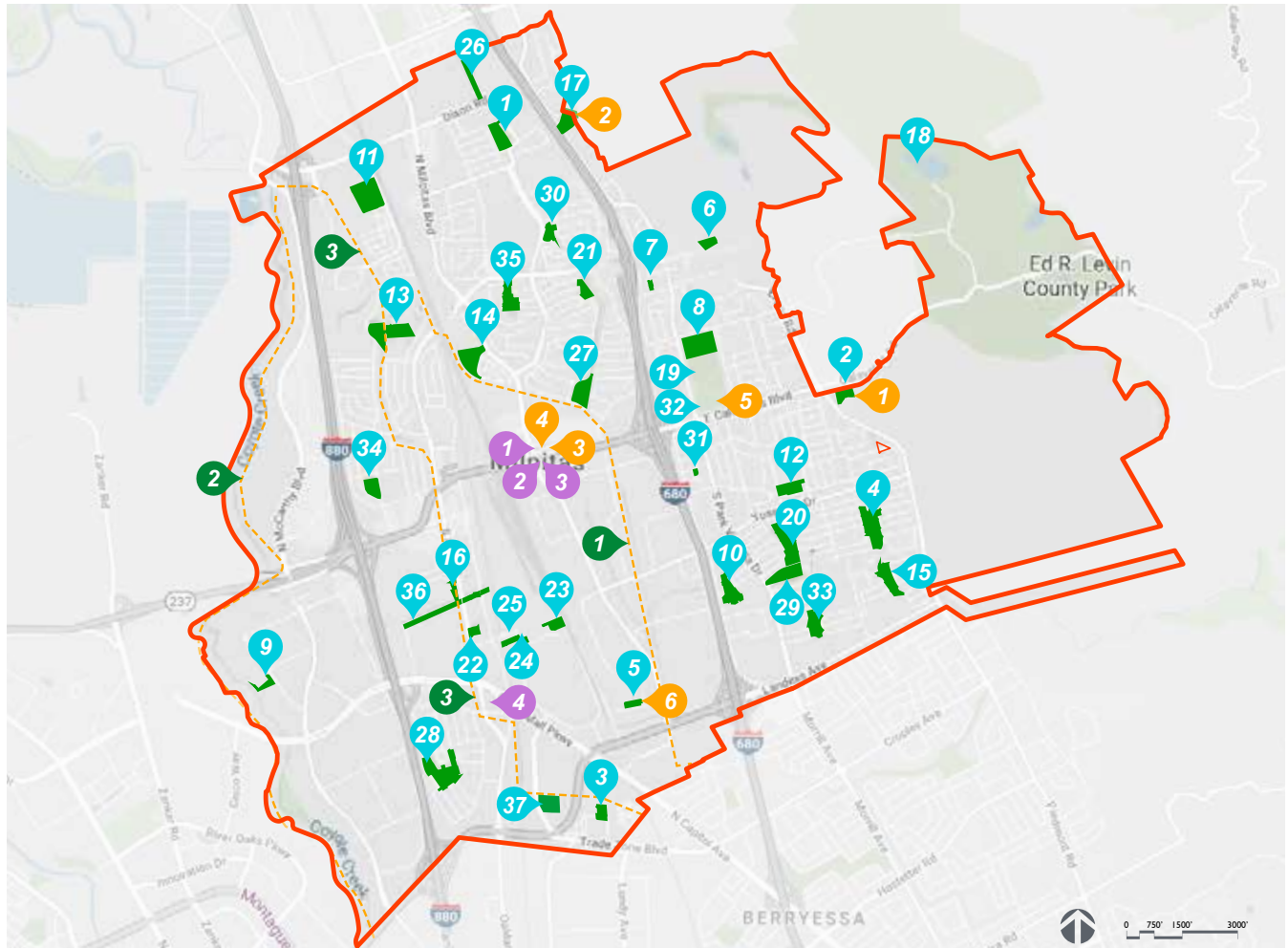
- **Sunnyhills Albert Augustine Park**
- **Peter Gill Memorial Park Sports Court**
- **Foothill Park**
- **Robert E Browne Park** - path and court resurface, ball wall
- **Dixon Landing Park** - lawn
- Pathway improvements at various parks
- Playground renovations at various parks

PROJECT HERITAGE

Milpitas is a unique community with a distinctive history. Several key factors that have shaped Milpitas over the years have a direct bearing on the recommendations contained within this Parks and Recreation Master Plan. Historically, most of the City’s parks were created in a relatively compressed time period during the 1960s and 1970s as part of a subdivision developments boom. As a result, many of the parks were similar in design, appearance, and range of amenities offered.

The City park system currently consists of over 36 parks, several miles of trails, and six community service buildings. Many of the parks are 30 to 40 years old, and suffer from declining infrastructure. Over the past decade, the City has undertaken a process to strategically update these parks.

MILPITAS PARKS AND FACILITIES MAP



PARKS

- 1 Sunnyside Albert Augustine Jr. Memorial Park
- 2 Alviso Adobe Park
- 3 Augustus Rathbone Park
- 4 Ben Rodgers Park
- 5 Bob McGuire Park
- 6 Calaveras Ridge Open Space
- 7 Calle Oriente Mini-Park
- 8 Cardoza Park (Tom)
- 9 Cerano Park
- 10 Creighton Park (Frederick)
- 11 Dixon Landing Park
- 12 Foothill Park
- 13 Hall Memorial Park
- 14 Hidden Lake Park
- 15 Hillcrest Park
- 16 John McDermott Park
- 17 Jose Higuera Adobe Park
- 18 Milpitas Dog Park
- 19 Milpitas Sports Center
- 20 Murphy Park
- 21 Oliver W. Jones Memorial Park
- 22 O'Toole Elms Park (John)
- 23 Parc Metro East
- 24 Parc Metro Middle
- 25 Parc Metro West
- 26 Pecot Park (Bob)
- 27 Peter Gill Memorial Park
- 28 Pinewood Park
- 29 Robert E Browne Park
- 30 Sandalwood Park

- 31 Selwyn Park
- 32 Skate Park
- 33 Sinnott Park (John)
- 34 Starlite Park
- 35 Strickroth Park (Henry)
- 36 Tom Evatt Park
- 37 McCandless Park

FUTURE PARK

Tango Park

PLAZAS

- 1 Cesar Chavez Plaza
- 2 Civic Center Plaza
- 3 Veteran Memorial Plaza
- 4 Jerry Arnold Plaza

FACILITIES

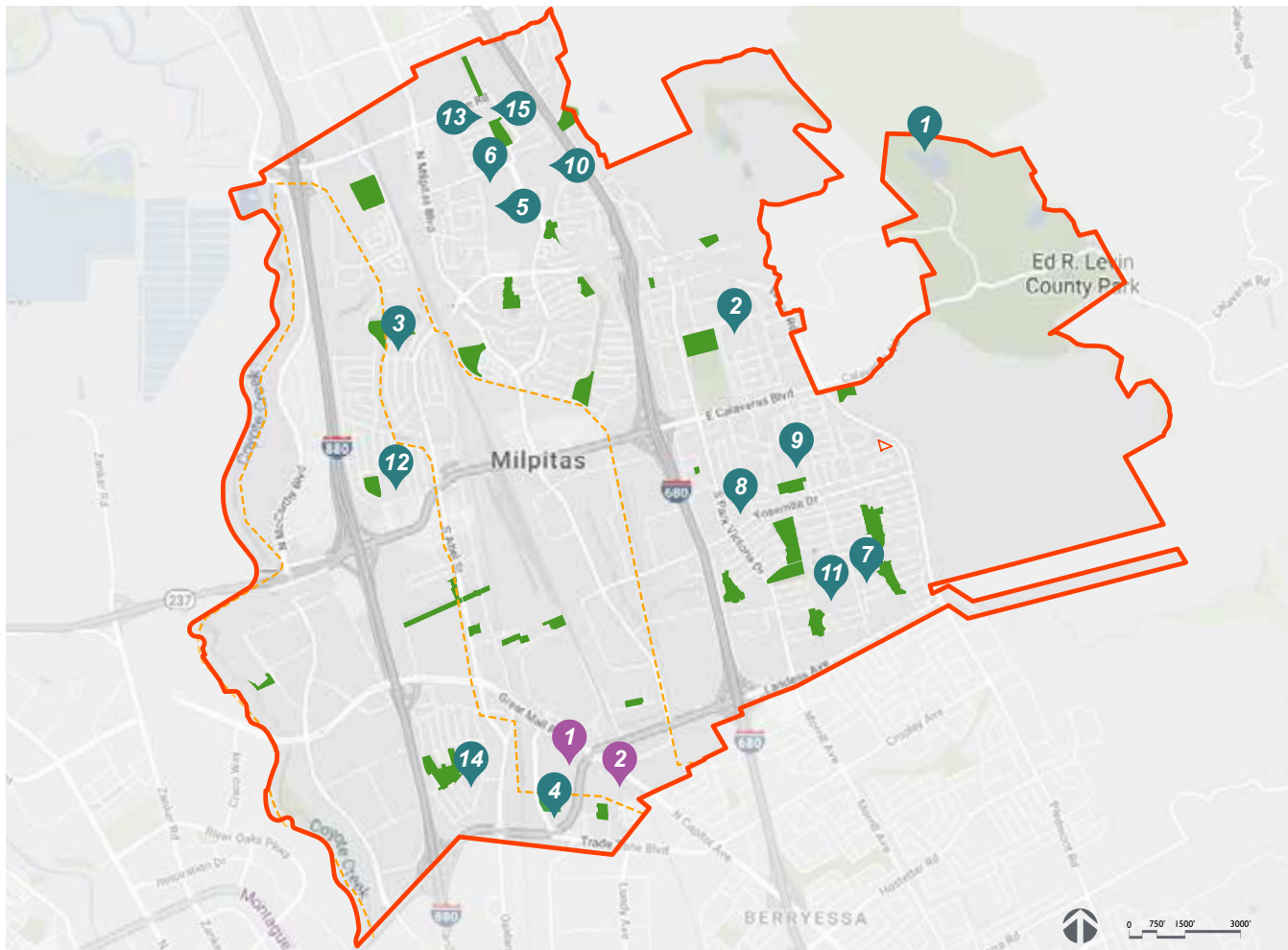
- 1 Alviso Adobe
- 2 Higuera Adobe
- 3 Milpitas Community Center
- 4 Barbara Lee Senior Center
- 5 Milpitas Sports Center
- 6 Sal Cracolice Recreational Facility

TRAILS

- 1 Berryessa Creek
- 2 Coyote Creek
- 3 Penitencia Creek

Figure 2-1: Existing City Parks and Facilities

MILPITAS JOINT-USE AGREEMENT (JUA) SITES MAP



JUA SITES

- 1 Milpitas Dog Park
- 2 Burnett Elementary School
- 3 Curtner Elementary School
- 4 Mattos Elementary School
- 5 Milpitas High School
- 6 Pomeroy Elementary School
- 7 Rancho Middle School
- 8 Randall Elementary School
- 9 Rose Elementary School
- 10 Russell Middle School
- 11 John Sinnott Elementary School
- 12 Spangler Elementary School
- 13 Weller Elementary School
- 14 Zanker Elementary School
- 15 Cesar Chavez Community Garden

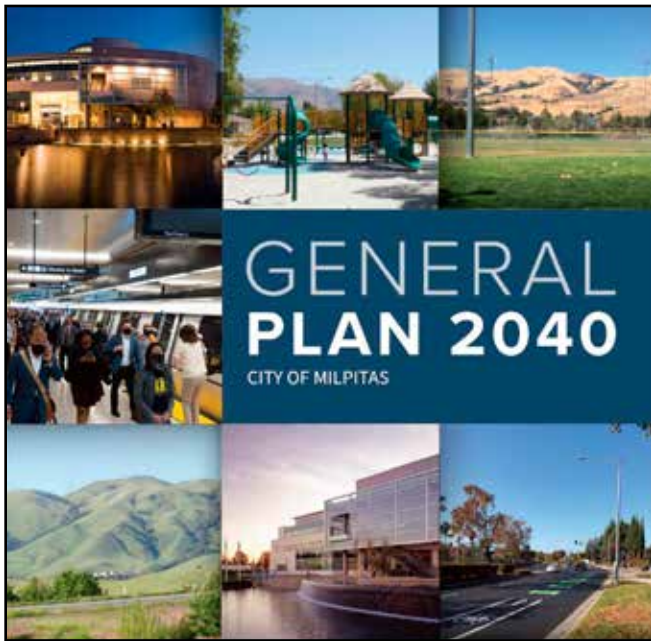
PRIVATELY OWNED / PUBLICLY ACCESSIBLE PARKS

- 1 Larry Itliong Park
- 2 Anton Park

Figure 2-2: Existing Joint-Use Agreement Sites

Additionally, Milpitas has experienced a recent surge in residential building activity in recent years, with a considerable increase in residential permit applications, development entitlements, and new construction. In large part, these changes have been brought on by the adoption of two specific plans for areas adjacent to an existing VTA station and the City's planned BART station. The increased development made possible by these specific plans has prompted the conversion of areas once dominated by vacant and underutilized land and aging industrial space into high-density transit-oriented development. Part of this new development includes a strategy and funding to provide additional parkland for the new residents.

Historically, the majority of Milpitas residents lived in single family detached homes served by local neighborhood parks. The 2018 DeNova Report on existing conditions prepared for the General Plan 2040 update, identifies over 8,000 new multi-family homes under construction or pending approvals. The majority of these units are proposed for Milpitas Metro Specific Plan Area (formerly TASP) with another 500 are in the Midtown Specific Plan Area.



The General Plan 2040 is proposing some land use modifications that will require additional park amenities in specific portions of the City, including:

Milpitas Metro Specific Plan (formerly Transit Area Specific Plan (TASP)) - The 2008 Milpitas Transit Area Plan (TASP) requires 35.83 acres of public parkland. The plan is currently being updated to allow for changes to the densities and boundaries of in some areas, which can potentially impact and change the original parkland required that was previously envisioned.

Milpitas Gateway / Main Street Specific Plan (formerly Midtown Specific Plan) – The update to this specific plan may impact park land demand.

California Circle – A future specific plan for this transition area may include residential development in a mixed use format, with a priority placed on affordable housing. This plan will need to include a parks and trail system consistent with parkland standards for new facilities.

Milpitas Town Center – General Plan 2040's recommended policies to add new multi-family residential and mixed use will require new park land.

Sunnyhills Commercial Center - This may include limited amounts of new residential uses, and associated park facility demand.

Calaveras & North Park Neighborhood Node - This may include limited amounts of new residential uses, and associated park facility demand.

Landless Neighborhood Node - This may include limited amounts of new residential uses, and associated park facility demand.

In addition to the General Plan 2040, the City is currently updating the Trail, Pedestrian and Bicycle Master Plan. This Master Plan will explore options to provide greater opportunities for non-motorized access to parks.

PLANNING CONTEXT

This Parks and Recreation Master Plan will create a road map for the development of Milpitas parks and recreation programs for the next 20 years. The Master Plan must be compatible with the City's existing plans and coordinated with concurrent planning efforts as described in this section.

GENERAL PLAN 2040

A stated goal of the General Plan update is to provide a diversified and high quality public park and trail system that provides recreational opportunities for all residents.

Several Action items are listed in the General Plan to close that gap. PROS-1f and PROS-1g call for coordination and cooperation between the City of Milpitas and Santa Clara County Parks, Santa Clara Water District, and the San Francisco Public Utilities Commission to develop and enhance parks, trails, and related infrastructure to maximize available park land for residents' use. PROS 1-4 calls for park land acreage dedication and/or in-lieu fees in areas both within and outside of Specific Plan areas. PROS 1-6 encourages private owners to permit public access to all provided parks, trails and recreation facilities.

The General Plan lists 36 public parks located with Milpitas. The existing parks listed in Figure 2-1 and described more fully in Chapter 5 (Goals and Recommendations), have been updated to reflect current conditions and characteristics, some of which have changed since the adoption of the General Plan. In addition to City parks, Santa Clara County Parks provides Milpitas residents with access to Ed Levin Park. There is also an active Joint-Use Agreement between the City of Milpitas and the Milpitas Unified School District that allows the mutual use of facilities at reduced rental rates.

Applicable Policies and Tasks in the General Plan 2040:

Public Spaces and Public Art

- **Goal CD-9:** Enhance the quality and character of Milpitas' public spaces to provide safe, comfortable, and enjoyable passive and active recreation opportunities for all users.
- **Policy CD 9-1:** Promote vibrant, publicly-accessible spaces that encourage gathering and other active uses. Provide adequate shading through shade structures or trees and incorporate formal and informal seating to encourage both short-term and long-term use of public spaces. Place a variety of uses adjacent to public spaces at sufficient concentrations to encourage the use of the spaces throughout the day and night.
- **Policy CD 9-2:** Provide for community and neighborhood activity centers at appropriate locations that create recreational opportunities, encourage social interaction, and provide a sense of public space and centers for neighborhood gathering.
- **Policy CD 9-3:** Encourage the incorporation of publicly accessible spaces, such as plazas and pocket parks, into new and existing commercial, multi-family, and mixed-use developments to encourage social interaction. The spaces should be appropriately scaled and programmed and complement the characteristics of the district and/or neighborhood and the surrounding development.
- **Policy CD 9-6:** When development is proposed adjacent to existing or planned park chains, include frontage roads along the public park in the development in order to maximize access to park lands, to provide separation between urban land uses and parkland without the use of "back-up" design, and to maximize public exposure and view of park lands for scenic and security purposes. Also, encourage development to provide common open space contiguous to such areas.

Park and Trail System

XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).

- **Goal PROS-1:** Provide a diversified and high quality public park and trail system that provides recreational opportunities for all residents.
- **PROS 1-1:** Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
- **PROS 1-2:** Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
- **PROS 1-3:** Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the City's adopted Specific Plan Areas. Within adopted Specific Plan Areas, achieve and maintain the parks standard and ratios specified in the Specific Plan, with an emphasis on publicly-accessible spaces and facilities.
- **PROS 1-4:** Parkland acreage dedications and/or equivalent in-lieu fees shall be required for new development in accordance with the following standards:
 1. For areas outside of a Specific Plan, require land dedication or in lieu fees equivalent to the 5 acres/1,000 residents standard, but allow credit for private recreation space for up to 2 acres/1,000 residents for private open space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City's Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
 2. For areas within a Specific Plan, require land dedication or in-lieu fees equivalent to the parkland standard established in the relevant Specific Plan, allowing credit for private recreation space for up to 1.5 acres/1,000 residents for private recreation space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City's Subdivision Regulations (Title
- **PROS 1-5:** Encourage the provision and dedication of parkland within future development projects, rather than the payment of in-lieu fees, in order to ensure that the City maintains an extensive network of neighborhood parks that serve all areas of the community.
- **PROS 1-6:** Encourage private owners to permit public access to all private parks, trails, and recreation facilities to the greatest extent feasible.
- **PROS 1-7:** Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
- **PROS 1-8:** Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community.
- **PROS 1-9:** Prioritize funding and City resources to improve the condition, maintenance, and upkeep of existing City parks and recreational facilities.
- **PROS 1-10:** Require publicly-accessible parks and recreational facilities that are owned and operated by homeowner's associations (HOAs) and special assessment districts to be maintained in a safe and aesthetically-pleasing manner.
- **PROS 1-11:** Pursue opportunities for cooperation and partnerships with other agencies to develop and enhance publicly-accessible trails and linear parks along local drainages, creeks, and utility corridors.
- **PROS 1-12:** Encourage and support the expansion of an integrated trail network that connects users to

CHAPTER 2: PLANNING CONTEXT

neighboring local and regional trail systems and to community amenities such as schools, open space areas, park and recreation facilities, commercial and job centers and residential areas to encourage both recreational and utilitarian travel.

- **PROS 1-13:** Require new development to provide direct pedestrian connections, such as sidewalks, trails, way-finding measures and other rights-of-way and infrastructure improvements to the existing and planned network of parks and trails wherever feasible.
- **PROS 1-14:** Further expand public access to a variety of park and recreational facilities through the pursuit of joint-use agreements with entities and organizations that control existing non-city owned open space lands, such as public and private schools, Santa Clara Valley Water District, Santa Clara County and other public agencies, private entities and businesses and nonprofit groups.
- **PROS 1-15:** Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.
- **PROS 1-16:** Recognize the importance of regional facilities and continue to foster relationships with Santa Clara County, the San Francisco Bay Trail, and neighboring jurisdictions to identify opportunities for additional trail connections.

Recreational Opportunities

- **Goal PROS-2:** Provide recreational opportunities that meet the needs of all residents, especially the most vulnerable and under-served members of the community.
- **PROS 2-1:** Emphasize and prioritize public outreach and educational programs that inform the community of available parks, trails, and recreation

facilities, programs, and services available in order to increase and enhance community use of these facilities, programs, and services.

- **PROS 2-2:** Emphasize and prioritize public participation and workshops when developing new park facilities, and/or substantially renovating existing parks, trails, and other recreation facilities. Provide diverse outreach resources that enable close collaboration with a variety of members of the community in the design, and programming, of parks and recreation facilities to ensure that these facilities meet community needs.
- **PROS 2-3:** Ensure that the City continues to offer a wide range of programs to serve diverse populations of all ages, abilities, income levels and cultural backgrounds. Develop programs, activities, and facilities that appeal to a broad audience, including but not limited to youth, young adults, seniors and those of varying ethnicities, backgrounds, and abilities.
- **PROS 2-4:** Support recreational activities, events, organized sports leagues, and other programs that serve broad segments of the community.
- **PROS 2-5:** Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future recreational demands.
- **PROS 2-6:** Pursue partnerships with organizations to enhance public-private partnerships that support youth and senior recreational programs.
- **PROS 2-7:** Consider Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD) to fund park and recreational facility upgrades. CDBG upgrades should prioritize low and moderate income areas, and under-served areas within the city.

Open Spaces

- **Goal PROS-3:** Ensure the provision and preservation of diverse and accessible open

spaces throughout the planning area.

- **PROS 3-1:** The General Plan land use designations of Permanent Open Space (POS), Hillside Very Low Density (HVL), and Waterways (WW) shall be considered open space. Additionally, lands designated as Public Facilities which are zoned Parks and Open Space shall also be considered open space as defined by this General Plan.
- **PROS 3-2:** Preserve open space for conservation, as well as active and passive recreation uses. Prohibit any land designated on the General Plan Land Use Map as Parks and Open Space (POS) from being re-designated for any other land use unless the proposed re-designation of that land is first approved by a two-thirds vote of the voters of Milpitas at a general or special municipal election.
- **PROS 3-3:** The construction of any residential, commercial or industrial buildings or structures on any land designated on the General Plan Land Use Map as Parks and Open Space (POS) shall be prohibited, unless the proposed construction is first approved by a two-thirds vote of the voters of Milpitas at a general or special municipal election. Undeveloped land that is designated for urban uses by the General Plan Land Use Map is not considered open space and may be developed consistent with the Land Use Map.
- **PROS 3-4:** Where feasible, integrate open space, drainage and stream corridors with trails and other recreational open space amenities in an environmentally sustainable manner.
- **PROS 3-5:** Recognize and demonstrate through policy and practice that urban open space and hillside open space are essential to maintaining a high quality of life within the Milpitas Planning Area. Future planning decisions shall seek to preserve and maintain open space resources to the greatest extent feasible, as these resources are irretrievable.
- **PROS 3-6:** Support regional and local preservation plans and policies that retain and protect open space within the Milpitas Planning Area.

- **PROS 3-7:** Encourage public and private efforts to preserve open space.
- **PROS 3-8:** Encourage innovative open space and recreational amenities within urban activity centers including green roofs, rooftop parks and gardens, and support public access to these amenities.
- **PROS 3-9:** Encourage clustered development that preserves a sense of openness, particularly in areas adjacent to open spaces and scenic resources.

OTHER PLANNING EFFORTS

The City has, is currently, or will be undertaking several planning level efforts in conjunction with this Parks and Recreation Master Plan. Coordination between these different efforts is necessary to provide comprehensive and complete planning documents for the City to implement in the coming years.

Milpitas Metro Specific Plan (formerly Transit Area Specific Plan (TASP)) - The 2008 Milpitas Transit Area Plan (TASP) requires 35.83 acres of public parkland. The plan is currently being updated to allow for changes to the densities and boundaries of in some areas, which can potentially impact and change the original parkland required that was previously envisioned.

Calaveras Gateway / Main Street Specific Plan (formerly Midtown Specific Plan) – A future update to this specific plan may impact park land demand.

California Circle – A future specific plan for this transition area may include residential development in a mixed use format, with a priority placed on affordable housing. This plan will need to include a parks and trail system consistent with parkland standards for new facilities.

Trail, Pedestrian and Bicycle Master Plan – Currently underway, these plans will provide the City with a vision and action plan to make it safer and more convenient to walk, bike, and roll in Milpitas.

Milpitas Tree Management Plan – Developed with a focus on the short and long-term maintenance needs of all inventoried trees within the City limits, this completed report addresses the economic, environmental and social benefits that trees provide to the City of Milpitas.

Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy – This plan is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA). This plan identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the state-recommended green house gas emission reduction target. It is currently being updated and scheduled to be adopted in Spring/Winter 2022.

CEQA DOCUMENTATION

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, an Initial Study/Negative Declaration was prepared by the City of Milpitas as the Lead Agency. The purpose of the Initial Study/Negative Declaration was to inform decision makers and the general public of the environmental effects of the proposed Milpitas Parks and Recreation Master Plan Update.

Preparation of the Initial Study/Negative Declaration for the Milpitas Parks and Recreation Master Plan Update included early coordination with the project team, project scoping, drafting the Initial Study/Negative Declaration, public circulation of the Initial Study/Negative Declaration, responding to comments received during the public circulation period, and a public hearing to adopt the Negative Declaration.

FACILITY AND PARK CLASSIFICATIONS

Existing Parks

Existing parks and recreation facilities are shown in Figure 2-1. It includes approximately 285 acres of developed City parkland and 1,544 acres of Ed Levin Park, part of which is within City limits. Definitions of the General Plan park classifications follow.

City-Owned Parkland

- **Community Parks:** Community Parks typically contain regulation-size ball fields and courts, space for informal games and activities, picnic and gathering areas, children's play areas, and parking.
- **Neighborhood Parks:** Neighborhood parks are pedestrian oriented parks that serve their immediate neighborhoods. They are primarily designed for non-organized recreation and play. These parks typically contain play equipment, seating, picnic areas, limited sports courts and small gathering spaces. Some neighborhood parks contain informal sports fields that draw from surrounding neighborhoods as well as the immediate area.
- **Special-Use Parks:** The Special-use Parks have a special element such as a historical building, unique views, or unique use like a dog park
- **Urban Parks:** Urban parks are small facilities, generally less than one acre in size, which accommodate the daily recreation or passive needs of nearby residents. They typically can include children's play areas, sitting areas and limited green space but are not large enough to contain sports fields.
- **Linear Parks:** Linear parks are narrow corridors of land that have been developed primarily as a trail system. Linear parks may also include other small

scale facilities such as picnic tables and benches. Milpitas has taken advantage of the Hetch-Hetchy right-of-ways for development of a linear park system.

Non-City-Owned Parks and Recreation Resources

- **Regional Parks:** Regional parks are generally larger than 100 acres in size and serve the entire city or the region. While regional parks can provide for varying degrees of recreation activity, a portion of the park is generally maintained in a rustic setting for passive recreation use. While a number of regional parks serve Milpitas residents, the Planning Area includes only one such facility, the Ed Levin County Park.
- **Private Recreation Facilities:** Besides parks and recreation facilities, private recreation facilities in the Planning Area include: private fitness clubs, aquatic facilities, indoor sports gyms (badminton, multi-sport), and golf courses. Newly developed residential communities contain private recreational facilities and amenities such as pools, community rooms and playgrounds.
- **Joint-Use Facilities:** City of Milpitas and the Milpitas Unified School District (MUSD) have a long-established history beginning in 1988 of agreed joint mutual use of each agency's open space, including but not limited to, fields, parks, and courts. This type of partnership maximizes available outdoor spaces in benefit of Milpitas residents through the provision of quality outdoor learning, sports, recreation, physical education, and event spaces.
- **Privately Owned and Publicly Accessible Parks:** These parks are built and maintained by private developers but are available for public use. The park design and amenities are discussed and agreed upon by the City and developer during the preliminary project design phase.

DEMOGRAPHICS

HOUSEHOLD COMPOSITION

Milpitas has many large households. The City's average household size in 2017 was 3.35 persons per household, higher than both Santa Clara County and the Bay Area. The City's household composition is weighted towards family households with children. However, the construction of new multi-family residential units has resulted in smaller households or households with no children moving into the City in recent years, a trend that is likely to continue.

AGE DISTRIBUTION

The population in Milpitas has aged in recent years as baby boomers reach retirement. Between 2000 and 2020, the number of residents in Milpitas over the age of 55 more than doubled. However, new multi-family development may result in a greater number of young families as well as senior adults using the Milpitas park system.

RACE/ETHNICITY

Milpitas has become a racially and ethnically diverse community. Between 2000 – 2020 the ethnic composition of Milpitas changed significantly. The proportion of residents of Asian descent grew to more than 65%, while the percentage of non-Hispanic white residents fell to less than 12%. The City is home to a large community of Filipino and Vietnamese residents. The share of Latino population has also increased.

RECREATION TRENDS

PUBLIC HEALTH AND WELLNESS

General Plan 2040 recognizes “the places where people live, work and play profoundly shape the health of a community.” The Plan also notes that among other factors, accessible park safety provides a framework for a healthy community and the development of spaces by addressing public health and wellness. The General Plan 2040 acknowledges the profound effects of the lack of access to public spaces, and lack of opportunities for recreation and physical activity on community health and well-being.

Planning decisions play a role in determining community members’ behavioral and lifestyle choices that ultimately impact their physical health and mental well-being. The quality, safety, location, and convenience of the pedestrian or bicycle environment may impact a resident’s decision to use them, which in turn influences physical activity levels. Similarly, neighborhood parks and open space provide an avenue for increased physical activity.

COMMUNITY HEALTH AND WELLNESS INDICATORS		
	Santa Clara County Residents	California Residents
Children (ages 5-11) active every day for at least 1 hour	14.9%	23.9%
Teens active every day for at least 1 hour	7.0%	11.5%
Teens who volunteered/did community service in the past year	48.8%	46.0%

Table 2-1: Community Health and Wellness Indicators

Source: General Plan 2040, City of Milpitas

RECONNECTING WITH NATURE

Country-wide, there is a movement to reconnect with nature and the outdoors. This is a response to the recent COVID pandemic as well as the decreased time people spend outdoors compared to previous generations. The negative physical and mental health impacts are many and well-documented. People of all ages are voicing their concerns about the ill effects of a sedentary lifestyle, screen time, and lack of exploratory, unstructured outdoor activities. Public health organizations and parks and recreation departments are working to reverse these negative impacts.

LET’S GET CONNECTED

Californians spend more recreation time outside on trail-related activities such as walking, hiking, biking and running than the rest of the country. The desire for these trails to be interconnected to parks and recreation centers is at an all time high.

ACTIVE AGING POPULATION

Baby boomer and millennial generations are the largest population segments driving outdoor recreation trends. As people live longer and in multi-generational housing, the population we call ‘seniors’ includes multiple generations, that are less interested in typical ‘senior center’ activities. Instead, they are seeking leisure activities for older adults or multi-generational parks and programs that they can enjoy with their younger family members.

GET ONLINE

With Milpitas’ proximity to San Francisco and Silicon Valley, technology and tech culture have a large impact on the City’s residents and working populations. People want to be able to connect to Wi-Fi in parks or connect to an interactive workout program or have the opportunity to take their work outside.

RECREATION



Play Milpitas

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3



OVERVIEW

The following is a summary of the recreation programs and services provided by the Department of Recreation and Community Services. Recreation plays a valuable part in the health and wellness of a community. This chapter takes a deeper dive into the specific recreational programs currently being offered, their fees related to peer agencies, and events and social services offered to the residents and non-residents of Milpitas.

PROGRAMS

OVERVIEW

The City of Milpitas, as part of the Parks and Recreation Master Planning effort, is evaluating the structure of recreation fees currently charged by the City to support recreation programming activities. The following section summarizes observations and recommendations related to the fees charged by the City for various recreation programming activities. At the present time, recreation programming is limited by the existing facilities and programming spaces available to the City.

The City of Milpitas Recreation and Community Services Department offers a wide variety of program in the following areas: Senior Services, Youth Programs, Special Events, Performing Arts, General Classes, Aquatics, and Sports & Fitness. In general, it provides a holistic approach to courses and attempts to meet the diverse and unique needs of the City's residents. This review of programs

compared Milpitas to four similar agencies, where population and program offerings were most similar.

COMPARATIVE ASSESSMENT OF COURSE/PROGRAM FEES

City of Milpitas fees for selected programs and services (generally offered by multiple similar agencies) were compared to those charged by comparative agencies. Figure 3-1 below summarizes the findings of this effort for Fremont and San Jose - the two primary comparables to the City of Milpitas. As shown, the fees charged for the majority of programs are below the average charged by San Jose and Fremont indicating some ability for the City to adjust some select fees and still remain competitive in the public sector market. Detailed tables and graphs for each program and service surveyed are provided in Appendix C and show how the City of Milpitas compares to the entire set of agencies selected: Fremont, Mountain View, Redwood City, and San Jose.

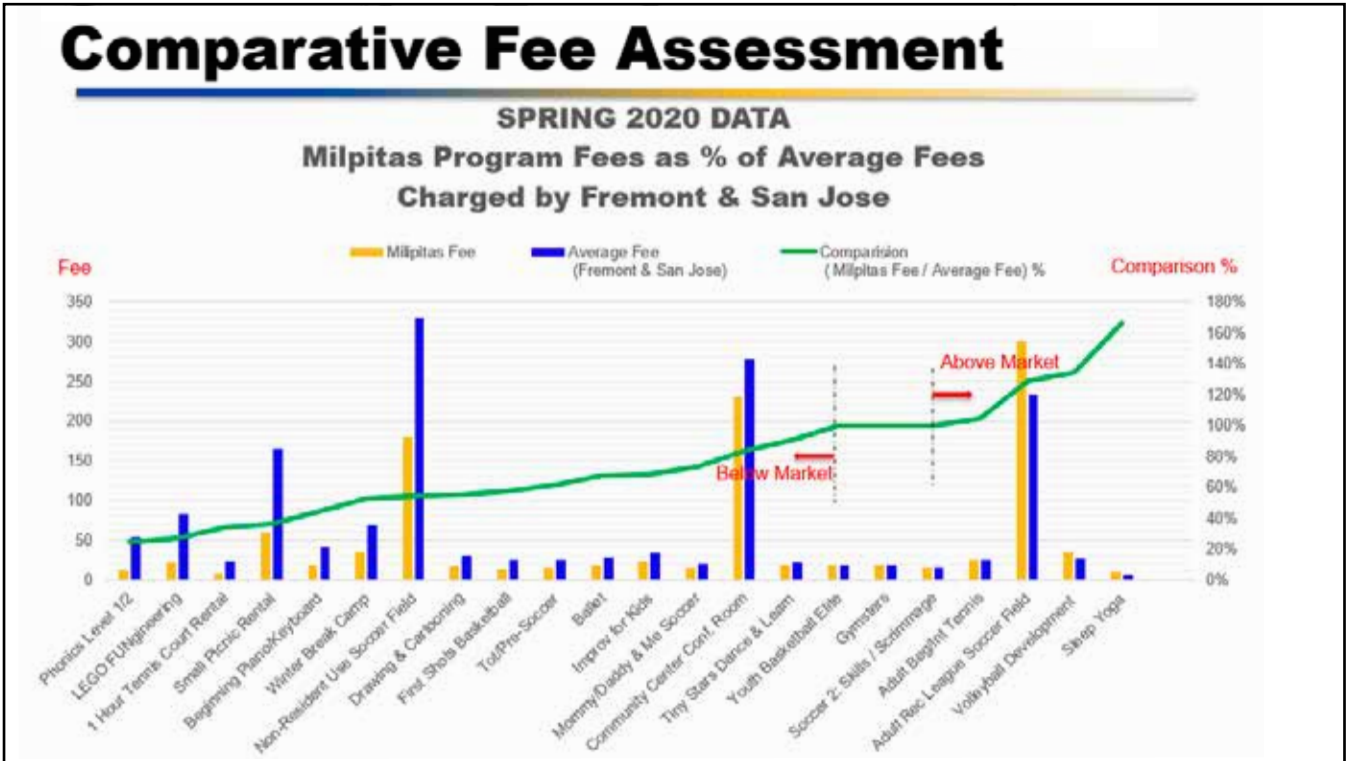


Figure 3-1: Milpitas Program and Rental Fees Compared to Average Fees Charged by Fremont & San Jose

Local Market Fee Comparison

In addition to comparing fees to other communities, a small sample of programs and services were compared to local providers within the City of Milpitas to conduct a “reasonableness” test against costs for similar programs conducted by the private sector. While it is difficult to develop a completely equitable comparison between the City’s services and those of other providers due to differences in facilities and gym offerings, this information provides at least an approach to gauging whether or not fees are aligning with market conditions.

In general, this analysis supports the conclusion that the City is charging appropriate fees for programs but may have some capacity to increase rental rates for meeting and banquet facilities if desired.

The specific programs and services were identified in consultation with City staff and then outreach conducted to the providers to ascertain the costs they were charging for the similar services. The results are shown in the following table.

BANQUET HALLS AND MEETING ROOMS	
Service Provider	Fee Amount
India Community Center	\$3,500 per day weekdays and \$8,000 per day weekends - includes 10 hours per day with set up, tables, chairs, and linens included. Anything else is extra.
Spring Valley Golf Course	Indoor facility for 165 people. Patio seating for a total of 300 guests. Room rental fee of \$500 which is waived if total cost is over \$7,500. Required minimum \$4,300 in food and beverage, not including service charge of 17% or applicable taxes.
School District	76 person community meeting room at Mattos Elementary School is \$95 per hour or \$1,520 per day.
Summit Pointe Golf Club	150 person inside and 50 outside banquet room/patio. Includes full banquet staff, buffet menu, set up/clean up, tables and chairs, coffee, water, and tea. 4 hour minimum. 15-59 people \$800. 60-119 people \$1,200. 120-200 people \$1,800. \$200 per hour after initial 4. \$100 cleaning fee.
GYM MEMBERSHIP	
Service Provider	Fee Amount
India Community Center	\$10 initiation. \$45/monthly or \$449 annually. Family \$69 monthly or \$699 annually. Student \$29 or \$299. Senior \$15-25 month or \$160-\$249 annually (basic or full access membership difference).
India Community Center	Adult join \$90/Monthly \$73. Senior 90/66. Youth 45/37. Family (max) 165/161.
Fitness 19 Milpitas	Monthly rates from \$10-30 depending on access to features. 1-year commitment required.
Milpitas Star Aquatics	\$40 annual maintenance fee. Gym \$50 sign up and \$20 monthly (first person, \$15 second person and \$10 each third+). Gym and pool membership is \$50 sign up and \$40 monthly. \$30 second person and 3rd+ each \$20 per month. 25 yard heated 7 lane pool for laps. 20 yard heated shallow pool for family swim.
City of Milpitas	Sports Center Unlimited Membership of \$60/monthly or \$480/year with reduced rates for seniors of \$235/year.

Table 3-1: Milpitas Public & Private Recreation Service Providers and Associated Fees

CHAPTER 3: RECREATION

While services and offerings between these facilities are not entirely consistent, the cost comparison does indicate that the City is in line with the rates being charged by other local service providers.

When considering additional programs or expanded programming, the following local market information may be useful in ensuring that the rates charged by the City are in alignment with fees in the local market.

YOGA	
Service Provider	Fee Amount
Bikram Yoga	1 year / \$1,200
Worlds Yoga	\$25 initiation. Yearly - \$79/mo. 6 months \$89/mp. 3 months \$99/mo. Drop in \$20. Class package 5=\$75. 10=\$130. 20=\$240. 30=\$330.
PROGRAMMING / EVENTS / TUTORING	
Service Provider	Fee Amount
Christ Community Church	\$10 initiation. \$45/monthly or \$449 annually. Family \$69 monthly or \$699 annually. Student \$29 or \$299. Senior \$15-25 month or \$160-\$249 annually (basic or full access membership difference).
Kumon Math	Adult join \$90/Monthly \$73. Senior 90/66. Youth 45/37. Family (max) 165/161.
The Tutoring Center	Monthly rates from \$10-30 depending on access to features. 1-year commitment required.
PEL Learning Center, Inc.	\$40 annual maintenance fee. Gym \$50 sign up and \$20 monthly (first person, \$15 second person and \$10 each third+). Gym and pool membership is \$50 sign up and \$40 monthly. \$30 second person and 3rd+ each \$20 per month. 25 yard heated 7 lane pool for laps. 20 yard heated shallow pool for family swim.
Science Nature Labs at Pump It Up	Sports Center Unlimited Membership of \$60/monthly or \$480/year with reduced rates for seniors of \$235/year.
KidzToPros	Introducing to "Python Programming". Grades 6-8. June 15-19 from 9 am – 3 pm. \$595. Computer programming skills held at Curtner Elementary School.
KidzToPros	Digital Arts Camp. Grades 6-8. June 29 – July 3. 9 am – 3 pm. \$595. Students learn how to use a graphics tablet with a digital pen, transforming their creative ideas with digital effects held at Curtner Elementary School.

Table 3-1 (cont.): Milpitas Public & Private Recreation Service Providers and Associated Fees

EVALUATION OF PROGRAMS OFFERED

A comprehensive assessment was made of the programs offered by the City of Milpitas' Department of Recreation and Community Services against those offered by comparative municipalities. For the purposes of the fee and program offering assessment, the following communities were utilized as comparatives: Fremont, Mountain View, Redwood City and San Jose.

Table 3-2 on the following pages shows a summary of the most frequently offered classes that other communities provide that are not currently provided by the City of Milpitas. This listing shows only those programs where two or more of the comparable entities provide the class. A detailed listing is provided in Appendix B that shows the entire comparison and highlights classes that only one other entity offered.

This information is useful, as one tool, to evaluate new potential courses or programs that the City of Milpitas should consider in the future.

RECREATION CLASSES (FROM FALL & WINTER 2019 ACTIVITY GUIDE)	Fremont	Mountain View	Redwood City	San Jose
Chess Beginner (ages 5-13)	\$99 1 day/wk 1 hr class, 7 classes	Not Offered	\$231 1 day/wk 1.33 hr class, 9 classes	Not Offered
Chess Advanced (ages 6-8, 9-11)	\$99 1 day/wk 1 hr class, 7 classes	Not Offered		Not Offered
Math Olympiad (ages 6-8, 9-11)	\$449 1 day/wk 2.25 hr class, 9 classes	Not Offered	\$180 1 day/wk 1 hr class 4 classes	Not Offered
Children's Little Theater (ages 4-6)	\$189 1 day/wk 1 hr class, 9 classes	\$170 Res/\$213 NR 1 day/wk .75 hr class 5 classes	\$330 1 day/wk 1.5 hr class 8 classes	Not Offered
Young Rembrandts: FUNDamental Drawing (ages 4-6)	\$129 1 day/wk 1 hr class, 6 classes	Not Offered	Not Offered	\$118 1 day/wk 1 hr class, 6 classes
Adult Ballet (ages 16+)	\$139 1 day/wk 1 hr class, 10 classes	Not Offered	\$199 1 day/wk 1 hr class, 11 classes	Not Offered
Adult Beginning Tap (ages 16+)	\$139 1 day/wk 1 hr class, 10 classes	Not Offered	\$78 1 day/wk 1 hr class, 6 classes	Not Offered
Zumba Dance Fusion (ages 18+)	\$69 1 day/wk .67 hr class 6 classes	Not Offered	\$126 1 day/wk 1 hr class, 10 classes	\$43 Res/\$47 NR 1 day/wk, 1 hr class 6 classes
Beginner Belly Dancing (ages 18+)	Not Offered	\$198 Res/\$248 NR 1 day/wk 1 hr class 12 classes	\$62 1 day/wk 1 hr class, 10 classes	Not Offered
Karate for Kids (ages 7-12)	\$109 1 day/wk .5 hr class 10 classes	\$135 Res/\$169 NR .83 hr class 7 classes	\$98 2 day/wk .92 hr class 7 classes	Not Offered
Tae Kwon Do (ages 5-19)	Not Offered	\$125 Res/\$157 NR 2 days/wk 1.5 hr class 24 classes	\$162 2 day/wk 1 hr class 12 classes	Not Offered
Guitar (ages 6-16)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk, .83 hr class 13 classes	Not Offered	\$154 +\$10 material fee 1 day/wk, .75 hr class 6 classes
Adult Guitar (ages 17+)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 12 classes	Not Offered	\$154 +\$10 material fee 1 day/wk .75 hr 7 classes
Ukulele for Fun! (ages 4+)	\$175 1 day/wk .75 hr class 6 classes	Not Offered	\$25 1 day/wk 2 hr class, 1 class	\$154 +\$10 material fee 1 day/wk, .75 hr class 6 classes
Violin Study (ages 4+)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 12 classes	Not Offered	Not Offered
Skateboarding Lessons - Beginning Level (ages 6-12)	\$169 1 day/wk .75 hr class 4 classes	Not Offered	\$131 1 day/wk 1 hr class, 5 classes	\$171 Res/\$175 NR 1 day/wk, 2.5 hr class 6 classes
Skateboarding Lessons - Intermediate Level (ages 6-12)	\$169 1 day/wk .75 hr class 4 classes	Not Offered	\$131 1 day/wk 1 hr class 5 classes	\$171 Res/\$175 NR 1 day/wk, 2.5 hr class 6 classes

Table 3-2: Classes Offered by Peer Communities, but Not Currently Offered by City of Milpitas

CHAPTER 3: RECREATION

RECREATION CLASSES (FROM FALL & WINTER 2019 ACTIVITY GUIDE)	Fremont	Mountain View	Redwood City	San Jose
Tennis: Red Ball (ages 5-6, 7-8)	\$79 1 day/wk 1 hr class, 5 classes	Not Offered	\$92 1 day/wk .67 hr class, 6 classes	\$125 1 day/wk 1 hr class, 6 classes
Tennis: Orange Ball (ages 9-10)	\$79 1 day/wk 1 hr class, 5 classes	Not Offered	\$92 1 day/wk .67 hr class, 6 classes	\$125 1 day/wk 1 hr class 6 classes
Tennis: Fremont Tennis Academy (ages 11-17)	\$79 1 day/wk 1 hr class, 5 classes	Not Offered	\$92 1 day/wk .67 hr class, 6 classes	Not Offered
Tennis: Adults Beginner (ages 18+)	\$75 1 day/wk 1 hr class, 5 classes	Not Offered	\$92 1 day/wk 1 hr class, 6 classes	Not Offered
Tennis: Adults intermediate (ages 18+)	\$75 1 day/wk 1 hr class, 5 classes	Not Offered	\$92 1 day/wk 1 hr class, 6 classes	Not Offered

Table 3-2 (cont.): Classes Offered by Peer Communities, but Not Currently Offered by City of Milpitas

There are multiple opportunities, based on demand for classes seen in other communities, to explore the addition of new programs within the City of Milpitas' portfolio of classes. Additional opportunities are likely to be identified as part of the larger Parks and Recreation Master Planning process once information becomes available from ongoing community input, and arising from recommended park and facility improvements.

RECOMMENDED FEE ADJUSTMENTS

Based upon the comparative assessment, it is recommended that fees for the City's recreation programs be adjusted to match the average of the comparable programs unless there is specific information available that warrants maintaining a fee

below market rate. At the present time the project team is not aware of any specific data that would warrant charging a below market rate. The detailed program assessment is included in Appendix B. For programs where market adjustments are not required, the City of Milpitas should consider implementing fee increases to cover cost of living increases to ensure that annual internal cost increases (personnel, contractual, utilities, etc.) do not impact the cost recovery of the Department.

Based upon the market assessment, the following table summarizes the types of market adjustments that are warranted based upon the comparative assessment. Where no change is recommended for market adjustment, the City may still consider a small cost of living adjustment to account for increased operating costs year over year attributable to internal cost increases.

PROGRAM	ADJUSTMENT
Sleep Yoga	Increase from \$10/class to \$14/class
Phonics Level 1/2	Increase from \$13/class to \$25/class
Soccer 2: Skills and Scrimmage	Increase from \$15/class to \$16/class
Drawing & Cartooning	Increase from \$17/class to \$19/class

Table 3-3: Recommended Program and Rental Fee Adjustments

PROGRAM	ADJUSTMENT
Beginning Piano/Keyboard Lessons	Increase from \$18/class to \$30/class
Non-resident use of Soccer Field with Lights for 2 hour rental	Increase from \$180 to \$200
Line Dancing	Increase from \$2/class to \$3/class
Lego FUNGineering	Increase from \$22/class to \$40/class
Improv for Kids	Increase from \$23/class to \$40/class
Resident use of gymnasium for 3 hours - peak hours	Increase from \$260 to \$400
Winter Break Camp	Increase from \$4/hour to \$9/hour
Small Picnic rental for Residents (<50, Saturday)	Increase from \$60 to \$90
Non-primetime 1 hour Adult Resident Tennis Court Rental	Increase from \$8 to \$15
Mommy/Daddy & Me Soccer Class	No Change
Ballet Level 1	No Change
Youth Basketball Elite	No Change
Tai Chi Fitness 2	No Change
Sports Center Drop in Sports Class	No Change
Tot/Pre Soccer	No Change
Tiny Stars Dance & Learn	No Change
Tap & Ballet Combo Level 1	No Change
Hip Hop & Break Dance	No Change
Gymsters	No Change
Satellites Tennis	No Change
Volleyball Developments Clinic	No Change
Adult Use/Int Tennis	No Change
Adult Use, Artificial Turf (2 hour rental)	No Change
Community Center Conference Room	No Change

Table 3-3 (cont.): Recommended Program and Rental Fee Adjustments

PROGRAM ASSESSMENT FINDINGS

The assessment showed that of the programs reviewed, 55% warranted no change in fees based solely upon market competitiveness. The remaining 45% had market adjustments recommended with some being very minor but some being significantly below the market rate. At a minimum, a cost of living adjustment should be applied to each program to address internal cost increases year over year.

COMMUNITY INPUT

As part of the community outreach for the Master Plan, the public was asked to provide input regarding the programs offered through the Community and Recreation Department. Questions were asked regarding the time of classes and programs offered, variety of programs offered and frequency of programs offered. Based on the responses, the top desires of the community in regards to programs are as follows:

General

- Offer more weekend classes (Saturday and Sunday)
- Offer more evening classes (after 6pm)
- Offer more lunch time classes (noon-1pm)
- Continue to offer fee-based programs online and offer them at a lesser cost than in-person programs
- Ensure that access to programs and their content is equitable to users of all abilities
- Explore partnering with outside groups to offer inclusive classes and/or assistance for people with different ability levels
- Explore partnering with outside groups to provide additional inclusivity training for instructors in order to meet the needs of all students/participants

Online Fee-Based Programs

- Adult fitness, adult enrichment and youth enrichment programs were the most requested

Adults

- Expand adult class offerings: fitness, health and wellness, enrichment, urban farming/gardening, art classes, and dance classes
- Expand the times adults classes are offered (evenings and weekends)

Seniors

- Expand senior program offerings: health and wellness, enrichment classes, field trips

Teens Ages 13-17 Years

- Provide additional sports programming and enrichment classes
- Offer programming for teens ages 13-17 at more locations throughout the city and at more times

Youth Ages 10-12 Years

- Provide additional sports programming and art classes for youth ages 10-12
- Offer programming for youth ages 10-12 at more locations throughout the city and at more times

Youth Ages 5-9 Years

- Expand the times youth programs are offered
- Provide additional sports programs, art classes and enrichment classes

Youth Ages 18 Mos - 4 Years

- Expand the times youth programs are offered
- Offer additional pre-school and enrichment classes
- Expand the times programs are offered
- Offer classes at a lower cost

Indoor Sports

- Identified as a high priority for the community
- Dedicated yoga studio, additional ping pong/table tennis, cricket pitch and basketball courts were the most requested

KEY FINDINGS

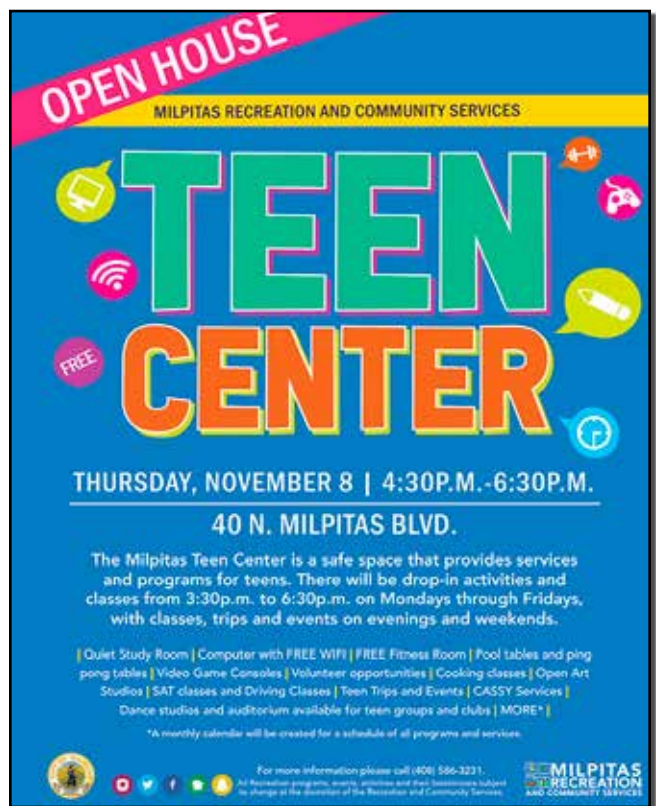
The key findings from the program and fee assessment include:

- Fee adjustments should be made to bring select fees in the City of Milpitas in line with the identified market rates charged by comparable communities
- Where market data is not available, the City should implement at least a cost of living adjustment over current rates to cover internal cost increases (personnel, contractual, utility and other costs) to prevent cost recovery from being impacted by the annual increases
- Continue to explore the expansion of recreation programs based upon community input and successful programming provided by other comparable communities' recreation departments
- The City should seek to selectively increase those fees where they are below market the coming year, implement annual escalators for future years, and conduct a more comprehensive fee assessment that links fees to actual costs of providing service in the future
- Post COVID, there is a desire to continue expanded online program offerings

COST RECOVERY

On March 16, 2021 the Milpitas City Council adopted a Resolution approving a Cost Recovery Policy for the Recreation and Community Services Department (Appendix I). The adopted policy provides the following measures:

- Establishment of cost recovery targets for Recreation and Community Service Department programs



- Proposal to structure fees based on total costs instead of only direct costs
- Recommendation to group programs into three categories with different cost recovery targets
- Recommendation to achieve an average of a 40% total cost recovery for recreation programs and services

CHAPTER 3: RECREATION

EVENTS

OVERVIEW

The City of Milpitas Recreation and Community Services Department offers a wide variety of events throughout the year that are open to the public. The City is committed to providing high quality events year round, and understands the importance of events in maintaining civic pride and stewardship.

The community was polled in regards to the type and frequency of events, in the following categories:

- Events that support local businesses (e.g. art walk)
- Family focused events (e.g. pumpkins in the park, family game night)
- Holiday events (e.g. tree lighting)
- Health and wellness events (e.g. bike to work day, 5k run or walk)
- Large city-wide event (e.g. 4th of July fireworks)
- Events that generate revenue for the City (e.g. sponsorships)
- Performances (e.g. community theater, band concert)
- Events that celebrate diversity (e.g. Lunar New Year, LGBTQ+Pride)
- Events for special interest groups (e.g. car shows)

COMMUNITY INPUT

As part of the community outreach for the Master Plan, the public was asked to provide input regarding the events hosted by the Department of Recreation and Community Services. The focus of the outreach was to identify the event types offered as well as access

to those events. The key priorities from the community include:

- Increase advertisement of City-hosted events. Often residents were not aware of an event or when/where it was being hosted
- Offer smaller events within community or neighborhood parks to foster neighborhood connections
- Provide more transparency regarding accessibility of event for users of all abilities
- Events that support local businesses, family-focused events and holiday events are the highest priority events
- Explore hosting more events that appeal to teens and seniors

SUMMARY

Events are an important aspect of the Department of Recreation and Community Services. The programs currently being offered, and offered in the past, are well attended and loved by the community. As the City of Milpitas grows in size and diversity, it will be important to explore additional events and ways to serve this new and growing population. Access and accessibility to events will continue to be a priority.



Photo courtesy of Facebook - Milpitas Recreation & Community Services

COMMUNITY SERVICES

OVERVIEW

The City of Milpitas Recreation and Community Services Department has numerous programs and facilities that serve community members in the following populations:

- All residents
- Special populations (i.e. seniors, teens)
- At risk populations (food insecurity, houseless, mental health)
- All abilities
- All income levels
- English as a second language

COMMUNITY INPUT

Residents were asked to provide input regarding these services and any unmet needs. Key ideas from the community include:

- Provide signs and other forms of community awareness of inclusion in parks, facilities and at events
- Diversity in play options for all abilities
- Opportunities for teens and seniors to participate in programs together
- Explore expanded hours for the teen center
- Explore an ally support program where children and teens are trained to support those groups that are marginalized
- Collaboration with local Police, Fire and special populations to build trust
- Explore additional training opportunities for



City staff and program teachers so that special populations feel more welcome at events and in classes

- Explore partnerships with private groups that would allow for inclusive design and development within parks

SUMMARY

Inclusion is the emerging theme from the outreach efforts. The City should explore ways to ensure all populations are and feel welcome at events and in classes, and that any unmet needs are being addressed through community service programs.

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NEEDS ASSESSMENT



Play Milpitas

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OVERVIEW

The City of Milpitas' Department of Recreation and Community Services oversees planning, implementation and programming Milpitas' 285 acres of park land, recreation facilities, programs and events. With significant input and participation from City staff, an engaged and informed community, Council and commissions, the needs of the community were identified.

The following is a summary of the community engagement efforts, peer community comparisons and needs and deficiencies analysis for this Parks and Recreation Master Plan Update.

COMMUNITY OUTREACH

METHODOLOGY

The community engagement efforts were organized into four rounds, each with an overarching goal.

ROUND 1: What is the vision for our recreation programs and parks?

ROUND 2: Confirm, clarify and prioritize.

ROUND 3: What are our priorities?

ROUND 4: Master Plan Review.

The initial three rounds of community engagement used a combination of in-person and virtual events and an online survey to gather public input. In March 2020, all in-person events were transitioned to virtual platforms in light of Covid-19. Online surveys were available to supplement the outreach events and gather additional community insights on the existing parks and recreation facilities. All project communication and marketing material were available in English, Spanish, Chinese and Vietnamese. 1,500 unique responses and comments were received via various means of outreach. As the

Master Plan document was developed, the fourth round of outreach sought public comments on the full draft plan. The document was posted to the project website from May to June 2021, and 12 public comments were submitted for review and integration where appropriate, into the final Master Plan Update.

OUTREACH ADVERTISEMENT

Print and digital methods were used to increase awareness of the Master Plan process and events. The project team also advertised a paid youth internship, successfully recruiting 5 teens. In addition to the project website, online surveys and all outreach events and updates were communicated through the following channels:

City Website
City Social Media
(Facebook, Twitter, Instagram, Next Door)
Mailing Lists (e.g. Bike/Pedestrian)
City Park & Recreation Activity Guide

MEDIA



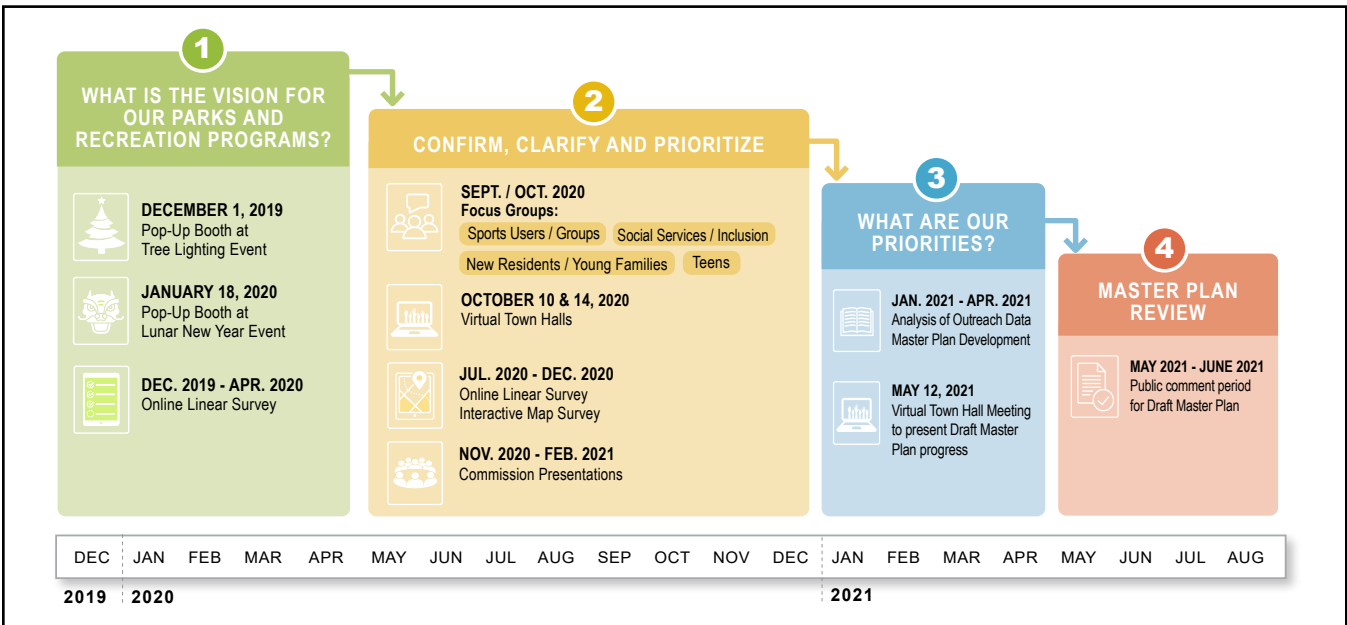


Figure 4-1: Outreach schedule

Milpitas City Council

COUNCIL

COMMISSIONS

Arts

Community Advisory

Economic Development & Trade

Energy & Environmental Sustainability

Library & Education Advisory

Parks, Recreation & Cultural Resources

Planning

Public Safety & Emergency Preparedness

Science, Technology & Innovation

Senior Advisory

Veterans

Youth Advisory

ROUND 1 ENGAGEMENT

The goal of the first round of engagement was to get a broad sense of the community's vision for their parks and recreation system, including what they liked about the existing amenities and what they want addressed in regards to future park improvements and recreational programming. Input opportunities during the initial round included:

- **Online Survey** - available Dec. 2019 to April 2020
- **Tree Lighting Event Booth** – December 1, 2019
- **Lunar New Year Event Booth**– January 18, 2020

The online survey generated 203 responses. The two in-person events featured interactive dot boards where participants were encouraged to vote for their top preferences and priorities regarding park-specific amenities and future improvements, as well as write comments and suggestions directly onto the boards. Adults and children were given different types of dots so their responses could be tallied separately.



2019-2020 Youth Internship

The Details:
Work with your local community to plan the future of Parks and Recreation in the City of Milpitas!

- Paid internship that helps shape your City
- Bilingual candidates encouraged for translation services
- Evening and weekend availability required
- Work alongside community engagement professionals

Duties may include:

- Surveying users in the parks
- Assisting at community meetings
- Photography for social media

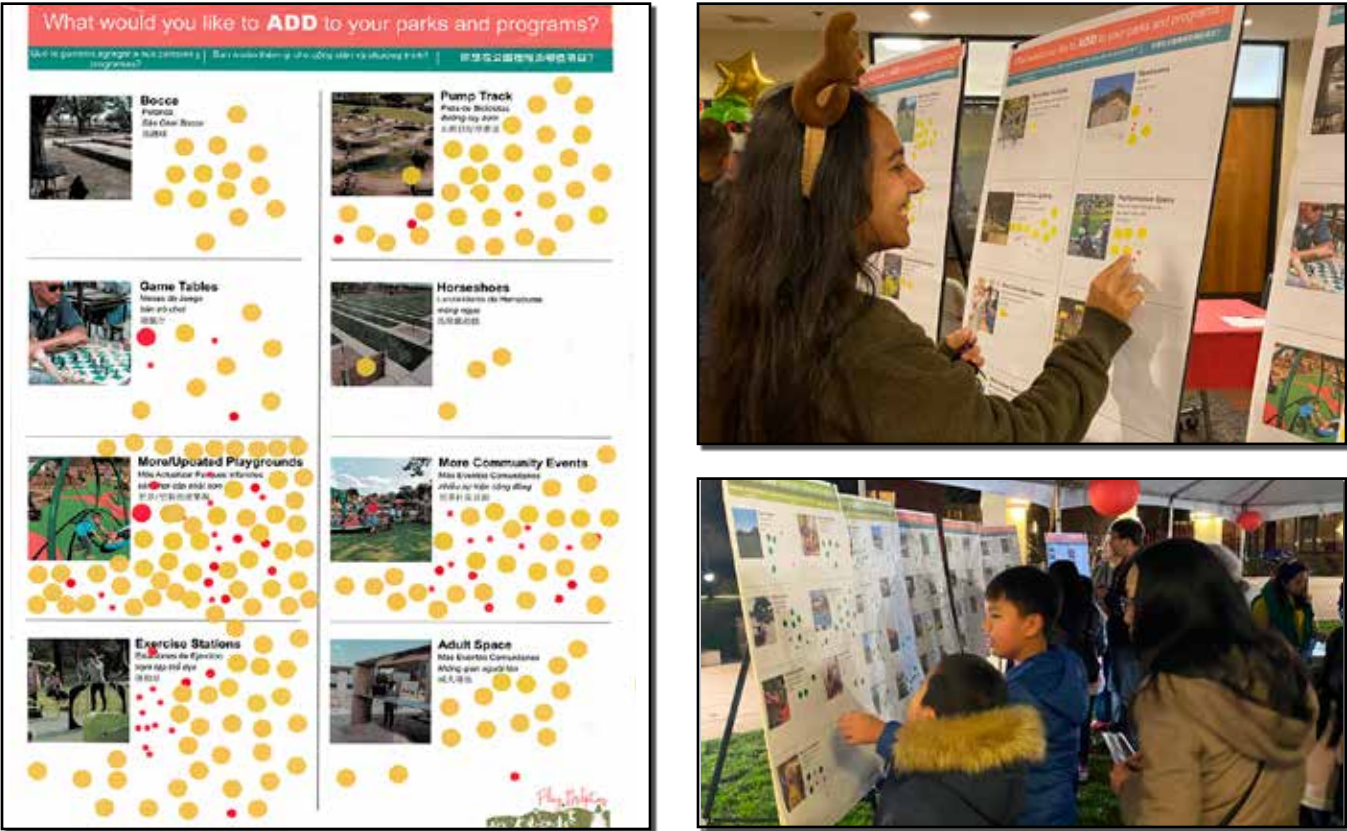
Submit a Milpitas Parks Plan Application:
<https://forms.ci.milpitas.ca.gov/forms/view.php?id=21581>
Under "Volunteer Assignment Preference", list: Master Plan Intern



These three events collected input from 700+ unique participants who provided comments and expressed desires that began to develop initial feedback themes, which are illustrated on the following page.



Figure 4-2: Round 1 Community Engagement Summary



ROUND 2 ENGAGEMENT

The next round of engagement sought to build upon, clarify and prioritize the themes that emerged from the initial round. From July 2020 to January 2021, this round included a mix of virtual workshops and input opportunities:

- **Online Linear Survey & Interactive Map** - available July 2020 - Dec. 2020
- **Focus Groups:**
 - **Sports Users & Groups** – Sept. 24, 2020
 - **Teens** – Sept. 24, 2020
 - **New Residents** – Oct. 1, 2020
 - **Social Services/Inclusion** – Oct. 19, 2020
- **(2) Virtual Town Halls** - Oct. 10 & 14, 2020

Focus Groups

Each of the four focus groups was comprised of between 10-25 participants. The meetings allowed the project team to educate the community about the Master Plan process and provided a forum for people to ask questions and share opinions about the City's parks and programming. These more intimate venues allowed for organic conversation, community brainstorming and opportunities for park-specific feedback from the groups who know the facilities best. These firsthand insights helped the project team develop a clearer understanding of the barriers that prevent various groups from using and enjoying the parks, as well as learn about the unique needs and desires of groups across a range of age groups, life stages, special needs, and interests. The project team worked with the City to recruit participants for each focus group.

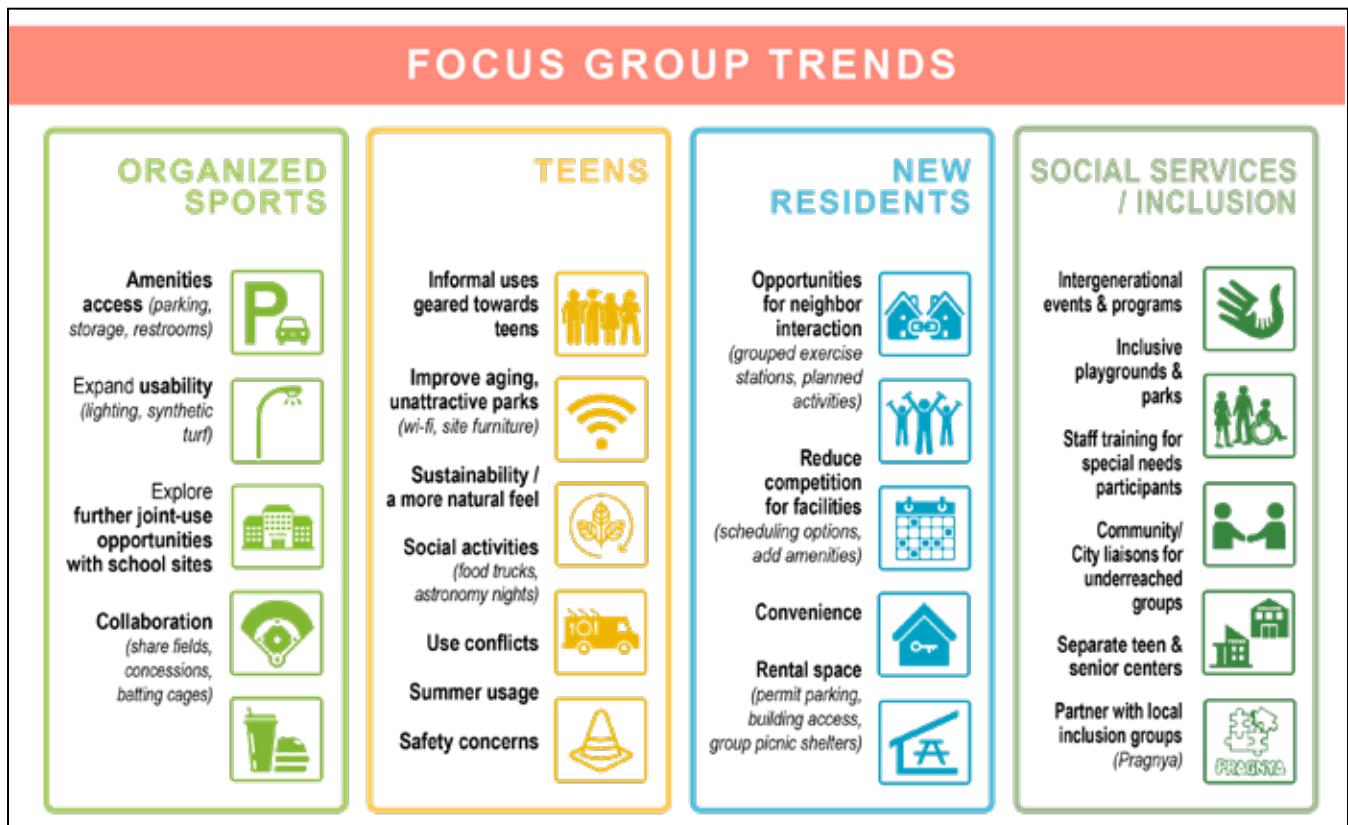


Figure 4-3: Focus Group Trends

CHAPTER 4: NEEDS ASSESSMENT

Virtual Town Halls

Two virtual town hall meetings were held on October 10 & 14, 2020 via Zoom webinar. The interactive meetings included a presentation summarizing the efforts to date, polling questions with real time voting, and a Q&A session. A total of 40 community members participated in these meetings. Trends in feedback revealed a growth in and interest in cricket, desires for inclusive playgrounds/amenities in parks, recreational classes offered on evenings and weekends, and connectivity to other parks and trails.

Online Survey & Interactive Map

An online survey and interactive map were available from July 2020 to December 2020. Community members were able to leave park-specific comments via a Wiki Mapping interface, and included input from 740 unique participants.

Commission Presentations

To drive more participants to the online survey and interactive map, as well as get the word out about our Master Plan Update, presentations were made at all City Councils and Commissions summarizing the efforts-to-date and encouraging people to get the word out about the opportunity for public comment during Round 4 of outreach. Input was also solicited from council members and commissioners regarding important items they would like the Master Plan Update to include.

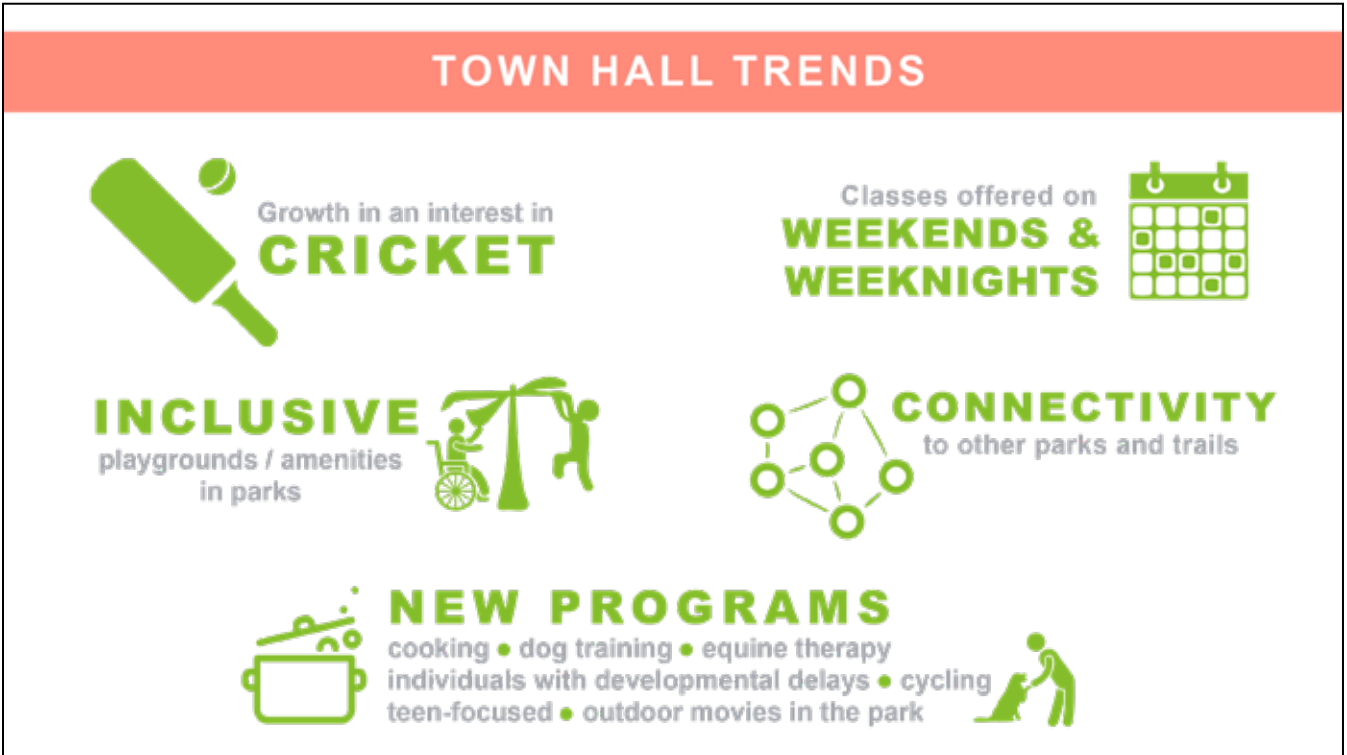


Figure 4-4: Town Hall Trends

ROUND 3 ENGAGEMENT - COMMUNITY PRIORITIES

Through all public engagement opportunities during the Master Plan process, Milpitas residents indicated they have a high level of satisfaction with the City parks and recreation programs, level of maintenance and community events. Feedback also indicates that people regularly use parks, facilities, and recreation programs, especially those close to their homes. They value the proximity of parks and typically get there by foot or bike. They use parks for relaxing outdoors, playing with kids, and for community events.

While satisfaction with existing services is high, the community has strong interest in further enhancing parks and recreation services. Community priorities that emerged from the public engagement process include:

- **Spaces and Programs for All** - Community members prioritize inclusiveness, so that people of all ages, genders, abilities and recreation interests can find a place in parks, recreation facilities and programs.
- **Access to Nature** - In keeping with national trends, residents would like additional opportunities to connect with nature in City parks.
- **More amenities** - Community members would like more exercise stations, cricket pitches, teen game areas, community gardens, reservable picnic areas and dog parks
- **Safety** - The community identified a need for enhanced safety through lighting, natural surveillance and safe routes.
- **Community Events** - Residents appreciate the availability of events and activities and would like to continue and expand on these. (Food trucks, outdoor performance space, yoga in park, etc.)

- **Expanded Programming** - Community members would like an expansion in available programs.
- **Aesthetics** - There is an interest in upgrading parks (especially playground and site furnishings) and in integrating local character and identity.
- **Sustainability** - The community values sustainability and would like the park system to demonstrate environmental stewardship and sustainable design and operations.

These priorities were utilized to develop the goals and recommendations for Milpitas' parks and recreation facilities, detailed in the following chapter. Along with an overview of the Draft Master Plan Update, they were presented for public discussion at a Virtual Town Hall Meeting on May 12, 2021, which included 55 registrants.



Photo courtesy of playgroundprofessionals.com

BENCHMARKING

PARKS AND FACILITIES

Gates + Associates conducted a comparative analysis of the City of Milpitas' parks and facilities with those of four other comparable cities in the region. The cities were chosen based on similarity in population, income level, size and demographics. Each city's Director of Parks and Recreation, or their assignee, were asked to complete an online questionnaire regarding their parks and facilities. The responses were used to establish a benchmark for the City of Milpitas.

The benchmarking process provides insights into how the City of Milpitas compares to other peer municipalities. The benchmarking data from peer communities regarding parks and facilities can be used to measure how well Milpitas provides these amenities to their community, to establish goals for improvement, and to develop action plans.



Figure 4-5 Location of Benchmark Cities (MAP)

BENCHMARK COMMUNITIES

The cities of Cupertino, Dublin, Mountain View and Redwood City were identified as peer communities. These cities have similar characteristics to Milpitas, as shown in Table 4-1 on the following page. All demographic data is from the US Census 2019 population estimates and the 2019 5-Year Estimates Program unless otherwise stated.

Although their populations are in a similar range, Milpitas and Dublin have been growing at a much higher rate, with population increasing by approximately 41% in Dublin and 26% in Milpitas between April 2010 and July 2019, while the other cities growth rates have been under 12%. Milpitas is in the mid-range of the peer cities in terms of population density, indicating the importance of planning for and designating future park space as the city continues to grow.

Age ranges in these cities are also similar, with one-fifth to one-quarter of their population under the age of 18, and roughly one-tenth to one-eighth of their population 65 years and older. Providing for the needs of multiple age groups from youth to seniors are important elements of each city's parks and recreation needs.

All of these cities are ethnically and culturally diverse. Milpitas and Cupertino have majority Asian populations, although those groups are comprised of a wide range of ethnicities. In all of the cities, over 45% (67% in Milpitas) speak a language other than English at home. These factors highlight the importance of comprehensive, inclusive outreach to the community to ensure that differing interests and needs are understood and addressed.

The peer communities have similar temperate climates, with average temperatures ranging from 50 to 70 degrees, making parks important and usable amenities throughout the year.

CHAPTER 4: NEEDS ASSESSMENT

Each of these cities strive to provide a range of opportunities for parks, recreation facilities and programs for their residents, workers and visitors. All partner with their school districts to program and operate sports facilities and/or parks. The priorities, services, and operations of each park and recreation department reflect the values and priorities of the community they serve and the direction established by their elected officials.

As an additional source of comparison in some instances, reference is made to the National Recreation and Park Association (NRPA) 2020 Agency Performance Review. The NRPA report compiles and analyzes information gathered from 1,053 park and recreation agencies across the country. The NRPA figures cited in this chapter pertain only to cities with populations of 50,000 to 99,999 residents.

MILPITAS	Population	84,196
	% Under 18	22.01%
	% 65 and over	12%
	Median household income	\$125,165
	Land area (sq. miles)	13.59
	Population per square mile	4,914
	County	Santa Clara County
CUPERTINO	Population	59,276
	% Under 18	26.30%
	% 65 and over	13.90%
	Median household income	\$163,945
	Land area (sq. miles)	11.26
	Population per square mile	5,180
	County	Santa Clara County
DUBLIN	Population	64,826
	% Under 18	26.10%
	% 65 and over	8.70%
	Median household income	\$144,564
	Land area (sq. miles)	14.91
	Population per square mile	3,088
	County	Alameda County

Table 4-1: Benchmark Communities (cont. on next page)

Sources: California Department of Finance January 1, 2020 Population Estimate; US Census 2019 Population Estimates; US Census 2019 5-Year American Community Survey

CHAPTER 4: NEEDS ASSESSMENT

MOUNTAIN VIEW	Population	82,739
	% Under 18	19.70%
	% 65 and over	10.80%
	Median household income	\$128,252
	Land area (sq. miles)	12.00
	Population per square mile	6,175
	County	Santa Clara County
REDWOOD CITY	Population	85,925
	% Under 18	22.20%
	% 65 and over	12.40%
	Median household income	\$107,469
	Land area (sq. miles)	19.42
	Population per square mile	3,955
	County	Santa Clara County

Table 4-1 (cont.): Benchmark Communities

Sources: California Department of Finance January 1, 2020 Population Estimate; US Census 2019 Population Estimates; US Census 2019 5-Year American Community Survey

PARKS AND OPEN SPACE

Table 4-2 below shows the number of active use parks and the acres of developed parkland in each city. For a more representative comparison, the acreage per 1,000 residents is shown and calculated based on the data from the California Department of Finance 2020 Population Estimates. Additionally, the park acreage

which includes sites owned by the respective school districts and subject to joint operating agreements with their cities, is shown. For context, regional open space readily accessible by residents (either within city limits or adjacent to and accessible from the city) is also indicated, whether owned by the city or by a regional entity.

	MILPITAS	CUPERTINO	DUBLIN	MOUNTAIN VIEW	REDWOOD CITY
CITY PARKS					
Number of parks	36	23	27	30	38
Acres developed parkland	187	186	187	118	185
Acres per 1,000 residents	2.2	3.1	2.8	1.4	2.2
Residents per park	2,339	2,577	2,400	2,758	2,261
INCLUDING JUA SITES					
Acres	285	410	230.6	202.8	229.2
Acres per 1,000 residents	3.4	6.9	3.6	2.5	2.7
REGIONAL PARKS / OPEN SPACE					
Acres	1,558	5,962	780	797	467

Table 4-2: Parks and Open Space

Milpitas has the highest number of active use parks. In terms of residents per park, Milpitas has one of the best ratios, at 2,339 residents per park. This number is also considerably better than the median of 2,523 residents per park indicated in the NRPA report. At 2.1 acres per 1,000 residents, Milpitas is in the lower half of the group in terms of developed park acreage, and slightly lower than the average of 2.4 acres per 1,000 residents.

All of the departments work with their school districts to provide additional park and field space, under a variety of joint-use agreements regarding management and operation of district-owned sites. When these school sites are included, Milpitas increases to 3.3 acres per 1,000 residents, comparable to Dublin. Cupertino has a robust program of cooperation with its schools, more than doubling its available acres for sports uses.

Milpitas residents do enjoy access to significantly more regional park open space than any other benchmark city, except Cupertino. Mountain View's regional park / open space is owned and operated by the City rather than an outside entity, and is thus an integral part of their park system.

FACILITIES

Each of the peer departments operates various community and recreation facilities, as shown in Table 4-3 below.

Milpitas provides facilities that serve a wide segment of community members, from teens to seniors, and a wide range of interests and activities. It provides slightly more facilities per capita than Mountain View or Redwood City, and a wider range of facilities than Dublin or Redwood City, although its square footage per capita is lower than that of the comparable cities.

	MILPITAS		CUPERTINO		DUBLIN		MOUNTAIN VIEW		REDWOOD CITY	
		per 10,000		per 10,000		per 10,000		per 10,000		per 10,000
FACILITIES										
Community Center	1	.12	1	.17	2	.31	1	.12	2	.23
Recreation Center	1	.12	5	.84	4	.62	0	-	5	.58
Senior Center	1	.12	1	.17	1	.15	1	.12	1	.12
Cultural Performing Arts	1	.12	0	-	0	-	1	.12	0	-
Youth/Teen Center	1	.12	1	.17	0	-	1	.12	1	.12
Gymnasium	1	.12	1	.17	0	-	2	.24	1	.12
Indoor Pool	0	-	0	.17	1	.15	0	-	0	-
Outdoor Pool	3	.36	2	.34	1	.15	2	.24	1	.12
Nature/Interpretive Center	0	-	1	.17	0	-	1	.12	0	-
Museum/Historic Sites	2	.24	4	.67	6	.93	2	.24	0	-
FACILITIES TOTALS										
Total S.F.		75,512		68,050		89,034		137,454		115,616
S.F. / 10,000		8,968		11,480		13,734		16,612		13,456
Facilities / 10,000		1.3		2.7		2.3		1.3		1.3

Table 4-3: Facilities

CHAPTER 4: NEEDS ASSESSMENT

SPORTS FIELDS

Although they are used by all ages, sports fields are particularly important to the youth in the community. Joint-use agreements with school districts can play an

important role in providing fields for public use during non-school hours. Table 4-4 below focuses on city-owned sports fields.

	MILPITAS		CUPERTINO		DUBLIN		MOUNTAIN VIEW		REDWOOD CITY	
		Residents per field		Residents per field		Residents per field		Residents per field		Residents per field
SPORTS FIELDS										
Football Field	1	84,196	0	-	0	-	2	41,370	0	-
Soccer Field	4	21,049	6	9,879	16	4,052	16	5,171	5	17,185
Diamond Field (Baseball/Softball)	11	7,654	7	8,468	16	4,052	17	4,867	5	17,185
Cricket Pitch	1	84,196	1	59,276	1	64,826	0	-	0	-
SPORTS FIELDS TOTALS										
Total Sports Fields	17		14		33		35		10	
Fields Per 10,000	2.0		2.4		5.1		4.2		1.2	

Table 4-4: Sports Fields

At a total of 17 sports fields, Milpitas is in the middle of the comparable cities. In terms of per capita ratios, it is in the middle range for provision of diamond fields (1 field per 7,654 residents), but provides fewer soccer fields (1 field per 21,049 residents) than all but Redwood City. It is one of only two cities that have a football field, and one of three that provide a cricket pitch. 14 of Milpitas' sports fields are lighted, allowing for more extensive use. This is higher than the numbers of lighted fields reported by the other cities.

Cupertino, which has fewer city-owned fields than Milpitas, programs and operates an additional 18 sports fields owned by the school district, bringing it in line with Dublin and Mountain View that have 33 and 35 fields respectively. Expanding partnerships with its school districts could bring Milpitas in line with these higher numbers as well.

SPORTS COURTS

Sports courts create opportunities for active recreation within a relatively small footprint. Table 4-5 below addresses outdoor sports courts, which are found in the parks. All of the comparable cities also have

indoor facilities such as gymnasiums or recreation centers, typically with indoor basketball, volleyball, and pickleball courts.

	MILPITAS		CUPERTINO		DUBLIN		MOUNTAIN VIEW		REDWOOD CITY	
		Residents per court		Residents per court		Residents per court		Residents per court		Residents per court
SPORTS COURTS										
Outdoor Basketball Court	8	10,525	6	9,879	13	4,987	8	10,342	4	21,481
Tennis	25	3,368	28	2,117	12	5,402	35	2,364	7	12,275
Pickleball	6	14,033	7	8,468	0	-	2	41,370	5	17,185
Volleyball	1	84,196	0	-	5	12,965	1	82,739	0	-
Bocce Court	2	42,098	2	29,638	2	32,413	2	41,370	2	42,963
Handball Court	2	42,098	0	-	1	64,826	2	41,370	2	42,963

Table 4-5: Sports Courts

Milpitas is in the mid-range for provision of outdoor basketball courts. With one court per 10,525 residents, Milpitas is close to the mean cited in the NRPA report (1 per 8,557 residents). It is similar to Cupertino and Mountain View, but provides about twice the courts per population as does Redwood City and slightly more than half of what Dublin provides.

Milpitas does better in providing outdoor tennis/pickleball courts, at one court per 3,368 residents. This is significantly more than the NRPA mean figure of one per 6,242, a bit less than Cupertino, but considerably more than Redwood City. The cities are fairly similar in regard to the other types of court sports, although not all have outdoor volleyball and handball courts, and Dublin is an outlier with 5 outdoor volleyball courts.

CHAPTER 4: NEEDS ASSESSMENT

PARK FEATURES

The peer departments provided information on the types of special purpose parks (such as skate parks or dog parks) and on the features within their parks (such

as playgrounds, or reservable picnic areas). Tables 4-6 and 4-7 below address some of the distinguishing features.

	MILPITAS		CUPERTINO		DUBLIN		MOUNTAIN VIEW		REDWOOD CITY	
		Residents per area		Residents per area		Residents per area		Residents per area		Residents per area
PLAYGROUNDS & PICNIC AREAS										
Playground	31	2,716	16	3,704	19	3,412	8	10,342	4	21,481
Reservable Group Picnic/BBQ	42	2,005	9	6,586	12	5,402	25	3,310	7	12,275

Table 4-6: Playgrounds & Picnic Areas

	MILPITAS	CUPERTINO	DUBLIN	MOUNTAIN VIEW	REDWOOD CITY
PARK FEATURES					
Splash Pad	0	1	0	1	0
Skate Park	1	0	1	1	1
Dog Park	2	1	2	2	2
Outdoor Amphitheater	0	1	0	2	2
Golf Course	0	1	0	2	2
BMX Track	0	0	0	2	2
Community Garden	1	1	0	1	1

Table 4-7: Park Features

Milpitas provides the most playgrounds for its population, with its 31 playgrounds yielding a ratio of 1 playground per 2,716 residents, considerably better than the NRPA mean of 1 playground per 3,859 residents. Milpitas also offers more reservable group picnic/BBQ areas than any of the comparable communities, with its 42 picnic areas yielding a ratio of 1 per 2,005 residents.

Like all of its peer cities other than Cupertino, Milpitas has a skate park, a popular amenity serving teens.

Similar to its peers, Milpitas also has two dog parks (Cupertino has only one). Some of the functions of special features identified by other departments are met through other facilities in Milpitas. For example, although Milpitas, along with Dublin and Redwood City, lacks a splash pad for water play, it does offer 3 outdoor pools. Although it lacks an outdoor amphitheater, it (along with only Mountain View) has an indoor performing arts center.

NEEDS AND DEFICIENCIES

The needs assessment has identified a number of needs and deficiencies in the existing park and recreation system. Some of these may be remedied in the near term, and others inform the design and planning of future parks, programs and events.

AVAILABLE PARKLAND

- New or available parkland is limited or cost prohibitive.

FUNDING FOR NEW PARKS AND IMPROVEMENTS

- At the time of this document, there are several new parks and needed improvements that are not funded in the CIP budget projections. An adequate funding mechanism is not in place.
- Softball is losing its home at Russell Middle School due to bond improvements on site. A short term and long term plan for their future home base are needed.

RECREATION PROGRAMS

- Several programs and classes are under-valued or underutilized.
- There is no standard cost recovery program for recreation in place. In March 2021, the City Council adopted a cost recovery policy for the Parks and Community Services Department.

EMERGING SPORTS

- Cricket has emerged as a popular and desired sport within Milpitas. Currently, there is no regulation sized pitch for local play or hosting tournaments.
- Pickleball players currently play on a converted handball court and on existing tennis courts when

available.

SPORTS FIELDS

- Football, soccer, baseball, softball and cricket all compete for the use of various fields throughout the City.

COMMUNITY PARKS

- There is a need for a new community park to meet the recreation needs of the growing population in Milpitas.

ACCESS

- Provide accessible site amenities, furnishings, play areas and pathways throughout park sites.
- Safe and direct pedestrian and bike access to parks should be improved.
- Many parks, programs and events are not accessible to special populations.

SAFETY

- Safety concerns deter residents and certain user groups from using some of Milpitas' parks. Lighting, clear site lines and additional programming could mitigate these concerns.
- Address health and safety repairs / maintenance as required for each park site including: removal of hazardous trees, pathway repair to eliminate tripping hazards, and replacement of site amenities that are in poor / critical condition.

AMENITIES AND EQUIPMENT

- Many of the parks lack amenities such as shade or programmed space.
- Parks lack modern conveniences such as Wi-Fi.

CHAPTER 4: NEEDS ASSESSMENT

SERVICE LEVEL STANDARDS AND GAPS

Milpitas provides parks, facilities and amenities that are, in most categories, in the center of the range of what is provided by its peer communities. While its park acreage is about average, it provides more parks per resident than the other communities. While its square footage of facilities is on the lower end, it does provide a wide range of facility types, for youth and teens to seniors, for community gatherings and classes, active recreation, arts and cultural performances, and historic display. Milpitas provides all types of sports fields, including football and cricket, although the number of diamond ballfields and soccer fields could be increased, possibly through expanding partnerships with schools. Its parks have a full complement of features and amenities but lack adequate maintenance.

PARKS AND OPEN SPACES

Milpitas' population is projected to grow from 84,196 in 2019 to 113,530 by 2040. At its 2019 population size, including public parks, joint-use agreements, and open space areas, Milpitas offers 3.4 acres per 1,000 residents. As discussed in Chapter 2 - Planning Context, the General Plan 2040 states that the City shall endeavor to achieve 5 acres per 1,000 residents in areas outside Specific Plan areas.

BUILDING FACILITIES

Currently, Milpitas provides less square footage per capita than that of its comparable agencies at 8,968 S.F. / 10,000 people. However, the facilities serve a wide segment of the community, interests and activities. In order to keep up with the increased demand due to population growth, an additional community facility, as

	NRPA Guidelines	Average Standard for Comparable Agencies	Milpitas Facilities	Milpitas Existing Level of Service	Proposed Guideline	FACILITIES NEEDED	
						Current Population (2019) 84,196	Projected Population (2040) 113,530
FACILITY							
Baseball/Softball Fields	1/9,611	1/8,643	11	1/7,600	1/7,500	0	4
Outdoor Basketball Courts	1/8,557	1/11,672	8	1/10,525	1/10,000	0	3
Community Centers	1/42,491	1/52,348	1	1/84,916	1/56,600	1	1
Soccer Fields	1/9,085	1/9,072	4	1/21,049	1/22,600	0	1
Tennis Courts	1/6,242	1/5,540	25	1/3,368	1/4,300	0	1
Outdoor Pickleball Courts	n/a	1/22,341	6	1/14,033	1/11,000	2	4
Cricket Pitches (regulation)	1/59,227	1/62,051	0	n/a	1/56,600	1	2
Playgrounds	1/3,859	1/9,735	31	1/2,716	1/3,100	0	5
Dog Parks	1/58,000	1/42,005	2	1/42,098	1/38,000	0	1
Outdoor Amphitheater	1/57,304	1/45,203	0	n/a	1/99,000	1	1

Table 4-8: Service Level Standards and Gaps

identified in the General Plan 2040, would help close this gap. Service level projections based on adding an additional community facility are:

- At 2019 population: 1.3 Facilities per 10,000 residents
- At projected 2040 population with an additional community facility: 1.1 facilities per 10,000 residents

SPORTS FIELDS

With the current offerings of sports fields, Milpitas is in the middle of the comparable cities but offers a higher number of lighted fields than other cities, allowing for use in the evening hours. In order to meet the growing demands for soccer, baseball, softball and cricket, below are recommendations that the City should consider:

- Convert baseball/softball-only fields to multi-use fields allowing for more flexibility
- Provide a minimum of (3) new softball fields at Cardoza Parks to meet demand and replace demolished fields at the MUSD site
- Explore a regulation size, permanent home for cricket at the Milpitas Sports Complex
- Continue joint-use agreement with MUSD to provide additional play and practice fields



Photo courtesy of Facebook - Milpitas Cricket Club



Photo courtesy of Google - Milpitas North Valley PAL Softball



Photo courtesy of Google - brockusa.com

CHAPTER 4: NEEDS ASSESSMENT

At the 2019 population, fields per 10,000 residents is 2.0. At the projected 2040 population, fields per 10,000 residents including additional softball fields and cricket pitch will be 1.8.

SPORTS COURTS

Milpitas is in the mid-range for comparable agencies for sports courts. The number of basketball courts is close to the mean cited in the NRPA report while outdoor tennis and pickleball courts are higher than the NRPA mean figure. There is high demand for outdoor pickleball courts. An additional (6) courts will ease demand on both dedicated pickleball courts and tennis courts.

PARK FEATURES

Milpitas exceeds the NRPA mean for number of playgrounds, providing considerably more playgrounds than the average. With a skate park at the Sports Complex, Milpitas is in line with peer cities as far as amenities geared towards teens. Dog parks are on par with peer cities and although Milpitas lacks a splash pad or other water amenity, the Sports Center boasts 3 outdoor pools.

With ample playgrounds already installed for the current population, the City should explore updating playgrounds with all-inclusive designs and continue to plan for new playgrounds and tot lots in new developments to meet the projected population growth.

Dog parks within Milpitas are on par with peer cities, though there is high demand from the community for an additional dog park.

The City should also consider adding an outdoor amphitheater to meet future demands.



GOALS AND RECOMMENDATIONS

Play Milpitas

CHAPTER 5: GOALS AND RECOMMENDATIONS

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5



OVERVIEW

In order to develop an integrated parks and recreation system that is tailored to the needs and priorities of the Milpitas community as it grows over time, a more comprehensive set of goals, standards and recommendations for the parks, programs, events, facilities and services must be in place. This chapter establishes goals and standards for quantifiable elements of the parks and recreation system, as well as recommendations for improvements of future parks, facilities, programs and events.

VISION FRAMEWORK

Create, enhance and sustain a comprehensive, connected system of parks and recreation programs that nurtures and inspires the Milpitas Community. The graphic to the right includes three elements:

The Department of Recreation and Community Services Mission: describes the purpose of the department.

The Parks & Recreation Master Plan Vision: a statement that embodies the community's desire for the parks and recreation system.

Eight Park and Recreation Goals: that provide a strategic framework for achieving the vision.

These eight goals provide a guiding framework for allocation of City resources and investment over the next 20 years.

1. **Strategically grow and evolve parks and programs** to provide comprehensive recreation opportunities and amenities to meet needs of the diverse existing and future residents.
2. **Create an inclusive park system** with recreation programs and events that meet the needs of all residents, especially the most vulnerable and under-served members of the community.
3. **Enhance equitable access** to the parks and recreation system for all Milpitas Residents.
4. **Provide community health and wellness** by providing places that support social interaction, connections to nature and physical fitness.
5. **Reflect the cultural diversity** of the Milpitas community through the parks and recreation system.
6. **Continue to expand partnerships** with other public agencies and private entities to

enhance the City's ability to meet community parks and recreation needs.

7. **Advance management and stewardship** of an environmentally resilient park system.
8. **Utilize a diverse palette of funding** resources to support parks and recreation needs.





GOAL 1

Strategically grow and evolve parks and programs to provide comprehensive recreation opportunities and amenities to meet needs of the diverse existing and future residents.

RECOMMENDATIONS

1.1 Utilize land acreage dedication and in-lieu fee requirements as established in the General Plan 2040 to acquire park land and fund improvements of existing parks to accommodate parks and recreation needs of future residents.

1.2 Where parkland credit is provided for privately owned, developed and maintained parkland, the private park facility must meet the standards established for public park land development and be designed to encourage public access.

1.3 A minimum of 1 acre of parkland average requirement must be developed within Specific Plan areas. Any recreation areas that are not accessible to the public will not be counted towards parkland.

1.4 Explore using park impact fees generated in Specific Plan areas to improve existing parks and facilities throughout the City in order to expand their recreation capacity and range of uses to meet existing and new resident needs.

1.5 Applicants for proposed developments shall meet with Department of Recreation and Community Services early in the design process to identify potential programs for

any proposed new parks and to establish ownership and maintenance responsibilities for proposed parks.

1.6 Where feasible, provide flexible use spaces that can accommodate multiple functions and adapt to future recreation needs.

1.7 Re-purpose low-use and single purpose areas by strategically layering more activities into existing parks to accommodate additional park users.

1.8 Create new urban park and recreation amenities, recognizing the unique needs of residents who live in the higher-density, transit-oriented development areas.

1.9 Proactively explore opportunities to acquire parkland.

1.10 Adopt an approach to park design and programming that values recreation experience over acreage.

1.11 Continue to offer a diverse range of recreation programs and services that respond to the changing needs and demographics of the community.

1.12 Expand technology and Wi-Fi access in parks.



GOAL 2

Create an inclusive park system with recreation programs and events that meet the needs of all residents, especially the most vulnerable and under-served members of the community.

RECOMMENDATIONS

2.1 Incorporate principals of inclusive design in any new park construction.

2.2 Explore collaboration with local businesses and organizations with a similar mission to offer programs and trainings to all members of the community.

2.3 Promote park usage by designing safe and welcoming park environments using Crime Prevention Through Environmental Design (CPTED) best practices.

2.4 Continue to offer scholarships and key programs at rates accessible to all members of community.

2.5 Quickly adapt program offerings to meet current recreation trends and community needs.

2.6 Explore additional days and times that programs are

offered - weekends, evening, and lunch time.

2.7 Continue to offer a diverse selection of events, programs and service options to all community members of all abilities.

2.8 Include features to welcome teens in parks, including amenities such as outdoor table tennis and foosball, and areas for teens to gather.

2.8 As appropriate, make paths wide enough that multiple uses can occur without conflict.

2.9 Provide adequate, conveniently located comfort features such as shade and seating.

2.10 Provide a diverse range of reservable gathering spaces (picnic tables and barbecues with shade structures) to accommodate family events.

CHAPTER 5: GOALS AND RECOMMENDATIONS



GOAL 3

Enhance equitable access to parks and recreation system for all Milpitas Residents.

RECOMMENDATIONS

3.1 Continue to emphasize standards identified in the General Plan 2040 to service a radius of ¼ mile for urban parks and 3/8 mile for neighborhood parks.

3.2 Create physical connections (multi-use trails, bikeways and paths) that enhance public access to parks.

3.3 Monitor the distribution of special interest amenities (dog parks, community gardens, etc.) Throughout the City and strive for parity across its four (4) quadrants so that all areas can accommodate multiple functions and adapt to future recreation needs.

3.4 Monitor the condition of park amenities to ensure parity of maintenance and retain the recreation value of amenities.

3.5 Enhance selected segments of the trail system with seating areas, group exercise stations, public art and other amenities to develop linear parks.

3.6 Provide facilities in parks, such as bike racks, loop paths and wayfinding signage, to encourage non-vehicular access to parks.

3.7 Develop a strategic staffing plan for recreational services and the maintenance of the City's parks to ensure health and safety of park system.

3.8 Continue to monitor the parks sites and ensure access and accessibility throughout the park system.



GOAL 4

Provide community health and wellness by providing places that support social interaction, connections to nature and physical fitness.

RECOMMENDATIONS

4.1 Develop and enhance parks to provide opportunities to connect with nature.

4.2 Provide climate control features, such as wind breaks and shade structures, to encourage year-round use of parks.

4.3 Provide variety of amenities in parks to engage a range of fitness levels.

4.4 Design parks to facilitate casual social interaction at a variety of locations.

4.5 Respond to evolving Milpitas recreation trends (e.g. pickleball, cricket) to continue to encourage residents to “get outside” in the parks.

4.6 Continue to provide well-maintained diamond and rectangular fields.



GOAL 5

Reflect the cultural diversity of the Milpitas community through the park and recreation system.

RECOMMENDATIONS

5.1 Each park should have a unique theme that draws upon the special attributes of the setting and cultural heritage of neighborhood.

5.2 Integrate art in the parks to enhance, identify and interpret local environments.

5.3 Consider partnering with community arts and culture organizations, as well as other non-governmental groups to bring arts and culture programming and installations into City parks and recreation programs.

5.4 Support collaboration with the business community, service groups, cultural organizations, schools and other groups to use artistic resources and talents within the community in the design of park or recreation program offerings.

5.5 As appropriate, provide a range of outdoor performance opportunities within the parks system.

5.6 A future destination community park should include a community gathering space where the diverse Milpitas community can engage with each other.

5.7 Continue to offer a diverse range of community events.



GOAL 6

Continue to expand partnerships with other public agencies and private entities to enhance the City's ability to meet community park and recreation needs.

RECOMMENDATIONS

6.1 Continue to use and refine joint-use agreements with the Milpitas Unified School District to maximize use of school recreation and sports facilities including improvement, maintenance and scheduling of fields. Joint-use facilities available to the public should be carefully designed to welcome public use of designated facilities while respecting school functionality and security needs.

6.2 Continue to expand collaboration with local organizations and non-profits whose missions will contribute to the range of programs and community social services available to Milpitas residents.

6.3 Continue to explore opportunities to work with the Santa Clara County Park Department to expand recreation opportunities at Ed Levin Park.

6.4 Applicants for proposed developments should meet with the Recreation and Community Services Department early in the planning process to identify potential programming for new parks proposed as part of these developments and to establish access, ownership and maintenance responsibilities for the proposed parks.

CHAPTER 5: GOALS AND RECOMMENDATIONS



GOAL 7

Advance management and stewardship of an environmentally resilient park system.

RECOMMENDATIONS

7.1 Utilize ecologically sustainable, best practices tools.

7.2 Integrate storm water treatment and management and green infrastructure in overall park design.

7.3 Utilize low water use, climate-appropriate vegetation; minimize use of intensive maintenance selections. Where appropriate, incorporate “smart” technology in park facilities including water efficient irrigation management system and renewable energy resources such as electric vehicle charging stations.

7.4 Where feasible, encourage stewardship opportunities in the parks and recreation system, focused on creeks and natural systems.

7.5 Consider durability, maintenance requirements and impacts on environmental systems when selecting materials and site furnishings.

7.6 Design and invest in facilities that are of low maintenance and high quality materials to reduce overall facility maintenance and operation requirements and costs.

7.7 Incorporate maintenance considerations early in the planning and design process of all park facilities and establish maintenance service levels for each of the parks.

7.8 Implement reduction measures outlined in the Milpitas Climate Action Plan when planning and maintaining parks and facilities.

7.9 Implement the planting strategy outlined in the Milpitas Tree Management Plan in accordance with individual park recommendations outlined in this chapter.



GOAL 8

Utilize a diverse palette of funding resources to support parks and recreation needs.

RECOMMENDATIONS

8.1 Because the impacts of the recreation needs of new residents will be felt throughout the Milpitas parks and recreation system, recommend that park impact fees generated in Specific Plan areas be used to make improvements to existing parks throughout the City to expand their recreation capacity and range of uses to meet current and new resident needs.

8.2 Implement cost recovery goals (direct and indirect) for recreation programs.

8.3 Strive for overall 40% total cost recovery (direct and indirect costs) for programs, recognizing that some programs can accommodate greater cost recovery targets in order to underwrite other desired program costs.

8.4 Continue to maintain and update the diversity of recreation programs to serve the evolving community.

8.5 Continue to offer online recreation programs.

8.6 Periodically review the guiding fee policy and update fees accordingly in coordination with the citywide master fee schedule.

8.7 Leverage developer fees and/or expectations to create high quality public parks and open spaces that meet the needs of Milpitas’ growing residential and working population.

8.8 Expand funding through donations, grants and alternative sources.

8.9 Explore new funding mechanisms, especially for operations, from major companies that operate in City.

8.10 Consider public/private partnerships and vendor agreements that bring additional amenities and opportunities into the parks system.

8.11 Leverage and expand partnerships that support stewardship and fundraising efforts for the Milpitas parks and recreation system.

PARK DESIGN GUIDELINES

The guidelines for efforts to provide a consistent quality of parks through community-specific criteria for each type of amenity, are linked with the recreation value system. (See Appendix C - Recreational Value System)

PLACEMAKING

- Create a unique identity for each park by incorporating physical, social, cultural and natural features of the site and neighborhood into the design of the park.
- The park should be the shared “living room” of the neighborhood. Ensure that park design relates to adjacent streets, architecture and uses. Where possible, homes or businesses should face onto parks for natural surveillance. Minimize conflict between private backyards and public park uses. Encourage synergistic relationships between adjacent businesses and the park.
- Capitalize on views into and from the park. Frame views of park features from surrounding areas. Preserve vistas of adjacent landmarks and natural features.
- Incorporate special design features that will attract a range of people to the park and make it an inviting destination or neighborhood focal point. This might include gardens, architectural elements, fountain, and other unique park elements. Reuse or renovate existing historic or cultural features where feasible.
- Where appropriate, consider special signage or branding that reflects the historic, cultural or natural character of the community. Provide opportunities for interpretation of unique site features such as wetlands, tree groves, or historic elements.

- Integrate public art into the designs of the park. Art can be a featured piece, or part of the architectural elements of the spaces such as the paving or site furniture. Interactive art features are encouraged.

COMFORT

Great parks are comfortable for people of all ages, ethnicities and economic backgrounds. People need to feel attracted to the space, understand how to move through it, feel invited to linger, and delighted to come back.

- In parks over half an acre, provide different spaces and experiences that encourage multiple park uses and users through the creation a variety of outdoor rooms. Define spaces within the park with topography, architectural elements or trees to create edges and to establish a transition from space to space.
- Provide a hierarchy of spaces. Parks should have at least one primary space with smaller spaces, pathways and alcoves feeding off it. This hierarchy should orient visitors and encourage them to move through the parks providing multiple experiences, such as places to gather as a group, throw a Frisbee with friends, and/or read a book alone.
- Consider solar exposure and natural ventilation in the placement of park, paths and amenities. These considerations are important in promoting park activities throughout different seasons. As required, provide screening to buffer wind and noise. Provide a balance of shaded and sunny areas. Shade elements should be incorporated into play areas and gathering areas. Water features can promote summer usage of a park.
- Site elements should be located in places that maximize use and support the overall park concept. Specifically:

CHAPTER 5: GOALS AND RECOMMENDATIONS



1. **Seating and Tables:** Provide a variety of arrangements using comfortable and durable materials that are accessible to all ages and abilities. Permanent seating should be located at the edge of spaces and along connecting pathways. Conveniently locate seating for casual spectators and active participants.
2. **Trash and Recycle Bins:** Place in strategic locations with convenient access for collection and maintenance.
3. **Bike Racks:** Locate near play areas and other destinations in the parks. Design bike racks to be attractive, playful and functional.
4. **Drinking Fountains:** Provide drinking fountains near areas of physical activity that are accessible to all, such as playgrounds, multi-use courts, trailheads, and exercise equipment. Design drinking fountains to be attractive, playful and functional, with bottle fillers and dog bowls.
5. **Restrooms:** Provide public restrooms in community parks and selected tier 2 neighborhood parks where the community cannot rely on surrounding uses to provide service.
6. **Kiosks:** Provide a place for neighbors to learn about park activities and connect with neighbors.
7. **Wi-Fi:** Wherever possible, provide Wi-Fi access in park.

SAFETY

- Apply principles of Crime Prevention Through Environmental Design (CPTED) including providing open lines of sight throughout parks. Encourage natural surveillance by strategic placement of trees, shrubs and furniture.
- Provide adequate lighting for evening events. Provide adequate light levels to support pedestrian safety and security at central spaces and pathways at night. Light levels and the direction of lighting should maximize safety yet minimize night sky light pollution and spillover into the surrounding neighborhood.
- Along walkways and more isolated park areas, use trees with high canopies and low shrub species to maximize sight lines and minimize places to hide. Maintain landscape so that there is permanent visibility across open spaces.

PROGRAMMING FLEXIBILITY

- Spaces should be designed to be flexible to accommodate multiple types of programs and events.
- Consider how events such as food trucks, games, movies, music, art, etc. can be accommodated over different times of the year. Consider appropriate infrastructure for these events (power outlets, storage, temporary parking).
- Community parks should provide areas for large-scale events such as performances and farmers' markets. Where possible, allow space for cafes, or street vendors.
- Consider outlets for seasonal lighting for events and in conjunction with reservable group picnic areas.
- Where appropriate, consider opportunities for temporary street closures to provide additional space for activities and events. Design public

spaces to host different activities throughout the course of the day, week, or year.

CONNECTIONS

Successful public spaces are connected to their surrounding neighborhoods and easily accessible to all – including children, seniors and individuals with disabilities. Connections should prioritize the pedestrian/bicycle experience of arrival and departure, the navigation of the space, and the selection of different destinations.

- Integrate parks with the surrounding network of sidewalks, streets, trails and bike routes, and provide multiple entries to park. Design access points with distinguishing features so all visitors can be greeted and welcomed through a “front door” to the park/public space.
- Promote equitable access to all portions of the park.
- On selected paths, provide ample width to accommodate multi-users – joggers, baby strollers, dog walkers. Add mileage markers on various loop paths. Integrate universal access into site design.
- Work with local residents to provide adequate parking for park visitors without impacting residents. Avoid resident long term car parking in the park or along park street frontage. Consider permit parking for reservable park facilities.

ENVIRONMENTAL STEWARDSHIP

Incorporate and/or create settings that bring nature into the design of the park. To the extent possible, limit use of lawn to active areas and emphasize plant selection that provides seasonal interest and habitat value.

- Bio-swales, rain gardens, conservation landscapes and porous pavers should be incorporated into park design as a solution that balances both recreation space and habitat restoration/conservation.

- Where possible, use recycled or recyclable materials and/or materials with low environmental impacts.
- Work with the community and schools to develop early advocacy programs and activities to encourage nature appreciation, education, and environmental stewardship.

MAINTENANCE

- Design the spaces to allow efficient access for operations and maintenance. Consider maintenance needs from the beginning of the park design process and provide appropriate routes for maintenance vehicles.
- Based on life cycle, systematically replace aging equipment (site furnishings, play equipment, etc.) to maintain a high quality park environment.
- Plan for tree succession, proactively planting new trees to replace aging and declining trees.
- Utilize reclaimed water sources for irrigation wherever possible.



CHAPTER 5: GOALS AND RECOMMENDATIONS

EXISTING SITE ASSESSMENT MILPITAS PARKS AND FACILITIES

pg.	PARKS	RESOURCE TYPE	PARK SPACE (ACRE)
72	Sunnyhills Albert Augustine Jr. Memorial Park	NP	6.20
80	Alviso Adobe Park	SP	2.26
86	Augustus Rathbone Park	UP	0.73
90	Ben Rodgers Park	NP	8.66
98	Bob McGuire Park	NP	3.00
102	Calaveras Ridge Park	SP	1.80
108	Calle Oriente Park	UP	0.35
114	Cardoza Park (Tom)	CP	10.15
126	Cerano Park	NP	1.00
134	Creighton Park (Frederick)	NP	5.00
138	Dixon Landing Park	CP	11.40
146	Foothill Park	NP	3.98
152	Hall Memorial Park	CP	9.91
160	Hidden Lake Park	NP	6.57
166	Hillcrest Park	NP	5.08
172	John McDermott Park	UP	0.94
178	Jose Higuera Adobe Park	SP	4.80
182	McCandless Park (under construction)	CP	4.00
186	Milpitas Dog Park (Joint Use SCCP)	SP	1.57
190	Milpitas Sports Center Complex	CP	24.4
198	Murphy Park	NP	8.30
206	Oliver W. Jones Memorial Park	NP	4.93
214	O'Toole Elms Park (John)	NP	1.63
220	Parc Metro Central	UP	0.58
226	Parc Metro East	UP	2.06
234	Parc Metro West	UP	0.98
242	Pecot Park (Bob)	LP	3.00
248	Peter Gill Memorial Park	CP	8.16
256	Pinewood Park	NP	9.88
262	Robert E. Browne Park	NP	4.93
270	Sandalwood Park	NP	3.88
278	Selwyn Park	UP	0.23
284	Sinnott Park (John)	NP	4.67
292	Skate Park	SP	1.23
294	Starlite Park	NP	3.44
302	Strickroth Park (Henry)	NP	4.87
310	Tom Evatt Park	NP	4.42

pg.	FACILITIES	RESOURCE TYPE
322	Alviso Adobe	Historic/Museum Tour Site
323	Jose Higuera Adobe	Historic Site
324	Milpitas Community Center	Community Center
325	Barbara Lee Senior Center	Community Center Resource
326	Milpitas Sports Center Complex	Sports Center
327	Sal Cracolice Recreation Facility	Recreation Facility

FUTURE PARKS	RESOURCE TYPE	PARK SPACE (ACRE)
Tango Park	NP	3.8

PLAZAS	PLAZA SPACE (SF)
Jerry Arnold Plaza	0.48
Veterans Memorial Plaza	0.25
Cesar Chavez Plaza	0.24
Civil Center Plaza	0.62

JOINT USE AGREEMENT OPEN SPACE SITE	SIZE (ACRES)	PARTNER AGENCY
Milpitas Dog Park*		County
Burnett Elementary School	7.61	MUSD
Curtner Elementary School	6.52	MUSD
Mattos Elementary School	6.7	MUSD
Milpitas High School	18.37	MUSD
Pomeroy Elementary School	3.71	MUSD
Rancho Middle School	16.79	MUSD
Randall Middle School	5.99	MUSD
Rose Elementary School	5.1	MUSD
Russell Middle School	11.59	MUSD
John Sinnott Elementary School	4.06	MUSD
Spangler Elementary School	3.55	MUSD
Weller Elementary School	4.05	MUSD
Zanker Elementary School	2.21	MUSD
Cesar Chavez Community Garden*	1.2	MUSD

*City is responsible for maintenance

PRIVATELY OWNED / PUBLICLY ACCESSIBLE	PARK SPACE (ACRE)
Larry Itliong Park	0.72
Anton Park	1.89

RESOURCE TYPE:

NEIGHBORHOOD PARK

Neighborhood parks are pedestrian-oriented parks that serve their immediate neighborhoods. They are primarily designed for non-organized recreation and play. These parks typically contain play equipment, seating, picnic areas, limited sports courts and small gathering spaces. Some neighborhood parks contain informal sports fields that draw from surrounding neighborhoods as well as the immediate area.

COMMUNITY PARK (CP):

Community parks are destinations for the greater Milpitas area. These parkstypically contain regulation-size ball fields and courts, space for informal games and activities, picnic and gathering areas, children's play areas, and parking.

URBAN PARK (UP):

Urban parks are small facilities, generally less than one acre in size, which accommodate the daily recreation or passive needs of nearby residents. They typically can include children's play areas, sitting areas and limited green space but are not large enough to contain sports fields.

LINEAR PARK (LP):

Linear parks are narrow corridors of land that have been developed primarily as a trail system. Linear parks may also include other small scale facilities such as picnic tables and benches. Milpitas has taken advantage of the Hetch-Hetchy right-of-ways for development of a linear park system.

SPECIAL USE PARK (SP):

The Special Use Parks include a park with a special element such as a historical building, unique views, or unique use like a dog park.

ASSESSMENT LEGEND

All existing park amenities, sports facilities, and site infrastructure are classified as being in Good, Fair, or Poor Condition.



Good Condition

Features and facilities are functioning as intended with minimal wear or damage. No immediate action beyond preventative maintenance is required.



Fair Condition

Features and facilities are showing some signs of wear or damage. Function and service is minimally impacted, and preventative maintenance is recommended.



Poor Condition

Features and facilities are damaged or worn to the point where basic functionality or user safety is compromised. Immediate replacement is recommended.

ASSESSMENT METHODOLOGY

The City of Milpitas currently has 285 acres of parks and open space available to the public. This chapter catalogues and evaluates all existing parks and facilities to provide a roadmap for the future.

A detailed inventory was conducted to evaluate current conditions, amenities, recreational uses, accessibility and overall park health. It explores each park's relationship to the surrounding community and its connectivity to nearby parks.

RECOMMENDED IMPROVEMENTS

STANDARD AMENITY DEFINITIONS

Standard additions, updates, and improvements to parks are listed below. Individual park's recommendations may vary from these standards based on specific site conditions.

REMOVE AND REPLACE PLAY AREAS: Replace existing play equipment with structures that provide accessible ground level play elements and integrated shade structures. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link.

UPDATE PICNIC AREAS: Replace all picnic tables with accessible tables. Barbecues to be replaced with current Milpitas standard. Provide accessible path of travel to picnic areas. Pave picnic areas with decomposed granite or concrete and provide trash/recycle and ash receptacles. Add shade structures where existing tree canopies do not provide shade.

COMMUNITY EVENT SPACE: Paved plaza areas with perimeter seating and overhead shade structures, to be used for performances, farmers markets, holiday celebrations, etc. Lawn space for overflow seating to be provided. Unless adequate parking is already provided on site, additional parking will need to be added to accommodate increased capacity.

COMMUNITY GARDEN: Fenced community garden with raised wood planters, irrigation and fiber surfacing.

SYNTHETIC TURF FIELD: Synthetic turf field, striping for full size soccer field and at least two U10 fields, lighting, bleachers and perimeter fencing.

MULTI-USE SYNTHETIC TURF FIELD: Synthetic turf field, striping for full size soccer field, two or more softball infields, backstops, shaded dugouts, lighting,

bleachers and perimeter fencing.

FENCED DOG PLAY AREA: Fenced dog area with separate small and large dog spaces, fenced entry area, dog stations and benches.

HANGOUT SPACE: Paved (concrete or asphalt) seating area with overhead shade structure, concrete ping pong/game tables and seating with integrated power/charging stations.

UPDATED PARKING LOT: Resurfaced and restriped parking lot, meeting all current accessibility codes including all ramps, striping, slope requirements and signage.

NEW PARKING LOT: New parking lot with accessible spaces, accessible pedestrian access and all associated signage.

NEW CONCRETE PATH: 9' Wide, 4" Concrete over 6" Class II aggregate base.

NEW ASPHALT PATH: 9' Wide, 3.5" Asphalt over 4" Class II aggregate base.

NEW DG PATH: 9' Wide, 3" stabilized decomposed granite path with headers over 6" Class II aggregate base.

BENCHES: Replace all existing benches with current Milpitas standard, placed on concrete pads to ensure accessibility.

FITNESS STATIONS: Single or grouped fitness stations placed on poured in place safety surfacing. Provide adequate fall zones and regulatory signage.

REFURBISH RESTROOM BUILDING: Refurbish existing restroom building based on site specific conditions and the Facility Condition Assessment.¹

NEW RESTROOM BUILDING: New restroom building to include installation and connection of utility systems (water, sewer and electrical). Provide accessible path of travel to all public entrances of restroom building.

1. See Appendix D: Facility Condition Assessment

INCREASE LANDSCAPE MAINTENANCE:

General Landscape maintenance operations are as follows:

Weed and prune landscaped areas, clear dead or dying vegetation. Prune trees where necessary. Replace dead or dying plants with drought-tolerant California natives. Mulch landscaped areas. Clear, edge and aerate all lawn areas. Update irrigation system and replace controller as needed.

See individual park recommendations for frequency of specific maintenance treatments.

REPLANT: Replant area with California Native drought tolerant planting. Adjust or repair irrigation as needed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards.

DRAINAGE IMPROVEMENTS: Regrade areas that regularly hold standing water to ensure proper drainage. Pave high traffic decomposed granite or gravel areas where feasible to eliminate erosion and rutting due to standing water. Address overwatering concerns at lawn areas that regularly have excess water and muddy areas.

Where new parking lots, pathways, plazas or any new hardscape areas are proposed, ensure proper drainage and grading.

RIGHT-OF-WAY IMPROVEMENTS: Replace adjacent sidewalk and curb ramps as needed to provide accessible access for the public.

PEDESTRIAN LIGHTING: Pedestrian pole lighting for evening safety and security.

IRRIGATION SYSTEM IMPROVEMENTS: Maintain/repair existing irrigation system and replace any outdated irrigation controllers and/or equipment as needed.

REPLACE SITE FURNISHINGS: Replace existing signage, dog stations, benches, tables, etc. as needed.

NEW BASKETBALL COURTS: New asphalt courts with striping, basketball hoops, player benches, fencing and lighting dependent on neighborhood and site requirements.

NEW BASKETBALL COURTS: New asphalt courts with striping, basketball hoops, player benches, fencing and lighting dependent on neighborhood and site requirements.

NEW TENNIS / PICKLEBALL COURTS: New asphalt courts with acrylic overlay and striping, nets, player benches, fencing and lighting dependent on neighborhood and site requirements.

IMPROVEMENTS COSTS

Table 5-1: Park Improvement Cost Summary, located on the following page, provides an overview of the total short term and long term improvement costs for each park, as well as the anticipated future additional maintenance costs for each park after the improvements are implemented.

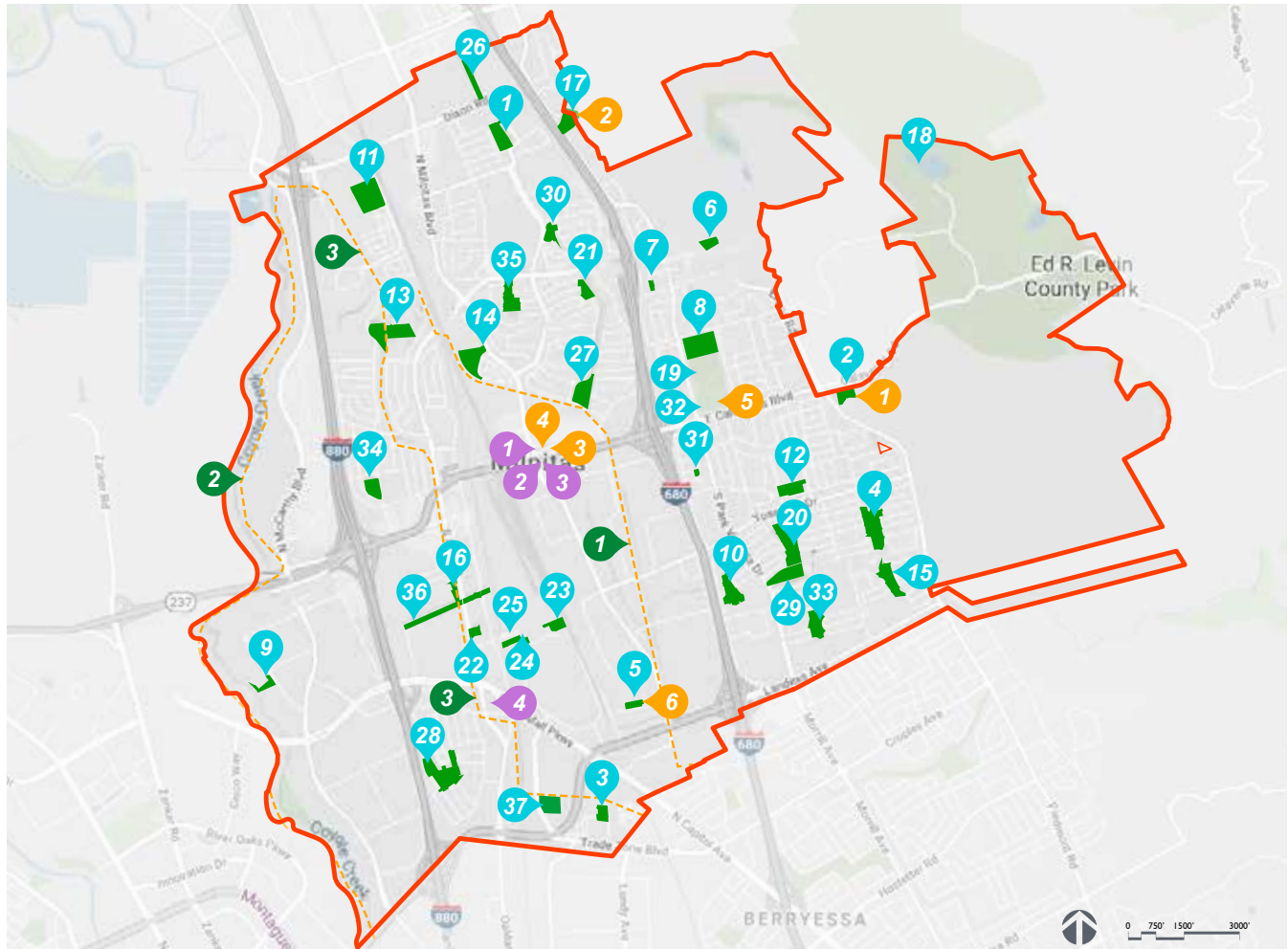


CHAPTER 5: GOALS AND RECOMMENDATIONS

Park	Short Term Repairs	Long Term Improvements	Total Cost	Additional Annual Maintenance
Sunnyhills Albert Augustine Jr. Memorial Park	\$647,000.00	\$5,531,000.00	\$6,178,000.00	\$2,300.00
Alviso Adobe	\$82,000.00	\$0.00	\$82,000.00	\$0.00
Augustus Rathbone	\$9,000.00	\$0.00	\$9,000.00	\$0.00
Ben Rogers Park	\$103,000.00	\$4,498,000.00	\$4,601,000.00	\$7,500.00
Bob McGuire Park	\$84,000.00	\$0.00	\$84,000.00	\$0.00
Calaveras Ridge	\$0.00	\$1,691,000.00	\$1,691,000.00	\$17,600.00
Calle Oriente Mini Park	\$325,000.00	\$75,000.00	\$400,000.00	\$0.00
Cardoza Park (3 Field)	\$340,000.00	\$9,539,000.00	\$9,879,000.00	\$23,900.00
Cardoza Park (4 Field)	\$340,000.00	\$9,832,000.00	\$10,172,000.00	\$23,900.00
Cerano Park	\$224,000.00	\$110,000.00	\$334,000.00	\$900.00
Creighton Park	\$0.00	\$0.00	\$0.00	\$0.00
Dixon Landing	\$379,600.00	\$3,689,219.00	\$4,068,819.00	\$2,200.00
Foothill Park	\$199,000.00	\$2,708,000.00	\$2,907,000.00	\$0.00
Hall Memorial Park	\$445,000.00	\$4,601,000.00	\$5,046,000.00	\$0.00
Hidden Lake Park	\$110,000.00	\$1,940,000.00	\$2,050,000.00	\$7,500.00
Hillcrest Park	\$134,000.00	\$2,639,000.00	\$2,773,000.00	\$7,500.00
John McDermott	\$126,000.00	\$447,000.00	\$573,000.00	\$1,400.00
Jose Huigera Adobe Park	\$129,000.00	\$0.00	\$129,000.00	\$0.00
McCandless Park	\$0.00	\$0.00	\$0.00	\$77,200.00
Milpitas Dog Park	\$39,000.00	\$0.00	\$39,000.00	\$0.00
Milpitas Sports Center	\$700,000.00	\$2,767,000.00	\$3,467,000.00	\$0.00
Murphy Park	\$301,000.00	\$4,858,000.00	\$5,159,000.00	\$2,900.00
Oliver Jones Memorial	\$37,000.00	\$1,993,000.00	\$2,030,000.00	\$0.00
O'toole Elms	\$87,000.00	\$0.00	\$87,000.00	\$0.00
Parc Metro Central	\$30,000.00	\$583,000.00	\$613,000.00	\$0.00
Parc Metro East	\$205,000.00	\$578,000.00	\$783,000.00	\$0.00
Parc Metro West	\$238,000.00	\$954,000.00	\$1,192,000.00	\$0.00
Pecot Park	\$55,000.00	\$569,000.00	\$624,000.00	\$0.00
Peter Gill	\$479,000.00	\$3,451,000.00	\$3,930,000.00	\$1,400.00
Pinewood Park	\$436,000.00	\$0.00	\$436,000.00	\$0.00
Robert E Browne	\$195,000.00	\$3,689,000.00	\$3,884,000.00	\$7,500.00
Sandalwood Park	\$56,000.00	\$2,402,000.00	\$2,458,000.00	\$7,700.00
Selwyn Park	\$128,000.00	\$1,028,000.00	\$1,156,000.00	\$0.00
Sinnott	\$375,000.00	\$5,667,000.00	\$6,042,000.00	\$2,200.00
Skate Park	\$0.00	\$0.00	\$0.00	\$0.00
Starlite Park	\$412,000.00	\$4,055,000.00	\$4,467,000.00	\$6,000.00
Strickroth	\$145,000.00	\$5,107,000.00	\$5,252,000.00	\$13,600.00
Tom Evatt Park	\$431,000.00	\$0.00	\$431,000.00	\$0.00
TOTALS	\$8,025,600.00	\$85,001,219.00	\$93,026,819.00	\$213,200.00

Table 5-1: Park Improvement Cost Summary

MILPITAS PARKS AND FACILITIES MAP



PARKS

- 1 Sunnyside Albert Augustine Jr. Memorial Park
- 2 Alviso Adobe Park
- 3 Augustus Rathbone Park
- 4 Ben Rodgers Park
- 5 Bob McGuire Park
- 6 Calaveras Ridge Open Space
- 7 Calle Oriente Mini-Park
- 8 Cardoza Park (Tom)
- 9 Cerano Park
- 10 Creighton Park (Frederick)
- 11 Dixon Landing Park
- 12 Foothill Park
- 13 Hall Memorial Park
- 14 Hidden Lake Park
- 15 Hillcrest Park
- 16 John McDermott Park
- 17 Jose Higuera Adobe Park
- 18 Milpitas Dog Park
- 19 Milpitas Sports Center
- 20 Murphy Park
- 21 Oliver W. Jones Memorial Park
- 22 O'Toole Elms Park (John)
- 23 Parc Metro East
- 24 Parc Metro Middle
- 25 Parc Metro West
- 26 Pecot Park (Bob)
- 27 Peter Gill Memorial Park
- 28 Pinewood Park
- 29 Robert E Browne Park
- 30 Sandalwood Park

- 31 Selwyn Park
- 32 Skate Park
- 33 Sinnott Park (John)
- 34 Starlite Park
- 35 Strickroth Park (Henry)
- 36 Tom Evatt Park
- 37 McCandless Park

FUTURE PARK

Tango Park

PLAZAS

- 1 Cesar Chavez Plaza
- 2 Civic Center Plaza
- 3 Veteran Memorial Plaza
- 4 Jerry Arnold Plaza

FACILITIES

- 1 Alviso Adobe
- 2 Higuera Adobe
- 3 Milpitas Community Center
- 4 Barbara Lee Senior Center
- 5 Milpitas Sports Center
- 6 Sal Cracolice Recreational Facility

TRAILS

- 1 Berryessa Creek
- 2 Coyote Creek
- 3 Penitencia Creek

Figure 2-1: Existing City Parks and Facilities



SUNNYHILLS ALBERT AUGUSTINE JR. MEMORIAL PARK

Conway St. and Coelho St.

Type: Neighborhood Park

Size: 6.2 acres

Construction Date: 1963

Latest Renovation: 2002 (Playground)

PARK OVERVIEW

Sunnyhills Albert Augustine Jr. Memorial Park is a large neighborhood park surrounded by residential neighborhoods to the east and west, and the Joseph Weller Elementary School and Milpitas Community Garden to the north.

The park contains a public sundial art piece at the entrance on Coelho Street, a restroom, pedestrian lighting, various type of walking pathways, passive lawn areas and two playgrounds which were renovated in 2002. The site is in need of a renovation due to lack of ADA compliant amenities, the aging furnishings and infrastructure, eroding decomposed granite pathway, and sparse landscaping.

The west side of the site consists of a linear walking trail and planting areas running through the City and County of San Francisco Hetch Hetchy pipeline property that connects to the Elementary School and Community Garden. Any renovations in this area require a permit from the SFPUC.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Two wood benches in poor condition are provided at picnic areas, and three composite benches in fair condition at the perimeter trail. All wood picnic tables and barbeques are in poor condition. One bike rack is in good condition. One dog station is in poor condition.
- 2 Park Signage:** Entry sign is in good condition.



Accessibility

- 1 Pathways:** Concrete pathways at the entrance of the park and an asphalt trail running through the Hetch Hetchy easement are in good condition. The decomposed granite path on the north side of the park has major drainage issues and pooling. The decomposed granite is up to 4" lower than adjacent paving at transitions to adjacent paths.
- 2 Furnishings:** No accessible picnic tables or benches are provided. Most picnic tables and benches are in non ADA-accessible locations.
- 3 Play Areas:** Limited accessible elements are provided. Poured in place surfacing at the larger play area is separating from adjacent concrete paving, creating a 1-2" vertical lip and horizontal gap in some areas. Sand surfacing at the smaller play area is low, creating 6"+ drops from adjacent poured in place surfacing.



Landscaping & Maintenance

- 1 Landscape Planting:** The landscape planting within the park is sparse and requires maintenance. Perimeter landscape planting areas and planting areas within the Hetch Hetchy easement are bare of vegetation. Wisteria vines on restroom trellis are unmanaged and overgrown.
- 2 Trees:** Trees are in fair condition
- 3 Fencing:** Chain link fencing at play areas is in need of repair.
- Turf:** Turf is in good condition with some minor gopher issues.
- Irrigation:** This park is on the central irrigation system using reclaimed water.
- Restroom:** Restroom is in fair condition. The drinking fountain and floor drain are non-operational. Minor ADA issues are present. ¹
- Lighting:** Pedestrian lighting is operational and in good condition.



1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace north entry sign with Milpitas standard.
- Playground equipment and surface repairs: Replace existing sand surfacing with poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link. Replace equipment per the Milpitas Playground rehabilitation project.²
- Replace all picnic tables and barbeque's with current Milpitas standard, provide ADA accessible models and ash receptacles.
- Replace all benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace dog waste station
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹ Prune vines on attached trellis structure.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Replace decomposed granite walking path with 9' wide concrete path. Ensure proper drainage.
- Community Event Space: Community plaza area with perimeter seating and overhead shade structure.
- Remove and Replace Play Areas: Replace existing play equipment with structures that provide accessible ground level play elements and integrated shade structures. Replace poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link.
- Add 20-car parking lot along Coelho St.
- Add 6 fitness stations along loop path.
- Pave picnic areas with concrete, add shade structures where existing tree canopies do not provide shade.
- Dog Areas: Add a fenced dog area with separate small and large dog spaces, fenced entry area, dog stations and benches.
- Right-of-Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, driveway approaches with bollards, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

1. See Appendix D: Facility Condition Assessment

2. See Appendix F: Milpitas Playground Rehabilitation Project

SUNNYHILLS ALBERT AUGUSTINE JR. MEMORIAL PARK

PROPOSED IMPROVEMENT SITE PLAN

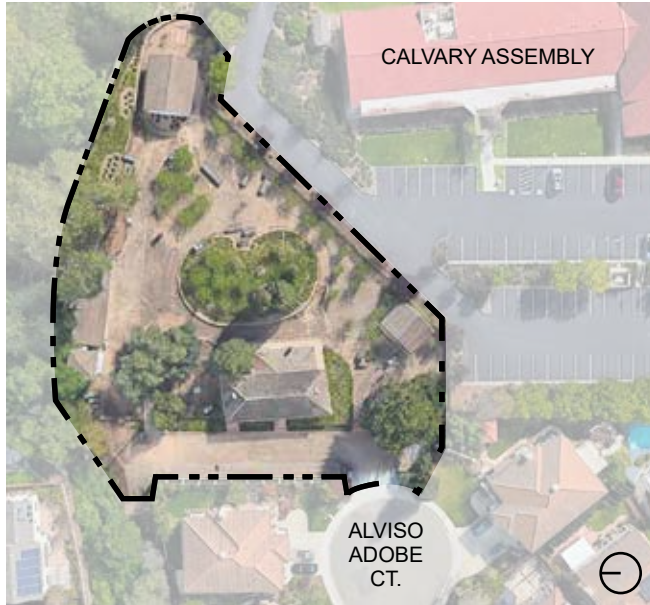


CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Entry Sign (City Standard)	2	EA	\$5,000.00	\$10,000
2	BBQ & Ash Receptacle	7	EA	\$5,000.00	\$35,000
3	Bench	5	EA	\$3,000.00	\$15,000
4	Dog Waste Station	1	EA	\$1,500.00	\$1,500
5	Picnic Table	9	EA	\$4,000.00	\$36,000
6	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$109,000.00	\$109,000
7	Repair fencing at playground area	1	LS	\$5,000.00	\$5,000
8	Playground Equipement & Surface Repairs	1	LS	\$286,112.00	\$286,112
	SUBTOTAL Short Term Park Improvements				\$497,612
	Soft Costs (Administration, Inspection) - 30%				\$149,284
Short Term Repairs & Upgrades TOTAL					\$ 647,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	70,000	SF	\$5.00	\$350,000
2	Pave Walking Path (9' Wide, 4" Concrete over 6" CL II AB)	14,000	SF	\$16.00	\$224,000
3	Event Space (4" Concrete over 6" CL II AB)	7,500	SF	\$16.00	\$120,000
4	Parking Lot (3.5" AC over 14.5" CL II AB)	8,500	SF	\$12.50	\$106,250
5	Drainage	1	LS	\$125,000.00	\$125,000
6	Replace Pedestrian Lighting	1	LS	\$150,000.00	\$150,000
7	Site furnishing	1	LS	\$100,000.00	\$100,000
8	Large Shade Structure	1	LS	\$200,000.00	\$200,000
9	Right of Way Improvement	1	LS	\$50,000.00	\$50,000
10	Dog Park (.25 acre) (Includes 42" HT Chain Link Fencing)	1	LS	\$150,000.00	\$150,000
11	Fitness Stations (Including Surfacing & Curb)	6	EA	\$10,000.00	\$60,000
12	Play Structure	9,000	SF	\$70.00	\$630,000
13	Play surface - Pour In Placed	9,000	SF	\$30.00	\$270,000
14	Landscape and irrigation	6.2	Acres	\$75,000.00	\$465,000
15	Pave Pincinc Areas (Concrete)	10,000	SF	\$16.00	\$160,000
	SUBTOTAL Long Term Park Improvements				\$3,160,250
	Mobilization - 15%				\$474,038
	Design & Construction Contingency - 30%				\$948,075
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$948,075
Long Term Park Improvements TOTAL					\$ 5,531,000.00
IMPROVEMENTS TOTAL					\$ 6,178,000.00
C.	Additional Features Annual Maintenance Cost				
1	Parking lot cleaning (Weekly)	8500	SF	\$0.12	\$ 1,100.00
2	Dog park (Twice Weekly)	10,000	SF	\$0.12	\$ 1,200.00
Annual Maintenance TOTAL					\$ 2,300.00

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ALVISO ADOBE PARK

2087 Alviso Adobe Ct.

Type: Special Purpose

Size: 2.26 acres

Construction Date: ~1837

Renovations:

- Phase 1: Adobe Building Replacement - 1999
- Phase 2: Park Drainage Improvements - 2009
- Phase 3: Adobe Building Renovation - 2010
- Phase 4: Park Construction & Out-Building Restoration – 2013
- Phase 5: Adobe Museum - 2022

SITE OVERVIEW

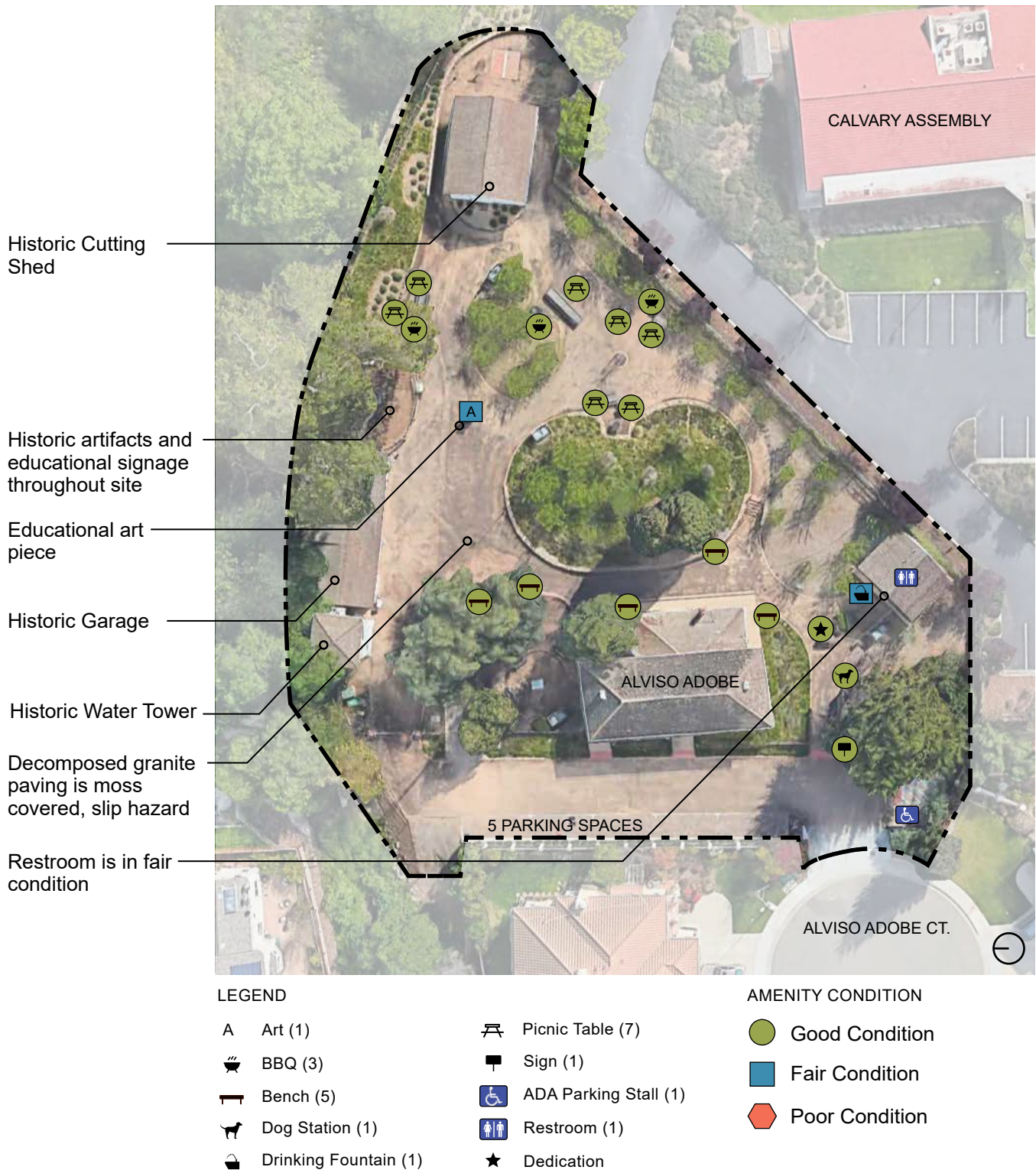
Alviso Adobe Park is a special purpose park containing several historic buildings (water tower, carriage shed and fruit drying shed) and artifacts from the historic Alviso Adobe ranch. The park is built around the José Maria Alviso home. Constructed in 1837, it was perhaps the longest continually inhabited adobe home in California until the City of Milpitas acquired it in 1996. The City is in the final phase to restore the interior of the adobe buildings and open it to the public as educational museum in 2022.

The park is accessed at the end of Alviso Adobe Court with a dedicated parking lot with handicapped spaces. Well-maintained decomposed granite paths connect to the site from the parking lot. The north end of the site features several small picnic areas with accessible tables. Distributed through the planting areas are historic artifacts from the days of the Adobe's habitation, with interpretive educational signage. An educational art piece is located at the center of the park and there is a public restroom and drinking fountain at the entrance.

Currently there are no major improvements proposed for this park, only small repair and maintenance work is required specified in the Proposed Improvements section.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

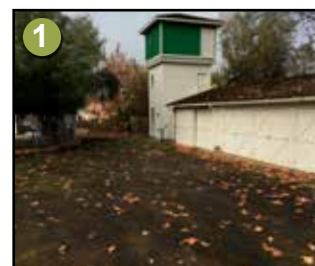
Site Furnishings

- 1 Amenities:** Wood picnic tables and one ADA table are provided, all in good condition. All barbeque's are in good condition. Wood benches are in good condition. Two dog stations with waste receptacles are in fair condition. One water fountain at the restroom is in good condition.
- 2 Park Signage:** Entry sign is not Milpitas standard but is consistent with the character of the park. Two park rules signs and nine interpretive signs are in good condition.



Accessibility

- 1 Pathways:** All paths within site are compacted decomposed granite. Paving is smooth and uniform with minor areas of deterioration. Moss growing in shaded areas poses a slip hazard. Running slopes exceed 5% by small margins at stairs and ramps.
- 2 Furnishings:** One ADA-accessible picnic table is provided. All benches are compliant with current code.
- 3 Parking:** Parking surface is a combination of vehicular pavers as well as GraniteCrete resin pavement, replaced in 2020. Six standard spaces and one ADA stall are provided.



Landscaping & Maintenance

- 1 Landscape Planting:** Planting areas are lush although largely unmaintained. Grasses and weeds are prevalent.
- 2 Trees:** Trees are in good condition. Olives adjacent to Alviso Adobe drop excessive fruit on paved areas.
- 2 Fencing:** Site fences and walls are in good condition.
- Irrigation:** This park is on the City's centralized irrigation system, using potable water.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹



1. See Appendix D: Facility Condition Assessment, pg 579

CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS

Currently there are no major improvements recommended for this park, only short term repair and maintenance work is required.

- Clear pathways of moss.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Ensure that pathways are clear of moss annually or as needed.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹

PROPOSED IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Repair ADA Parking access (DG to permeable paver transition)	1	LS	\$5,000	\$5,000
2	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$58,000	\$58,000
	SUBTOTAL Short Term Park Improvements				\$63,000
	Soft Costs (Administration, Inspection) - 30%				\$18,900
	Short Term Repairs & Upgrades TOTAL				\$ 82,000.00
B.	Long Term Park Improvements				
	No major improvement is proposed				
	IMPROVEMENTS TOTAL				\$ 82,000.00
C.	Additional Features Annual Maintenance Cost				

1. See Appendix D: Facility Condition Assessment

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CHAPTER 5: GOALS AND RECOMMENDATIONS



AUGUSTUS RATHBONE PARK

Expedition Ln. and Jubilee Dr.

Type: Urban Park

Size: .73 acres

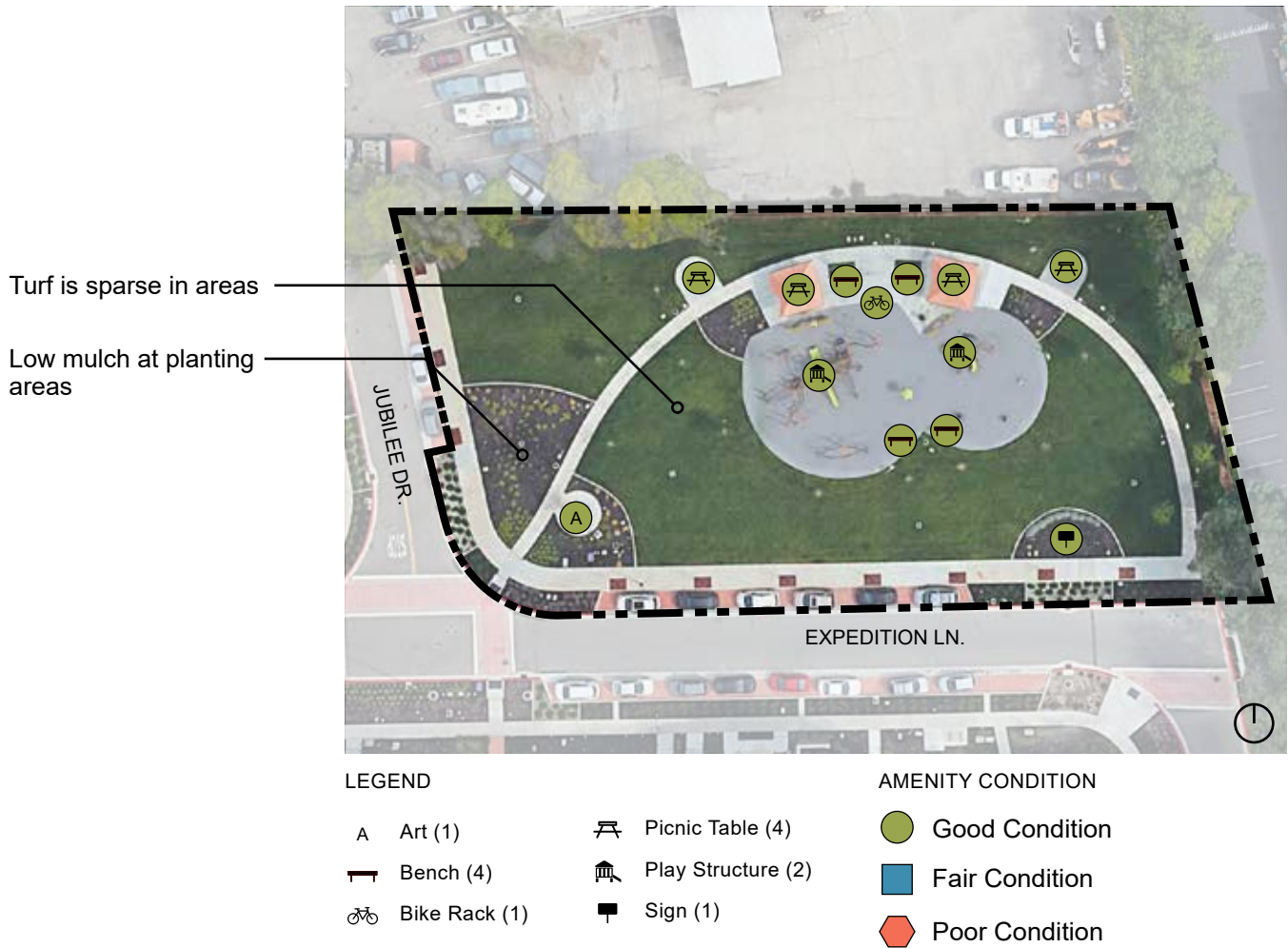
Construction Date: 2017

PARK OVERVIEW

Augustus Rathbone Park is a modern, compact neighborhood park. It is well-maintained, featuring modern ADA compliant play equipment and amenities. The entrance of the park features a large art piece entitled “Watching You” and ornamental planting areas. Shaded picnic areas with accessible seating sit adjacent to a well-maintained playground and open lawn.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 **Amenities:** All site amenities are in good condition
- 2 **Play Equipment:** Play equipment and poured in place surfacing are in good condition.



Accessibility

- 1 **Pathways:** All concrete pathways are in good condition with no cracking or heaving. All slopes and ramps are ADA compliant.
- 2 **Furnishings:** ADA accessible benches and tables are provided.



Landscaping & Maintenance

- 1 **Landscape Planting:** Landscape planting is in overall good condition. Mulch in planted areas is low.
- 2 **Turf:** Turf is in good condition with some sparse areas.
- **Irrigation:** This park is on the City's centralized irrigation system using reclaimed water.



PROPOSED IMPROVEMENTS

Currently there are no major improvements recommended for this park, only ongoing maintenance work is required.

CHAPTER 5: GOALS AND RECOMMENDATIONS



BEN RODGERS PARK

Grand Teton Dr. off Sequoia Dr.

Type: Neighborhood Park

Size: 8.66 acres

Construction Date: 1970 - North Section

1989 - South Section

Latest Renovation: 2020 (Playground)

PARK OVERVIEW

Ben Rodgers Park is a large community park intended for passive recreation with multiple access points to the surrounding neighborhood. There are several picnic areas, open lawns and a play area. The north and south sections of the park were constructed at different times and feature different furnishing, pathway and lighting styles. The park needs renovation due to lack of ADA compliant furnishings in the north section, aging amenities and eroding decomposed granite and gravel pathways. There is a lack of contiguous pedestrian lighting between the north and south sections.

The north side of the park is primarily an open field used as a baseball pitch, one small chainlink backstop is provided. The entrance has a picnic area with several picnic tables and barbeques. The play area was renovated in 2020 with ADA accessible equipment and poured in place surfacing. This side of the site is accessed by gravel and decomposed granite paths in poor condition. Significant ponding and drainage issues were noted during the site visit.

The south side of the site consists of well-maintained asphalt paths connecting several picnic and seating areas. Modern pedestrian lighting is provided in this side of the park.



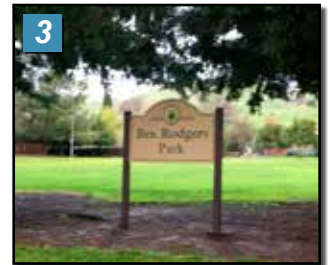
EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** All existing wood picnic tables and benches are in poor condition. One concrete drinking fountain is in poor condition. One dog station missing a waste receptacle is in poor condition. One bike rack is in good condition.
- 2 Play Equipment:** Play equipment, poured in place and fiber surfacing was updated in 2020 and is in good condition.
- 3 Signage:** Two entry signs are in good condition, however the sign along Everglades Drive is missing the park hours attachment. Of two park rules signs, one along Skyline Dr. is faded.



Accessibility

- 1 Pathways:** Gravel pathways on the north side of the park are significantly impacted. Slopes exceed 5% at many areas. Uneven surfaces, abrupt dips, and ruts from maintenance vehicles collect water during rain events. Asphalt paths on the south side of the site are in good condition and are ADA compliant.
- 2 Furnishings:** No ADA accessible benches, drinking fountains or tables are provided. All furnishings on the north side of the site are located on non-accessible paths of travel.
- 3 Play Equipment:** Accessible play elements and paths of travel are provided.



Landscaping & Maintenance

- 1 **Landscape Planting:** Landscape planting is in good condition with some sparse areas of planting.
- 2 **Turf:** Turf is in good condition with some gopher issues.
- 3 **Trees:** Trees are in good condition overall. Magnolia trees along Seacliff Drive drop excessive fruit onto sidewalk.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Lighting:** Lighting is in overall good condition. The north side of the site has older fixtures than the south side of the site, however it is functional and provides adequate evening lighting



PROPOSED IMPROVEMENTS

Short Term Improvement

- Repair entry sign.
- Replace all park rules signs.
- Replace bike rack.
- Picnic Areas: Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update Picnic Areas: Pave picnic areas with concrete. Provide one trash/recycle receptacle per picnic area and one ash receptacle for every two barbecues or at least one per picnic area. Add shade structures where existing tree canopies do not provide shade.
- Add group picnic area adjacent to play area. Provide ADA accessible tables, trash/recycle receptacles, group barbecues, prep tables, ash receptacles and shade structures. Pave with concrete.
- Add restroom adjacent to picnic area and baseball and soccer field.
- Replace backstop at baseball field, add two player benches.
- Pave gravel trails at north of site with 9' wide asphalt paths
- Replace pedestrian lighting on both north and south areas of the park, standardize fixtures.
- Right-of-Way Improvement: Installation of ADA curb ramps at all public entrances, accessibility signage, and sidewalk, curb and gutter repairs, and sidewalk expansion as necessary.

BEN RODGERS PARK

PROPOSED IMPROVEMENT SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Repair Entry Sign	1	EA	\$1,000.00	\$1,000
2	Bike Rack	1	EA	\$2,500.00	\$2,500
3	BBQ & Ash Receptacle	6	EA	\$5,000.00	\$30,000
4	Bench	4	EA	\$3,000.00	\$12,000
5	Picnic Table	8	EA	\$4,000.00	\$32,000
6	Replace Park Rules Sign	1	EA	\$1,000.00	\$1,000
	SUBTOTAL Short Term Park Improvements				\$78,500
	Soft Costs (Administration, Inspection) - 30%				\$23,550
	Short Term Repairs & Upgrades TOTAL			\$	103,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	30,000	SF	\$5.00	\$150,000
2	Drainage	1	LS	\$150,000.00	\$150,000
3	Pave walking path (9' Wide, 3.5" AC over 14.5" CL II AB)	40,000	SF	\$12.50	\$500,000
4	Pedestrian Lighting Replacement	1	LS	\$150,000.00	\$150,000
5	Site Furnishing	1	LS	\$150,000.00	\$175,000
6	Right of Way Improvement	1	LS	\$125,000.00	\$125,000
7	Prefabricated Restroom (Single Stall)	1	LS	\$200,000.00	\$200,000
8	Utilities for New Restroom (Water, Sewer, Electric)	1	LS	\$100,000.00	\$100,000
9	Backstop (10' Wide)	1	EA	\$75,000.00	\$75,000
10	Landscape and irrigation	7	Acres	\$75,000.00	\$525,000
11	Pave Picnic Areas	10,000	SF	\$16.00	\$160,000
12	Large Shade Structure	2	EA	\$130,000.00	\$260,000
	SUBTOTAL Long Term Park Improvements				\$2,570,000
	Mobilization - 15%				\$385,500
	Design & Construction Contingency - 30%				\$771,000
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$771,000
	Long Term Park Improvements TOTAL			\$	4,498,000.00
	IMPROVEMENTS TOTAL			\$	4,600,000.00
C.	Annual Maintenance Cost				
1	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$7,500.00
	Annual Maintenance TOTAL			\$	7,500.00

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BOB MCGUIRE PARK

791 Garden St.

Type: Neighborhood Park

Size: 3.00 acres

Construction Date: 2015

PARK OVERVIEW

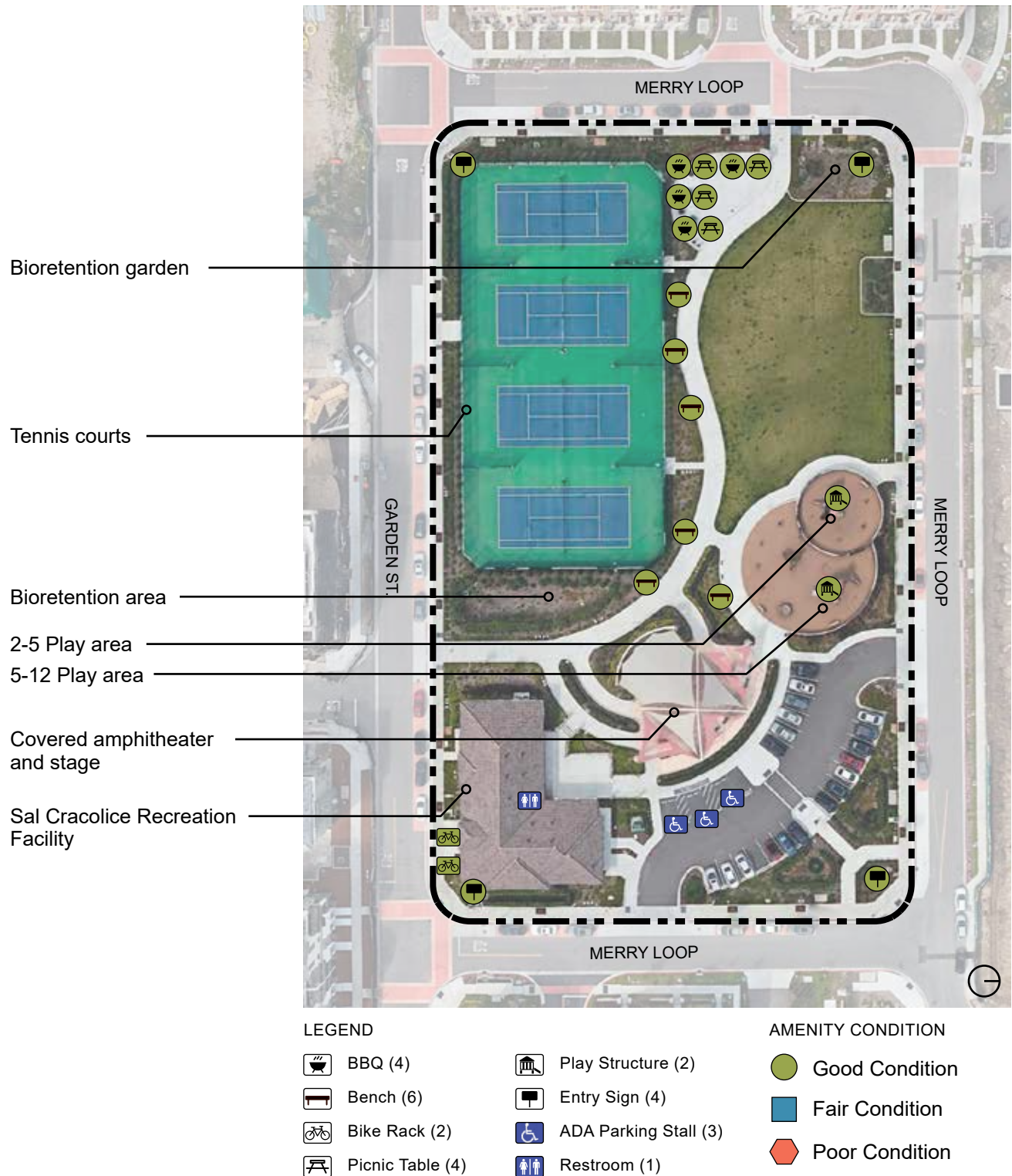
Bob McGuire Park is the namesake of the first director of Parks and Recreation for the City of Milpitas. This park was included with the construction of the surrounding multi unit housing developments.

This park serves a variety of users with four tennis courts, two playgrounds, a covered amphitheater and access to the Sal Cracolice Recreation Facility. The park has a dedicated parking lot with handicapped spaces, and ample street parking.

This park is in good condition with modern, ADA accessible amenities and well-maintained planting areas.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Two metal picnic tables and two ADA accessible tables are provided, in good condition. There are four double barbeques in good condition. Six metal park benches are in good condition. Two ornamental bike racks and two standard bike racks are in good condition. One drinking fountain is provided at the Sal Cracolice Recreation Facility.
- 2 Play Equipment:** One 2-5 play area and one 5-12 play area are provided. Equipment is modern, set on poured in place safety surfacing.



Accessibility

- 1 Pathways:** All concrete pathways, ramps and stairs are ADA-accessible.
- 2 Furnishings:** Two ADA-accessible tables are provided. All park benches meet current code.
- 3 Play Equipment:** Play equipment meets current safety compliance and ADA requirements.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in good condition. Maintenance costs are high due to diverse plant palette.
- 2 Turf:** Turf is in good condition.
- Sports Courts:** Tennis courts are in good condition
- Trees:** Trees are in overall good condition. Some young trees are failing.
- Irrigation:** This park is on the City's centralized irrigation system using reclaimed water.



PROPOSED IMPROVEMENTS

No improvements are proposed at the time of this document.

CHAPTER 5: GOALS AND RECOMMENDATIONS



CALAVERAS RIDGE PARK

Calaveras Ridge Dr.

Type: Special Use Park

Size: 1.80 acres

Construction Date: NA

PARK OVERVIEW

Calaveras Ridge Park is a largely undeveloped lot overlooking Milpitas and the surrounding Bay Area, located at the Country Club Estates. The area was in the 2009 Parks and Recreation Master Plan as a stargazing lookout with picnic tables, barbecues, public art and a loop walking path. Those amenities were never installed and the park now consists of a small parking lot and a grassy slope with views over the Bay.

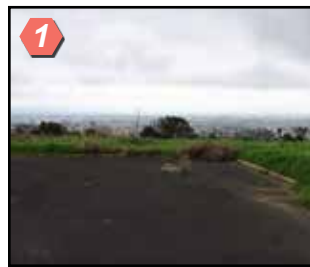


EXISTING SITE ASSESSMENT



Landscape and Maintenance

- 1 Parking Lot:** Parking lot is in poor condition with weeds growing through the asphalt.
- 2 Landscaping:** Park is entirely unmaintained.



PROPOSED IMPROVEMENTS

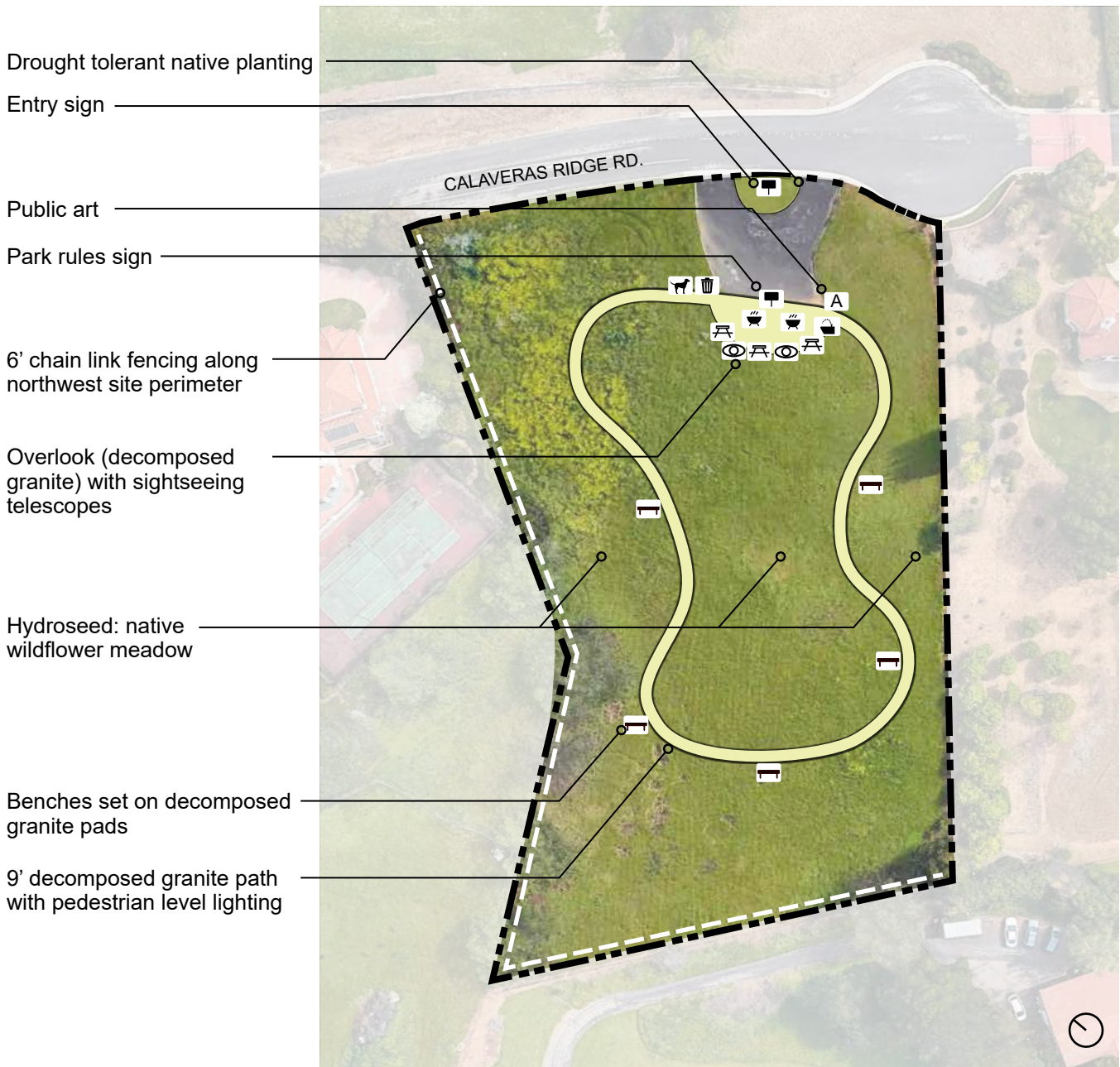
Short Term Improvement

- No short term repairs and upgrades are recommended

Long Term Improvement

- Add 9' decomposed granite path.
- Add pedestrian level lighting that will not interfere with stargazing.
- Add decomposed granite overlook with picnic tables, barbeques and educational astronomy signage.
- Add benches along pathway. Place on decomposed granite pads to ensure accessibility.
- Add telescopes at overlook for observing the planets and the moon.
- Add public art at entrance.
- Slurry seal and stripe parking lot to designate ADA accessible space.
- Add drought tolerant native planting at entrance area and associated irrigation.
- Hydroseed site with native wildflower meadow mix.

CALAVERAS RIDGE PARK PROPOSED IMPROVEMENT PLAN



LEGEND

Picnic Table (3)	Trash/Recycle Receptacle (1)	Public Art (1)
Bench (5)	BBQ (2)	Sign (2)
Dog Station (1)	Drinking Fountain (1)	Sightseeing Telescope (2)

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
	No short term repairs & upgrades proposed				
B.	Long Term Park Improvements				
1	Demolition & Grading	40,000	SF	\$5.00	\$200,000
2	Drainage	1	LS	\$100,000.00	\$100,000
3	Resurface & Restripe Existing Parking Lot	8,500	SF	\$4.50	\$38,250
4	Decomposed Granite Paving (3" DG over 6" CL II AB)	8,250	SF	\$10.00	\$82,500
5	6' HT Chainlink Fence	600	LF	\$150.00	\$90,000
6	Pedestrian Lighting	1	LS	\$150,000.00	\$150,000
7	Site Furnishing	1	LS	\$100,000.00	\$100,000
8	Public Art	1	LS	\$100,000.00	\$100,000
9	Entry Sign	1	EA	\$5,000.00	\$5,000
10	Landscaping & Irrigation	1.80	SF	\$100,000.00	\$100,000
	SUBTOTAL Long Term Park Improvements				\$965,750
	Mobilization - 15%				\$144,863
	Design & Construction Contingency - 30%				\$289,725
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$289,725
Long Term Park Improvements TOTAL					\$ 1,691,000.00
C.	Additional Features Annual Maintenance Cost				
1	Weed control (Twice Annually and As Needed)	500	SF	\$0.01	\$5
2	Mechanical weed control (As Needed)	500	SF	\$0.05	\$25
3	Pruning Plants (Twice Annually and As Needed)	500	SF	\$0.02	\$10
4	Empty trash cans (Twice Weekly and As Needed)	78408	SF	\$0.04	\$3,136
5	Remove trash & misc. debris from landscape (2X Weekly)	500	SF	\$0.01	\$5
6	Inspect, adjust and repair irrigation system (Weekly)	500	SF	\$0.04	\$20
7	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$7,500
8	Parking lot cleaning (Weekly)	8500	SF	\$0.12	\$1,020
9	Herbicide application (Seasonally)	500	SF	\$0.01	\$5
10	Clean and repair drinking fountains (As Needed)	1	LS	\$5,000.00	\$5,000
11	General Park Maintenance (As Needed)	78408	SF	\$0.01	\$784
Annual Maintenance TOTAL					\$ 17,600.00

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CHAPTER 5: GOALS AND RECOMMENDATIONS



CALLE ORIENTE PARK

Calle Oriente St. off N. Park Victoria Dr.

Type: Urban Park

Size: 0.35 acres

Construction Date: 1978

Latest Renovation: 2021 (Playground Surfacing)

PARK OVERVIEW

This pocket park connects Daniel Ct. and Calle Oriente St. The park is well designed, featuring modern amenities and play areas.

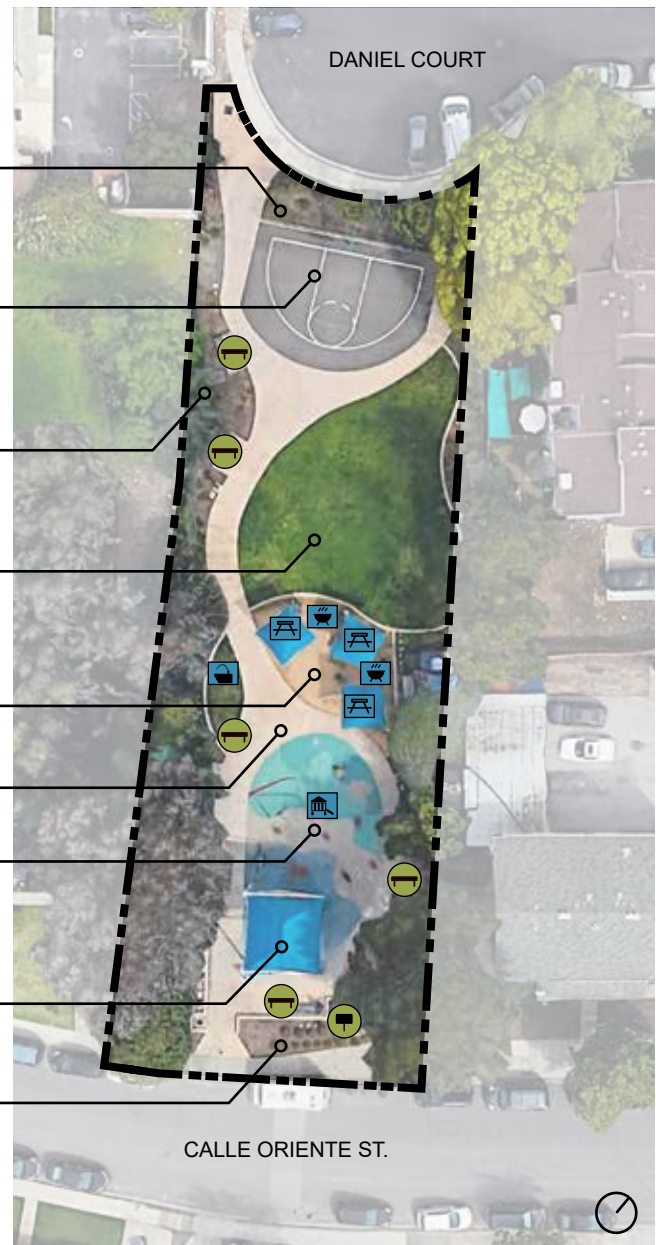
The north end has a half sized basketball court and a small lawn area. The south end of the site has a shaded picnic area and shaded play area. The picnic area has good views for supervision into the play area and offers accessible seating. The play area poured in place surfacing was replaced in 2021. Concrete pathways throughout the site are accessible and up to current code. ADA paths of travel and accessible benches and tables are provided.

Landscape planting throughout the site is sparse and need replanting. Public Works has identified the irrigation system as unreliable.



EXISTING SITE ASSESSMENT

- No planting at park entrance
- Half size basketball court in good condition
- Sparse vegetation at all perimeter planting areas
- Passive use lawn
- Decomposed granite surfacing at picnic area
- Sparse vegetation at park entrance
- Play structure is in fair condition. Surfacing and swings in good condition.
- Shade structure over play equipment
- Sparse vegetation at park entrance



LEGEND

- BBQ (2)
- Bench (5)
- Drinking Fountain (1)
- Picnic Table (3)
- Play Structure (1)
- Entry Sign (1)

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

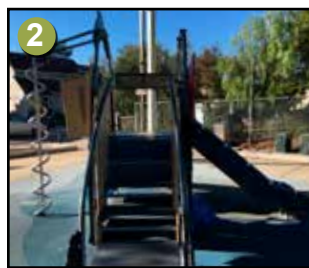
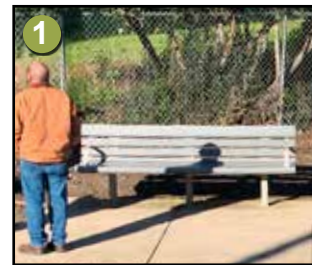
EXISTING SITE ASSESSMENT

Site Furnishings

1 Amenities: Two composite picnic tables and one ADA accessible table are provided, all in fair condition. Two barbecues are in fair condition. One drinking fountain is provided in fair condition. Shade sails over the picnic area are in fair condition, however the sail material is fading.

1 Five composite benches are in good condition.

2 Play Equipment: The play area equipment is in good condition, poured in place surfacing and swingset were repaired in 2021.



Accessibility

1 Pathways: All concrete pathways, ramps and stairs are ADA accessible. Decomposed granite at picnic area is separating from adjacent paving.

2 Furnishings: One ADA accessible table is provided. All benches meet current code.

Play Equipment: ADA accessible play elements are provided.



Landscaping & Maintenance

- 1 Landscape Planting:** Planting areas are mostly bare. Existing planting needs maintenance and pruning.
- 2 Turf:** Turf is in good condition.
- Trees:** Trees are in good condition and provide adequate shade.
- Irrigation:** This park is on the City's centralized irrigation system, however the irrigation system is not reliable.
- Lighting:** Lighting is modern and is functional.



CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace shade sail fabric on picnic area shade structures.
- Landscape and Irrigation: Replant all landscaped areas with drought-tolerant California native planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Repair irrigation system. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge turf areas weekly.

Long Term Improvement

No long term improvements or additions are proposed at the time of this document.

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Replace Shade Sail Fabric	3	EA	\$10,000	\$30,000
2	Landscaping & Irrigation	11,000	SF	\$20	\$220,000
	SUBTOTAL Short Term Park Improvements				\$250,000
	Soft Costs (Administration, Inspection) - 30%				\$75,000
	Short Term Repairs & Upgrades TOTAL				\$ 325,000.00
B.	Long Term Park Improvements				
1	Pedestrian Lighting Replacement	1	LS	\$75,000	\$75,000
	SUBTOTAL Long Term Park Improvements				\$75,000
	Mobilization - 15%				\$11,250
	Design & Construction Contingency - 30%				\$22,500
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$22,500
	Long Term Repairs & Upgrades TOTAL				\$ 132,000.00
	IMPROVEMENTS TOTAL				\$ 457,000.00
C.	Additional Features Annual Maintenance Cost				

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CHAPTER 5: GOALS AND RECOMMENDATIONS



CARDOZA PARK (TOM)

Kennedy Dr. at N. Park Victoria Dr.

Type: Community Park

Size: 10.15 acres

Construction Date: 1973

Latest Renovations:

- 2009 (Play areas, picnic areas, restroom and parking lot south of baseball field)
- 2020 (Play area)

PARK OVERVIEW

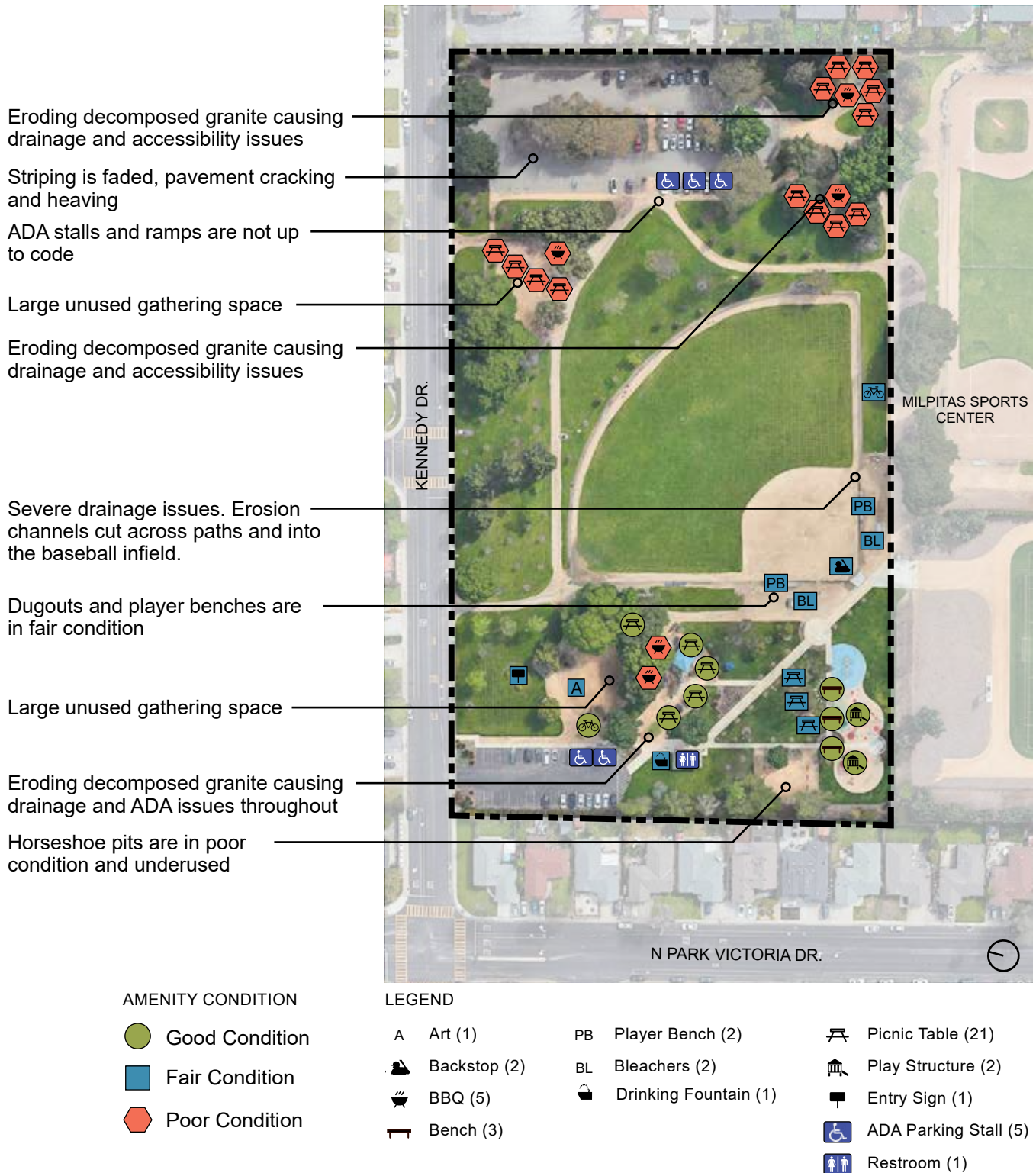
Cardoza Park is a large community park adjacent to the Milpitas Sports Center, and centered around a full size lit softball/baseball field. The park's west end was renovated in 2009 with new playgrounds and picnic areas.

The western portion contains two modern play structures with shaded supervision areas. The play areas were updated in 2020 with new playground surfacing and play structure equipment. Adjacent to the playgrounds are several small picnic areas with shade sails. The picnic areas are accessed by a 33-car parking lot with ADA accessible spaces. A large open space features "Kicker Kid," a public art program piece.

The site's east side contains three picnic areas with aging tables and barbeques and a large unused gathering space. Steep slopes and eroding decomposed granite make this area largely ADA inaccessible. This area is slated to be renovated as part of the Milpitas Sports Center Master Plan. The City Council directed staff in February 2021 to create Capital Improvement Project for the construction of new softball fields. The Master Plan shows a feasibility study of 3-field and 4-field option for the City's consideration. The funding for the future improvements remains to be determined.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

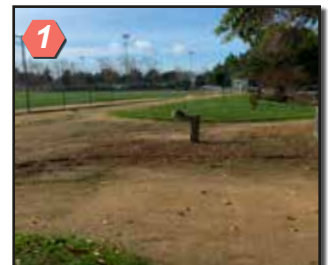
Site Furnishings

- 1 Amenities:** Eight metal tables and two barbeques in the newly renovated west portion of the park are in fair to good condition. Seven metal benches are in good condition. Shade structures over picnic tables and benches are in good condition. One bike rack is in good condition.
- 1** Four metal tables in the eastern side of the site are in poor condition. Ten wood picnic tables and four barbeques are in poor condition. Drinking fountains throughout the site were replaced in 2020 and are in good condition.
- 2 Play Areas:** Play areas were renovated in 2020. Play equipment is in good condition, set on poured in place surfacing.
- Signage:** Park entry, informative and regulatory signage is in good condition.



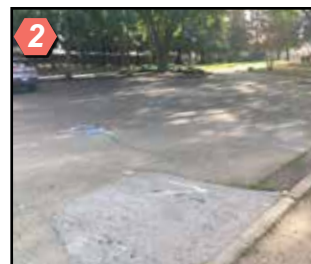
Accessibility

- 1 Pathways:** The majority of pathways on the site consist of unstabilized decomposed granite. Significant drainage issues and heavy traffic from maintenance vehicles cause extensive rutting and uneven walking surfaces. Slopes exceed 5% at pathways to the Milpitas Sports Center.
- 2 Furnishings:** No ADA-accessible tables are provided. ADA benches are provided only in the western portion of the park.



Accessibility

- 1 Play Equipment:** Play equipment meets current safety compliance and ADA requirements. Some lifting at safety surfacing poses a trip hazard.
- 2 Parking Lots:** The west parking lot provides 2 ADA-accessible parking spaces and a ramp. The east parking lot has striping for 3 ADA spots, however the striping is faded and the ramps provided are not compliant.



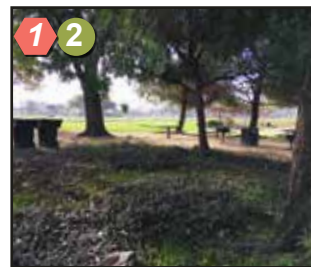
Baseball Field

- 1 Fencing and Dugouts:** Fencing and signage is in fair to good condition. The player benches are in fair condition and the dugouts lack shade.
- 2 Infield & Outfield:** The infield has extensive runoff channels cutting through the infield mix. Outfield turf is in good condition.



Landscaping & Maintenance

- 1 Landscape Planting:** Entry planting areas are in good condition
- 1** Majority of planting areas are sparsely planted and require maintenance. Mulch is low in all areas, and nonexistent in the non-renovated east portion of the park.
- 2 Trees:** Trees are in good condition.
- Turf:** Turf is in good condition throughout the park.
- Irrigation:** This park is on the City's centralized irrigation system using potable water.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹



1. See Appendix D: Facility Condition Assessment

PROPOSED SITE IMPROVEMENTS - THREE FIELDS

Short Term Improvement

- Replace all existing picnic tables and barbeques in the east portion of the site, provide ADA accessible models.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Parking Lot Repairs & ADA Stall Improvements: Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.
- Repair decomposed granite pathways.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Continue weed control, pruning and fertilization quarterly or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement - Phase 1

Field Improvements

- Softball Fields: Three new softball fields sized per plan. Each field shall include backstops, shaded dugouts and bleachers, lighting and perimeter fencing. One double sided and one single scoreboard to be provided.
- Add decomposed granite path to provide access to softball field.
- Add storage container.

Long Term Improvement - Phase 2

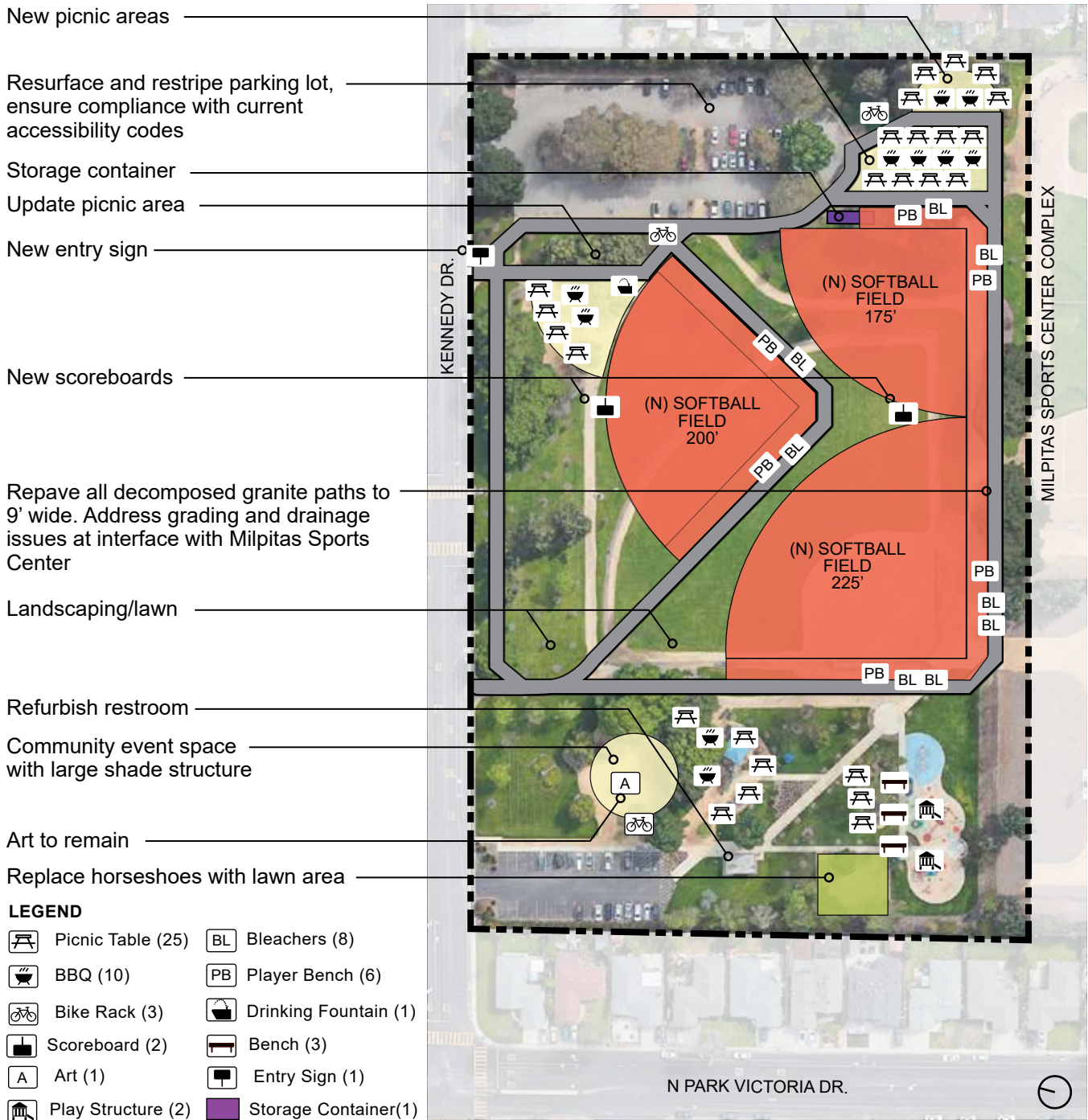
Picnic Area & Parking Lot Improvements

- Add Picnic Areas: Concrete picnic areas with ADA accessible tables and one trash/recycle and ash receptacle per picnic area.
- Community Event Space: Community plaza area with perimeter seatwalls, concrete paving and a large shade structure to be used for city events, farmers markets, food trucks, etc.
- Repave all decomposed granite paths to 9'. Address grading and drainage issues at interface with Milpitas Sports Center.
- Ensure ADA access at all slopes to Milpitas Sports Center Complex property, and add ramps where necessary.
- Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.
- Add entrance sign at east parking lot

¹. See Appendix D: Facility Condition Assessment

CARDOZA PARK (TOM)

PROPOSED IMPROVEMENTS SITE PLAN - THREE FIELDS



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	5	EA	\$5,000.00	\$25,000
2	Picnic Table	17	EA	\$4,000.00	\$68,000
3	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$68,000.00	\$68,000
4	Park side Decomposed Granite Pathway Repairs (Allowance)	1	LS	\$50,000.00	\$50,000
5	Parking Lot Repairs & ADA Stall Improvements (allowance)	1	LS	\$50,000.00	\$50,000
	SUBTOTAL Short Term Park Improvements				\$261,000
	Soft Costs (Administration, Inspection) - 30%				\$78,300
Short Term Repairs & Upgrades TOTAL					\$ 340,000.00
B.	Long Term Park Improvements				
	Phase 1 - 3 Field Option				
1	Demolition & Grading	160,000	SF	\$4.00	\$640,000
2	Drainage	160,000	SF	\$1.50	\$240,000
3	Baseball Field Lawn	130,000	SF	\$2.50	\$325,000
4	Baseball Field Irrigation	130,000	SF	\$3.00	\$390,000
5	Infield	20,000	SF	\$6.00	\$120,000
6	Pave walking path (9' Wide, 3.5" AC over 14.5" CL II AB)	40,000	SF	\$12.50	\$500,000
7	Dugout	6	EA	\$35,000.00	\$210,000
8	Scoreboard	2	EA	\$35,000.00	\$70,000
9	Backstop with Hood	3	EA	\$150,000.00	\$450,000
10	Field Lighting	1	LS	\$750,000.00	\$750,000
11	Bleachers	8	EA	\$24,000.00	\$192,000
12	Player Bench	6	EA	\$5,000.00	\$30,000
13	Entry Sign	1	EA	\$5,000.00	\$5,000
14	8' Tall Chain Link Fence	2000	LF	\$120.00	\$240,000
15	Storage Container	1	EA	\$30,000.00	\$30,000
	SUBTOTAL Phase 1 - 3 Field Option				\$4,192,000
	Mobilization - 10%				\$419,200
	Design & Construction Contingency - 20%				\$838,400
	Soft Costs (Design, Administration, Inspection, Permitting) - 25%				\$1,048,000
Phase 1 - 3 Field Option Total					\$ 6,498,000.00

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST (CONT.)

	Phase 2 -Picnic Area and Parking Lot Improvements				
1	Demolition & Grading	80,000	SF	\$5.00	\$400,000
2	Drainage	1	SF	\$100,000.00	\$100,000
3	Pave Picnic Areas (Concrete)	15,000	SF	\$16.00	\$240,000
4	Resurface & Restripe Existing Parking Lot	35,000	SF	\$4.50	\$157,500
5	Pedestrian Decomposed Granite Pathway (4" DG over 4" CL II AB)	20,000	SF	\$5.00	\$100,000
6	Site Furnishing	1	LS	\$200,000.00	\$200,000
7	Event Space (4" Concrete over 6" CL II AB)	5,000	SF	\$16.00	\$80,000
8	Seatwalls	200	LF	\$250.00	\$50,000
9	Large Shade Structure	2	EA	\$130,000.00	\$260,000
10	Landscaping & Irrigation	2	Acres	\$75,000.00	\$150,000
	SUBTOTAL Phase 2- Picnic Area and Parking Lot Improvements				\$1,737,500
	Mobilization - 15%				\$260,625
	Design & Construction Contingency - 30%				\$521,250
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$521,250
	Phase 2 -Picnic Area and Parking Lot Improvements Total			\$	3,041,000.00
	IMPROVEMENTS TOTAL			\$	9,878,000.00

C. Additional Features Annual Maintenance Cost				
1 Athletic field maintenance (Daily/Weekly)	95450	SF	\$0.25	\$ 23,900.00
Annual Maintenance TOTAL			\$	23,900.00

PROPOSED SITE IMPROVEMENTS - FOUR FIELDS

Short Term Improvement

- Replace all existing picnic tables and barbeques in the east portion of the site, provide ADA accessible models.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Parking Lot Repairs & ADA Stall Improvements: Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.
- Repair decomposed granite pathways.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Continue weed control, pruning and fertilization quarterly or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement - Phase 1

Field Improvements

- Softball Fields: Four new softball fields sized per plan. Each field shall include backstops, shaded dugouts and bleachers, lighting and perimeter fencing. One scoreboard per field.
- Add decomposed granite path to provide access to softball field.
- Add storage container.

Long Term Improvement - Phase 2

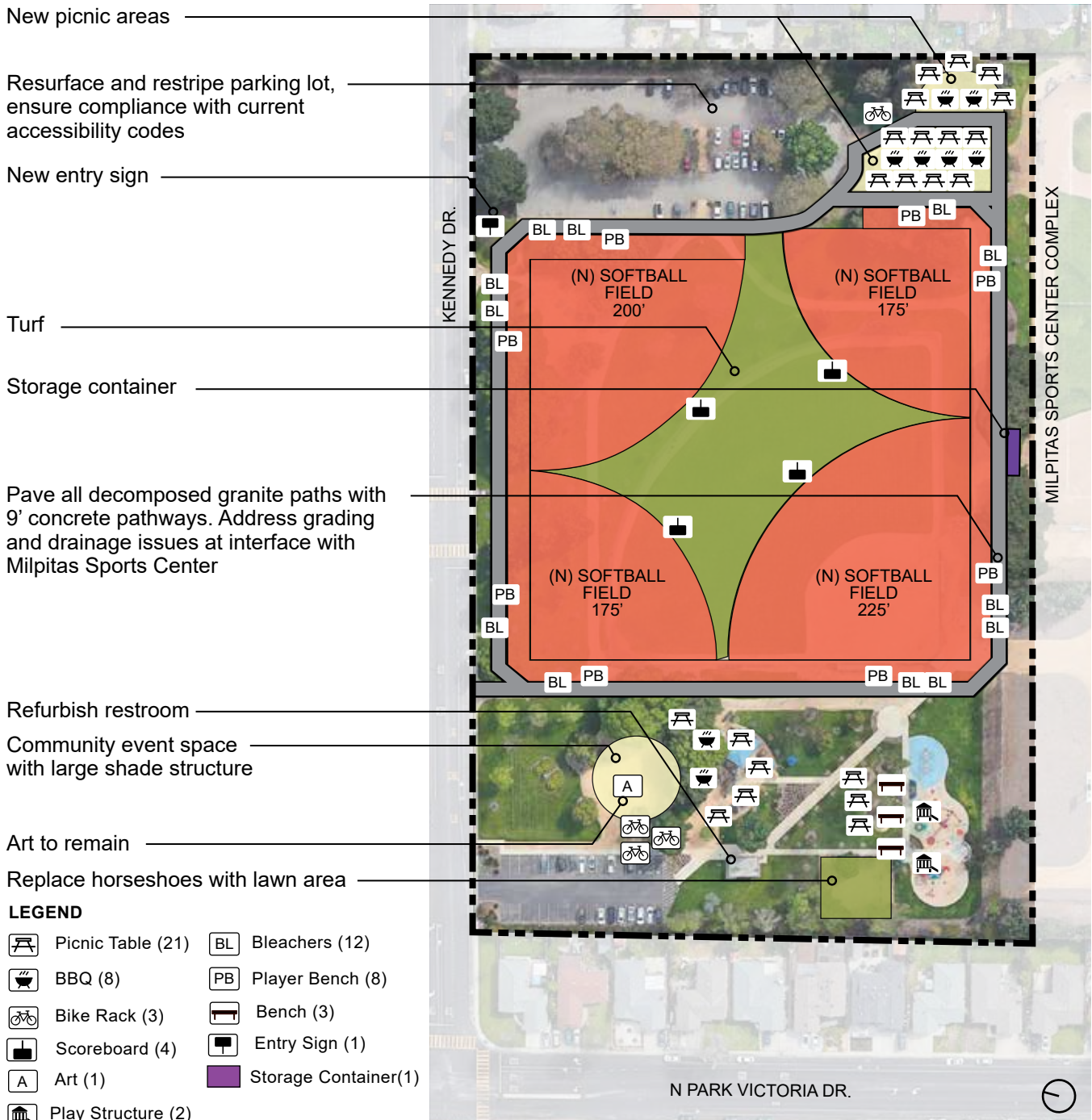
Picnic Area & Parking Lot Improvements

- Add Picnic Areas: Concrete picnic areas with ADA accessible tables and one trash/recycle and ash receptacle per picnic area.
- Community Event Space: Community plaza area with perimeter seatwalls, concrete paving and a large shade structure to be used for city events, farmers markets, food trucks, etc.
- Repave all decomposed granite paths to 9'. Address grading and drainage issues at interface with Milpitas Sports Center.
- Ensure ADA access at all slopes to Milpitas Sports Center Complex property, and add ramps where necessary.
- Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.

¹. See Appendix D: Facility Condition Assessment

CARDOZA PARK (TOM)

PROPOSED SITE IMPROVEMENTS PLAN - FOUR FIELDS



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	5	EA	\$5,000.00	\$25,000
2	Picnic Table	17	EA	\$4,000.00	\$68,000
3	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$68,000.00	\$68,000
4	Park Decomposed Granite Pathway Repairs (Allowance)	1	LS	\$50,000.00	\$50,000
5	Parking Lot Repairs & ADA Stall Improvements (allowance)	1	LS	\$50,000.00	\$50,000
	SUBTOTAL Short Term Park Improvements				\$261,000
	Soft Costs (Administration, Inspection) - 30%				\$78,300
Short Term Repairs & Upgrades TOTAL					\$ 340,000.00
B.	Long Term Park Improvements				
	Phase 1 - 4 Field Option				
1	Demolition & Grading	200,000	SF	\$4.00	\$800,000
2	Drainage	200,000	SF	\$1.50	\$300,000
3	Baseball Field Lawn	170,000	SF	\$2.50	\$425,000
4	Baseball Field Irrigation	170,000	SF	\$3.00	\$510,000
5	Infield	30,000	SF	\$6.00	\$180,000
6	Vehicular Decomposed Granite (4" DG over 6" CL II AB)	20,000	SF	\$8.00	\$160,000
7	Dugout	8	EA	\$35,000.00	\$280,000
8	Scoreboard	4	EA	\$35,000.00	\$140,000
9	Backstop with Hood	4	EA	\$150,000.00	\$600,000
10	Field Lighting	1	LS	\$750,000.00	\$750,000
11	Bleachers	12	EA	\$24,000.00	\$288,000
12	Player Bench	6	EA	\$5,000.00	\$30,000
13	8' Tall Chain Link Fence	2800	LF	\$120.00	\$336,000
14	Entry Sign	1	EA	\$5,000.00	\$5,000
15	Storage Container	1	EA	\$30,000.00	\$30,000
	SUBTOTAL Phase 1 - 3 Field Option				\$4,834,000
	Mobilization - 10%				\$483,400
	Design & Construction Contingency - 20%				\$966,800
	Soft Costs (Design, Administration, Inspection, Permitting) - 25%				\$1,208,500
Phase 1 - 4 Field Option Total					\$ 7,493,000.00

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST (CONT.)

	Phase 2 -Picnic Area and Parking Lot Improvements				
1	Demolition & Grading	60,000	SF	\$5.00	\$300,000
2	Drainage	1	LS	\$70,000.00	\$70,000
1	Pave Picnic Areas (Concrete)	9,000	SF	\$16.00	\$144,000
2	Resurface & Restripe Existing Parking Lot	35,000	SF	\$4.50	\$157,500
3	Pedestrian Decomposed Granite Pathway (4" DG over 4" CL II AB)	15,000	SF	\$5.00	\$75,000
7	Event Space (4" Concrete over 6" CL II AB)	5,000	SF	\$16.00	\$80,000
8	Seatwalls	200	LF	\$250.00	\$50,000
9	Large Shade Structure	2	EA	\$130,000.00	\$260,000
3	Site Furnishing	1	LS	\$125,000.00	\$125,000
4	Landscaping & Irrigation	1	Acres	\$75,000.00	\$75,000
	SUBTOTAL Phase 2- Picnic Area and Parking Lot Improvements				\$1,336,500
	Mobilization - 15%				\$200,475
	Design & Construction Contingency - 30%				\$400,950
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$400,950
	Phase 2 -Picnic Area and Parking Lot Improvements Total			\$	2,339,000.00
				IMPROVEMENTS TOTAL	\$ 10,171,000.00
C.	Additional Features Annual Maintenance Cost				
1	Athletic field maintenance (Daily/Weekly)	95450	SF	\$0.25	\$ 23,900.00
	Annual Maintenance TOTAL			\$	23,900.00

CHAPTER 5: GOALS AND RECOMMENDATIONS



CERANO PARK

Murphy Ranch Rd.

Type: Neighborhood Park

Size: 1.00 acres

Construction Date: 2013

PARK OVERVIEW

Cerano Park is a small neighborhood park located adjacent to the Cerano residential development and multiple tech campuses. The park is primarily used by nearby residents as and by tech workers during lunch breaks.

The park has one tennis court, a half sized basketball court, playground, shaded picnic area with wood pergola and a restroom. The open lawn space is used as an informal volleyball pitch and is showing serious extensive bare spots as a result. A play area with modern equipment and accessible play elements area provided for ages 5-12.

The park provides one ADA accessible parking stall, accessible ramps, accessible paths of travel and pedestrian and tennis court lighting.

The east portion of the site is within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this portion of the park require a permit from the SFPUC.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

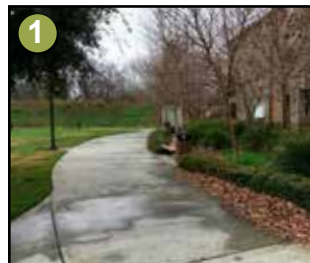
Site Furnishings

- 1 Amenities:** Two stone barbeques are in poor condition. The particular model installed is not user friendly and difficult to maintain.
- 1** Four stone picnic tables are provided, two ADA accessible and two standard. They are in good condition with some graffiti damage. Eight composite benches are provided along the perimeter path and play area in good condition. One bike rack is provided at the entrance in good condition.
- 2 Structures:** Picnic area concrete and wood trellis are in fair condition. Climbing vines need trimming. Some graffiti damage at the base of the columns.



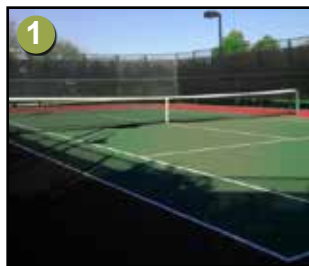
Accessibility

- 1 Pathways:** All concrete pathways, ramps and stairs are ADA-accessible.
- 2 Furnishings:** ADA-accessible furnishings are provided.
- 3 Play Equipment:** Play equipment meets current safety compliance and ADA requirements, minor worn areas on poured in place surfacing.



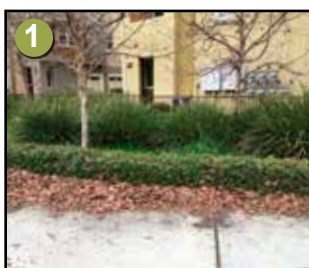
Sports Courts

- 1 Tennis Courts:** Tennis courts are in good condition. Surfacing and striping is clear, fencing and windscreen is in good condition. Court lighting is provided.
- 2 Basketball Court:** Basketball court is in good condition. Surfacing and striping is clear. The backboard and hoop are in good condition.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in good condition, however pathways are covered in fallen leaves and plant trimmings. Regular clearing is required.
- 2 Turf:** Turf is in poor condition due to daily pick up volleyball games. The existing turf is not designed for sports and is showing extensive bare spots.
- 3 Trees:** Trees are well-maintained throughout the park.
- Irrigation:** This park is on the City's centralized irrigation system using reclaimed water.
- Lighting:** Pedestrian lighting is provided and is in good condition.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹



1. See Appendix D: Facility Condition Assessment

CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS

Short Term Improvement

- Update Play Areas: Replace poured in place surfacing, replace net climber and double slide at age 2-5 play structure with new equipment from Kompan.¹
- Remove and replace existing barbeques with group barbeques similar to Pinewood Park.
- Clean graffiti from trellis columns and stone tables.
- Landscape Maintenance: Prune vines at trellis. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Reseed lawn where necessary.
- Restroom and Snack Shack: Refurbish and conduct ADA study per Facility Condition Assessment.²

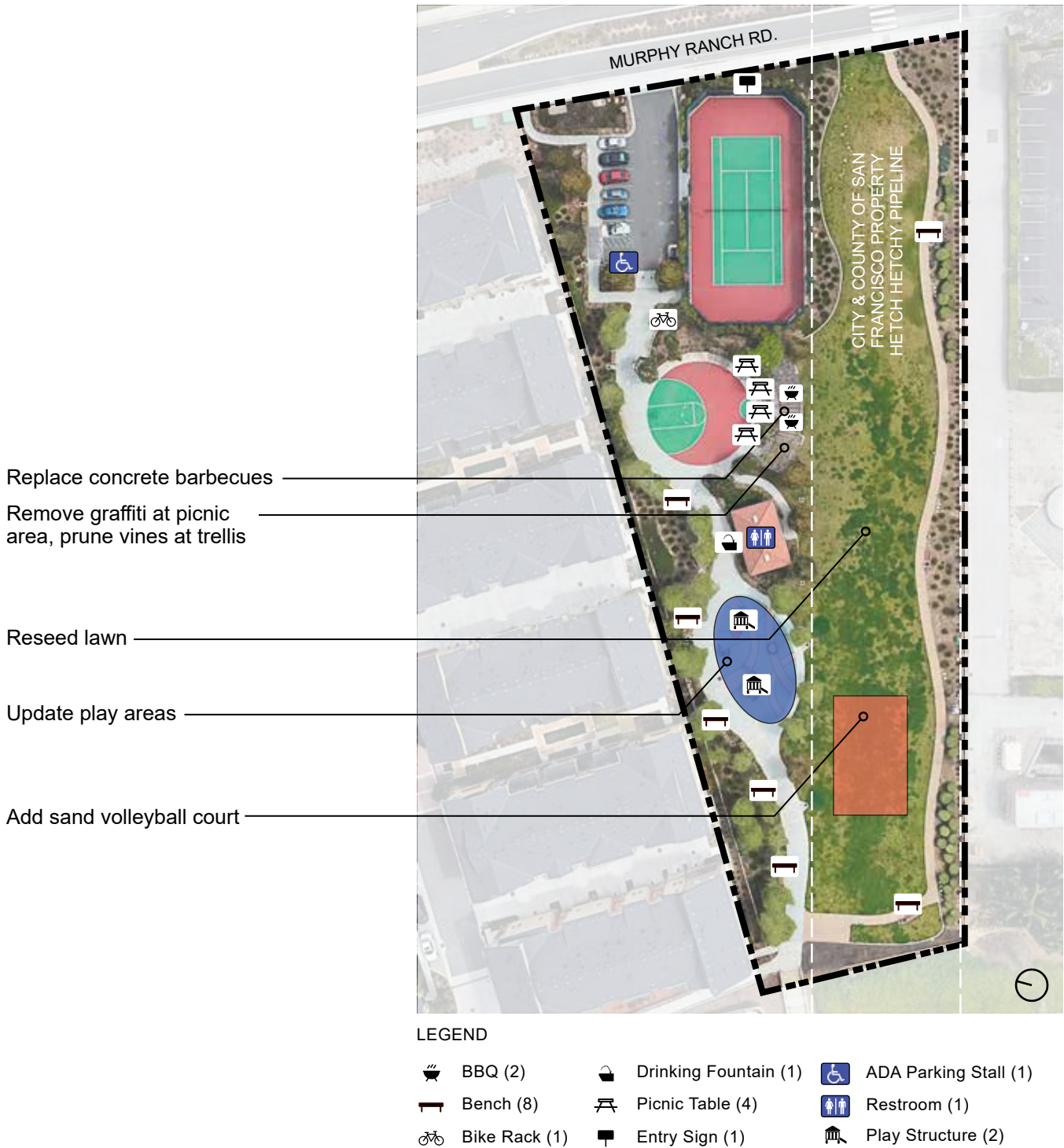
Long Term Improvement

- Add sand volleyball court and net.

1. See Appendix F: Milpitas Playground Rehabilitation Project
2. See Appendix D: Facility Condition Assessment

CERANO PARK

PROPOSED IMPROVEMENTS SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Reseed Lawn	8,500	SF	\$ 2.15	\$ 18,275.00
2	Replace Concrete BBQ	2	EA	\$ 5,000.00	\$ 10,000.00
3	Graffiti Removal	1	LS	\$ 5,000.00	\$ 5,000.00
4	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$ 63,000.00	\$ 63,000.00
5	Playground Equipement & Surface Repairs	1	LS	\$75,889.00	\$ 75,889.00
	SUBTOTAL Short Term Park Improvements				\$ 172,164.00
	Soft Costs (Administration, Inspection) - 30%				\$ 51,649.20
Short Term Repairs & Upgrades TOTAL					\$ 224,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	2,500	SF	\$ 5.00	\$ 12,500.00
2	Sand Volleyball Court	1	LS	\$ 50,000.00	\$ 50,000.00
	SUBTOTAL Long Term Park Improvements				\$ 62,500.00
	Mobilization - 15%				\$ 9,375.00
	Design & Construction Contingency - 30%				\$ 18,750.00
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$ 18,750.00
Long Term Park Improvements TOTAL					\$ 110,000.00
IMPROVEMENTS TOTAL					\$ 334,000.00
C.	Additional Features Annual Maintenance Cost				
1	Sports Courts Cleaning (Weekly)	6700	SF	\$ 0.12	\$ 900.00
Annual Maintenance TOTAL					\$ 900.00

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CHAPTER 5: GOALS AND RECOMMENDATIONS



CREIGHTON PARK (FREDERICK)

Olympic Dr. west of S. Park Victoria St.

Type: Neighborhood Park

Size: 5.00 acres

Construction Date: 1968 - North / 1981 - South

Latest Renovation: 2020

PARK OVERVIEW

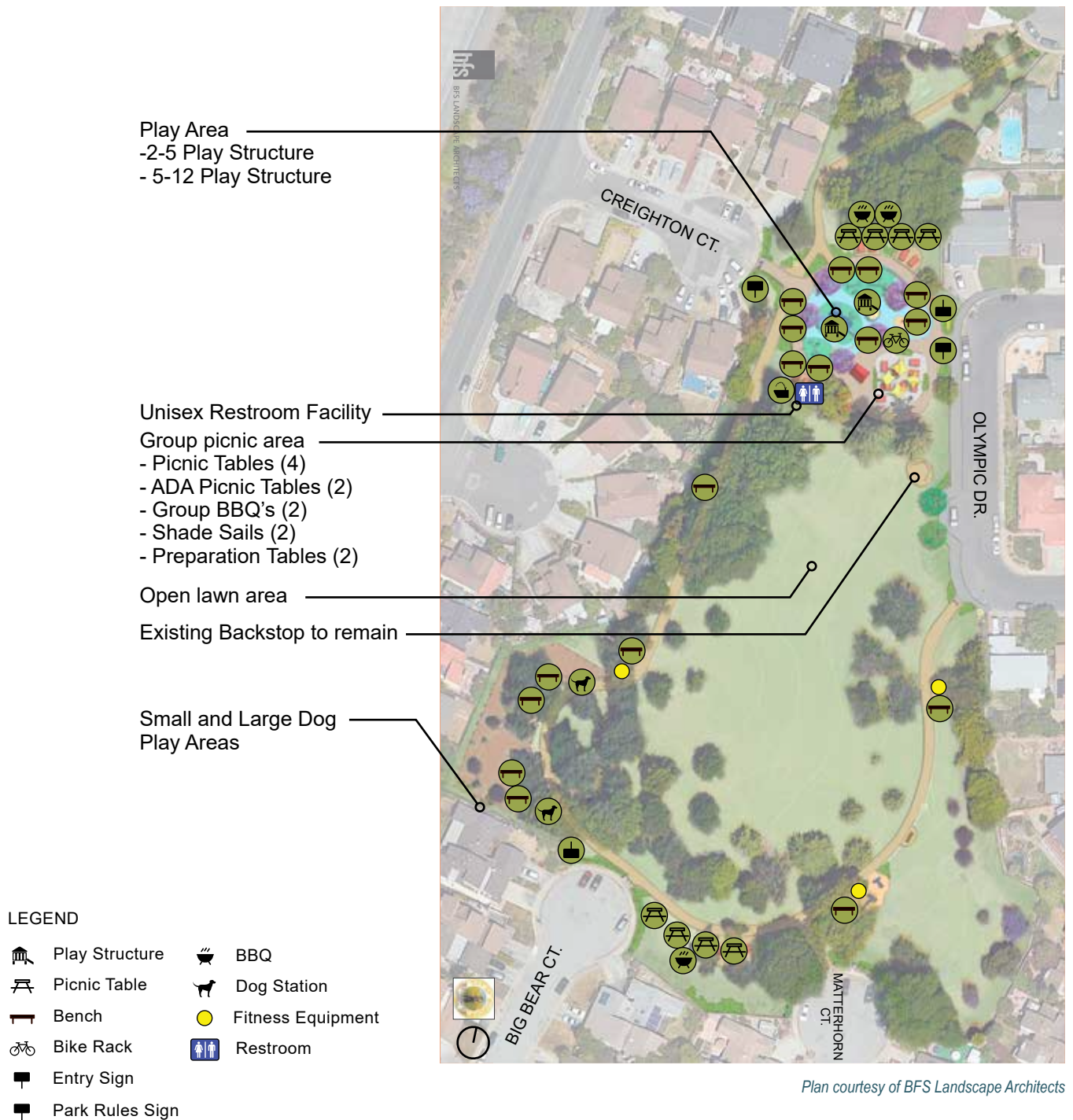
Creighton Park is a medium sized neighborhood park recently renovated in 2020. Renovations added new DG and concrete pathways accessing fitness stations, playground areas, shaded group picnic areas, small and large dog play areas and a unisex restroom.

Accessibility improvements include accessible benches and picnic tables, improved site access, and entry points with ADA curb ramps and driveways.

No improvements are needed at the time of this document.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Furnishings

- 1 Amenities:** Concrete picnic tables, benches and BBQ's are all in good condition. New drinking fountains, trash receptacles, bike racks and all other furnishing are in good condition.
- 2 Play Area:** Play equipment, surfacing and signage are all in good condition.
- 3 Workout Equipment:** Fitness stations are all in good condition.
- 4 Shade Structures:** Shade structures at picnic area are in good condition



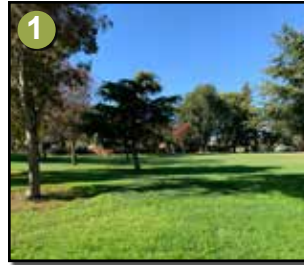
Accessibility

- 1 Pathways:** All concrete pathways are ADA-accessible. Decomposed granite paths are accessible and well-maintained.
- 2 Furnishings:** Accessible tables and benches are provided.
- 3 Play Equipment:** Play equipment meets current safety compliance and ADA requirements. Accessible equipment is provided.



Landscape Maintenance

- 1 **Lawn:** Lawn areas are in good condition.
- 2 **Site Planting:** Site planting is well-maintained. All planting areas are mulched and weed free. New trees are properly staked, and existing trees are well pruned.
- 3 **Fencing:** Site fencing is in good condition throughout the park.
- 4 **Irrigation:** The park is on the City's central irrigation system using potable water.
- 5 **Restroom:** Restroom is in good condition
- 6 **Lighting:** Pedestrian lighting is in good condition





DIXON LANDING PARK

Milmont Dr. off Dixon Landing Rd.

Type: Community Park

Size: 11.40 acres

Construction Date: 1989

Latest Renovation: 2020 (Play Areas)

PARK OVERVIEW

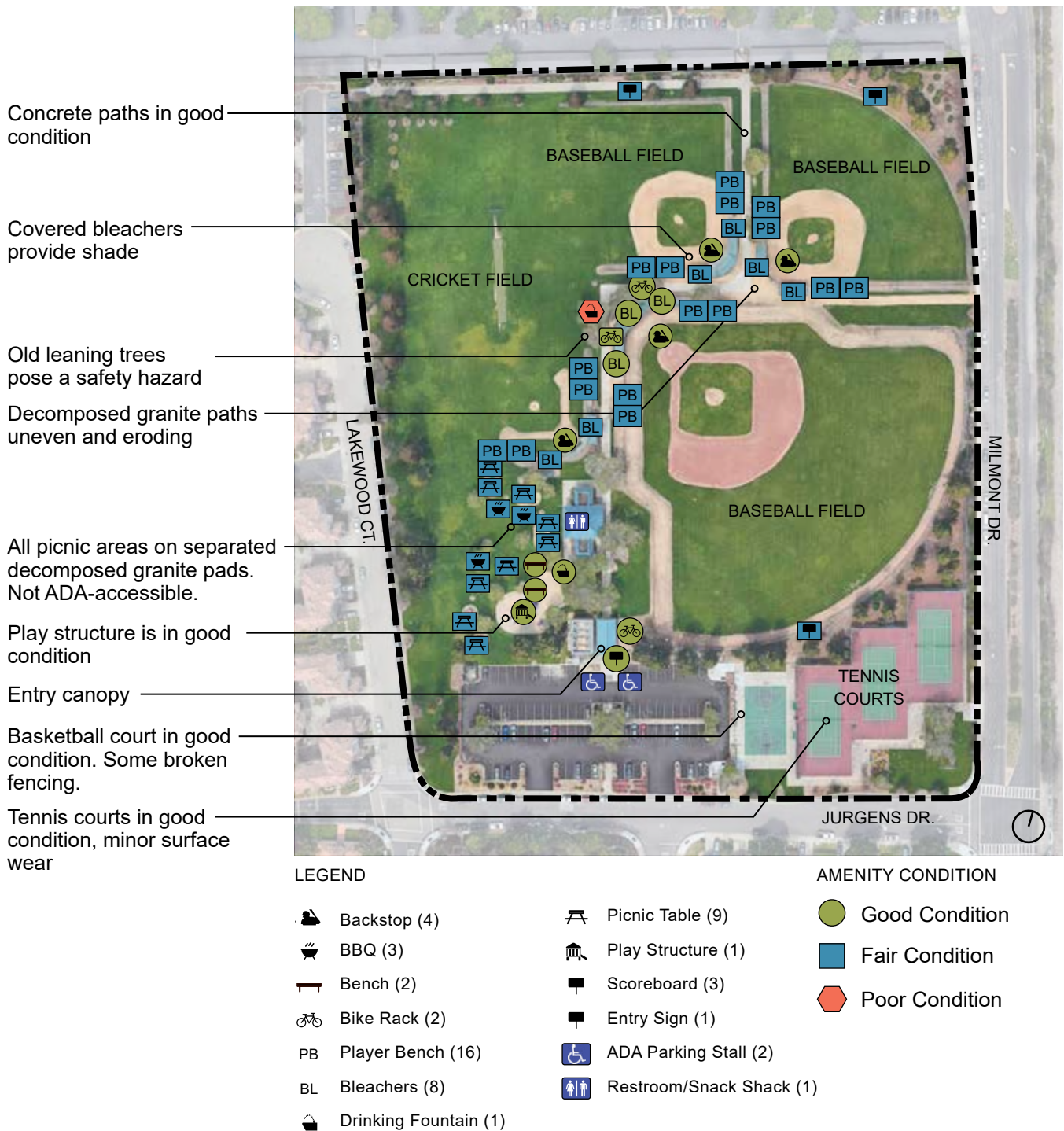
Dixon Landing Park is bounded by residential development on three sides and railroad tracks on the east. This sports park has two small baseball fields, a full size baseball field, a cricket pitch, three tennis courts and a basketball court. A concessions and restroom facility separate the sports facilities from group picnic areas and a playground. An 84-spot parking lot with accessible spaces and an overhead shade structure provide a strong entry point to the park.

The sports fields are all in good condition. Shaded bleachers give clear views into the fields. Infield surfacing and outfield turf are in excellent condition. No accessible bleachers are provided.

The play area was renovated in 2020 and the safety surfacing was replaced; the poured in place surfacing was replaced in kind and the sand surfacing was replaced with engineered wood fiber. Adjacent to the play area are dispersed picnic tables and barbecues, no ADA-accessible tables are provided.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Furnishings

- 1 Amenities:** Furnishing are in poor to good condition. Wood picnic tables are in fair condition, with fading paint but otherwise sound. The barbeques provided at the picnic area are in poor condition. Metal benches at the play area are in good condition. Drinking fountains were replaced in 2020 and are in good condition.
- 2 Play Structure:** Play structures are in good condition, installed in 2003. The safety surfacing and wood fiber surfacing were replaced in 2020.
- 3 Sports Fields:** Shaded bleachers are in good condition. Player benches at dugouts are in fair condition, however no shade is provided.



Accessibility

- 1 Pathways:** All concrete pathways, ramps and stairs are ADA-accessible. Decomposed granite paths are eroding in some places but are overall accessible.
- 2 Furnishings:** Benches are ADA-accessible. No accessible tables are provided. There are no ADA-accessible bleachers at sports fields.
- 3 Play Equipment:** Poured in place surfacing and engineered wood fiber was replaced in 2020, improving accessibility, however, few accessible ground level elements are provided.



Sports Facilities

- 1 Baseball Fields:** Baseball fields are in overall good condition. Backstops and fencing are in good condition with minimal wear. Infield is in good condition with minor erosion areas. Outfield turf is in excellent condition.
- 2 Tennis Courts:** Tennis courts are in good condition with minimal wear to the play surface. Fencing and lighting are in good condition.
- 3 Basketball Court:** The basketball court is in fair condition. Striping is somewhat faded and portions of fencing are broken.



LANDSCAPING & MAINTENANCE

- Landscape Planting:** Landscape planting is in good condition. There is minimal planting throughout the site.
- Turf:** Turf is in excellent condition.
- Trees:** Perimeter trees and picnic area trees are in good condition. Trees at sports fields are older and leaning, posing a safety hazard.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Restroom/Snack Shack:** Restroom/Snack Shack is in fair condition.¹
- Lighting:** Pedestrian and Sports Court lighting is operational and in good condition.

¹. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Dixon Landing Park will be the interim home for PAL softball until field upgrades at Cardoza Park are completed.

Short Term Improvement

- Remove hazardous trees at baseball fields.
- Replace drinking fountain
- Restroom and Snack Shack: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

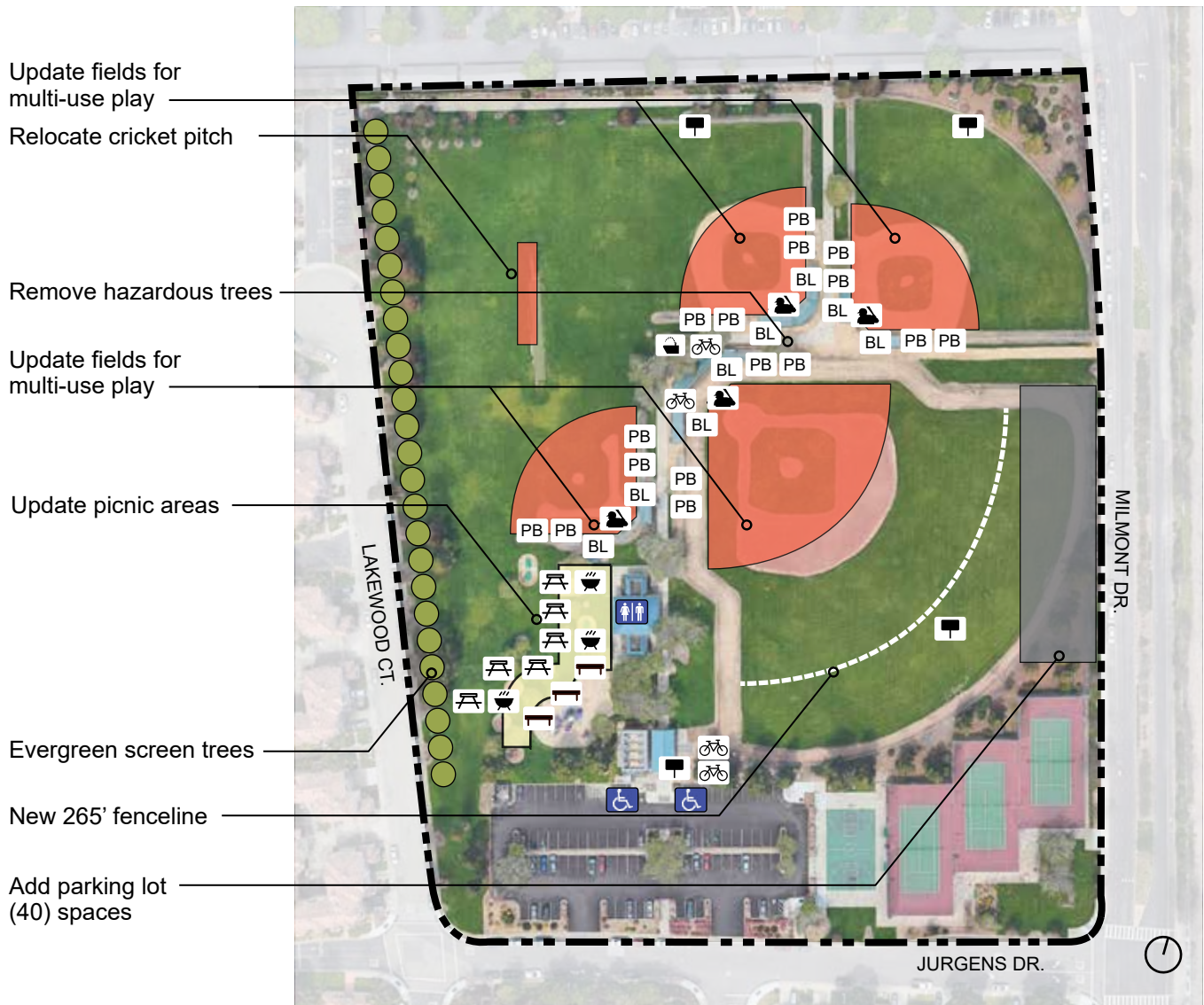
Long Term Improvement

- Update fields for multi-use play: Re-skin infields, remove turf and pitcher's mound at infield. Replace shade fabric at dugouts where necessary.
- Formalize cricket pitch: Reskin cricket pitch and add striping. Adjust location to maximize outfield area.
- Update picnic areas: Replace all picnic tables and barbecues with current Milpitas standard. Pave picnic areas with concrete. Provide three trash/recycle receptacles and three ash receptacles. Add shade structures where existing tree canopies do not provide shade.
- Add benches and companion seating at play areas.
- Adjust fenceline at main softball field to 265'.
- Add 40-space parking lot along Milmont St.
- Add evergreen screening trees along the western edge to buffer noise and light from the nearby residences
- Right-of-Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

¹. See Appendix D: Facility Condition Assessment

DIXON LANDING PARK

PROPOSED IMPROVEMENTS SITE PLAN



LEGEND

Backstop (4)	Drinking Fountain (1)	ADA Parking Stall (2)
BBQ (3)	Picnic Table (9)	Restroom/Snack Shack (1)
Bench (2)	Play Structure (1)	Evergreen Screen Tree (TBD)
Bike Rack (4)	Scoreboard (3)	
PB Player Bench (16)	Entry Sign (1)	
BL Bleachers (8)		

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Remove Hazardous Trees	1	LS	\$25,000.00	\$25,000
2	Drink Fountain	1	EA	\$10,000.00	\$10,000
3	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$257,000	\$257,000
	SUBTOTAL Short Term Park Improvements				\$292,000
	Soft Costs (Administration, Inspection) - 30%				\$87,600
Short Term Repairs & Upgrades TOTAL					\$ 380,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	50,000	SF	\$5.00	\$250,000
2	Parking Lot (3.5" AC over 14.5" CL II AB)	18,000	SF	\$12.50	\$225,000
3	Drainage	1	LS	\$140,000.00	\$140,000
4	Formalize Cricket Pitch	1	LS	\$250,000.00	\$250,000
5	Update Fields for Multi-use (Softball + baseball)	4	EA	\$175,000.00	\$700,000
6	48" HT Chain Link Fence	265	LF	\$125.00	\$33,125
7	Pave Pincinc Areas (Concrete)	10,000	SF	\$16.00	\$160,000
8	Site Furnishing	1	LS	\$150,000.00	\$150,000
9	Landscape and Irrigation	2	Acres	\$75,000.00	\$150,000
10	Right of Way Improvement	1	LS	\$50,000	\$50,000
	SUBTOTAL Long Term Park Improvements				\$2,108,125
	Mobilization - 15%				\$316,219
	Design & Construction Contingency - 30%				\$632,438
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$632,438
Long Term Park Improvements TOTAL					\$ 3,690,000.00
IMPROVEMENTS TOTAL					\$ 4,069,000.00
C.	Additional Features Annual Maintenance Cost				
1	Parking lot cleaning (Weekly)	18000	SF	\$0.12	\$ 2,200.00
Annual Maintenance TOTAL					\$ 2,200.00

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CHAPTER 5: GOALS AND RECOMMENDATIONS



FOOTHILL PARK

Roswell Dr. at Roswell Ct.

Type: Neighborhood Park

Size: 3.98 acres

Construction Date: 1967

Latest Renovation: 2020 (Play Area)

PARK OVERVIEW

Foothill Park is a passive use community park adjacent to Alexander Rose Elementary School. It is surrounded on three sides by residences with many connection points to the neighborhood.

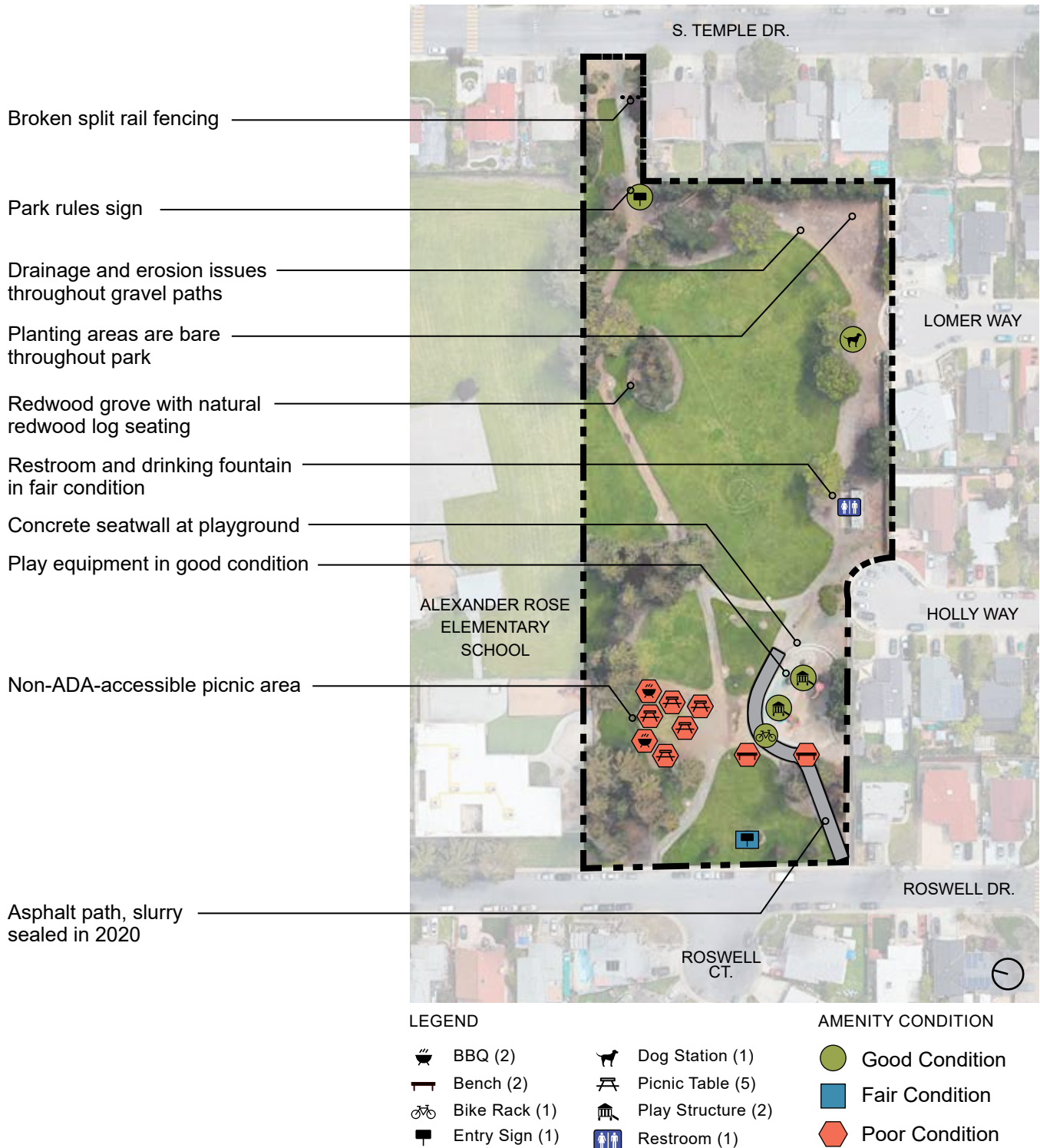
The main entry is located on the western side of the park with a large unpaved picnic area and play area. There is no entry element or sense of arrival at the entrance. A large unpaved picnic area provides non-ADA-accessible tables and barbeques. The play area was renovated in 2020, the 5-12 and 2-5 play structure equipment was replaced, sand surfacing was replaced with wood fiber and poured in place surfacing was added. The asphalt access road was slurry sealed.

The east side of the park consists of a large passive use field and a grove of redwoods with a small, intimate seating area. A restroom is provided, in fair condition.

The park requires significant renovation due to lack of ADA-accessible seating, aging infrastructure and erosion issues at the decomposed granite paths. Pedestrian lighting is provided, however it was non operational at the time of this document.



EXISTING SITE ASSESSMENT



CHAPTER 5: GOALS AND RECOMMENDATIONS

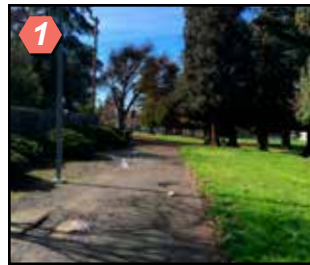
EXISTING SITE ASSESSMENT

Furnishings

- 1 Amenities:** Five wood picnic tables and two barbeques are in poor condition. Two wood benches at the play area are in poor condition. One bike rack is in poor condition. One dog station without a trash receptacle is provided at Lomar Way, in poor condition.
- 2 Play Areas:** Play equipment and safety surfacing were replaced in 2020 and are in good condition.

Accessibility

- 1 Pathways:** The site has primarily gravel pathways with one area of asphalt around the play area. There are significant drainage and erosion issues throughout the path system, exacerbated by maintenance vehicle access.
- 2 Furnishings:** No ADA-accessible furnishings are provided.
- 3 Play Equipment:** Accessible equipment and poured in place surfacing is provided.



Landscaping & Maintenance

- Landscape Planting:** Planting areas are bare throughout the park.
- Turf:** Turf is in good condition. There is some damage from maintenance vehicles near paths.
- Trees:** The park's trees are well-maintained.
- Irrigation:** This park is on the City's centralized irrigation system, it uses reclaimed water.
- Restroom:** Restroom is in fair condition, see Facility Condition Assessment for further information.¹

Landscaping & Maintenance

- Lighting:** The pedestrian lighting was non-operational at the time of the site inspection.

¹ See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all existing picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Add ash receptacles at picnic area.
- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Add dog waste station
- Refurbish Restroom Building: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Mulch bare planting areas. Weed, prune and fertilize all planted areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Pave existing picnic area with concrete, add ADA accessible drinking fountain and trash receptacle.
- New picnic area: New concrete picnic area with shade structure. Provide one trash/recycle receptacle and one ash receptacle.
- Pave central area between picnic and playground to be used as community event space. Add shade structure.
- Replace gravel path with 9' wide concrete path. Address drainage issues at path.
- Pedestrian lighting replacement.
- Landscape Replant bare landscape areas with drought tolerant California natives, repair or replace irrigation system as necessary. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, driveway approaches with bollards, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

¹. See Appendix D: Facility Condition Assessment

FOOTHILL PARK

PROPOSED SITE IMPROVEMENTS PLAN



LEGEND

Picnic Table (9)	Drinking Fountain (1)	Bench (3)	Entry Sign (1)	Bike Rack (1)
BBQ (4)	Dog Station (1)	Restroom	Play Structure (2)	

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	2	EA	\$5,000.00	\$10,000
2	Bench	2	EA	\$3,000.00	\$6,000
3	Picnic Table	5	EA	\$4,000.00	\$20,000
4	Dog Waste Station	1	EA	\$1,500.00	\$1,500
5	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$115,000	\$115,000
	SUBTOTAL Short Term Park Improvements				\$152,500
	Soft Costs (Administration, Inspection) - 30%				\$45,750
Short Term Repairs & Upgrades TOTAL					\$ 199,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	30,000	SF	\$5.00	\$150,000
2	Pave Walking Path (9' Wide, 4" Concrete over 6" CL II AB)	14,500	SF	\$16.00	\$232,000
3	Drainage	1	LS	\$100,000.00	\$100,000
4	Pedestrian Lighting Replacement	1	LS	\$150,000.00	\$150,000
5	Large Shade Structure	2	EA	\$130,000.00	\$260,000
6	Irrigation and Landscape	4	Acre	\$75,000.00	\$300,000
7	Site Furnishing	1	LS	\$200,000.00	\$200,000
8	Right-of-Way Concrete Improvement	1	LS	\$75,000.00	\$75,000
9	Pave Pincinc Areas (Concrete)	5,000	SF	\$16.00	\$80,000
	SUBTOTAL Long Term Park Improvements				\$1,547,000
	Mobilization - 15%				\$232,050
	Design & Construction Contingency - 30%				\$464,100
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$464,100
Long Term Park Improvements TOTAL					\$ 2,708,000.00
IMPROVEMENTS TOTAL					\$ 2,906,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				



HALL MEMORIAL PARK

La Honda Dr. and Coyote St.

Type: Community Park

Size: 9.91 acres

Construction Date: 1979

Latest Renovation: 2007 (Pathway Improvements)

PARK OVERVIEW

Hall Memorial Park is divided into two distinct sections separated by the Lower Penitencia Creek Channel.

The eastern side of the site contains two playgrounds installed in 2004, four tennis courts with a backboard, picnic areas, and a restroom. A soccer field shared with the Curtner Elementary School as part of a Joint Use Agreement (JUA) is popular for tournaments. All furnishings and infrastructure are aging and need renovation. Pedestrian and tennis court and soccer field lighting is provided. The parking lot provides approximately 20 spaces, however there is no striping and no ADA parking spaces or ramp.

The west side of the site is accessed via pedestrian bridge over the Lower Penitencia Creek Channel or from N. Abbott Ave. The main pathway accessing this side of the site was updated in 2007 with new paving and amenities. This area is an open space park consisting of two drainage lagoons ringed by trails. Picnic tables, benches and a deck over the southern lagoon provide opportunities for viewing wildlife. This area attracts migratory birds and has potential for enhancements that will create a rich wildlife environment.

The park is largely ADA non-compliant due to poor gravel pathways, no accessible parking, and no ADA accessible benches or tables provided.

EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** All tables and benches in the eastern section of the park are in poor condition. Tables and benches in the western section are newer composite furnishings in poor to fair condition.
- 2 Playgrounds:** The playground equipment is aging but well-maintained. Safety surfacing is in good condition and provides access to equipment and sand play areas. The two playgrounds are well designed and provide a strong sense of entry into the park



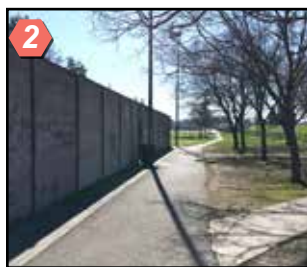
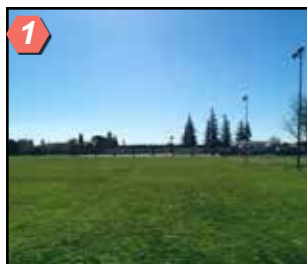
Accessibility

- 1 Pathways:** The east side of the site consists of gravel pathways that are not ADA-accessible.
- 1 Pathways:** The central pathway between lagoons on the west side of the site is concrete and accessible
- 2 Furnishings:** No ADA-accessible furnishings are provided on the east side of the site, only two ADA accessible tables are located in the west side of the site
- 3 Play Equipment:** Play equipment is accessible via safety surfacing, however there are limited accessible paths of travel to the play areas.
- 4 Parking:** There are no designated ADA spaces or accessible ramps. Sand used for emergency flood control sandbags is stored at the rear of the parking lot.
- 5 Pedestrian Bridge:** Structural analysis of the two pedestrian bridges is needed to identify any repairs or replacement for ADA accessibility or structural work.



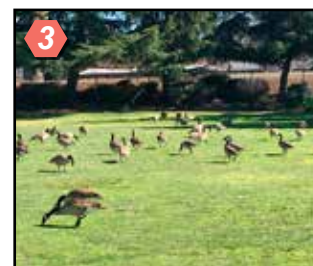
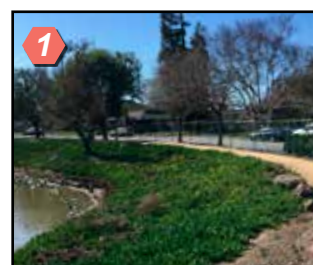
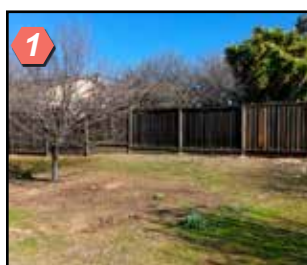
Sports Facilities

- 1 Soccer Field:** The soccer field is in poor condition. Turf is bare in many areas due to heavy use.
- 2 Tennis Courts:** The tennis courts need resurfacing and repainting. The windscreen netting is in poor condition and missing in areas. The wooden ball wall needs replacement.



Landscaping & Maintenance

- 1 Landscape Planting:** There is minimal planting on the east side of the site, and planters and planting areas are largely bare. The west side of the site has areas of California natives that are moderately maintained. The slopes of the drainage lagoons are stabilized by non-native iceplant.
- 2 Fencing:** Chain link fencing at play areas is broken and inconsistent. On the west side of the park a 9' chain link perimeter fence runs along N. Abbott Ave. A 4' pedestrian gate and 12' sliding vehicular gate provide access to the park. This chain link fencing does not provide a clear entry point for visitors.
- 3 Turf:** Due to heavy use and a lack of maintenance, turf is in poor condition throughout the site.
- Trees:** Trees are well-maintained throughout the park.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Restroom:** Restroom is in fair condition, see Facility Condition Assessment for further information.¹



1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace existing wood observation deck, add interpretive signage and ensure ADA accessibility from adjacent paths.
- Resurface tennis courts and replace windscreen fabric.
- Refurbish Restroom Building: Interior floor refinish and repaint. Fix electrical issues and conduct ADA study per Facility Condition Assessment.¹
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Expand east picnic area: Replace all picnic tables and barbecues with current Milpitas standard and pave picnic areas with concrete. Provide eight picnic tables (at least two accessible), four barbecues, two trash/recycle receptacles and two ash receptacles.
- Update parking lot: Grind and overlay, bring parking lot up to current accessibility codes.
- Replace play structure and sand surfacing with new equipment, poured in place surfacing and engineered wood fiber. Replace chain link fencing at playgrounds with 42" high black vinyl-coated chain link fencing.
- Replace bleachers, goals and player benches at soccer field
- Replace ball-wall.
- Replace east entry sign with City of Milpitas standard.
- Paint pickleball court lines on existing tennis courts.
- Replace gravel paths with 9' wide concrete path. Ensure proper drainage.
- Repave asphalt paths adjacent to tennis courts with concrete paths.
- Add shade structures over benches at lagoon.
- Replace pedestrian lighting.
- Add additional wood observation deck with interpretive signage at north lagoon.

1. See Appendix D: Facility Condition Assessment

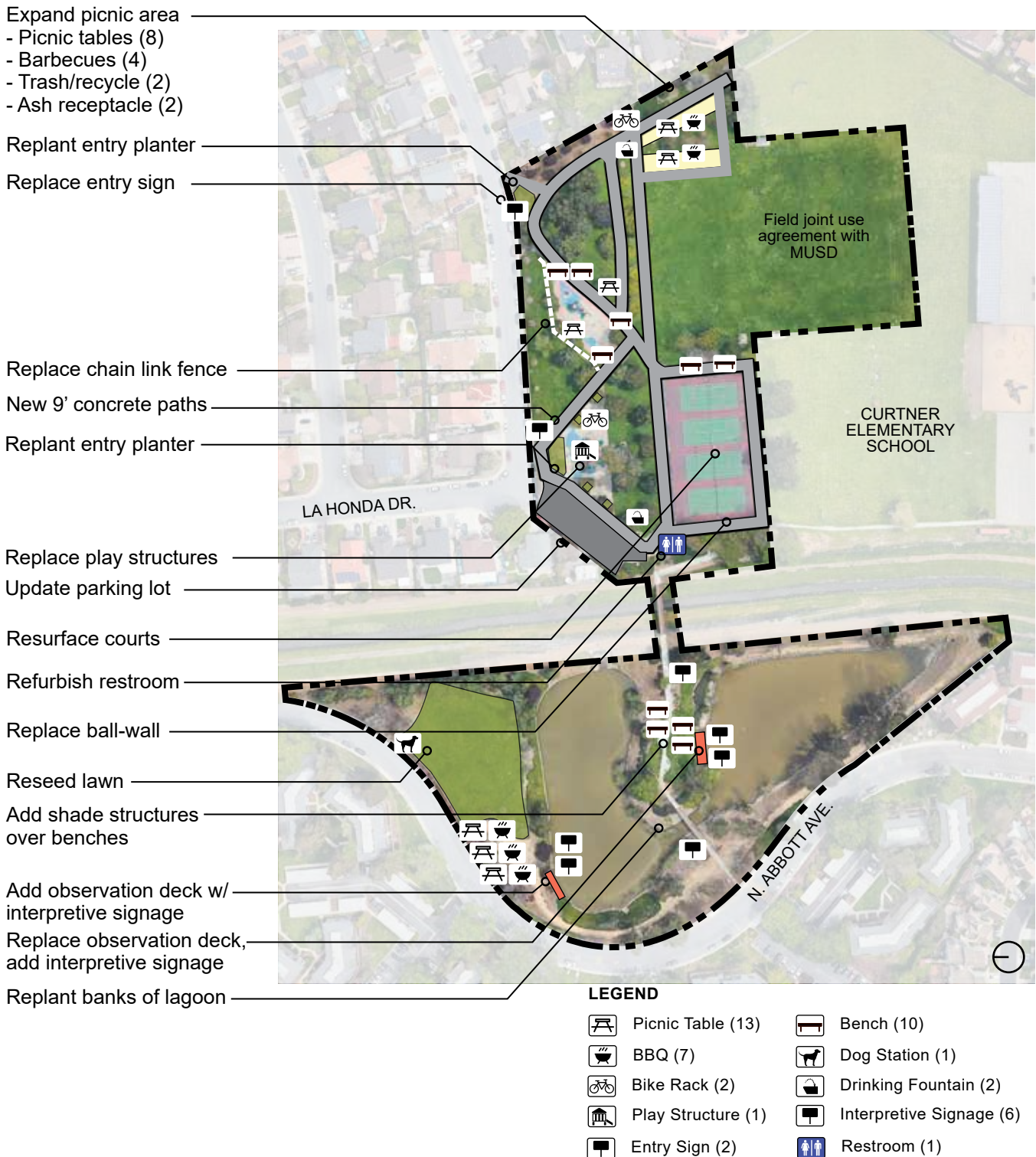
PROPOSED IMPROVEMENTS (CONT.)

Long Term Improvement (Cont.)

- Replant entry areas with California Native drought tolerant planting. Adjust or repair irrigation as needed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards.
- Replant banks of the lagoon with California Native drought tolerant planting. Plant with the intention of bank stabilization and erosion control. Repair/replace irrigation system as needed.
- Reseed turf area by lagoon.
- Right-of-Way Improvement: Including but not limited to: installation of ADA curb ramps, accessibility signage, driveway approaches with bollards, crosswalk striping, sidewalk and curb and gutter repairs, sidewalk expansion, etc.

HALL MEMORIAL PARK

PROPOSED SITE IMPROVEMENTS PLAN



IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	1	EA	\$5,000.00	\$5,000
2	Bench	7	EA	\$3,000.00	\$21,000
3	Picnic Table	5	EA	\$4,000.00	\$20,000
4	Tennis Court - Reseal & Restripe	4	EA	\$6,500.00	\$26,000
5	Reseed Lawn	25,000	SF	\$2.15	\$53,750
6	Repair Tennis Court Fencing	1	LS	50,000	50,000
7	Replacement fo Observation Deck	1	LS	100,000	100,000
8	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	66,000	66,000
	SUBTOTAL Short Term Park Improvements				\$341,750
	Soft Costs (Administration, Inspection) - 30%				\$102,525
Short Term Repairs & Upgrades TOTAL					\$ 445,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	80,000	SF	\$5.00	\$400,000
2	Pave walking path (9' Wide, 4" Concrete over 6" CL II AB)	14,000	SF	\$16.00	\$224,000
3	Resurface & Restripe Exisitng Parking Lot	7,500	SF	\$4.50	\$33,750
4	Drainage	1	LS	\$125,000.00	\$125,000
5	Pedestrian Lighting Replacement	1	LS	\$200,000.00	\$200,000
6	Pickleball Court Striping @ Tennis Courts	1	LS	\$50,000.00	\$50,000
7	Landscape and irrigation	3.00	Acre	\$75,000.00	\$225,000
8	Rigth of Way Improvement	1.00	LS	\$50,000.00	\$50,000
9	Replacement of playground equipment	2	EA	\$300,000.00	\$600,000
10	Pave Picnic Area	5,000		\$16.00	\$80,000
11	Bleachers	8	EA	\$24,000.00	\$192,000
12	Soccer Goal	2	EA	\$12,000.00	\$24,000
13	Player Bench	8	EA	\$5,000.00	\$40,000
14	42" H Chain Link fence	200	LF	\$125.00	\$25,000
15	Ball Wall 18'	1	EA	\$25,000.00	\$25,000
16	Site furnishing	1	LS	\$150,000.00	\$150,000
17	Replace Entry Sign	1	EA	\$5,000.00	\$5,000
18	Interpretive Signage	6	EA	\$5,000.00	\$30,000
19	New Observation Deck	1	EA	\$100,000.00	\$100,000
20	Shade Sails	2	EA	\$25,000.00	\$50,000
	SUBTOTAL Long Term Park Improvements				\$2,628,750
	Mobilization - 15%				\$394,313
	Design & Construction Contingency - 30%				\$788,625
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$788,625
Long Term Park Improvements TOTAL					\$ 4,601,000.00
IMPROVEMENTS TOTAL					\$ 5,045,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

CHAPTER 5: GOALS AND RECOMMENDATIONS



HIDDEN LAKE PARK

N Milpitas Blvd. off Escuela Pkwy.

Type: Neighborhood Park

Size: 6.57 acres

Construction Date: 1984

Latest Renovation: 1987

PARK OVERVIEW

Hidden Lake Park is based around a large stormwater retention basin encircled by a perimeter asphalt path connecting to the Berryessa Creek Trail. This manmade lake captures stormwater from the surrounding area before slowly releasing it into Berryessa Creek. Picnic areas and seating are spaced around the perimeter path, offering views over the lagoon to the Milpitas hills. The boat dock was removed in 2021.

The lake attracts turtles, ducks and other water fowl. It is very popular with the surrounding communities, and is highly used as a walking and running loop. Strategic enhancements could be made to increase the user experience of this park such as improving access points, overlooks and picnic areas.

The park currently requires minor renovation due to lack of ADA complaint amenities, and aging site furnishings. The parking lot and asphalt loop path were repaved in 2021 and are in good condition.



EXISTING SITE ASSESSMENT



CHAPTER 5: GOALS AND RECOMMENDATIONS

EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Picnic tables, barbecue and benches are in poor condition.
- 1** Shade structure is provided at the north corner of the site, in fair condition.



Accessibility

- 1 Pathways:** Asphalt paths are in good condition, cracks repaired and slurry sealed in 2021.
- 1** Stairs to the overlook are not up to current code.
- 2 Furnishings:** No ADA-accessible tables or benches are provided.
- 3 Parking:** Parking lot is in good condition. Repaved in 2021 with ADA accessible stalls and ramps.



Landscaping & Maintenance

- 1 Landscape Planting:** Most original planting is gone, there is no mulch in planting areas. Iceplant covers the banks of the lagoon.
- 2 Fencing:** Ornamental metal fencing is in poor condition, rusted and covered in bird droppings.
- 3 Trees:** Newly planted trees are in good condition. Mature trees on site may pose safety risks in the future.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard.
- Replace stairs at overlook, bring up to current code.
- Repaint ornamental metal fence.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Conduct tree survey to identify potentially hazardous trees.

Long Term Improvement

- Update picnic areas: Pave picnic area, provide one trash/recycle and one ash receptacle at entrance picnic area.
- Add restroom at entrance of park.
- Add benches, interpretive signage and wooden shade trellis at overlook.
- Add interactive exhibits and educational signage providing information on local ecology and storm water management.
- Add fitness stations along path.
- Add pedestrian lighting along path.
- Add distance markers for joggers.
- Add trees at southeast picnic area
- Replant planting areas at entrance to park.

HIDDEN LAKE PARK PROPOSED SITE PLAN



IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	1	EA	\$5,000.00	\$5,000
2	Bench	1	EA	\$3,000.00	\$3,000
3	Picnic Table	9	EA	\$4,000.00	\$36,000
4	Repaint Ornamental Metal Fence	1	LS	\$5,000.00	\$5,000
5	Replace Overlook Stairs	1	LS	\$25,000.00	\$25,000
6	Tree survey	1	LS	\$5,000.00	\$5,000
7	Landscape Maintenance	1	LS	\$5,000.00	\$5,000
	SUBTOTAL Short Term Park Improvements				\$84,000
	Soft Costs (Administration, Inspection) - 30%				\$25,200
	Short Term Repairs & Upgrades TOTAL				\$ 110,000.00
B.	Long Term Park Improvements				
1	Pedestrian Lighting	1	LS	\$250,000.00	\$250,000
2	Prefabricated Restroom (Single Stall)	1	LS	\$200,000.00	\$200,000
3	Utilities for New Restroom (Water, Sewer, Electrical)	1	LS	\$100,000.00	\$100,000
4	Interpretive Signage	5	EA	\$10,000.00	\$50,000
5	Site Furnishing	1	LS	\$75,000.00	\$75,000
6	Small Shade Structure	2	LS	\$75,000.00	\$150,000
7	Landscape and irrigation	1	LS	\$150,000.00	\$150,000
8	Fitness Stations	6	EA	\$10,000.00	\$60,000
9	Pave Picnic Area (Concrete)	4,500	SF	\$16.00	\$72,000
10	New Trees	3	EA	\$450.00	\$1,350
	SUBTOTAL Long Term Park Improvements				\$1,108,350
	Mobilization - 15%				\$166,253
	Design & Construction Contingency - 30%				\$332,505
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$332,505
	Long Term Park Improvements TOTAL				\$ 1,940,000.00
	IMPROVEMENTS TOTAL				\$ 2,049,000.00
C.	Additional Features Annual Maintenance Cost				
1	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$7,500
	Annual Maintenance TOTAL				\$7,500

CHAPTER 5: GOALS AND RECOMMENDATIONS



HILLCREST PARK

Fieldcrest Dr. off Crescent Terrace

Type: Neighborhood Park

Size: 5.08 acres

Construction Date: 1989

Latest Renovation: 2020 (Playground)

PARK OVERVIEW

Hillcrest Park is a mid-size park located in a quiet neighborhood. This park is intended for passive recreation with a large looped asphalt walking path and large open lawns, lit with pedestrian lighting. The main entrances at the center of the park meet at a small play area and group picnic area. The play area was renovated in 2020 with new play equipment and the sand surfacing was replaced with engineered wood fiber.

The north and south ends of the site have two picnic tables and barbeques each, however no ADA accessible tables or benches are provided. An art piece is located adjacent to the central picnic area. Overall, this park is in good condition with needs of a new restroom, updated site furnishing and accessibility improvement.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

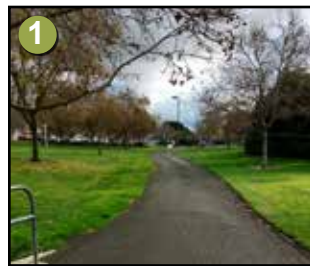
Site Furnishings

- 1 Amenities:** Nine picnic tables and barbeques are in poor condition.
- 2 Play Area:** Play equipment and poured in place safety surfacing replaced in 2020, are in good condition.



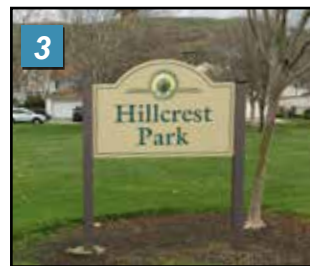
Accessibility

- 1 Pathways:** Asphalt pathways are in good condition.
- 2 Furnishings:** No ADA-accessible tables or benches are provided. All furnishings are set on decomposed granite paths detached from the path of travel.
- 3 Play Areas:** Accessible poured in place surfacing and equipment is provided.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is simple and well-maintained.
- 2 Turf:** Turf is well-maintained, free of bare spots or gopher holes.
- 2 Trees:** Trees are well-maintained.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Lighting:** Pedestrian lighting is provided, in good condition.
- 3 Signage:** Park entry sign is missing hours panel.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace bench to the east of the play area, protect in place south benches
- Replace missing park hours sign
- Replace drinking fountain
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Pave picnic areas with concrete, add trash/recycle receptacles. Add shade structures where existing tree canopies do not provide shade.
- Add additional benches along the walking path
- Replace pedestrian lighting
- Add eight fitness stations along main walking path loop.
- Add chess/checkers picnic game tables at central picnic areas.
- Hangout space: Add concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Add restroom.
- Add dog stations
- Replace landscape planting, repair and replace irrigation as needed, replace irrigation controller.
- Right-of-Way Improvements: Install ADA curb ramps with bollards at all entries of the park.
- Slurry seal asphalt walking path.

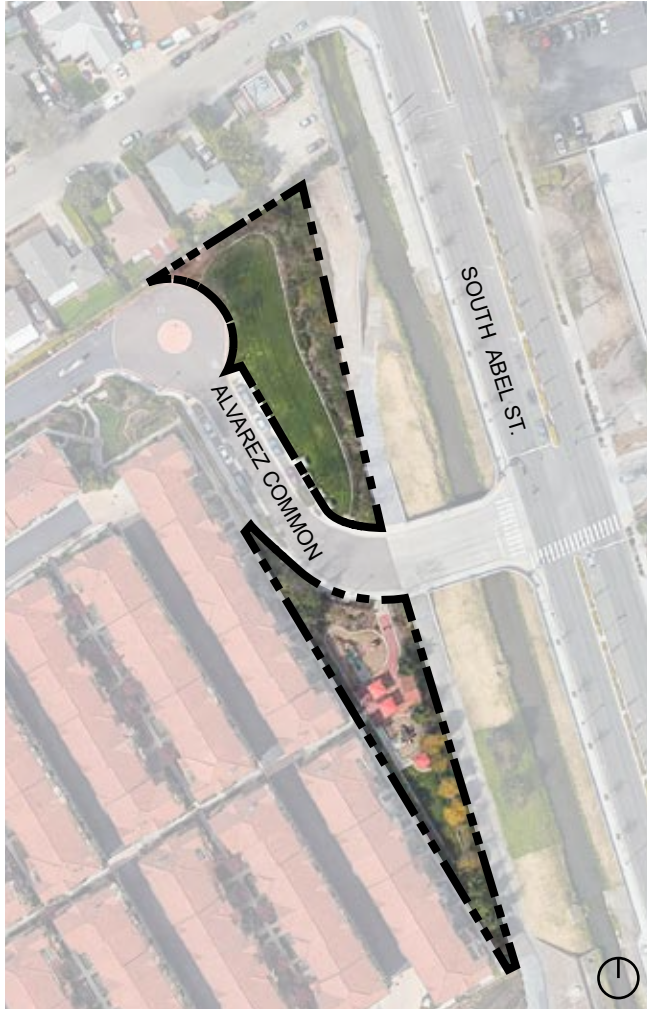
HILLCREST PARK

PROPOSED IMPROVEMENT SITE PLAN



IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	5	EA	\$5,000.00	\$25,000
2	Picnic Table	7	EA	\$4,000.00	\$28,000
3	Repair Decomposed Granite Picnic Areas	5,000	SF	\$10.00	\$50,000
	SUBTOTAL Short Term Park Improvements				\$103,000
	Soft Costs (Administration, Inspection) - 30%				\$30,900
Short Term Repairs & Upgrades TOTAL					\$ 134,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	20,000	SF	\$5.00	\$100,000
2	Fitness Stations (Including Surfacing & Curb)	8	EA	\$10,000.00	\$80,000
3	Prefabricated Restroom (Single Stall)	1	LS	\$200,000.00	\$200,000
4	Utilities for New Restroom (Water, Sewer, Electrical)	1	LS	\$100,000.00	\$100,000
5	Drainage	1	LS	\$50,000.00	\$50,000
6	Hangout Space - Concrete Paving (4" Concrete over 6" CL II AB)	2,500	SF	\$16.00	\$40,000
7	Pave Picnic Area Concrete (4" Concrete over 6" CL II AB)	2,000	SF	\$16.00	\$32,000
8	Slurry Seal Asphalt Path	22,275	SF	\$2.50	\$55,688
9	Pedestrian Lighting Replacement	1	LS	\$150,000.00	\$150,000
10	Site Furnishing	1	LS	\$200,000.00	\$200,000
11	Landscape and Irrigation	4	Arces	\$75,000.00	\$300,000
12	Right of Way Improvement	1	LS	\$100,000.00	\$100,000
13	Small Shade Structure	2	EA	\$50,000.00	\$100,000
	SUBTOTAL Long Term Park Improvements				\$1,507,688
	Mobilization - 15%				\$226,153
	Design & Construction Contingency - 30%				\$452,306
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$452,306
Long Term Park Improvements TOTAL					\$ 2,639,000.00
IMPROVEMENTS TOTAL					\$ 2,773,000.00
C.	Additional Features Annual Maintenance Cost				
1	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$7,500
Annual Maintenance TOTAL					\$7,500



JOHN MCDERMOTT PARK

Alvarez Common

Type: Urban Park

Size: .94 acres

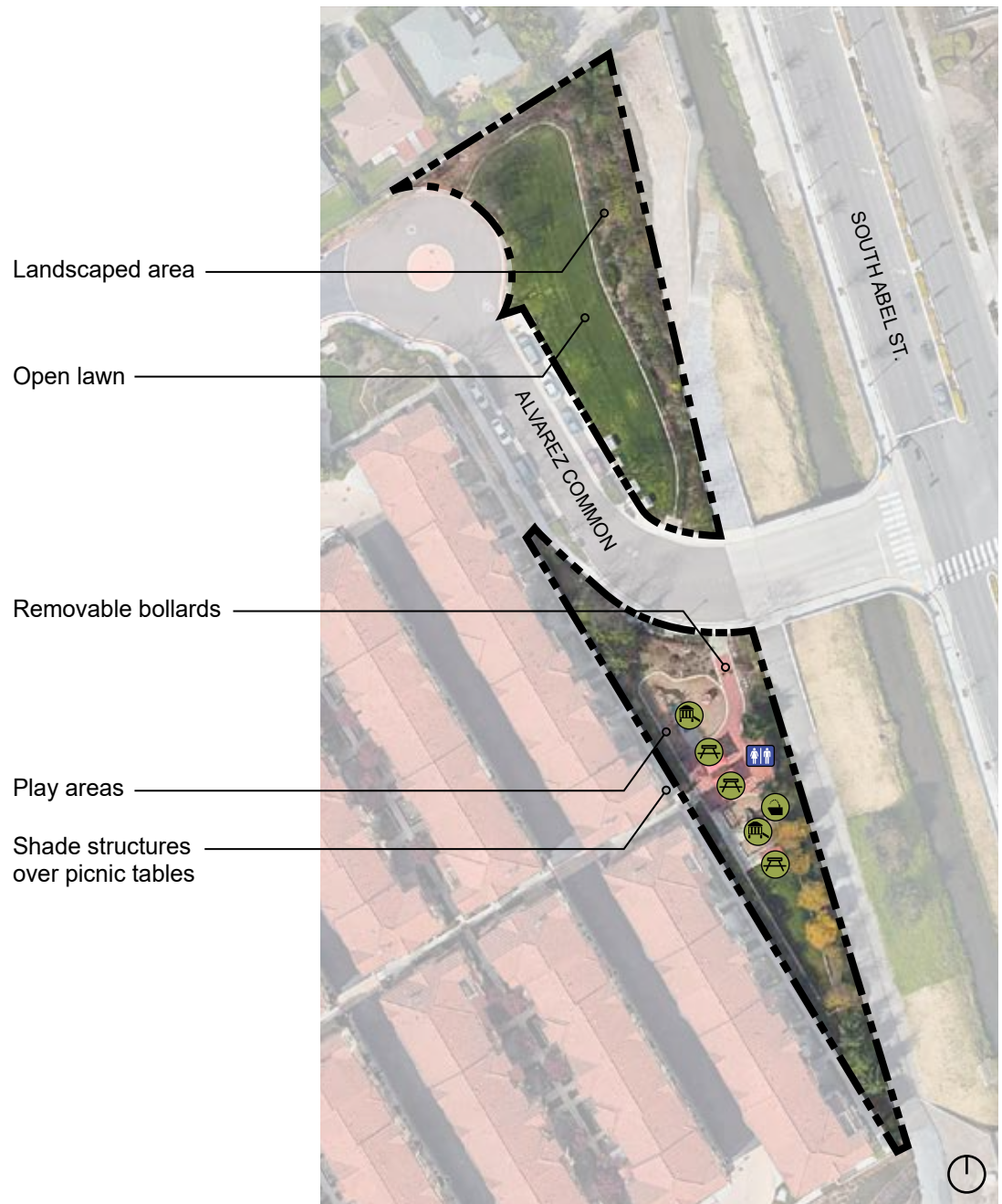
Construction Date: 2007

PARK OVERVIEW

John McDermott Park was constructed in 2007 as part of the Terra Serana development. This small park primarily serves local residents of the immediate neighborhood. It features a an informal lawn area, children's play areas offering a 2-5 year old and 5-12 year old play structures, shaded picnic tables and a restroom. No ADA-accessible structures or tables are provided currently. Accessible models need to be added to provide for all users.



EXISTING SITE ASSESSMENT



LEGEND

- Drinking Fountain (1)
- Picnic Table (3)
- Play Structure (1)
- Restroom (1)

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Three metal tables are in good condition. One drinking fountain is in fair condition.
- 2 Structures:** Picnic area shade sails are in good condition



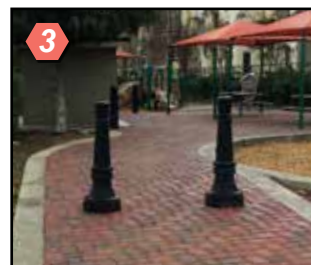
Accessibility

- 1 Pathways:** All paved areas are up to current code.
- Furnishings:** No ADA-accessible tables or benches are provided.
- Play Areas:** No accessible play equipment is provided. Fiber surfacing is low.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is simple and well-maintained.
- 2 Turf:** Turf is well-maintained, free of bare spots or gopher holes.
- 3 Accessibility:** Removable bollards at the entrance to the park are difficult to remove for maintenance vehicle access.
- Trees:** Trees are well-maintained.
- Irrigation:** This site is on the City's centralized irrigation system using recycled water.
- Restroom:** Restroom is in good condition.¹



¹. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Update play areas: Replace play slide in kind, replace safety surfacing and engineered wood fiber.¹
- Replace one existing picnic table with an ADA accessible model.
- Remove bollards at entry and replace with Milpitas City standards.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

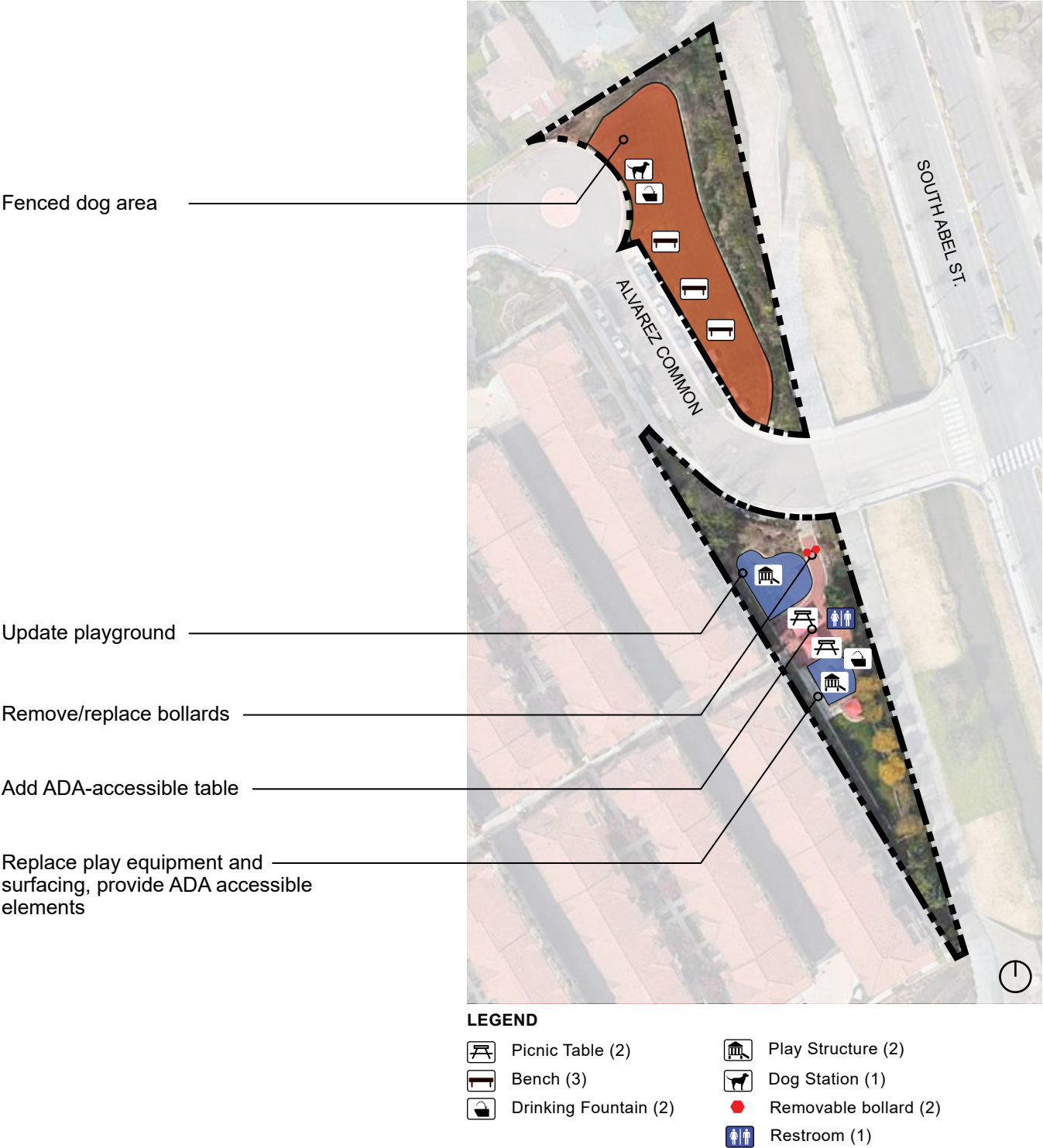
Long Term Improvement

- Add fenced, off-leash dog area with fenced dog entry area, signage, drinking fountain with pet bowl and a dog station. Repair surrounding planting and irrigation as needed.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.

¹. See Appendix F: Milpitas Playground Rehabilitation Project

JOHN MCDERMOTT PARK

PROPOSED SITE IMPROVEMENTS PLAN



IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Accessible Picnic Table	1	EA	\$4,000.00	\$4,000
2	Replace Bollard with City Standard	2	EA	\$2,000.00	\$4,000
3	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$48,000.00	\$48,000
4	Playground Equipement & Surface Repairs	1	LS	\$40,205.00	\$40,205
	SUBTOTAL Short Term Park Improvements				\$96,205
	Soft Costs (Administration, Inspection) - 30%				\$28,862
Short Term Repairs & Upgrades TOTAL					\$ 126,000.00
B.	Long Term Park Improvements				
1	Demolition and Grading	11,000	LS	\$5.00	\$55,000
2	Drainage	1	LS	\$25,000.00	\$25,000
3	Dog Park (.25 acre) (Includes 42" HT Chain Link Fencing)	1	LS	\$100,000.00	\$100,000
4	Landscape and Irrigation	1	LS	\$50,000.00	\$50,000
5	Site Furnishing	1	LS	\$25,000.00	\$25,000
	SUBTOTAL Long Term Park Improvements				\$255,000
	Mobilization - 15%				\$38,250
	Design & Construction Contingency - 30%				\$76,500
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$76,500
Long Term Park Improvements TOTAL					\$ 447,000.00
IMPROVEMENTS TOTAL					\$ 572,000.00
C.	Annual Maintenance Cost				
1	Dog park (Twice Weekly)	10,890	SF	\$0.12	\$ 1,400.00
Annual Maintenance TOTAL					\$ 1,400.00



JOSE HIGUERA ADOBE PARK

Wessex Pl., off N. Park Victoria Dr.

Type: Special Use Park

Size: 4.80 acres

Construction Date: 1980

Latest Renovation: 2017

PARK OVERVIEW

This neighborhood park is built around the historic Jose Higuera Adobe building, originally constructed in the 1830's. The building seen today is a facade built in 1960 to preserve the ruins of the old Adobe. Historical exhibits are displayed in the building and around the park for visitors to learn about the history of the site. The Adobe and adjoining picnic area can be rented for private events and parties.

Jose Higuera Adobe Park is separate from the Adobe building. Newly renovated in 2017, the park includes picnic areas along the edge of Calera Creek, group barbeques and picnic areas, and a play area at the west end of the park. The renovation work included upgrading the group picnic area to the east of the Adobe building. New stone tables, barbeques and shade structures create an inviting outdoor gathering space.



EXISTING SITE ASSESSMENT

Group picnic area
-Table (7)
-ADA Table (1)
-Group Barbeque (2)
-Shade Trellis (1)

Historic Caretakers Cabin
Jose Higuera Adobe building

Passive/active use lawn
Perimeter path

Picnic areas

Playground

Entrance sign and walk



LEGEND

- BBQ (7)
- Bench (8)
- Bike Rack (1)
- Drinking Fountain (1)

- Picnic Table (14)
- Play Structure (1)
- Entry Sign (1)

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

CHAPTER 5: GOALS AND RECOMMENDATIONS

EXISTING SITE ASSESSMENT

Furnishings

- 1 All site furnishings are in good condition.



Accessibility

- 1 **Pathways:** All pathways, ramps and stairs are up to current code.
- 2 **Furnishings:** ADA-accessible tables and benches are provided.
- 3 **Parking:** Two ADA parking stalls and accessible ramps are provided.



Landscaping & Maintenance

- 1 **Landscape Planting:** Planting is well-maintained with adequate levels of mulch.
- 2 **Fencing:** All ornamental and wood fencing is well-maintained.
- 3 **Erosion:** Decomposed granite paths are in good condition, however erosion will be an issue if maintenance is not regular.
- 4 **Trees:** Newly planted trees are in good condition. Mature trees on site may pose safety risks in the future.
- **Irrigation:** This site is on the City's centralized irrigation system using potable water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Add 4' chainlink fence and gates at reservable picnic areas
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- No long term improvements are recommended at the time of this document.

PROPOSED IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	4' HT Chainlink Fence	130	LF	\$150.00	\$19,500
2	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$79,000.00	\$79,000
	SUBTOTAL Short Term Park Improvements				\$98,500
	Soft Costs (Administration, Inspection) - 30%				\$29,550
Short Term Repairs & Upgrades TOTAL					\$ 129,000.00
B.	Long Term Park Improvements				
	No long term park improvements proposed				

CHAPTER 5: GOALS AND RECOMMENDATIONS



PARK CONCEPT RENDERS



MCCANDLESS PARK

McCandless Dr. off Montague Expy.

Type: Community Park

Size: 4.00 acres

Construction Date: 2022

PARK OVERVIEW

At the time of this document, McCandless Park is a proposed 4-acre public park adjacent to the newly constructed Mabel Mattos Elementary School.

The park will include lit sports fields, play areas, a butterfly garden, a community garden, fitness stations, shaded picnic areas, and a barn play area. Joint Use areas between the City and the Milpitas Unified School District include the sports field, play areas, and butterfly garden. Parking is shared between the MUSD and City under that Joint Use Agreement. All park areas will be lit with pedestrian lighting.

McCandless Park will also include a new pedestrian bridge over the East Penitencia Creek Channel and a potable water well required to meet the increase in water demands due to growth in the TASP and Midtown areas. There is a 50' PG&E Gas pipeline easement along the northern property line, restricting development in that area.

The two all-inclusive play areas are to be funded by a joint grant awarded to the City of Milpitas and the MUSD by the County of Santa Clara's All-Inclusive Playground Grant program. These playgrounds will serve people of all ages and abilities.

PROPOSED CONCEPT PLAN



PROPOSED IMPROVEMENTS

This park is currently under development per the above plan. No improvements are proposed at the time of this document.

CHAPTER 5: GOALS AND RECOMMENDATIONS

ADDITIONAL FEATURES ANNUAL MAINTENANCE COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
	No short term repairs and upgrades proposed				
B.	Long Term Park Improvements				
	No long term park improvements proposed				
C.	Additional Features Annual Maintenance Cost				
1	Mowing and edging (Weekly)	60000	SF	\$0.04	\$2,400
2	Weed control (Twice Annually and As Needed)	100000	SF	\$0.01	\$1,000
3	Mechanical weed control (As Needed)	40000	SF	\$0.05	\$2,000
4	Pruning Plants (Twice Annually and As Needed)	40000	SF	\$0.02	\$800
5	Fertilizing and Aeration (Two to Four Times Annualy)	60000	SF	\$0.04	\$2,400
6	Empty trash cans (Twice Weekly and As Needed)	205365	SF	\$0.04	\$8,215
7	Remove trash & misc. debris from landscape (2X Weekly)	40000	SF	\$0.01	\$400
8	Inspect, adjust and repair irrigation system (Weekly)	100000	SF	\$0.04	\$4,000
9	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$7,500
10	Playground inspection reports (Monthly)	2	EA	\$6,500.00	\$13,000
11	Playground inspection (Monthly)	2	EA	\$4,500.00	\$9,000
12	Parking lot cleaning (Weekly)	19500	SF	\$0.12	\$2,340
13	Athletic field maintenance (Daily/Weekly)	60000	SF	\$0.25	\$15,000
14	Herbicide application (Seasonally)	100000	SF	\$0.01	\$1,000
15	Clean and repair drinking fountains (As Needed)	1	LS	\$5,000.00	\$5,000
16	General Park Maintenance (As Needed)	205365	SF	\$0.01	\$2,054
17	Dog park (Twice Weekly)	8,500	SF	\$0.12	\$1,020
Annual Maintenance TOTAL					\$ 77,200.00

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CHAPTER 5: GOALS AND RECOMMENDATIONS



MILPITAS DOG PARK

Ed Levin County Park

Type: Special Use Park

Size: 1.57 acres

Construction Date: 2004

PARK OVERVIEW

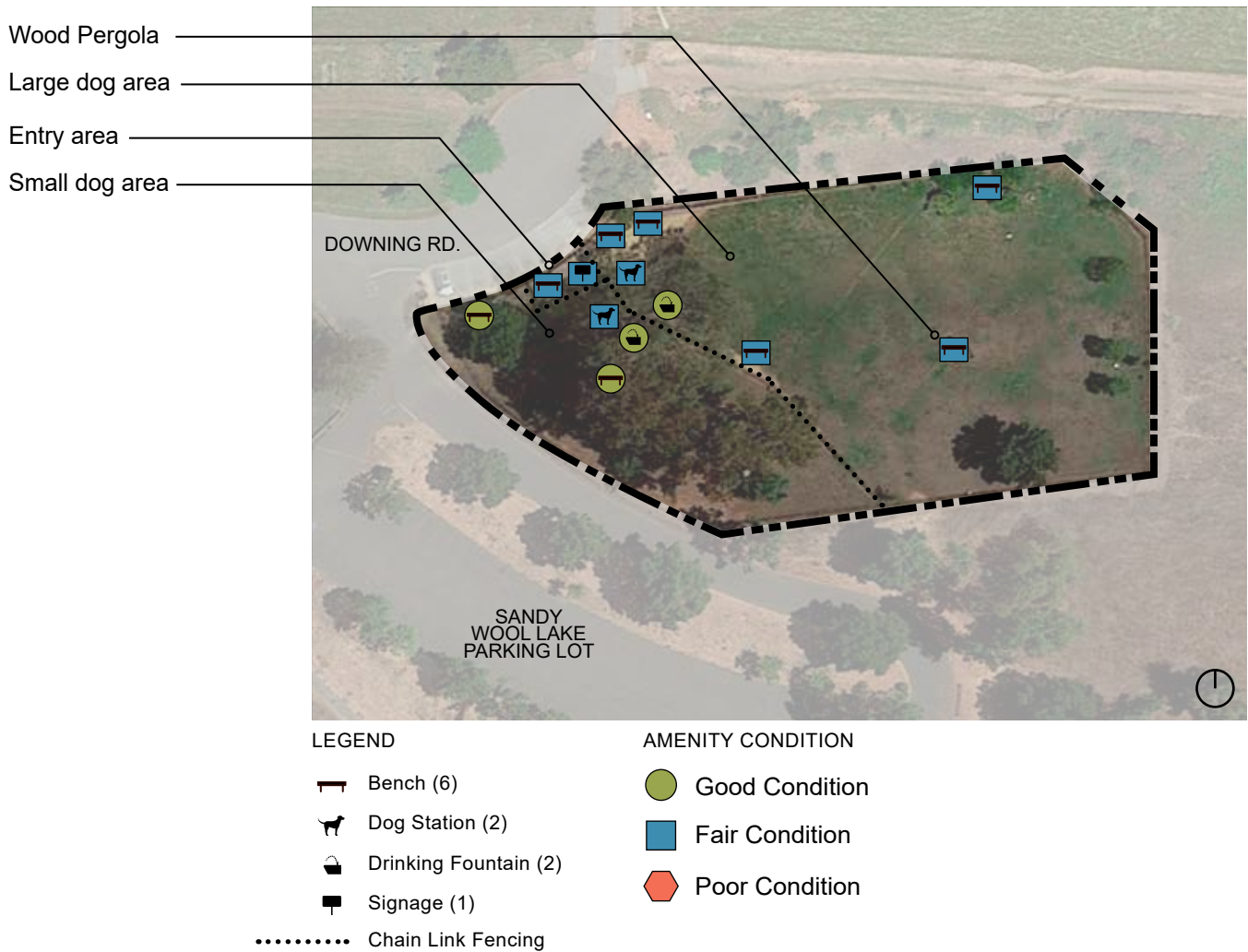
The Milpitas Dog Park is an off-leash dog exercise area situated at Ed Levin County Park. This park is part of a joint use agreement with the Santa Clara County Parks Department. The City maintains the park itself, while the County maintains the parking lot.



The dog park is divided into a large dog area, a small dog area and a fenced in entrance area. The park has six benches within the dog areas, two water fountains with dog bowls, three dog bag dispensers, and a wood shade structure in the large dog area. The dog exercise areas consist of turf and boundary fencing. No dog exercise equipment is provided.



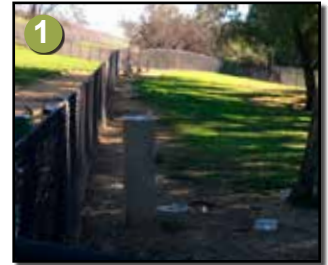
EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Benches are older models in fair condition, benches along the fences are in the path of travel of the dog run. Signage, dog stations and benches are older models in fair condition.
- 1** Water fountains with dog bowls are in good condition.



Accessibility

- 1 Parking:** Accessible parking spots are provided, however cross-slopes exceed code.
- Paths:** This site is not accessible. All slopes and cross-slopes exceed code. Site location is not conducive to renovating for ADA access.



Landscaping & Maintenance

- Turf:** Turf is in fair condition. Maintenance is user led with shovels and equipment located on site.
- Fencing:** Chain link fencing is in good condition. Snake fencing along the bottom of chain link needs continued maintenance and patching.
- Irrigation:** This site is not on the City's centralized irrigation system.

PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all park entry, informational and rules signage at entry. Ensure rules signage is updated to the current ordinance at time of replacement.
- Update ADA Parking stall: Ensure ADA stall meets all ADA codes as is feasible given site slope constraints. Ensure striping is clear and dimensioned correctly, ensure all applicable signage is provided and is legible.

Long Term Improvement

- No long term improvements are recommended at the time of this document.

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Replace Park Signage	1	LS	\$10,000	\$10,000
2	Update ADA parking stall	1	LS	\$20,000	\$20,000
	SUBTOTAL Short Term Park Improvements				\$30,000
	Soft Costs (Administration, Inspection) - 30%				\$9,000
	Short Term Repairs & Upgrades TOTAL				\$39,000
B.	Long Term Park Improvements				
	No long term park improvements proposed				
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

CHAPTER 5: GOALS AND RECOMMENDATIONS



MILPITAS SPORTS CENTER COMPLEX

1325 E. Calaveras Blvd.

Type: Community Park

Size: 24.4 acres

Construction Date: -----

Latest Renovation: 2020 (Restroom & Snack Shack)

PARK OVERVIEW

The Milpitas Sports Center Complex includes one full size baseball field, four practice fields, practice soccer field, full-size soccer/football field that was built in 2015 and a new Milpitas skate park constructed in 2020. All fields are lighted for evening use and include dugouts, bleachers, and electronic scoreboards. A two-stall restroom building, located at the north end of football field, and a new concession building with restrooms, located between the baseball fields, were constructed in 2020.

The Sports Center Complex is located adjacent to the Milpitas Sports Center and Cardoza Park. Parking is shared with the Sports Center.



EXISTING SITE ASSESSMENT

Extensive erosion
& drainage issues

Hazardous trees along
east property line

New restroom

Aging pine trees pose a
safety hazard

Extensive erosion &
drainage issues

Restroom and snack
shack

Chain link fencing is in
poor condition overgrown
with vines

Fencing & perimeter
walls in disrepair

Poplars in outfield are in
decline

Plaza pavement
cracking and heaving



LEGEND

- Bench (6)
- Bike Rack (2)
- PB Player Bench (10)
- BL Bleachers (16)
- ADA Parking Stall

- Drinking Fountain (4)
- Scoreboard (3)
- Chain Link Fencing
- Restroom

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

EXISTING SITE ASSESSMENT

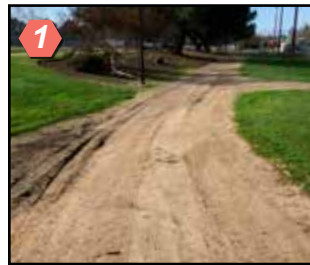
Site Furnishings

- 1 Accessibility:** Site furnishings including water fountains, benches and bleachers are not ADA compliant, and are located in non-accessible areas.
- 2 Benches & Bleachers:** Benches and bleachers are in fair condition. Many have faded or peeling paint, mild rusting and faded wood.
- 3 Scoreboards:** With the exception of the scoreboard at the new multi-use synthetic turf fields, all scoreboards are aging and showing considerable wear.



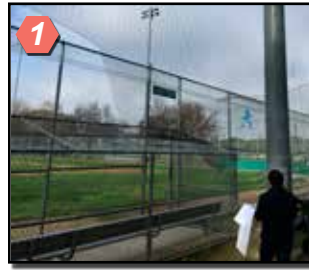
Accessibility

- 1 Pathways:** The majority of pathways on the site consist of unstabilized decomposed granite. Significant drainage issues and heavy traffic from maintenance vehicles cause extensive rutting and uneven walking surfaces. Plaza paving at the Sports Center entrance is cracked and heaving.
- 2 Slopes:** Running slopes exceed 5% at multiple locations and cross-slopes greater than 2% are present at many areas. In heavily sloped areas runoff has created deep erosion channels.
- 3 Stairs:** Accessible stairs installed in 2020.



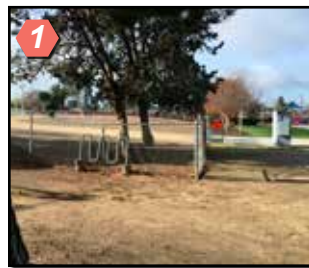
Sports Fields

- 1 Dugouts:** Dugout player benches are outdated but in fair condition. Dugouts lack shade screening.
- 2 Backstops and Fencing:** Backstops and fencing are generally in good condition. Gaps in fencing are minimal and the backstops are intact and painted.



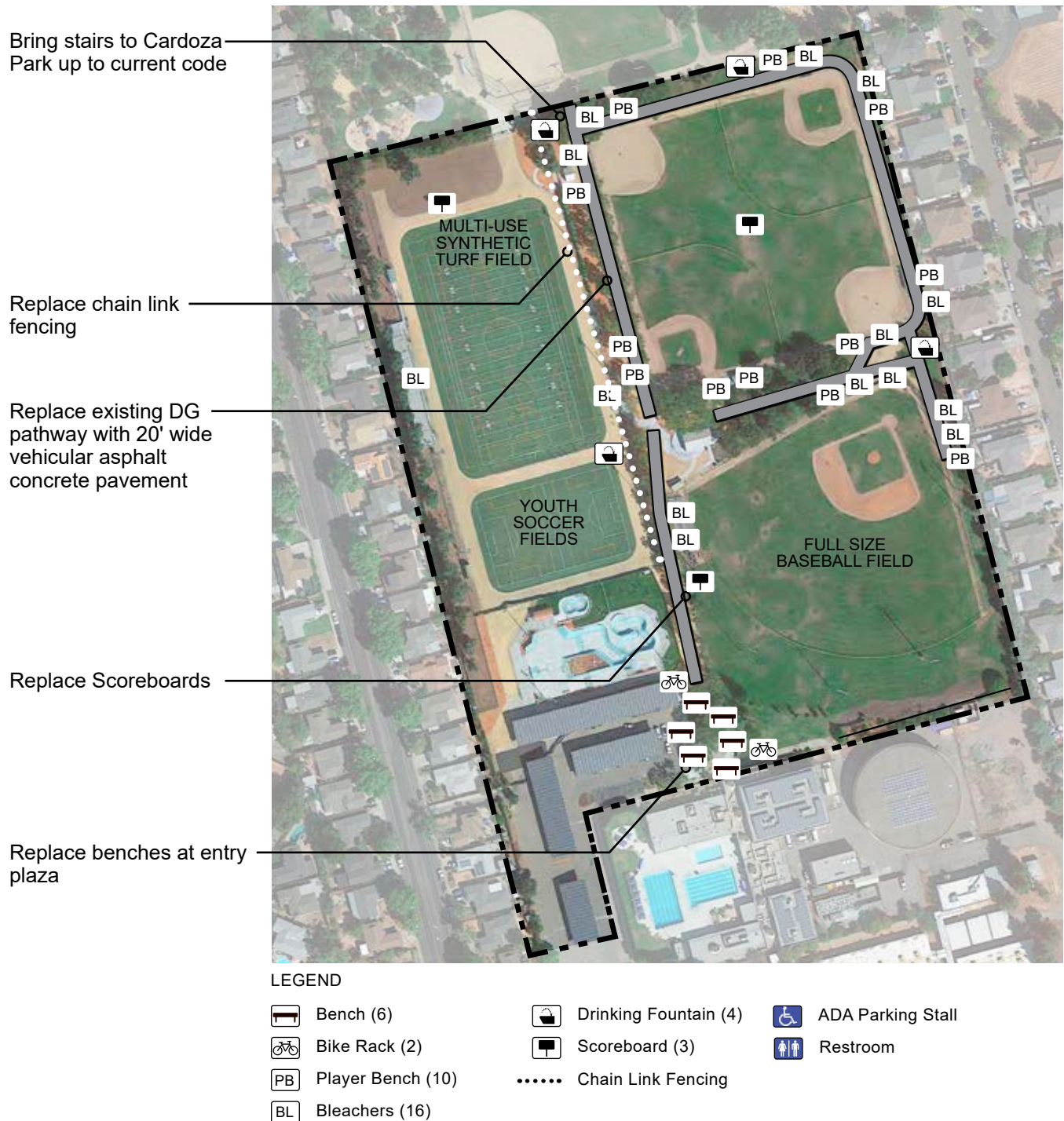
Landscape & Maintenance

- 1 Landscape Planting:** Landscape planting is almost non-existent within the sports fields complex proper. Perimeter planting is unmaintained along fence-lines.
- 2 Trees:** Poplar trees at the south field are in decline. Pine trees at the sports fields are also aging.
- 3 Fencing & Walls:** Numerous portions of perimeter chain link fencing are in disrepair. Perimeter walls are overgrown with ivy and covered with graffiti. Interior fencing along sports fields is in good condition.
- 4 Turf:** Turf is in fair condition with some gopher issues. Sports field turf is well-maintained.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.



MILPITAS SPORTS CENTER COMPLEX

SITE PLAN



SITE IMPROVEMENTS

Short Term Improvement

- Replace access stairs to Cardoza Park with ADA accessible stairs and ramp as needed.
- Remove and replace all hazardous trees along eastern residential property line.
- Repair perimeter fencing and walls.

Long Term Improvement

- Replace existing DG pathway with 20' wide vehicular asphalt concrete pavement.
- Address drainage issues by installing new storm drain system
- Refurbish player benches. Repaint and remove rust, replace boards where necessary.
- Replace benches at entry plaza
- Replace aging bleachers.
- Replace all site furnishing
- Replace chainlink fencing between Multi-Use Synthetic and Baseball Fields
- Replace all scoreboards.
- Landscape maintenance and improvements: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.

A comprehensive site improvement plan will be part of a future Sports Center Master Plan done by others.

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Replace Concrete Stairs at Cardoza Park	1	LS	\$50,000.00	\$50,000
2	Remove and replacement of hazardous trees along eastern property line	1	LS	\$150,000.00	\$150,000
3	Perimeter Fencing & Wall repairs	2	LS	\$100,000.00	\$200,000
	SUBTOTAL Short Term Park Improvements				\$400,000
	Mobilization - 15%				\$60,000
	Design & Construction Contingency - 30%				\$120,000
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$120,000
Short Term Park Improvements TOTAL					\$700,000
B.	Long Term Park Improvements				
1	Demolition & Grading	48,000	SF	\$4.00	\$192,000
2	Vehicular Asphalt pathway (20' Wide, 4" Asphalt over 8" CL II AB)	48,000	SF	\$12.50	\$600,000
3	Drainage Improvement	1	LS	\$200,000.00	\$200,000
4	Player Bench	9	EA	\$2,000.00	\$18,000
5	Site Furnishings	1	LS	\$150,000.00	\$150,000
6	Bleachers	4	EA	\$24,000.00	\$96,000
7	Shade Fabric at Dugout	1	LS	\$25,000.00	\$25,000
8	Landscape maintenance and improvements	1	LS	\$125,000.00	\$125,000
9	Fence Replacement Between Multi-Use Fields and Baseball Fields	700	LF	\$100.00	\$70,000
10	Replace Scoreboard	3	EA	\$35,000.00	\$105,000
	SUBTOTAL Short Term Park Improvements				\$1,581,000
	Mobilization - 15%				\$237,150
	Design & Construction Contingency - 30%				\$474,300
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$474,300
Long Term Park Improvements TOTAL					\$ 2,767,000.00
IMPROVEMENTS TOTAL					\$ 3,467,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

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MURPHY PARK

Yellowstone Ave. off S. Park Victoria Dr.

Type: Neighborhood Park

Size: 8.30 acres

Construction Date: 1969

Latest Renovation: 2017/2018 (Asphalt paths and parking lot resurface)

PARK OVERVIEW

Murphy Park is a large neighborhood park sharing its northern border with Merryhill Elementary School, part of the Milpitas Unified School District. The park is surrounded on all sides by residential neighborhoods and is accessed via cul-de-sacs and an 18 spot parking lot, resurfaced in 2018.

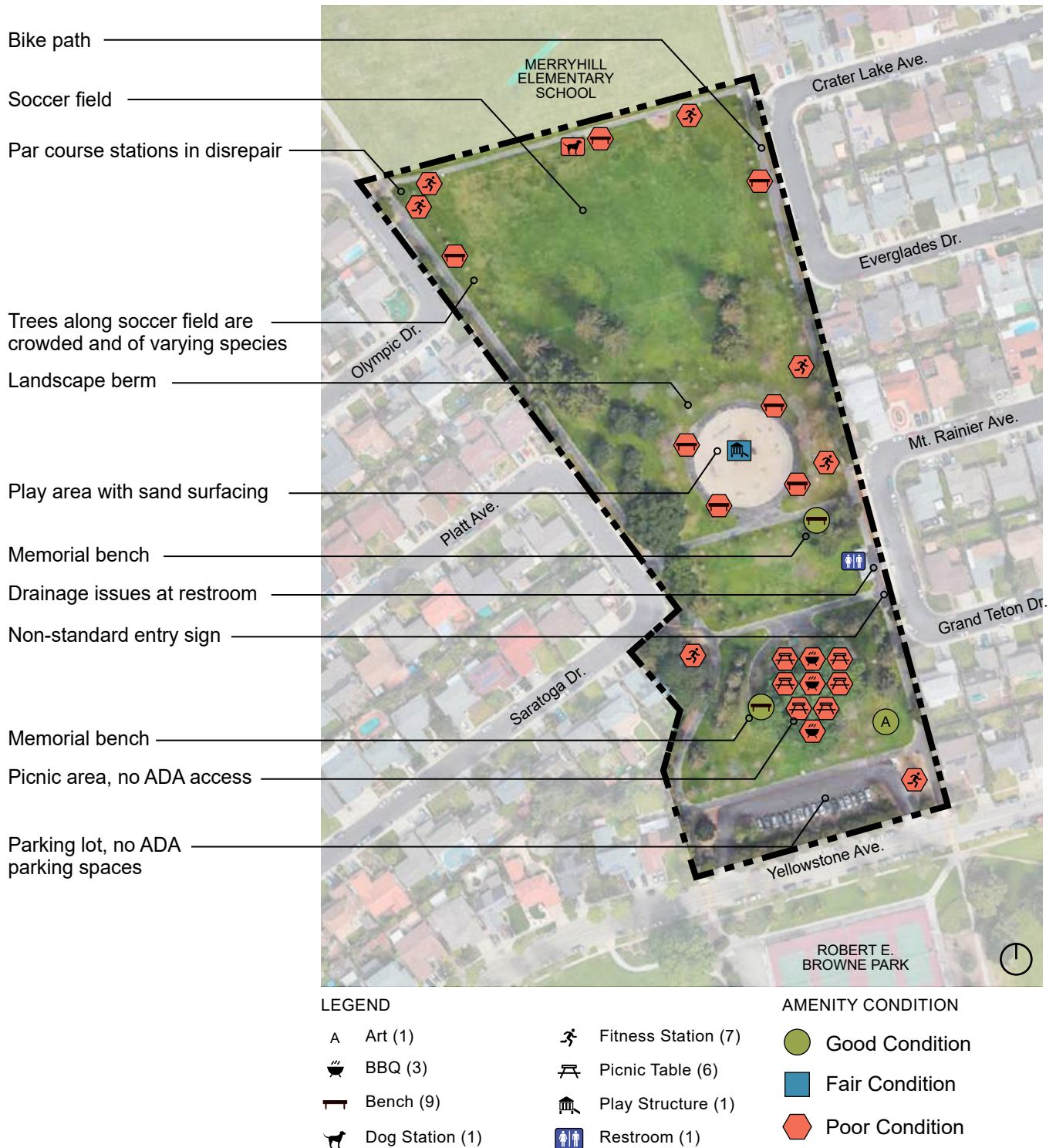
It has several well-designed nodes including picnic and play areas. The play area and picnic areas have a defined sense of enclosure through the use of mature trees and landscape berms. The park currently hosts events, and open areas provide the opportunity for an outdoor community event space/amphitheater.

The north side of the site is an open turf field used for soccer and other active recreation, this field is shared with the MUSD as part of a joint use agreement. There is a popular asphalt bike trail running along the eastern edge of the park that connects to the school and to several other parks. The bike trail integrates into a the park circulation system, all asphalt paths were resurfaced in 2017. Fitness stations are provided at regular intervals along the trail.

This park requires renovation due to a lack of ADA accessible amenities, outdated play areas, aging furnishings and infrastructure, drainage issues and landscaping. Possibilities for redesign include adding community event spaces and new picnic areas.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

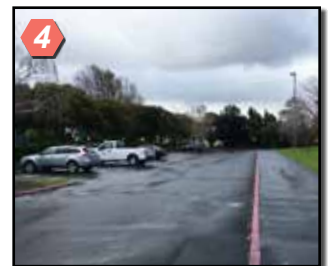
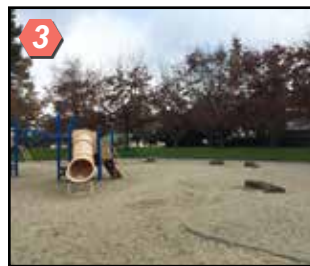
Furnishings

- 1 Amenities:** All standard benches and picnic tables are in poor condition. Two memorial benches are in good condition.
- 2 Play Areas:** Play equipment is in fair condition, however it is not up to current accessibility or safety codes. Sand surfacing is spilling onto surrounding pathways.
- 3 Workout Stations:** Seven workout stations circle the park along the perimeter trail and connect to the workout station course in Robert E. Browne Park. All workout stations are outdated wood and metal equipment. Most are rotting, rusted and non-operational.
- 4 Signage:** Non-standard entry sign is in poor condition..



Accessibility

- 1 Pathways:** Asphalt pathways are in good condition. All slopes conform to current code.
- 2 Furnishings:** No ADA-accessible furnishings are provided. All picnic tables are set outside of accessible paths of travel.
- 3 Play Area:** Play equipment has some accessible elements, however the sand surfacing is not accessible.
- 4 Parking:** The site has a small surface parking lot with standard parking stalls, however, there are no accessible stalls. A ramp is provided to the adjacent pathways, but is not up to code.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is minimal. Original planting is mostly gone and has been replaced with ivy.
- 2 Drainage:** There are significant drainage issues at the restroom. Water is ponding at low points of the path and surrounding planting areas. There is some ponding at the ADA ramp in the parking lot. The soccer field is at a low point and collects water.
- 3 Trees:** Trees at the north lawn area are crowded and are of varying species. Many mature trees on site pose potential safety hazards.
- 4 Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Lighting:** Pedestrian lightings are non-City standard.



1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Update picnic areas: Replace all picnic tables and barbeques with current Milpitas standard, and provide two ash receptacles.
- Replace all existing benches other than memorial benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace all workout equipment, place on poured in place pads.
- Replace dog waste station at turf field.
- Replace existing entry sign with current Milpitas standard sign.
- Repave asphalt at restroom to address drainage issues.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹

Long Term Improvement

- Pave picnic areas with decomposed granite paving and provide two trash/recycle receptacles.
- Community event space: Paved plaza area with perimeter seating and overhead shade structure. Use adjacent lawn as overflow seating and event space.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Include integrated shade structures.
- Update and expand parking lot: Resurface and re-stripe existing lot, bring parking lot up to current accessibility codes. Expand lot to the north, add an additional 18 stalls and tie into new pathways.
- Add additional picnic area adjacent to expanded parking lot with ADA accessible tables barbeques, ash receptacles and new circulation to tie into existing park paths.
- Replace lighting with Milpitas standard.
- Replace park entry sign.
- Improve drainage and irrigation at soccer field, replace turf as necessary.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.
- Right-of-Way Improvement: Including but not limited to: installation of ADA curb ramps, accessibility signage, driveway approaches with bollards, crosswalk striping, sidewalk and curb and gutter repairs, sidewalk expansion, etc.

1. See Appendix D: Facility Condition Assessment

MURPHY PARK

PROPOSED IMPROVEMENTS SITE PLAN



LEGEND

	Picnic Table (11)		Dog Station (1)		Play Structure (1)
	BBQ (4)		Bike Rack (2)		Entry Sign (1)
	Bench (7)		Fitness Station (7)		Restroom
	Art (1)				

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	3	EA	\$5,000.00	\$15,000
2	Bench	9	EA	\$3,000.00	\$27,000
3	Picnic Table	6	EA	\$4,000.00	\$24,000
4	Dog Waste Station	1	EA	\$1,500.00	\$1,500
5	Entry Sign (City Standard)	1	EA	\$5,000.00	\$5,000
6	Repair drainage and AC issue near restroom	1	LS	\$35,000.00	\$35,000
7	Fitness Stations (Including Surfacing & Curb)	6	EA	\$10,000.00	\$60,000
8	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$64,000.00	\$64,000
	SUBTOTAL Short Term Park Improvements				\$231,500
	Soft Costs (Administration, Inspection) - 30%				\$69,450
	Short Term Repairs & Upgrades TOTAL			\$	301,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	65,000	SF	\$5.00	\$325,000
2	Drainage at turf field	1	LS	\$100,000.00	\$100,000
3	Parking Lot (3.5" AC over 14.5" CL II AB)	5,000	SF	\$12.50	\$62,500
4	Pedestrian path (9' Wide, 4" Concrete over 6" CL II AB)	3,000	SF	\$16.00	\$48,000
5	Pedestrian Lighting Replacement	1	LS	\$200,000.00	\$200,000
6	Event Space (4" Concrete over 6" CL II AB)	15,000	SF	\$16.00	\$240,000
7	Large Shade Structure	1	LS	\$130,000.00	\$130,000
8	All Abilities Playground	10,000	SF	\$70.00	\$700,000
9	Site Furnishing	1	LS	\$150,000.00	\$150,000
10	Irrigation and Landscape	4.0	Acres	\$75,000.00	\$300,000
11	Right-of-Way Improvement	1.0	LS	\$100,000.00	\$100,000
12	Rubberized Safety Surfacing	10,000	SF	\$30.00	\$300,000
13	Pave Picnic Areas (Decomposed Granite)	12,000	SF	\$10.00	\$120,000
	SUBTOTAL Long Term Park Improvements				\$2,775,500
	Mobilization - 15%				\$416,325
	Design & Construction Contingency - 30%				\$832,650
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$832,650
	Long Term Park Improvements TOTAL			\$	4,858,000.00
	IMPROVEMENTS TOTAL			\$	5,159,000.00
C.	Additional Features Annual Maintenance Cost				
1	Parking lot cleaning (Weekly)	24000	SF	\$0.12	\$ 2,900.00
	Annual Maintenance TOTAL			\$	2,900.00

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OLIVER W. JONES MEMORIAL PARK

Jacklin Rd. off N. Hillview Dr.

Type: Neighborhood Park

Size: 4.93 acres

Construction Date: 1973

Latest Renovation: 2020 (Play Area)

PARK OVERVIEW

Oliver W. Jones Memorial Park is a medium-sized passive use neighborhood park. A greenbelt and linear park pathway connects to Sandalwood Park to the north and Peter Gill Memorial Park to the south. The park is flanked on all sides by residential neighborhoods.

The park consists primarily of open lawn areas and walking paths. There are two play areas, one for ages 2-5 and one for 5-12. Both play areas were renovated in 2020, that includes the replacement of sand surfacing with engineered wood fiber and repair of certain play structure components to address immediate needs and safety concerns.

The park requires major renovation due to lack of restroom and ADA compliant amenities, aging furnishings, infrastructure, non-City standard pedestrian lighting that is operational, drainage and erosion issues. No restroom is provided.

The east side of the site is within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this park require a permit from the SFPUC.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Four picnic tables, two barbeques and three benches are in poor condition. The bike rack and drinking fountain are in good condition.
- 2 Play Area:** Play equipment, poured in place safety surfacing and fiber surfacing replaced in 2020, are in good condition.
- 3 Signage:** Park signage is in good condition.



Accessibility

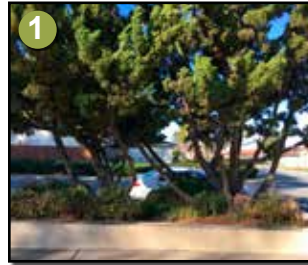
- 1 Pathways:** The gravel paths throughout the site are in poor condition with drainage issues and not in compliance with current code.
- 1 Concrete pathways at the play area are in fair condition.** There is some cracking but they are in compliance with current codes.
- 2 Play Area:** Accessible surfacing and equipment is provided.
- 3 Furnishings:** No ADA-compliant furnishings are provided.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in good condition. Planters are well-maintained and shrubs are pruned well. No original mulch remains.
- 2 Trees:** Trees are well-maintained.
- 3 Turf:** Turf is well-maintained.
- Irrigation:** This site is on the City's centralized irrigation system using recycled water.
- Lighting:** Park lighting is in fair condition.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Update picnic areas: Replace all picnic tables and barbeques with current Milpitas standard, and provide two ash receptacles.
- Replace all existing benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add picnic area: Replace all picnic tables and barbeques with current Milpitas standard, and provide trash/recycle and ash receptacles. Add overhead shade structures and pave picnic areas with concrete.
- Add a single stall restroom
- Add Hangout Space: Concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Add bouldering wall: Prefabricated bouldering wall with safety surfacing and safety/regulatory signage.
- Pave all gravel and decomposed granite paths with concrete.
- Replace pedestrian lighting.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed.
- Right-of-Way Improvement: Install ADA curb ramp at east side of park.

OLIVER W. JONES MEMORIAL PARK PROPOSED IMPROVEMENTS SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	2	EA	\$5,000.00	\$10,000
2	Bench	2	EA	\$3,000.00	\$6,000
3	Picnic Table	3	EA	\$4,000.00	\$12,000
	SUBTOTAL Short Term Park Improvements				\$28,000
	Soft Costs (Administration, Inspection) - 30%				\$8,400
	Short Term Repairs & Upgrades TOTAL				\$ 37,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	15,000	SF	\$5.00	\$75,000
2	Drainage	1	LS	\$35,000.00	\$35,000
3	Pave Walking Path (9' Wide, 4" Concrete over 6" AB)	7,500	SF	\$16.00	\$120,000
4	Pedestrian Lighting Replacement	1	LS	\$100,000.00	\$100,000
5	New Picnic Area (Concrete)	3,500	SF	\$16.00	\$56,000
6	Restroom (single Stall)	1	LS	\$200,000.00	\$200,000
7	Utilities (water, sewer and electrical)	1	LS	\$100,000.00	\$100,000
8	Site Furnishing	1	LS	\$75,000.00	\$75,000
9	Landscape and Irrigation	2.50	Acres	\$75,000.00	\$187,500
10	Right-of-Way Improvement	1	LS	\$50,000.00	\$50,000
11	Bouldering Wall	1	EA	\$50,000.00	\$50,000
12	Teen Hangout Space (Concrete)	2,500	SF	\$16.00	\$40,000
13	Small Shade Structure	1	EA	\$50,000.00	\$50,000
	SUBTOTAL Long Term Park Improvements				\$1,138,500
	Mobilization - 15%				\$170,775
	Design & Construction Contingency - 30%				\$341,550
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$341,550
	Long Term Park Improvements TOTAL				\$ 1,993,000.00
	IMPROVEMENTS TOTAL				\$ 2,029,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

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O'TOOLE ELMS PARK (JOHN)

Between South Abel and South Main St.

Type: Neighborhood Park

Size: 1.63 acres

Construction Date: 2007

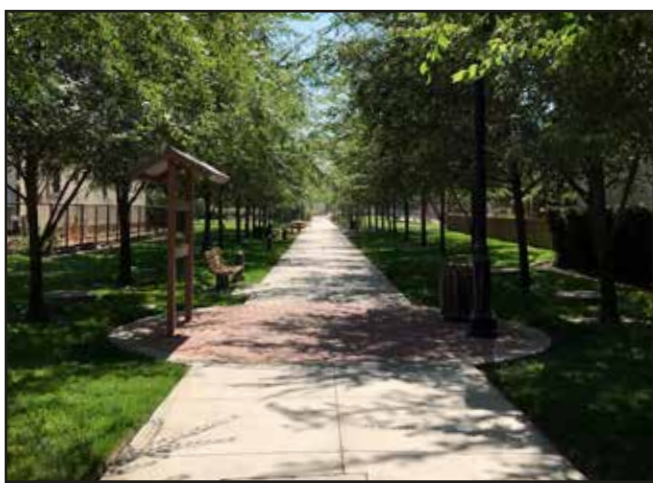
Latest Renovation: 2009

PARK OVERVIEW

O'Toole Elms Park is a well-designed neighborhood park adjacent to the Milpitas Fire Department, located off South Abel St. and multi-family residential. The park is designed along a tree-lined central walking path. The west side contains play areas for 2-5 and 5-12 age groups, a central picnic area, and a kiosk and information booth. There is pedestrian lighting in good condition. No restroom is provided.

The central walking path connects South Abel St. and South Main St. Picnic tables and benches provide seating along the path shaded by a corridor of mature trees. A secondary path provides a connection to adjacent residential housing.

The City does not have a joint use agreement for the adjacent parking lot.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

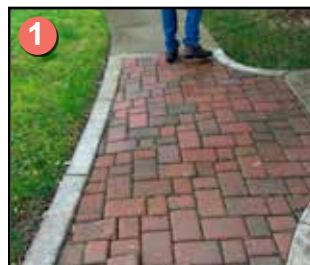
Site Furnishings

- 1 Amenities:** All benches and picnic tables are in good condition.
- 2 Play Areas:** Play equipment is in good condition, however it does not meet current accessibility or safety codes. Poured in place surfacing is in fair condition.
- 3 Signage:** Message kiosks are in poor condition.



Accessibility

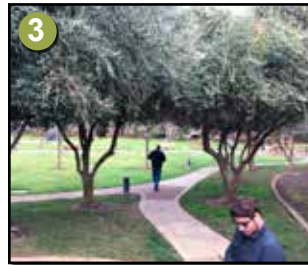
- 1 Pathways:** Main concrete pathways are in good condition.
- 2 Concrete path connection to residential neighborhoods is cracked and buckling. Pedestrian pavers throughout park are settling and buckling.**
- 2 Play Area:** Play equipment has minimal accessible elements. The poured in place play surfacing is accessible and in fair condition.
- Parking:** The adjacent parking lot has no accessible stalls, ramp or path of travel. The City currently has no joint use agreement with the parking lot, and it is not a part of the park.
- Furnishings:** ADA benches and tables are provided.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in fair condition. The original planting is gone in some areas, but the remaining planting is pruned fairly well. No original mulch remains in planting areas.
- 2 Trees:** Trees are well-pruned.
- 3 Irrigation:** This site is on the City's centralized irrigation system using recycled water.



CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS

Short Term Improvement

- Playground equipment and surface repairs:
Replace poured in place surfacing.¹
- Replace message kiosks.
- Replace pedestrian pavers with paver patterned stamped concrete.
- Landscape Maintenance: Mulch Landscape Areas.
Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

No long term improvements are recommended at the time of this document.

1. See Appendix F: Milpitas Playground Rehabilitation Project

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Replace Message Kiosk	2	EA	\$7,500.00	\$15,000
2	Replace Pedestrian Pavers w/ Stamped Concrete	2,000	SF	\$20.00	\$40,000
3	Playground Equipement & Surface Repairs	1	LS	\$11,858.00	\$11,858
	SUBTOTAL Short Term Park Improvements				\$66,858
	Soft Costs (Administration, Inspection) - 30%				\$20,057
Short Term Repairs & Upgrades TOTAL					\$ 87,000.00
B.	Long Term Park Improvements				
	No long term park improvements proposed				
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

CHAPTER 5: GOALS AND RECOMMENDATIONS



PARC METRO CENTRAL

Metropolitan Dr. and Comet Dr.

Type: Urban Park

Size: .58 acres

Construction Date: 2003

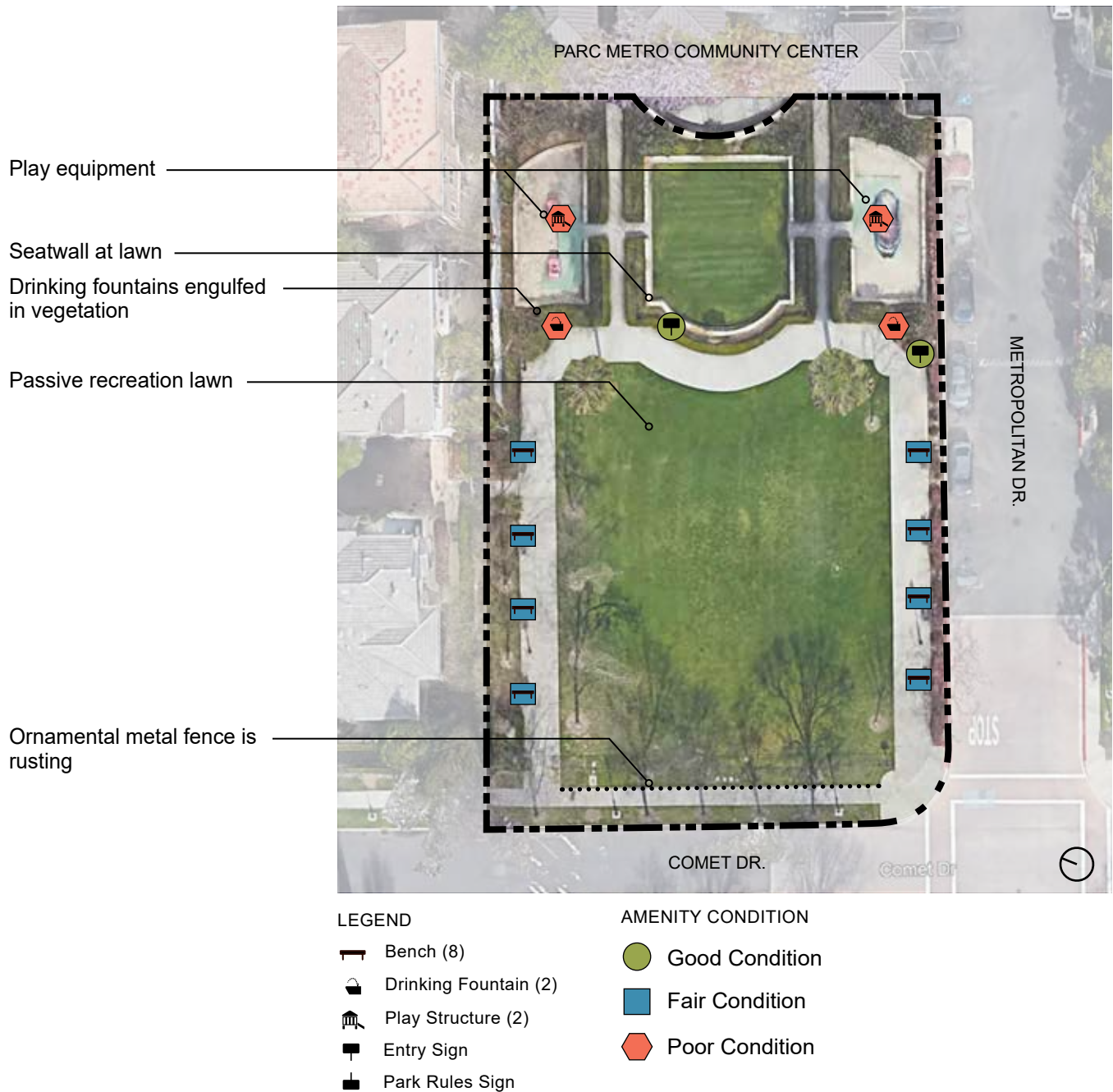
PARK OVERVIEW

Parc Metro Central was constructed in 2003 along with Parc Metro East and West as part of the residential development included in the Midtown Redevelopment area known as Parc Metro. This park is located adjacent to the parc Community Center and Pool.

This is a passive use park with a large open lawn area, sitting areas, and two play areas for ages 2-5 and 5-12. There are no accessible furnishings provided, and no ADA access into the play areas. There is existing pedestrian lighting that is in good condition.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Benches:** Eight benches are non Milpitas standard wood park benches with metal frames. These higher quality benches are only used at the three Parc Metro sites and the Milpitas Sports Center. They are in fair condition.
- 2 Drinking Fountains:** The drinking fountains are in poor condition and overgrown with vegetation.
- 3 Fencing:** The ornamental metal fencing along Comet Drive is in poor condition, with peeling paint and rust spots.



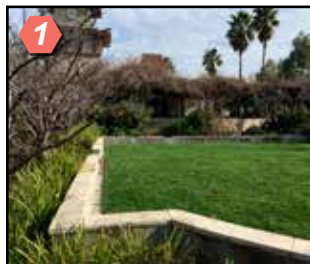
Accessibility

- 1 Pathways:** Concrete pathways are in good condition with some cracking.
- 2 Play Area:** Play equipment is inaccessible and in disrepair. Sand surfacing is low.
- Furnishings:** No ADA accessible furnishings are provided.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is well trimmed and maintained in some areas and very overgrown in others. Maintenance practices are inconsistent throughout the park.
- 2 Trees:** Trees are well-maintained.
- 1 Turf:** Turf is well-maintained with some drainage issues in low areas.
- Irrigation:** This site is on the City's centralized irrigation system using recycled water.



PROPOSED IMPROVEMENTS

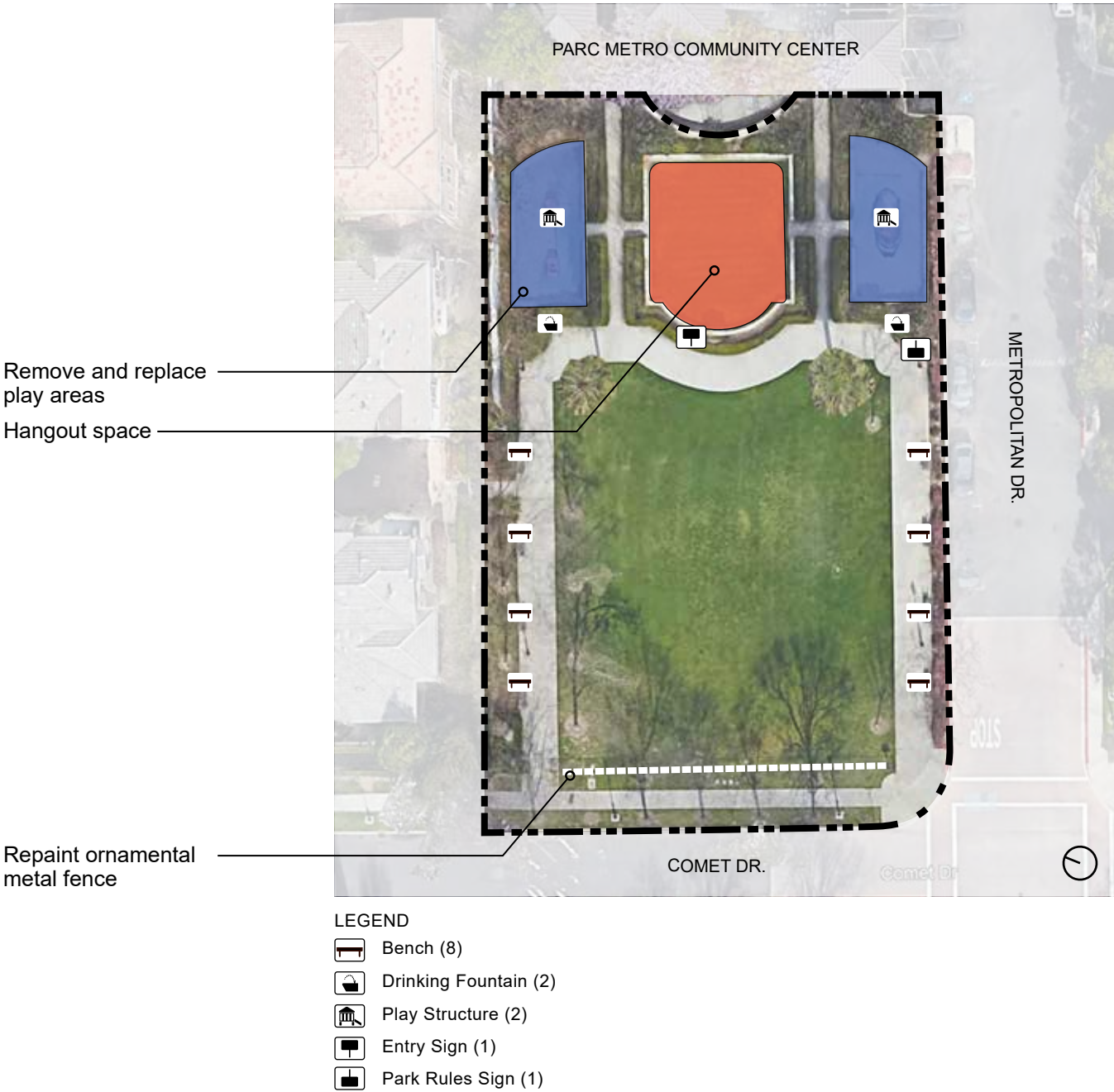
Short Term Improvement

- Replace both drinking fountains with current Milpitas standard.
- Repaint ornamental metal fencing.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Hangout space: Concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Replace all benches with current Milpitas standard.
- Remove and replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed. Replace irrigation controller

PROPOSED IMPROVEMENTS SITE PLAN



IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Drinking Fountain	2	EA	\$10,000	\$20,000
2	Paint Ornamental Metal Fence	1	LS	\$2,500	\$2,500
	SUBTOTAL Short Term Park Improvements				\$22,500
	Soft Costs (Administration, Inspection) - 30%				\$6,750
	Short Term Repairs & Upgrades TOTAL				\$ 30,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	3,200	SF	\$5.00	\$16,000
2	Teen Hangout Space (Concrete)	1,600	SF	\$16.00	\$25,600
3	Small Shade Structure	1	EA	\$50,000.00	\$50,000
4	Site furnishing at hangout space	1	LS	\$20,000.00	\$20,000
5	Bench	8	EA	\$3,000	\$24,000
6	Landscape and irrigation	0.50	Acres	\$75,000.00	\$37,500
7	Play Structures	1,600	SF	\$70.00	\$112,000
8	Rubberized Safety Surfacing	1,600	SF	\$30.00	\$48,000
	SUBTOTAL Long Term Park Improvements				\$333,100
	Mobilization - 15%				\$49,965
	Design & Construction Contingency - 30%				\$99,930
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$99,930
	Long Term Park Improvements TOTAL				\$ 583,000.00
	IMPROVEMENTS TOTAL				\$ 613,000.00
C.	Additional Features Annual Maintenance Cost				



PARC METRO EAST

E. Curtis Ave.

Type: Urban Park

Size: 2.06 acres

Construction Date: 2003

PARK OVERVIEW

Parc Metro East was constructed in 2007 along with Parc Metro Central and West as part of the residential development included in the Midtown Redevelopment area known as Parc Metro. These parks feature a formal design style unique within the Milpitas parks system.

This park is located at the end of a cul-de-sac flanked by the UPRR Corporation yard, railroad tracks, and residential housing. The park is designed around a passive use lawn and perimeter walking trail. The entrance of the park features a large wooden pergola over seating, a small play area, and a modern restroom. Pedestrian lighting is provided in good condition.

The rear of the park has a small picnic area adjacent to the Curtis Well Site. This area of the park is secluded and suffers extensive vandalism and litter. It lacks a meaningful connection to the rest of the park.



EXISTING SITE ASSESSMENT

Secluded picnic area. Extensive vandalism and litter.

Curtis Well Site

Picnic nooks

Passive use lawn

Concrete lifting and buckling throughout pathway

Play area in very poor condition



LEGEND

Bench (8)	Entry Sign (1)
Bike Rack (1)	Park Rules Sign (1)
Picnic Table (6)	Restroom (1)
Play Structure (1)	

AMENITY CONDITION

Good Condition
Fair Condition
Poor Condition

EXISTING SITE ASSESSMENT

Furnishings

- 1 Amenities:** Most picnic tables and benches are in fair condition and need only a coat of fresh paint.
- 1** Picnic tables and barbeques at the rear of the park are in poor condition.
- 2 Play Areas:** Play equipment is in very poor condition. Safety surfacing and sand is overgrown with grass and weeds.
- Signage:** Park signage is in good condition.



Accessibility

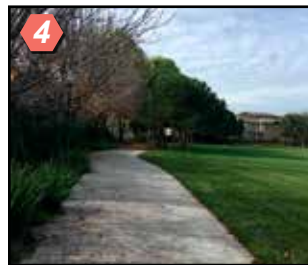
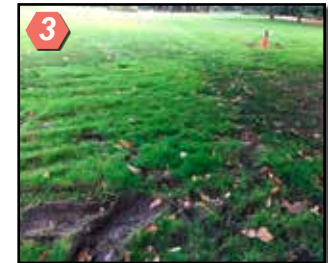
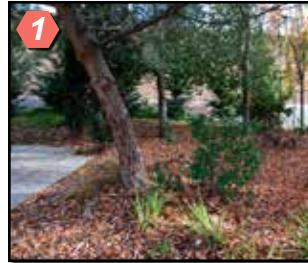
- 1 Pathways:** Concrete pathways are mostly accessible with lifting and buckling at a few areas. Main paths of travel are minimally impeded.
- 2 Play Area:** Play equipment is inaccessible and in disrepair. Sand surfacing is low.
- 3 Furnishings:** ADA picnic tables are provided, however, they are in poor condition, and no accessible benches are provided.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in poor condition. Raised planters are overgrown with weeds. Planting areas are either sparsely planted or heavily overgrown.
- 2 Pergola:** Wood pergola is in good condition, however it is overgrown with trumpet vine which requires regular pruning.
- 3 Turf:** Turf is lush and in fair condition. There are significant drainage issues adjacent to paths, exacerbated by maintenance vehicles.
- 4 Trees:** Trees along the perimeter of the park are crowded. Some aging trees pose safety risks.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹
- Irrigation:** This site is on the City's centralized irrigation system using recycled water.



1. See Appendix D: Facility Condition Assessment

PROPOSED SITE IMPROVEMENTS

Short Term Improvement

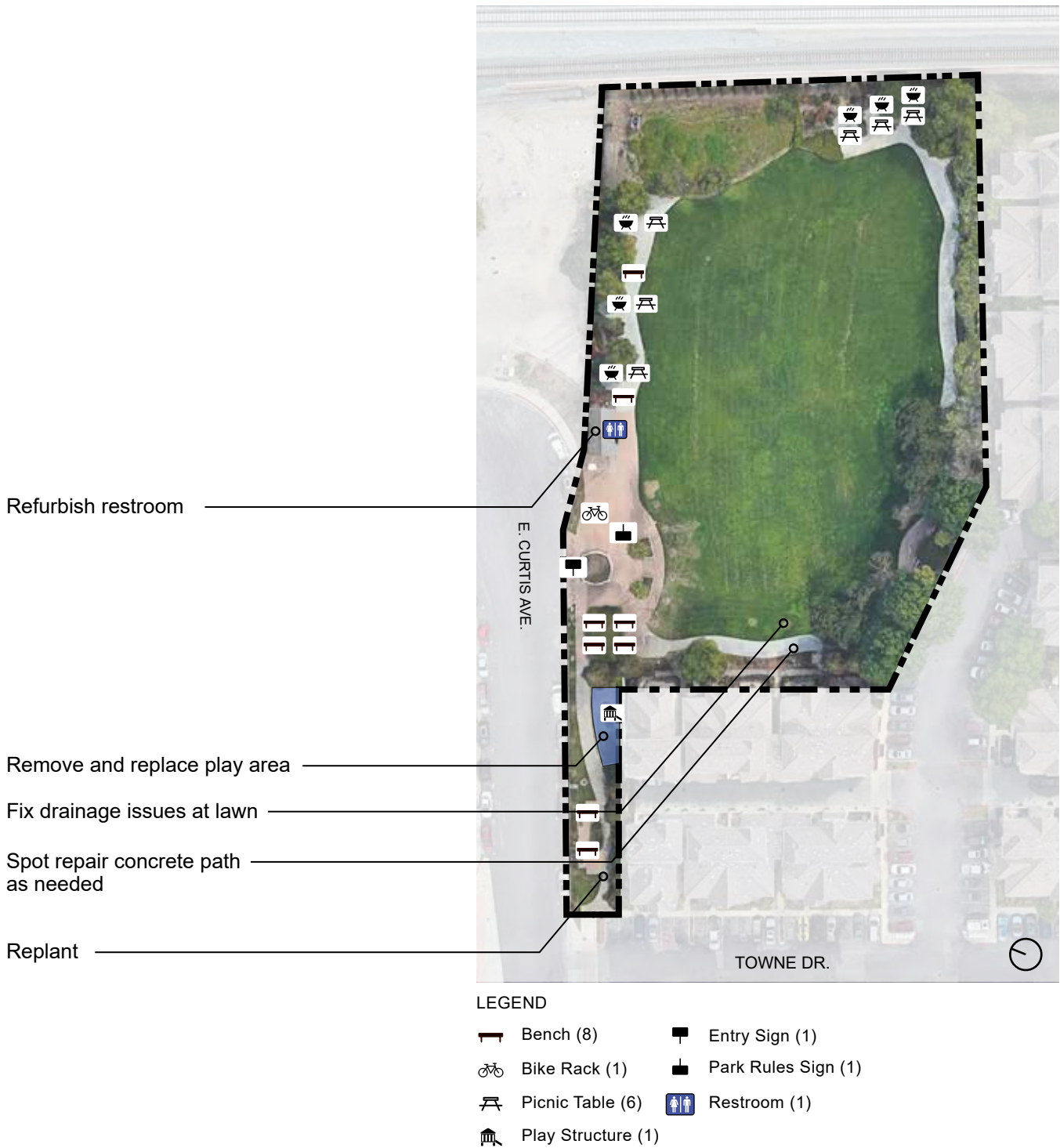
- Replace all picnic tables and barbeques, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard.
- Spot repair concrete path: Grind areas that pose trip hazards.
- Repair drainage issues at lawn.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Prune vines on pergola annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Conduct tree survey to identify hazardous trees.

Long Term Improvement

- Remove and Replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3” layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	3	EA	\$5,000.00	\$15,000
2	Bench	4	EA	\$3,000.00	\$12,000
3	Picnic Table	3	EA	\$4,000.00	\$12,000
4	Spot Repair Concrete Pathway	1,000	SF	\$16.00	\$16,000
5	Repair Drainage Issue at Lawn	1	LS	\$25,000.00	\$25,000
6	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$72,000.00	\$72,000
7	Tree Survey	1	LS	\$5,000.00	\$5,000
	SUBTOTAL Short Term Park Improvements				\$157,000
	Soft Costs (Administration, Inspection) - 30%				\$47,100
Short Term Repairs & Upgrades TOTAL					\$ 205,000.00
B.	Long Term Park Improvements				
1	Site Furnishing	1	LS	\$50,000.00	\$50,000
2	Right of Way Improvement	1	LS	\$10,000.00	\$10,000
3	Irrigation and Landscape	2.00	Acres	\$75,000.00	\$150,000
4	Play Structure	800	SF	\$100.00	\$80,000
5	Rubberized Safety Surfacing	800	SF	\$50.00	\$40,000
	SUBTOTAL Long Term Park Improvements				\$330,000
	Mobilization - 15%				\$49,500
	Design & Construction Contingency - 30%				\$99,000
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$99,000
Long Term Park Improvements TOTAL					\$ 578,000.00
IMPROVEMENTS TOTAL					\$ 782,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

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PARC METRO WEST

E. Curtis Ave. & Comet Dr.

Type: Urban Park

Size: .98 acres

Construction Date: 2003

PARK OVERVIEW

Parc Metro West was constructed in 2007 along with Parc Metro Central and East as part of the residential development included in the Midtown Redevelopment area known as Parc Metro. These parks feature a formal design style unique within the Milpitas parks system.

This passive use park is located across the street from Parc Metro Central. Three arbors, two trellises and formal pathways and planting give this park a strong design character. Benches are provided under the arbors and chess tables run along the rear pathway. No accessible furnishings are provided. Three open lawn spaces sit between formal raised planters. There is a large play area with play equipment for ages 2-5 and 5-12, it is in poor condition with sand surfacing. There is no ADA access into the play area.

This park is well-designed, however lack of maintenance, extremely overgrown vegetation, and drainage issues hinder use. The lack of any accessible furnishings or play elements necessitates replacement of all amenities on site. Pedestrian lighting is provided in good condition.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Furnishings

- 1 Amenities:** All benches, tables, and drinking fountains are in poor condition. Paint is peeling on most furnishings, and furnishings in the shade are covered in moss.
- 2 Play Areas:** Play equipment is in very poor condition. Safety surfacing and sand is overgrown with grass and weeds.
- Signage:** Park signage is in good condition with the exception of the park rules signage.

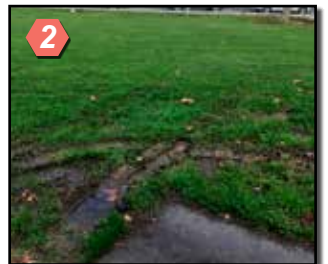
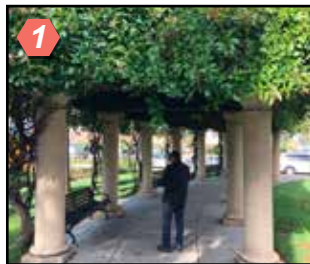


Accessibility

- Pathways:** Concrete pathways are accessible.
- Play Area:** Play equipment offers minimal accessible elements. Sand surfacing is not ADA accessible.
- Furnishings:** No ADA accessible furnishings are provided.

Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in poor condition. Raised planters are overgrown and crowded with plants. Planting areas along walkways are not pruned and spill onto paths. The arbors are overgrown with vines.
- 2 Turf:** Turf areas have severe drainage issues exacerbated by maintenance vehicles. It is difficult for mowers to get between posts of arbors.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Trees:** Landscape trees are crowded in planters. Palm trees are difficult to maintain and drop excessive palm fronds.
- 2 Fencing:** Perimeter ornamental metal fence has peeling paint and rust spots.
- Irrigation:** This site is on the City's centralized irrigation system using recycled water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all picnic tables, provide ADA accessible models.
- Replace all benches with current Milpitas standard.
- Replace drinking fountains
- Replace bike rack
- Replace park rules signs
- Repair drainage issues at lawn
- Repaint ornamental metal fencing.
- Play Areas: Repair defunct or broken play equipment.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Prune vines on pergola annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Remove and Replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3” layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

PROPOSED SITE IMPROVEMENTS PLAN

LEGEND

- | | |
|---|---|
|  Bench (21) |  Play Structure (1) |
|  Bike Rack (1) |  Picnic Table (4) |
|  Drinking Fountain (2) |  Entry Sign (1) |
| |  Park Rules Sign (2) |

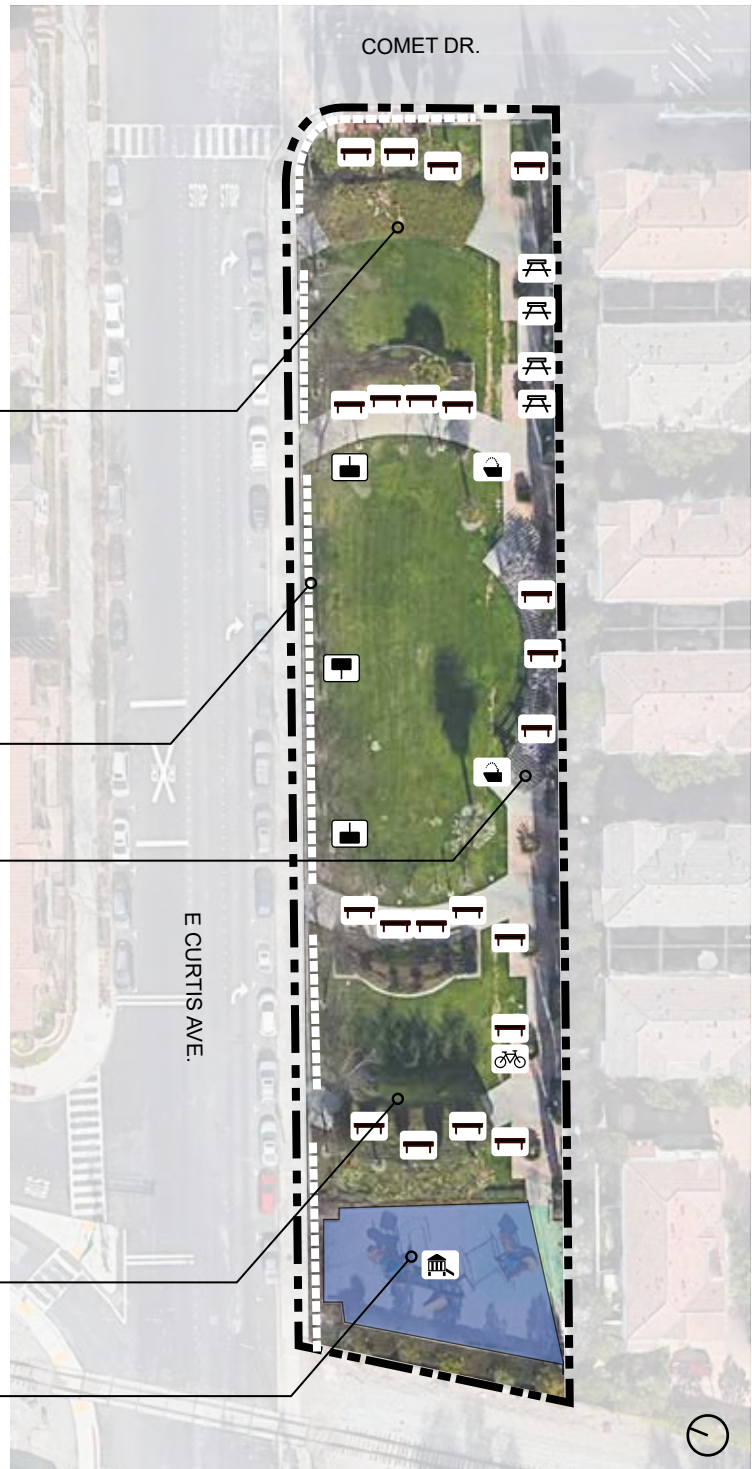
Prune vines

Repaint ornamental
metal fencing

Prune vines

Prune vines

Remove and replace play area



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Drinking Fountain	2	EA	\$10,000.00	\$20,000
2	Bench	21	EA	\$3,000.00	\$63,000
3	Picnic Table	4	EA	\$4,000.00	\$16,000
4	Repaint Ornamental Metal Fence	1	LS	\$5,000.00	\$5,000
5	Park rules sinages repair	1	LS	\$1,000.00	\$1,000
6	Repair Drainage Issues at Lawn	1	EA	\$25,000.00	\$25,000
7	Repair defunct Playground Equipment	1	EA	\$50,000.00	\$50,000
8	Bike Rack	1	EA	\$2,500.00	\$2,500
	SUBTOTAL Short Term Park Improvements				\$182,500
	Soft Costs (Administration, Inspection) - 30%				\$54,750
Short Term Repairs & Upgrades TOTAL					\$ 238,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	4,000	SF	\$5.00	\$20,000
2	Site Furnishing	1	LS	\$15,000.00	\$15,000
3	Right of Way Imprpovement	1	LS	\$10,000.00	\$10,000
4	Irrigation and Landscape	1.00	Acres	\$100,000.00	\$100,000
5	Play Structure	4,000	SF	\$70.00	\$280,000
6	Rubberized Safety Surfacing	4,000	SF	\$30.00	\$120,000
	SUBTOTAL Long Term Park Improvements				\$545,000
	Mobilization - 15%				\$81,750
	Design & Construction Contingency - 30%				\$163,500
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$163,500
Long Term Park Improvements TOTAL					\$ 954,000.00
IMPROVEMENTS TOTAL					\$ 1,191,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

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CHAPTER 5: GOALS AND RECOMMENDATIONS



PECOT PARK (BOB)

Dixon Rd. and Conway St.

Type: Linear Park

Size: 3.00 acres

Construction Date: 1997

PARK OVERVIEW

Pecot Park is a linear park located directly north of Joseph Weller Elementary School. The park consists of a linear asphalt walking path, turf, and landscaping along the edges of the park. The south end has gravel parking lot meant for the San Francisco Public Utilities Commission, however it is used by residents. With the exception of one bench along the path there are no amenities provided.

The entirety of the park lies within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this park require a permit from the SFPUC.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** One bench is provided along the walking path in poor condition.



Accessibility

- 1 Pathways:** The site consists of a single asphalt pathway traveling north/south. The trail has some cracking and heaving along the edges, but the main path of travel complies with current codes.
- Furnishings:** No ADA-accessible furnishings are provided.



Landscaping & Maintenance

- 1 Landscape Planting:** Perimeter landscape planting is in fair condition. All areas need mulch replenished.
- 2 Turf:** Turf is in fair to poor condition throughout the site. Weeds and bare patches are prevalent.
- Trees:** Trees are well-maintained throughout the park.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace existing bench with Milpitas standard.
- Slurry seal asphalt path
- Reseed turf areas where necessary
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add benches and trash/recycling receptacles along path.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way improvement: ADA curb ramps to be removed and replaced to current City standards on Dixon Road and Manfred St. Restripe crosswalks and install bollards to current city standards.

PROPOSED IMPROVEMENTS SITE PLAN



IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Asphalt Path (Resurface)	7,500	SF	\$4.50	\$33,750
2	Bench	1	EA	\$3,000.00	\$3,000
3	Reseed Lawn	1	LS	\$5,000.00	\$5,000
	SUBTOTAL Short Term Park Improvements				\$41,750
	Soft Costs (Administration, Inspection) - 30%				\$12,525
	Short Term Repairs & Upgrades TOTAL				\$ 55,000.00
B.	Long Term Park Improvements				
1	Site Furnishing	1	LS	\$50,000.00	\$50,000
2	Landscape and Irrigation Upgrade	3	Acres	\$75,000.00	\$225,000
3	Right of Way Improvement	1	LS	\$50,000.00	\$50,000
	SUBTOTAL Long Term Park Improvements				\$325,000
	Mobilization - 15%				\$48,750
	Design & Construction Contingency - 30%				\$97,500
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$97,500
	Long Term Park Improvements TOTAL				\$ 569,000.00
	IMPROVEMENTS TOTAL				\$ 624,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				



PETER GILL MEMORIAL PARK

Santa Rita Dr. and Paseo Refugio Rd.

Type: Community Park

Size: 8.16 acres

Construction Date: 1978

Latest Renovation: 1987

PARK OVERVIEW

Peter Gill Memorial Park is located at the south end of a green belt connecting to Oliver Jones Memorial Park. The south end of the park terminates at the Berryessa Creek Trail. The park is surrounded on both sides by residential neighborhood, access is provided via pedestrian connections and a parking lot.

This is a large park primarily intended for active recreation and large gatherings. It provides a full size baseball field, three tennis courts, a basketball court, a handball court, workout equipment and a restroom. Two shaded group picnic areas and a third uncovered picnic area provide spaces for large gatherings. Two play areas provide play equipment for all ages. Pedestrian, tennis court and sports field lighting is provided in good condition.

The park requires renovation due to a lack of ADA complaint amenities and play area, aging furnishings and infrastructure, non-ADA concrete pathways, and sparse landscaping.

The eastern portion of the park lies within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this area require a permit from the SFPUC.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

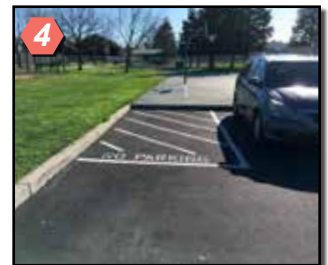
Site Furnishings

- 1 Amenities:** All tables, benches, bike racks and workout stations are outdated and in poor condition.
- 2 Playgrounds:** All playground equipment is in poor condition. Many play elements are broken, and all are rusted with peeling and chipped paint.



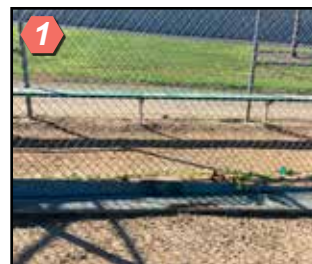
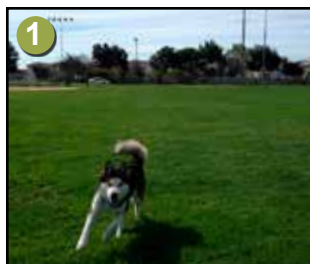
Accessibility

- 1 Pathways:** The site consists of concrete pathways throughout. At the transitions to the surrounding sidewalk, slopes and cross-slopes do not meet accessibility requirements. The eastern shaded picnic area has no accessible access to surrounding hardscape, only concrete pavers set in grass. The southern group picnic area consists of concrete islands with no connection to surrounding paths.
- 2 Furnishings:** No ADA-accessible furnishings are provided.
- 3 Play Equipment:** No accessible play equipment is provided. Sand surfacing is low and there are no accessible ramps into play areas.
- 4 Parking:** ADA striping and spaces are provided, however there is no accessible ramp to adjacent paving areas.



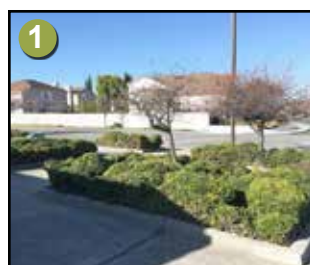
Sports Facilities

- 1 Baseball Field:** The baseball infield, outfield and perimeter fencing are in good condition. The backstop needs replacement boards and the fencing is bowed outwards.
- 1** The player benches and bleachers are in poor to fair condition.
- 2 Tennis Courts:** The tennis courts are in fair condition. Surfacing is slightly cracked and fading, and the windscreen is missing from significant portions of the fencing.
- 3 Basketball Court:** The basketball court is in good condition. The basketball court is located directly at the edge of the parking lot with no fence, posing a safety risk.
- 4 Handball Court:** The handball court is in good condition. Surfacing is lifting slightly from the adjacent paving.



Landscaping & Maintenance

- 1 Landscape Planting:** There is minimal landscape planting on site, what exists is in good condition.
- 2 Fencing:** Fencing at play areas is in poor condition. Chain link fencing and gates at the northern play area are broken. Wood rail fencing at the southern play area is weathering and missing rails.
- Turf:** Turf is in good condition, with some damage from maintenance vehicles at the edges of paths.
- Trees:** Trees are well-maintained throughout the park.
- Irrigation:** This site is on the City's centralized irrigation system using reclaimed water.
- Restroom:** Restroom is in fair condition, see Facility Condition Assessment for further information.¹



¹ See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

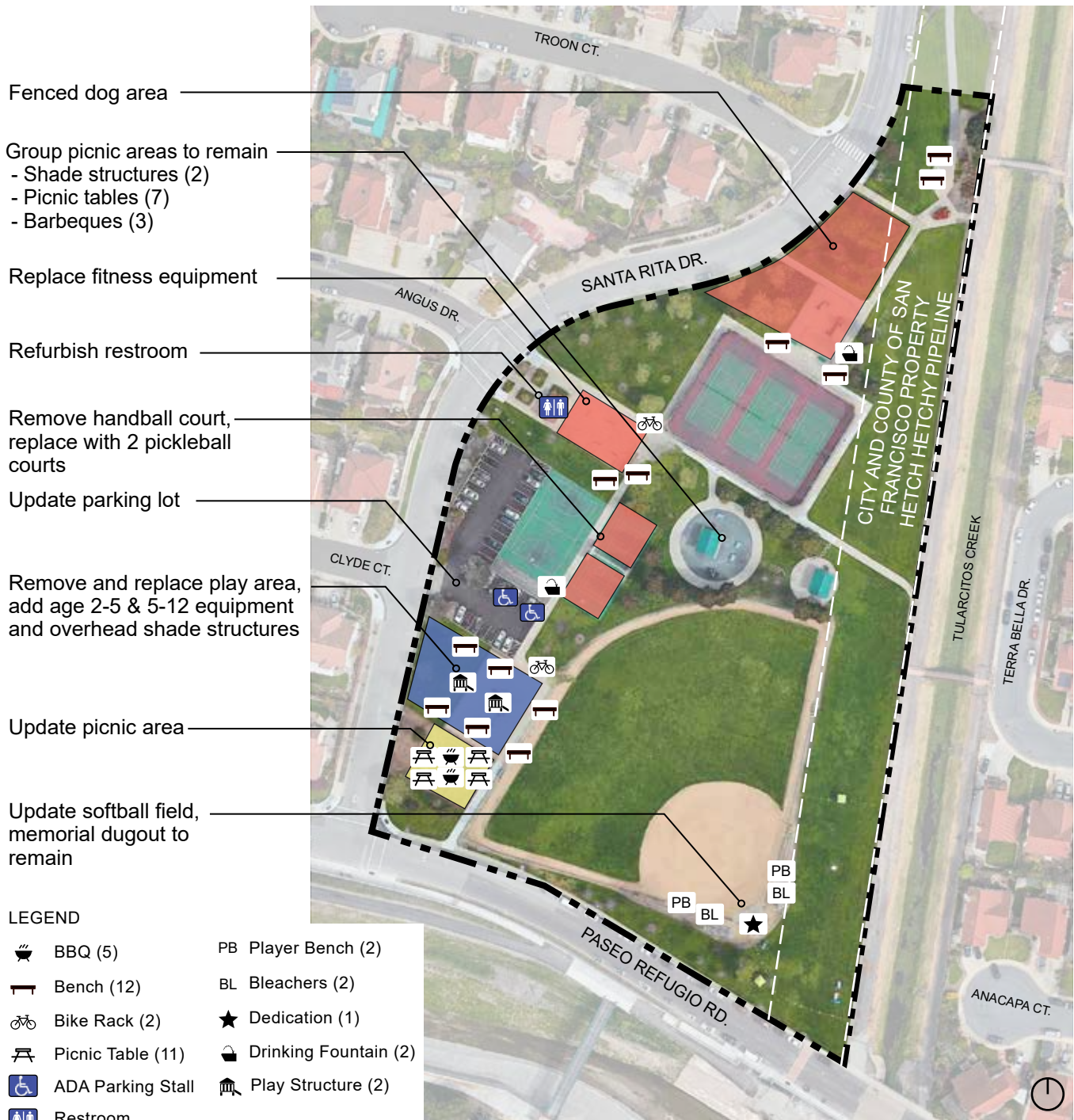
- Replace existing benches with Milpitas standard.
- Replace all existing picnic tables and barbeques with current Milpitas standard, provide ADA compliant models. Provide ash receptacles.
- Replace bike rack
- Resurface handball court
- Repair signage
- Play Areas: Replace chainlink fencing at north play area, repair existing equipment at both north and south play areas.
- Update parking lot: Add accessible ramp from parking lot to adjacent sidewalk.
- Many paths do not meet accessibility requirements. Assess and regrade where feasible.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update softball field. Repair backstop, dugouts, lighting, fencing and bleachers.
- Remove and Replace Play Areas: Remove north play area and expand southern area. Replace structures with both age 2-5 and 5-12 equipment and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Dog area: Add fenced off-leash dog area with fibar surfacing, small and large dog areas, and a fenced in entrance area. This will require a permit from the SFPUC to build on the Hetch Hetchy pipeline property.
- Update picnic area: Replace picnic tables and barbeques with current Milpitas standard. Provide two trash/recycle and two ash receptacles. Pave picnic areas with concrete and add overhead shade structure.
- Replace fitness equipment: Add new fitness court with poured in place surfacing.
- Right-of-Way Improvement: Install ADA curb ramps to current Milpitas standards. Include crosswalk striping, sidewalk and curb and gutter repairs and sidewalk expansion as needed.
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller

¹. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A. Short Term Repairs & Upgrades					
1	BBQ & Ash Receptacle	2	EA	\$5,000.00	\$10,000
2	Bench	8	EA	\$3,000.00	\$24,000
3	Picnic Table	4	EA	\$4,000.00	\$16,000
4	Bike Rack	1	EA	\$2,000.00	\$2,000
5	Resurface Handball Court	1	EA	\$7,500.00	\$7,500
6	Parking Lot Accessible Curb Ramp	1	EA	\$10,000.00	\$10,000
7	Repair Play Equipment	1	LS	\$50,000.00	\$50,000
8	42" HT Chainlink Fence	220	LF	\$125.00	\$27,500
9	Repair Signage	1	LS	\$2,000.00	\$2,000
10	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$119,000.00	\$119,000
11	Regarde Concrete Pathway	1	LS	\$100,000.00	\$100,000
	SUBTOTAL Short Term Park Improvements				\$368,000
	Soft Costs (Administration, Inspection) - 30%				\$110,400
Short Term Repairs & Upgrades TOTAL					\$ 479,000.00
B. Long Term Park Improvements					
1	Demolition & Grading	25,000	SF	\$5.00	\$125,000
2	Drainage	1	LS	\$75,000.00	\$75,000
3	Fitness Stations (Including Surfacing & Curb)	10	EA	\$10,000.00	\$100,000
4	Play Structures	8,500	SF	\$70.00	\$595,000
5	Rubberized Safety Surfacing	8,500	SF	\$30.00	\$255,000
6	Right of Way Improvement	1	LS	\$50,000.00	\$50,000
7	Site Furnishing	1	LS	\$100,000.00	\$100,000
8	Landscape and irrigation	4.00	Acres	\$75,000.00	\$300,000
9	Dog Park 0.25 acre (including 42" HT chain link fencing)	1	LS	\$150,000.00	\$150,000
10	Softball Backstop & Dugout	1	LS	\$100,000.00	\$100,000
11	Pave Picnic Area (4" Concrete over 6" CL II AB)	4,500	SF	\$16.00	\$72,000
12	Small Shade Structure	1	LS	\$50,000.00	\$50,000
	SUBTOTAL Long Term Park Improvements				\$1,972,000
	Mobilization - 15%				\$295,800
	Design & Construction Contingency - 30%				\$591,600
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$591,600
Long Term Park Improvements TOTAL					\$ 3,451,000.00
IMPROVEMENTS TOTAL					\$ 3,930,000.00
C. Additional Features Annual Maintenance Cost					
1	Dog park (Twice Weekly)	10,890	SF	\$0.12	\$ 1,400.00
Annual Maintenance TOTAL					\$ 1,400.00

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PINEWOOD PARK

Lonetree Ct. and Starlite Dr.

Type: Neighborhood Park

Size: 9.88 acres

Construction Date: 1966

Latest Renovation: 2019 (Tennis Courts)

2004 (Playgrounds)

2005 (Sports Court)

2015 (Picnic Areas and

ADA improvements)

2019 (Tennis Court Resurfacing)

PARK OVERVIEW

Pinewood Park is a large neighborhood park offering both passive and active recreation opportunities. It is adjacent to the Pearl Zanker Elementary School and flanked by residential neighborhoods.

The west side of the park has two large playgrounds, installed in 2004. They provide play elements for all ages and benches for parent supervision. A lighted basketball court and four tennis courts were rebuilt in 2005. Dog bags with waste receptacles are located at intervals along the asphalt paths around the sports courts which were renovated in 2019. A large turf lawn in the center of the park provides passive recreation used for pickup soccer and frisbee. A public restroom is provided at the entrance of the park.

The eastern half of the site has a small play area, a pump station and well, and an open gathering space. Two group picnic areas containing concrete picnic tables, food prep tables, group barbeques and large shade structures were installed in 2015. These picnic areas were installed along with parkwide ADA improvements, upgrades to play areas, and new pedestrian lighting.

The park consists of public art pieces, modern amenities, play equipment and lighting. Overall, the park is currently in compliance with ADA requirements.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Eight metal park benches are provided at playgrounds, in good condition. Twenty six concrete picnic tables, three barbeques, and three concrete prep tables are provided at group picnic areas. They are in good condition, with some fading and stains. One drinking fountain is provided at the restroom in fair condition, and one at the sports courts in poor condition. Two dog bag dispensers are provided at sports courts, in fair condition. Three bike racks are in good condition.
- 2 Play Areas:** There are three all-age play areas. Two in the western portion of the park have multiple structures on poured in place and fiber surfacing. The play area on the east side has a single low structure on poured in place surfacing. All are in good condition.
- Signage:** Park signage is in good condition.



Accessibility

- Pathways:** All concrete and asphalt pathways are accessible. There are minor gaps between expansion joints at the play areas.
- Play Area:** Play equipment offers some accessible elements. Poured in place safety surfacing provides access to swingsets and play equipment.
- Furnishings:** One ADA-accessible table is provided in each group picnic area. Park benches are compliant with current code.
- Parking:** Two ADA-accessible parking spots and ramp are provided on Lonetree Ct.

EXISTING SITE ASSESSMENT

Sports Courts

- 1 Tennis Courts:** Four lighted tennis courts are in good condition, resurfaced in 2019. No player benches provided.
- 2 Basketball Court:** One lighted basketball court in good condition, rebuilt in 2005, no player benches provided. Hoop and net needs replacement.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is in fair condition. Original planting, where it remains, is well-maintained, if sparse. Mulch is spread through most planting areas. Iceplant has colonized large planted areas and provides a low maintenance groundcover. There is a large area bare of planting at the entrance to the park.
- 2 Turf:** Turf is in fair condition, with some worn areas due to heavy use.
- 3 Trees:** Most park trees are in good condition, however several aging eucalyptus trees pose a hazard.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹
- Irrigation:** This site is on the City's centralized irrigation system using potable water.



1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Playground equipment and surface repairs: Replace existing poured in place surfacing and engineered wood fiber with new. Replace the existing age 5-12 play structures.¹
- Replace basketball backboards hoops and nets
- Conduct tree survey to identify hazardous eucalyptus trees.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Refurbish Restroom: Refurbish per Facility Condition Assessment.²

Long Term Improvement

No long term improvements are proposed at the time of this document.

1. See Appendix F: Milpitas Playground Rehabilitation Project
2. See Appendix D: Facility Condition Assessment

CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$123,000.00	\$123,000
2	Replace Basketball Hoops & Nets	1	LS	\$10,000.00	\$10,000
3	Playground Equipement & Surface Repairs	1	LS	\$197,109.00	\$197,109
4	Tree Survey	1	LS	\$5,000.00	\$5,000
	SUBTOTAL Short Term Park Improvements				\$335,109
	Soft Costs (Administration, Inspection) - 30%				\$100,533
Short Term Repairs & Upgrades TOTAL					\$ 436,000.00
B.	Long Term Park Improvements				
	No major improvement is proposed				
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

CHAPTER 5: GOALS AND RECOMMENDATIONS



ROBERT E. BROWNE PARK

Yellowstone Ave. at S. Park Victoria Dr.

Type: Neighborhood Park

Size: 4.93 acres

Construction Date: 1965

Latest Renovation: 2019 (Tennis Courts Surfacing)

PARK OVERVIEW

Robert E. Browne Park is centrally located between Rancho Milpitas Middle School, John Sinnott Elementary School, Murphy Park and Sinnott Park, with a popular biking trail connecting the sites.

Four lit tennis courts rebuilt in 2004 form the center of this park, with small seating areas and a large passive use lawn to the west. A walking trail with workout stations runs around the perimeter of the park and connects to the biking trail. There is no pedestrian lighting or restroom.

Multiple diffuse pedestrian connections and a lack of a central entry point create poor connection to surrounding parks. Poor circulation and lack of amenities within the site leaves the passive use lawn underutilized. The park requires renovation due to a lack of ADA complaint amenities, aging furnishings and infrastructure, eroding asphalt pathways lack of lighting.



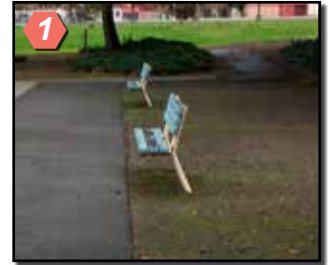
EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

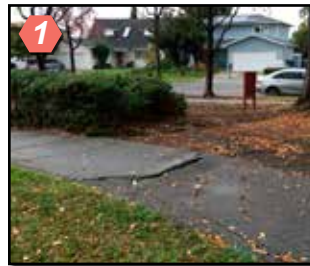
Site Furnishings

- 1 Amenities:** Nine benches at the tennis courts are in poor condition. The frames are collapsing and boards are missing. One bench at the connection to Murphy Park and one bench at S. Park Victoria Drive are likewise in poor condition. Two picnic tables at the connection to Murphy Park are in poor condition. Five workout stations along the perimeter trail are in poor condition and pose safety risks.
- 2 Signage:** One park entry sign at S. Park Victoria Drive is in good condition. One park rules sign south of Murphy Park is in good condition. Neither sign is at a main entry point, and serve no purpose at their current locations.



Accessibility

- 1 Pathways:** Gravel paths at the entrance are not up to code. Asphalt and concrete paths throughout the site are cracking and heaving from tree roots. Running slopes exceed 5% in many areas and cross-slopes exceed 2%. Uneven surface is causing ponding at ball wall and around tennis courts.
- 1 Furnishings:** No ADA-accessible furnishings are provided.



EXISTING SITE ASSESSMENT

Tennis Courts

- 1 Surfacing:** Renovated in 2020, court surfacing is in good condition. There are minimal cracks and court markings are clear.
- 1 Fencing:** Fencing is in fair condition, however the windscreen fabric is ripped or missing in most areas.
- Lighting:** Lighting is functional and in good condition



Landscaping & Maintenance

- 1 Landscape Planting:** Most areas are bare of planting, and there is no landscape mulch. The juniper and ivy that remain are well-trimmed.
- 2 Turf:** Turf is in good condition.
- 3 Trees:** Aging trees pose a safety hazard. Tree limbs hang over and in walkways.
- Graffiti:** Graffiti is a prevalent issue throughout the park.
- Lighting:** Tennis courts are lit, there is no pedestrian lighting throughout the rest of the park
- Irrigation:** This site is on the City's centralized irrigation system using potable water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Replace drinking fountain.
- Replace picnic table.
- Replace bike rack.
- Replace fitness stations.
- Repair signage.
- Repair tennis court fencing and netting.
- Conduct tree study to identify hazardous trees.
- Spot repair asphalt path where it is cracking and heaving.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly. Remove graffiti throughout the park.

Long Term Improvement

- Replace all asphalt paths with concrete.
- Add pedestrian lighting at walking paths.
- Add single stall restroom.
- Add additional benches and fitness stations along path.
- Add picnic area: Add concrete picnic area with Milpitas standard tables, barbeques, trash/recycle receptacles and ash receptacles. Provide overhead shade structure.
- Add two full size basketball courts with lighting
- Entrance node: Add small entrance plaza with seating, bike racks and wayfinding signage directing visitors to the nearby Murphy and Sinnott parks.
- Right-of-Way improvements: Redesign west entrance to the park for accessibility. Provide ADA-accessible curb ramp, stairs, and landscaped areas. Re-stripe crosswalk to Murphy Park and add wayfinding signage and bollards. This work includes sidewalk and curb and gutter repairs and sidewalk expansion as needed.
- Landscape and Irrigation with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

PROPOSED IMPROVEMENTS SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Drinking Fountain	1	EA	\$10,000.00	\$10,000
2	Bench	11	EA	\$3,000.00	\$33,000
3	Picnic Table	2	EA	\$4,000.00	\$8,000
4	Bike Rack	1	EA	\$2,000.00	\$2,000
5	Tennis Court fencing Repair	1	LS	\$10,000.00	\$10,000
6	Repair Signage	1	LS	\$2,000.00	\$2,000
7	Fitness Stations (Including Surfacing & Curb)	3	EA	\$10,000.00	\$30,000
8	Asphalt Path, Spot Repair	1	LS	\$50,000.00	\$50,000
9	Hazardous Tree Study	1	LS	\$5,000.00	\$5,000
	SUBTOTAL Short Term Park Improvements				\$ 150,000.00
	Soft Costs (Administration, Inspection) - 30%				\$ 45,000.00
	Short Term Repairs & Upgrades TOTAL				\$ 195,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	35,000	SF	\$5.00	\$175,000
2	Drainage	1	LS	\$100,000.00	\$100,000
3	Pedestrian path (9' Wide, 4" Concrete over 6" CL II AB)	20,000	SF	\$16.00	\$320,000
4	Pedestrian Lighting	1	LS	\$150,000.00	\$150,000
5	Picnic Area Paving (4" Concrete over 6" CL II AB)	2,500	SF	\$16.00	\$40,000
6	Small Shade Structure	1	EA	\$50,000.00	\$100,000
7	Restroom Installtion (Single stall)	1	EA	\$200,000.00	\$200,000
8	Utilities (Water, Sewer, Eletrical)	1	LS	\$100,000.00	\$100,000
9	Site Furnishing	1	LS	\$50,000.00	\$50,000
10	Landscape and Irrigation	4	Acres	\$75,000.00	\$262,500
11	Right of Way Improvement inc. Stairs and Ramp to Tennis Courts	1	LS	\$250,000.00	\$250,000
12	Basketball Courts w/ Lighting	2	LS	\$180,000.00	\$360,000
	SUBTOTAL Long Term Park Improvements				\$2,107,500
	Mobilization - 15%				\$316,125
	Design & Construction Contingency - 30%				\$632,250
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$632,250
	Long Term Park Improvements TOTAL				\$ 3,689,000.00
	IMPROVEMENTS TOTAL				\$ 3,884,000.00
C.	Additional Features Annual Maintenance Cost				
1	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$ 7,500.00
2	Basketball Court Maintenance	7700	SF	\$0.12	\$ 1,000.00
	Annual Maintenance TOTAL				\$ 8,500.00

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CURRENT SITE



SANDALWOOD PARK

Escuela Pkwy. and Russell Ln.

Type: Neighborhood Park

Size: 3.88 acres

Construction Date: 1977

PARK OVERVIEW

Sandalwood Park is a large, primarily turf park with a variety of mature trees, outdated play equipment, picnic areas, horseshoe pits and seating. Currently the park requires renovation due to a lack of ADA compliant furnishings and play equipment, aging amenities and infrastructure and eroding pathways. The City hired Gates + Associates in 2019 to redesign the park.

The proposed renovation is to install an all-inclusive playground area and fitness stations, large picnic area with shade structures, new restroom, previous concrete pathways, convert the existing horseshoes pit into a basketball court, update small picnic areas, and add pedestrian lighting.

The central portion of the park lies within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this area require a permit from the SFPUC.



EXISTING SITE ASESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** All existing picnic tables and benches are in poor condition. Two concrete drinking fountains are in poor condition. One bike rack is in fair condition.
- 2 Play Equipment:** Play equipment is in fair condition, however it is outdated and does not meet current safety codes. Sand surfacing is low.
- 3 Horseshoe pits:** Horseshoe pits are in poor condition. Backstops are failings and sand surfacing is low.
- 4 Signage:** Entry sign is in good condition.



Accessibility

- 1 Pathways:** Gravel pathways are in fair condition, however there are 2"+ transitions to surrounding hardscape areas. There are no accessible paths of travel to picnic tables or barbeques.
- 2 Furnishings:** No ADA accessible benches, drinking fountains or tables are provided.
- 3 Play Equipment:** No accessible play elements are provided, sand surfacing has no ramp to surrounding paving.



Landscaping & Maintenance

- 1 Landscape Planting:** Landscape planting is sparse, however planting that remains is well maintained and planting areas are kept weed free.
- 2 Turf:** Turf is in good condition with minor gopher issues.
- 3 Trees:** Trees are in good condition.
- Lighting:** Lighting was not operating at the time of the site visit.
- Irrigation:** The irrigation system uses recycled water and is in good condition.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Replace drinking fountains
- Replace picnic tables
- Replace bike racks
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly. Remove graffiti throughout the park.

Long Term Improvements

The proposed improvement plans include an all-inclusive playground area and fitness stations, large picnic area with shade structures, new restroom, asphalt pathways, converting the existing horseshoes pit into a basketball court, updating small picnic areas, and adding pedestrian lighting.

PROPOSED IMPROVEMENTS SITE PLAN



Image courtesy of Gates + Associates Landscape Architecture

CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Bench	4	EA	\$3,000.00	\$12,000
2	Picnic table	3	EA	\$4,000.00	\$12,000
3	BBQ & Ash Receptacle	3	EA	\$5,000.00	\$15,000
4	Drinking Fountains	2	EA	\$10,000.00	\$20,000
5	Trees removal and landscape maintenance	1	LS	\$10,000.00	\$10,000
	SUBTOTAL Short Term Park Improvements				\$69,000
	Soft Costs (Administration, Inspection) - 30%				\$20,700
Short Term Repairs & Upgrades TOTAL					\$ 90,000.00
B.	Long Term Park Improvements				
1	100% PS&E Estimate	1	LS	\$1,700,000.00	\$ 1,710,000.00
	SUBTOTAL Long Term Park Improvements				\$ 1,710,000.00
	Construction Contingency - 15%				\$256,000
	Soft Costs (Design, Administration, Inspection, Permitting) - 15%				\$256,000
Long Term Park Improvements TOTAL					\$ 2,222,000.00
IMPROVEMENTS TOTAL					\$ 2,312,000.00
C.	Annual Maintenance Cost				
1	Restroom service - Cleaning and Restocking (Daily)	1	LS	\$7,500.00	\$ 7,500.00
2	Sports Courts Cleaning (Weekly)	1000	SF	\$0.12	\$ 200.00
Annual Maintenance TOTAL					\$ 7,700.00

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CHAPTER 5: GOALS AND RECOMMENDATIONS



SELWYN PARK

Selwyn Dr. and Dempsy St.

Type: Urban Park

Size: 0.23 acres

Construction Date: 1968

Latest Renovation: 2003

PARK OVERVIEW

Selwyn Park is a small urban park tucked into a residential neighborhood. It offers a small picnic area, playground, and a half size basketball court.

This park was renovated in 2003 with modern furnishings and playground, however it has since fallen into disrepair. Most site furnishings and play equipment are damaged, and graffiti is a persistent problem. Despite lack of maintenance, it remains very popular with the local community and sees high use.



EXISTING SITE ASSESSMENT

Sand from play area fills perimeter planting areas

Play surfacing separating from concrete walk. 1" gap

Sand at play structure is low. 8"-12" drop from play surfacing

Patchy turf

Fencing missing panels throughout park

Sand from play area filling group picnic areas

No ADA access to picnic area



LEGEND

BBQ (2)

Bench (2)

Picnic Table (2)

Play Structure (1)

Entry Sign (1)

Ornamental Metal Fence

AMENITY CONDITION

Good Condition

Fair Condition

Poor Condition

EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Two metal benches have scratched paint and damaged seating. Two metal tables and two barbecues are in poor condition.



Site Accessibility

- 1 Paths:** Concrete paths are in good condition.
- 2 Picnic Area:** Decomposed granite at picnic area is failing. No ADA picnic tables are provided.
- 3 Play Area:** At the time of this document sand at the play area is low creating 8-12" transitions from poured in place surfacing. Repair to the play structure, poured in place surfacing and wood fiber should be conducted and scheduled in order to comply with ADA requirements.



Landscape & Maintenance

- 1 Planting Areas:** Planting areas are filled with sand blown in from play areas.
- 2 Fencing:** Fencing throughout the park is missing panels and rusted through.
- 3 Turf:** Turf is in fair condition with some bare spots.
- Irrigation:** Irrigation system in need of repair.



SELWYN PARK PROPOSED SITE PLAN



LEGEND

-  BBQ (2)
-  Bench (2)
-  Picnic Table (2)
-  Park Rules Sign (1)
-  Dog Station (1)

PROPOSED IMPROVEMENTS

Short Term Improvement

- Update picnic area: Replace picnic tables and barbeques with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Playground equipment and surface repairs: Repair damaged portions of poured in place surfacing, replace existing sand surfacing with engineered wood fiber. Update play equipment per Milpitas Playground Rehabilitation Project.¹
- Replace fencing with Milpitas standard ornamental metal fencing.
- Replace park rules sign.
- Replace dog station.

Long Term Improvements

- Pave picnic areas with concrete and add overhead shade structure.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace poured in place surfacing and engineered wood fiber. Include integrated shade structures.
- Replace all benches with current Milpitas standard. Provide companion seating.
- Replace Landscape and Irrigation: Replant and mulch landscaped areas with drought tolerant California native planting. Adjust irrigation system as needed. Weed, prune, replenish mulch and fertilize quarterly or as needed. Replace irrigation system and controller.

1. See Appendix F: Milpitas Playground Rehabilitation Project

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Repair 42" Height Wire Mesh Fence	1	LS	\$20,000.00	\$20,000
2	BBQ & Ash Receptacle	2	EA	\$5,000.00	\$10,000
3	Accessible Picnic Table	2	EA	\$4,000.00	\$8,000
4	Dog Waste Station	1	EA	\$1,500.00	\$1,500
5	Play Rule Sign Replacement	1	LS	\$2,000.00	\$2,000
6	Playground Equipement & Surface Repairs	1	LS	\$56,492.00	\$56,492
	SUBTOTAL Short Term Park Improvements				\$97,992
	Soft Costs (Administration, Inspection) - 30%				\$29,398
	Short Term Repairs & Upgrades TOTAL				\$ 128,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	6,000	SF	\$5.00	\$30,000
2	Replace Landscaping & Irrigation	1.00	LS	\$100,000.00	\$100,000
3	Play Structure	3,600	SF	\$70.00	\$252,000
4	Rubberized Safety Surfacing	3,600	SF	\$30	\$108,000
5	Right of Way Improvement	1	LS	\$50,000.00	\$50,000
6	Site Furnishing	1	LS	\$25,000.00	\$25,000
7	Pave Pincinc Areas (Concrete)	1,400	SF	\$16.00	\$22,400
	SUBTOTAL Long Term Park Improvements				\$587,400
	Mobilization - 15%				\$88,110
	Design & Construction Contingency - 30%				\$176,220
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$176,220
	Long Term Park Improvements TOTAL				\$ 1,028,000.00
	IMPROVEMENTS TOTAL				\$ 1,156,000.00
C.	Additional Features Annual Maintenance Cost				
	No additional features are proposed for this site				

CHAPTER 5: GOALS AND RECOMMENDATIONS



SINNOTT PARK (JOHN)

Clear Lake Ave. and Tahoe Dr.

Type: Neighborhood Park

Size: 4.67 acres

Construction Date: 1970

PARK OVERVIEW

Sinnott Park is adjacent to John Sinnott Elementary School and provides passive recreation for the surrounding neighborhood.

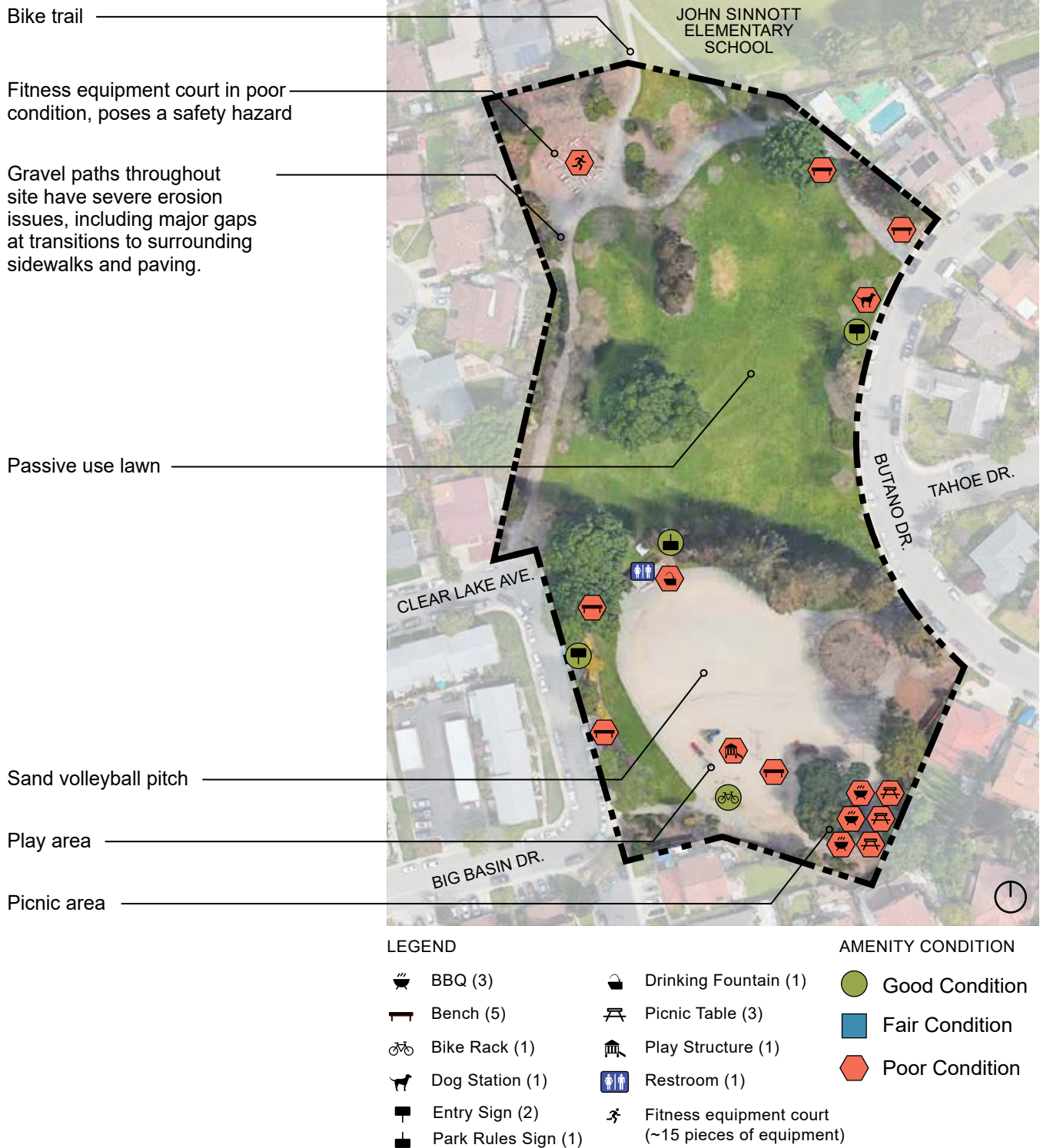
The southern end of the park is the active core with a restroom, play area, picnic area, restroom and a sand volleyball pitch.

The northern side of the site consists of a passive use lawn and a fitness court that is in disrepair. The fitness court has connectivity to John Sinnott Elementary School and Robert E. Browne Park to the north.

The park requires renovation due to a lack of ADA complaint amenities and play area, the aging furnishings and infrastructure, eroding pathways, hazardous fitness equipment and sparse planting. No pedestrian lighting is provided.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

1 Amenities: Three wood picnic tables and three barbeques are provided at the south end of the site, all are in poor condition. Five wood benches are provided, in poor condition. One dog station is provided at the east end of the site with no waste receptacle. There is a drinking fountain attached to the restroom, in poor condition.

2 Workout Equipment: There is a fitness court at the north end of the site adjacent to John Sinnott Elementary School. Approximately 15 pieces of equipment are provided, all are in very poor condition and some pose safety hazards.

Play Area: The wing set was replaced in 2021, playground refurbishment is underway at the time of this document and projected to be completed in winter of 2021.

Signage: Two entry signs and one park rules sign are in good condition.

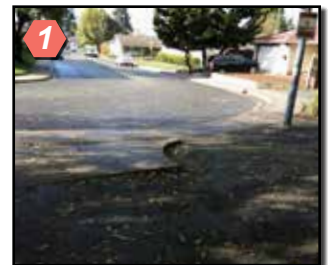
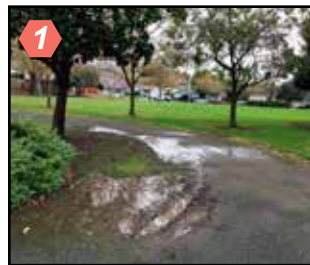


Accessibility

1 Pathways: The majority of paths are gravel or decomposed granite in very poor condition. Paths exceed allowable slopes in many places, and there are drops of up to 4" from adjacent paving. Paths are not level and there is extensive drainage and ponding throughout. Asphalt pathways are in good condition.

2 Furnishings: No ADA-accessible furnishings are provided.

Play Areas: Swing set was replaced in 2021, playground refurbishment is underway at the time of this document and projected to be completed in winter of 2021.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Most areas are bare of planting, there is no landscape mulch. Remaining planting is not maintained.
- 2 Turf:** Turf is in good condition, with some drainage issues at pathways.
- Trees:** Aging deciduous trees pose a safety hazard. Redwoods are in good condition.
- Lighting:** The park lacks adequate security lighting.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹



1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace fitness equipment: Add new fitness court with poured in place surfacing. Replace all benches with Milpitas standard, placed on concrete pads to ensure accessibility. Provide companion seating.
- Replace picnic tables and barbecues with current Milpitas standard, provide ADA models, provide ash receptacles.
- Replace benches.
- Replace bike rack.
- Replace park rules sign.
- Replace dog waste station.
- Repair swingset.
- Spot repair gravel paths at transitions to hardscape to remove ADA access impediments. Repair localized drainage issues.
- Conduct tree survey by certified arborist to identify and remove hazardous trees.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add community garden: Fenced community garden with raised wood planters, irrigation and fiber surfacing.
- Add pickleball courts: Add three full size pickleball courts with fencing, surfacing, benches and nets.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Pave picnic area, add trash/recycle receptacles and provide shade structure
- Replace all gravel paths with 9' wide concrete paths. Regrade and improve drainage as necessary.
- Add wayfinding signage at north entrance.
- Add pedestrian lighting.
- Right-of-Way Improvement: Installation of ADA curb ramps and bollards at entrances. Sidewalk and curb and gutter repairs and sidewalk expansion as necessary to accommodate improvements

¹. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS SITE PLAN



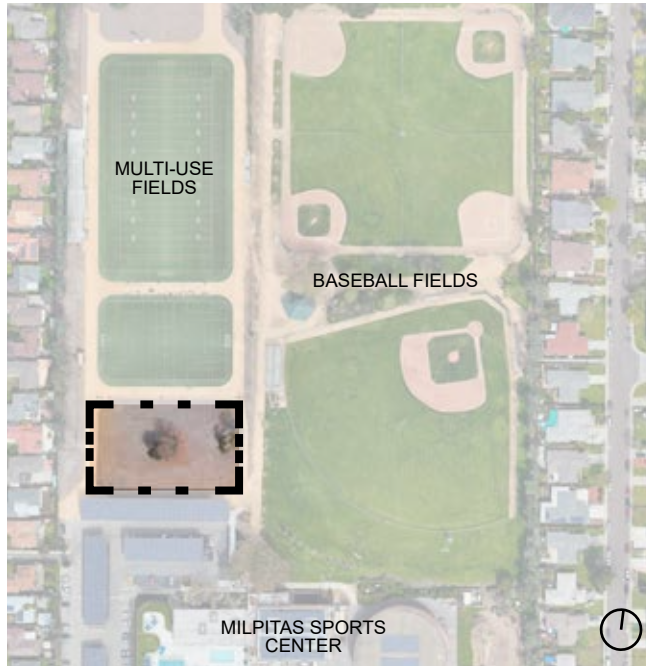
CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	3	EA	\$5,000.00	\$15,000
2	Bench	5	EA	\$3,000.00	\$15,000
3	Picnic Table	3	EA	\$4,000.00	\$12,000
4	Bike Rack	1	EA	\$2,500.00	\$2,500
5	Dog Waste Station	1	EA	\$1,500.00	\$1,500
6	Fitness Stations (Including Surfacing & Curb)	10	EA	\$10,000.00	\$100,000
7	Park Rule Sign Replacement	1	LS	\$2,000.00	\$2,000
8	Swing Repair	1	LS	\$10,000.00	\$10,000
9	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$130,000.00	\$130,000
	SUBTOTAL Short Term Park Improvements				\$288,000
	Soft Costs (Administration, Inspection) - 30%				\$86,400
	Short Term Repairs & Upgrades TOTAL				\$ 375,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	80,000	SF	\$5.00	\$400,000
2	Pave Walking Path (9' Wide, 4" Concrete over 6" CL II AB)	20,000	SF	\$16.00	\$320,000
3	Pedestrian Lighting	1	LS	\$150,000.00	\$150,000
4	Large Shade Structure	1	LS	\$130,000.00	\$130,000
5	Community Garden (1/8 Acre)	1	LS	\$150,000.00	\$150,000
6	Play Structure	10,000	SF	\$70.00	\$700,000
7	Rubber Safety Surfacing	10,000	SF	\$30.00	\$300,000
8	Pave Pincinc Areas (Concrete)	3,000	SF	\$16.00	\$48,000
9	Right of Way Improvement	1	LS	\$100,000.00	\$100,000
10	Site Furnishing	1	LS	\$150,000.00	\$150,000
11	Concrete Pickleball Courts with Acrylic Surfacing	12,000	SF	\$20.00	\$240,000
12	Pickleball Standards	6	EA	\$3,500.00	\$21,000
13	8' HT Chainlink Fence w/ Windscreen	450	LF	\$175.00	\$78,750
14	Drainage system	1	LS	\$150,000.00	\$150,000
15	Landscaping & Irrigation	4.0	Acres	\$75,000.00	\$300,000
	SUBTOTAL Long Term Park Improvements				\$3,237,750
	Mobilization - 15%				\$485,663
	Design & Construction Contingency - 30%				\$971,325
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$971,325
	Long Term Park Improvements TOTAL				\$ 5,667,000.00
	IMPROVEMENTS TOTAL				\$ 6,041,000.00
C.	Additional Features Annual Maintenance Cost				
1	Sports Courts Cleaning (Weekly)	18000	SF	\$0.12	\$ 2,200.00
	Annual Maintenance TOTAL				\$ 2,200.00

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CHAPTER 5: GOALS AND RECOMMENDATIONS



SKATEPARK

Milpitas Sports Center Complex

Type: Special Use Park

Size: 1.23 acres

Construction Date: 2020

PARK OVERVIEW

The Milpitas Skatepark is located in the Milpitas Sports Center Complex, south of the multi-use fields.

This completely ADA-accessible all-wheel facility is designed for users of all ages and levels of experience. The park includes observation areas, a group event area, art features and a fully skateable landscaped areas.



Image courtesy of Verde Design Landscape Architecture



RECOMMENDED IMPROVEMENTS

No improvements are recommended at the time of this document.

CHAPTER 5: GOALS AND RECOMMENDATIONS



STARLITE PARK

N. Abbott Ave. and Rudyard Dr.

Type: Neighborhood Park

Size: 3.44 acres

Construction Date: 1963

PARK OVERVIEW

Starlite Park, located across the street from Anthony Spangler Elementary School, provides passive recreation amenities for the surrounding neighborhood.

The park is divided into two main areas with a play area and public restroom on the north side, and a group picnic area to the south. The center of the park features a large passive use lawn and an underutilized horseshoe pit. A public art piece is showcased at the northeast entrance.

All amenities, play structures, paths and facilities at this site are aging and in poor condition, and no ADA-accessible amenities are provided. The play structures are outdated and do not meet current safety codes. Aging eucalyptus trees pose a significant safety hazard. Pedestrian lighting is provided and in fair condition. A full renovation is recommended for this park.



EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

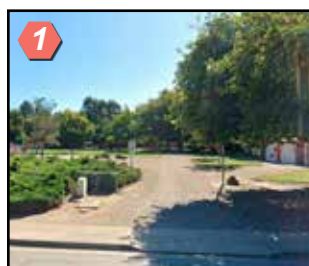
Site Furnishings

- 1 Amenities:** Six wood picnic tables and four barbeques are provided; all are in poor condition. All wood benches are in poor condition. There is a drinking fountain attached to the restroom, in poor condition. The art piece is in fair condition with some vandalism damage.
- 2 Play Area:** The play structure is in poor condition and poses a safety hazard. Outdated design presents fall hazards. Immediate replacement is recommended.
- 3 Signage:** Park entry sign and park rules sign are in good condition.



Accessibility

- 1 Pathways:** All gravel paths are in poor condition. Paths exceed accessible slopes in many places, uneven surfaces cause drainage issues throughout the park.
- 2 Furnishings:** No ADA-accessible furnishings are provided.
- 3 Play Areas:** No accessible equipment is provided. Sand surfacing is not accessible,. There is no ramp into the play area.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Most areas are bare of planting, and there is no landscape mulch. Raised planters are empty.
- 2 Turf:** Turf is in good condition.
- 3 Trees:** All trees need extensive pruning. Aging eucalyptus trees over the picnic area pose an immediate safety hazard.
- Lighting:** The park lacks adequate security lighting.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.
- Restroom:** Restroom is in fair condition. See Facility Condition Assessment for further information.¹



1. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS

Short Term Improvement

- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Replace benches, place on concrete pads to ensure accessibility.
- Replace bike rack.
- Repair park rules sign.
- Repair Art piece from vandalism.
- Conduct tree survey by certified arborist to identify and remove hazardous trees.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.¹
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add pump track: Add compacted soil pump track with beginner and advanced tracks, bike racks, bike stations, seating and perimeter fencing. Add safety and regulatory signage.
- Update picnic area: Pave picnic areas with concrete and add overhead shade structure where trees do not provide shade. Provide trash recycle and ash receptacles.
- Remove horseshoe pits and replace with small picnic area.
- Replace all gravel paths with 9' wide concrete paths
- Replace pedestrian lighting
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at all park entrances, provide bollards. Restripe crosswalk striping, expand sidewalk and repair curb and gutter as needed.

¹. See Appendix D: Facility Condition Assessment

PROPOSED IMPROVEMENTS SITE PLAN



LEGEND

Bench (11)	BBQ (5)	Restroom
Picnic Table (10)	Bike Rack (2)	
Entry Sign (1)	Art (1)	
Park Rules Sign (2)	Drinking Fountain (1)	

CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	BBQ & Ash Receptacle	4	EA	\$5,000.00	\$20,000
2	Bench	9	EA	\$3,000.00	\$27,000
3	Picnic Table	6	EA	\$4,000.00	\$24,000
4	Bike Rack	1	EA	\$2,500.00	\$2,500
5	Repair signage	1	LS	\$2,000.00	\$2,000
6	Repair Art Piece from Vandalism	1	LS	\$10,000.00	\$10,000
7	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$131,000.00	\$131,000
8	Conduct Tree Survey & Maintenance Allowance	1	LS	\$100,000.00	\$100,000
	SUBTOTAL Short Term Park Improvements				\$316,500
	Soft Costs (Administration, Inspection) - 30%				\$94,950
Short Term Repairs & Upgrades TOTAL					\$ 412,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	65,000	SF	\$5.00	\$325,000
2	Drainage	1	LS	\$125,000.00	\$125,000
3	Pave Walking Path (9' Wide, 4" Concrete over 6" CL II AB)	12,000	SF	\$16.00	\$192,000
4	Pedestrian Lighting Replacement	1	LS	\$150,000.00	\$150,000
5	Site Furnishing	1	LS	\$150,000.00	\$150,000
6	Landscape and Irrigation	3	Acres	\$75,000.00	\$225,000
7	Right of Way Improvement	1	LS	\$100,000.00	\$100,000
8	Pave Pincinc Areas (Concrete)	10,000	SF	\$16.00	\$160,000
9	Play Structure	6,000	SF	\$70.00	\$420,000
10	Rubberized Safety Surfacing	6,000	SF	\$30.00	\$180,000
11	Large Shade Structure	1	LS	\$130,000.00	\$130,000
12	Pump Track	1	LS	\$150,000.00	\$150,000
13	Drinking Fountain	1	EA	\$10,000.00	\$10,000
	SUBTOTAL Long Term Park Improvements				\$2,317,000
	Mobilization - 15%				\$347,550
	Design & Construction Contingency - 30%				\$695,100
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$695,100
Long Term Park Improvements TOTAL					\$ 4,055,000.00
IMPROVEMENTS TOTAL					\$ 4,467,000.00
C.	Additional Features Annual Maintenance Cost				
1	Pump track maintenance	65000	SF	\$0.15	\$ 9,800.00
Annual Maintenance TOTAL					\$ 9,800.00

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STRICKROTH PARK (HENRY)

Martil Way and Gemma Dr.

Type: Neighborhood Park

Size: 4.87

Construction Date: 1974

PARK OVERVIEW

Stickroth Park is a large neighborhood park providing a variety of passive and active use facilities. It includes a small picnic area at the north end, two playgrounds for ages 2-5 and 5-12, and a large turf field used for baseball and soccer games. The park is lit by dual street lighting, however no pedestrian lighting is provided at the interior of the park. No restroom is provided. The park requires renovation due to a lack of ADA-accessible amenities, play elements, benches, lighting and restrooms.



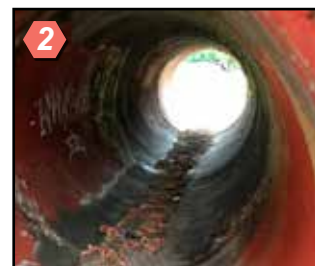
EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenities:** Two picnic tables, two barbecues, one bike rack and a drinking fountain are provided. All site furnishings are in poor condition.
- 2 Play Area:** The main play structures are in poor condition. The hillside tunnel is in poor condition, posing safety hazards. With no safety handrails or poured in place surfacing below, the bridge above the tunnel presents a fall hazard. The interior of the tunnel is heavily rusted.
- Signage:** Park entry sign and two park rules signs are in poor condition.



Accessibility

- 1 Pathways:** Asphalt paths are in fair condition. Slopes are compliant with current code. The decomposed granite picnic area is not accessible.
- 2 Play Areas:** No accessible equipment is provided. Sand surfacing is not accessible, and there is no ramp into the play area.
- Furnishings:** No ADA-accessible furnishings are provided.



EXISTING SITE ASSESSMENT

Landscaping & Maintenance

- 1 Landscape Planting:** Most areas are bare of planting, and there is no landscape mulch. Tree planters at the sidewalk are empty.
- 2 Turf:** Turf is in good condition.
- 3 Trees:** All trees need extensive pruning. Aging pine trees pose an immediate safety hazard.
- Lighting:** The park lacks adequate security lighting.
- Irrigation:** This site is on the City's centralized irrigation system using reclaimed water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Refurbish hill tunnel play feature: Add safety surfacing and safety railings at bridge. Repaint tunnel interior and remove all rust and jagged edges.
- Replace bike rack.
- Repair park rules sign.
- Replace dog waste station
- Replace drinking fountain
- Replace ornamental metal fencing at play area
- Conduct tree survey by certified arborist to identify pruning and removal of hazardous trees.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add cricket pitch: Add cricket pitch infield and close infield striping.
- Add parking lot with at least 20 car capacity, accessed off Corinthia Dr.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing at north play area with Milpitas standard ornamental metal fencing. Include integrated shade structures.
- Update picnic area: Pave picnic areas with concrete and add overhead shade structure where existing tree canopies do not provide shade. Provide trash/recycle and ash receptacles.
- Replace all asphalt and decomposed granite paths with 9' wide concrete paths.
- Regrade and improve drainage where necessary.
- Add pedestrian lighting.
- Add single stall restroom
- Add benches, place on concrete pads.
- Replace baseball backstop.
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at all park entrances, provide bollards. Restripe crosswalk striping, expand sidewalk and repair curb and gutter as needed.

PROPOSED IMPROVEMENTS SITE PLAN



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Drinking Fountain	1	EA	\$10,000.00	\$10,000
2	Dog Waste Station	1	EA	\$1,500.00	\$1,500
3	BBQ & Ash Receptacle	2	EA	\$5,000.00	\$10,000
4	Picnic Table	2	EA	\$4,000.00	\$8,000
5	Signage Repair	1	LS	\$2,000.00	\$2,000
6	Metal Fencing Repair	1	LS	\$5,000.00	\$5,000
7	Refurbish Hill Tunnel	1	LS	\$50,000.00	\$50,000
8	Conduct tree survey and maintenance (allowance)	1	LS	\$25,000.00	\$25,000
	SUBTOTAL Short Term Park Improvements				\$111,500
	Soft Costs (Administration, Inspection) - 30%				\$33,450
Short Term Repairs & Upgrades TOTAL					\$ 145,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	40,000	SF	\$5.00	\$200,000
2	Parking Lot (3.5" AC over 14.5" CL II AB)	8,500	SF	\$12.50	\$106,250
3	Pave Walking Path (9' Wide, 4" Concrete over 6" CL II AB)	12,600	SF	\$16.00	\$201,600
4	Drainage	1	LS	\$125,000.00	\$125,000
5	Pedestrian Lighting	1	LS	\$150,000.00	\$150,000
6	Cricket Pitch (Full Striping - Sod Lawn)	1	LS	\$200,000.00	\$200,000
7	Prefabricated Restroom (Single Stall)	1	LS	\$200,000.00	\$200,000
8	Utilities for New Restroom (Water, Sewer, Electrical)	1	LS	\$100,000.00	\$100,000
9	Entry Sign (City Standard)	3	EA	\$5,000.00	\$15,000
10	Play Structure	8,000	LS	\$70.00	\$560,000
11	Rubber Safety Surfacing	8,000	SF	\$30.00	\$240,000
12	Pave Pincine Areas (Concrete)	5,000	SF	\$16.00	\$80,000
13	Backstop (10' Wide)	1	EA	\$75,000.00	\$75,000
14	Site Furnishing	1	LS	\$150,000.00	\$150,000
15	Landscape and Irrigation	5	Acres	\$75,000.00	\$365,250
16	Right of Way Improvement	1	LS	\$150,000.00	\$150,000
	SUBTOTAL Long Term Park Improvements				\$2,918,100
	Mobilization - 15%				\$437,715
	Design & Construction Contingency - 30%				\$875,430
	Soft Costs (Design, Administration, Inspection, Permitting) - 30%				\$875,430
Long Term Park Improvements TOTAL					\$ 5,107,000.00
IMPROVEMENTS TOTAL					\$ 5,252,000.00
C.	Additional Features Annual Maintenance Cost				
	Parking lot cleaning (Weekly)	8500	SF	\$0.12	\$ 1,100.00
	Athletic field maintenance (Daily/Weekly)	50000	SF	\$0.25	\$ 12,500.00
Annual Maintenance TOTAL					\$ 13,600.00

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TOM EVATT PARK

South Abel St. and Machado Ave.

Type: Neighborhood Park

Size: 4.42

Construction Date: 2007

PARK OVERVIEW

Tom Evatt Park was constructed in 2007 as part of the Midtown Redevelopment area. It extends from Hammond Way on the east end to Thompson Court on the west, and crosses South Abel St. and South Main St. It is adjacent to John McDermott Park. There are an 8-stall parking lot with one ADA accessible stall on Thompson Ct. and an approximately 12' high sound wall along Machado Ave.

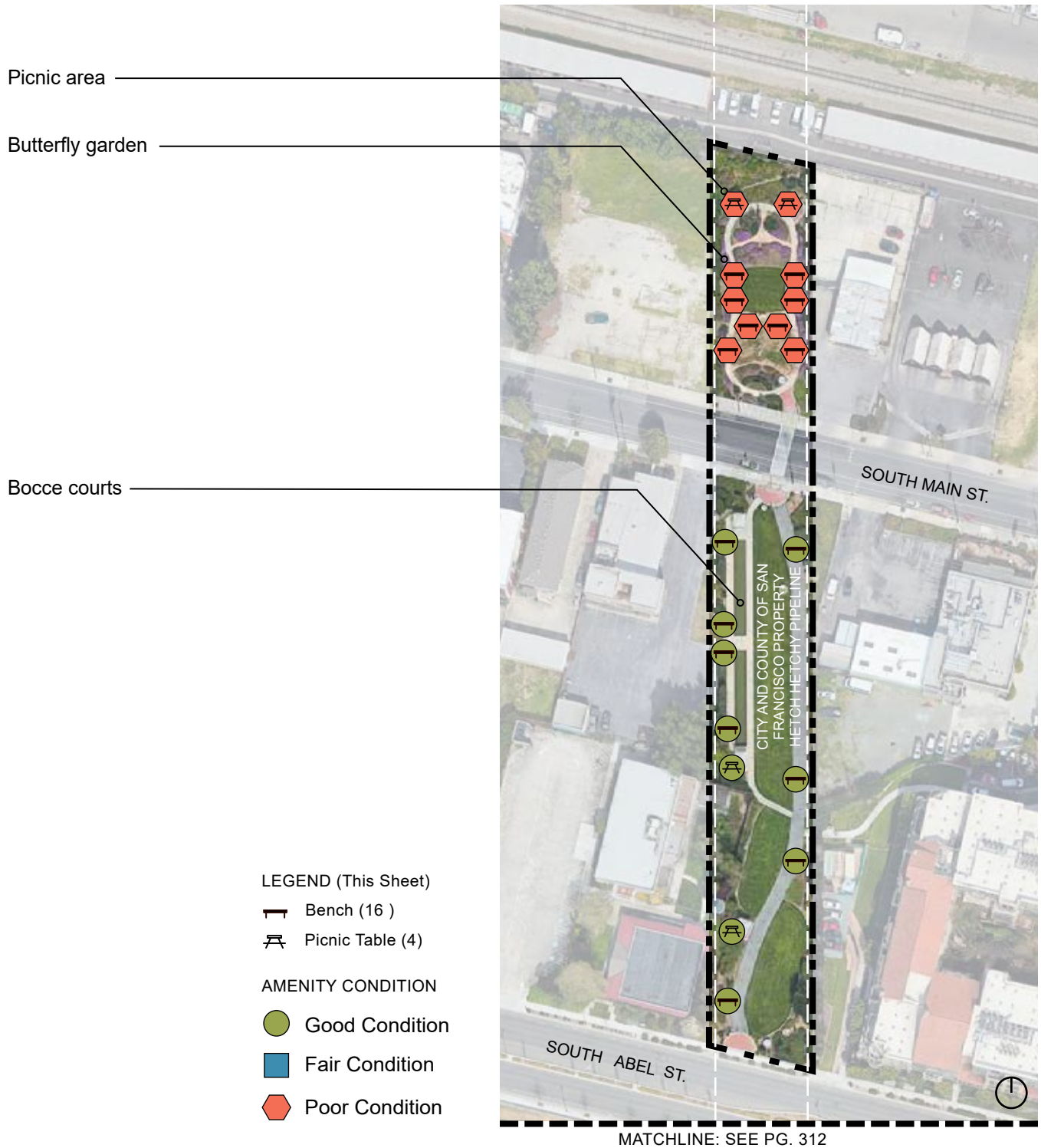
The east end of the park contains the activity center, with two tennis courts, two half basketball courts, a playground and a picnic area. A greenbelt and walking trail connects to picnic areas along South Abel Street. The central portion of the park between South Abel Street. and South Main Street has two underutilized bocce courts and seating. The eastern portion of the site across from South Main Street is a butterfly garden with seating and picnic areas.

The butterfly garden is overgrown with planting and site furnishings are in poor condition. The central and western portions of the site are relatively new and in good condition.

The entirety of the park lies within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this area require a permit from the SFPUC.



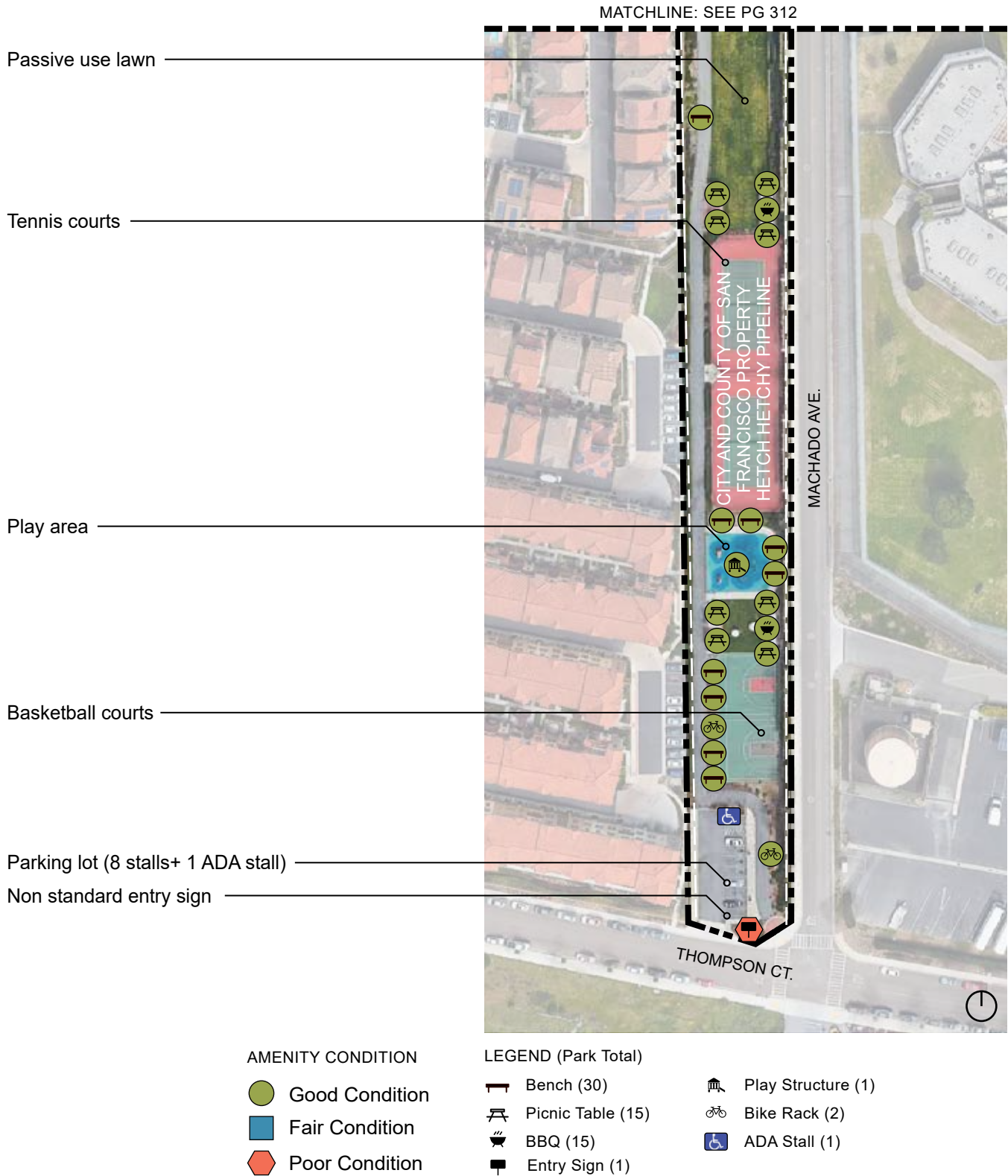
EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT



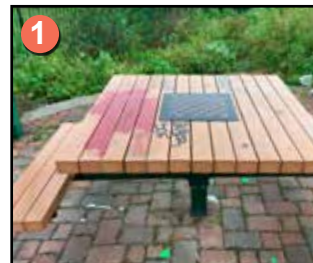
EXISTING SITE ASSESSMENT



EXISTING SITE ASSESSMENT

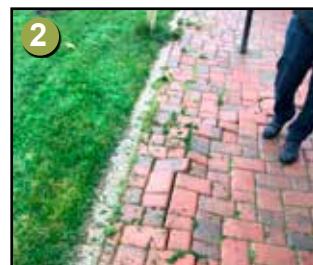
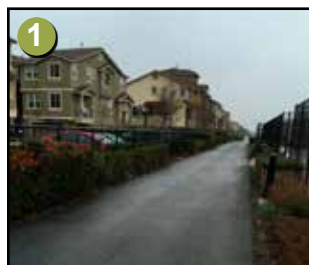
Site Furnishings

- 1 Amenities:** Sixteen picnic tables, eleven with shade structures, four barbecues, two drinking fountains and thirty benches are provided throughout the park. All site amenities are in good condition with the exception of the butterfly garden at the east end of the park.
- 2 Play Area:** The play equipment is in good condition. There are minor issues with the rubberized grips on climbing elements.
- Signage:** Park signage is adequate and in good condition.



Accessibility

- 1 Pathways:** Asphalt paths are in good condition. Slopes are compliant with current code. The pavers at all picnic areas are heaving and settling, creating uneven surfaces.
- 2 Play Areas:** Accessible play equipment is provided.
- Furnishings:** Accessible tables, benches and drinking fountains are provided.



EXISTING SITE ASSESSMENT

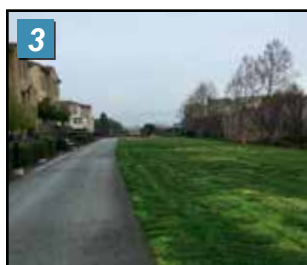
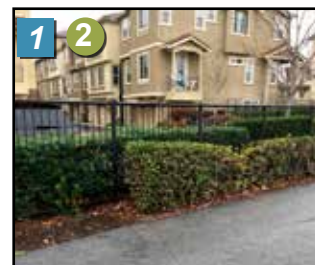
Sports Facilities

- 1 Tennis Courts:** Two tennis courts are provided at the west end of the park. Both are in good condition.
- 2 Basketball Courts:** Two half basketball courts are provided at the west end of the park. Both are in good condition.
- 3 Bocce Courts:** Two bocce courts are provided between South Abel Street and South Main Street. Both are in poor condition and underutilized.



Landscaping & Maintenance

- 1 Planting:** The butterfly garden east of South Main Street is heavily overgrown, weeds are prevalent and planting is encroaching on pathways
- 1 Site planting is in fair condition** between Thompson Court and South Main Street.
- 2 Fencing:** Ornamental metal fencing delineates public and private property. All fencing is in good condition.
- 3 Turf:** The park is primarily a linear turf lawn with asphalt paths providing access. The turf is in fair condition. Some areas directly south of South Main Street are patched with multiple different types of grass.
- Irrigation:** This site is on the City's centralized irrigation system using potable water.



PROPOSED IMPROVEMENTS

Short Term Improvement

- Update Playground: Replace safety surfacing. Remove the Diagonal Saucer Rope Climber and Rocking Seat equipment per the Milpitas Playground rehabilitation project.¹
- Replant: Replant Butterfly Garden with California Native butterfly planting such as Buckwheat, Yarrow, Mimulus, and Milkweed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed.
- Replace all sod at Butterfly Garden
- Replace all benches and picnic tables at butterfly garden with Milpitas standard
- Refurbish bocce ball courts: Remove weeds from artificial turf surfacing, replace where necessary. Replace court sidewalls.
- Replace all pedestrian pavers with color patterned stamped concrete
- Replace entry signs with Milpitas Standard
- Remove graffiti throughout site
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- No long term improvements proposed at the time of this document.

¹. See Appendix F: Milpitas Playground Rehabilitation Project

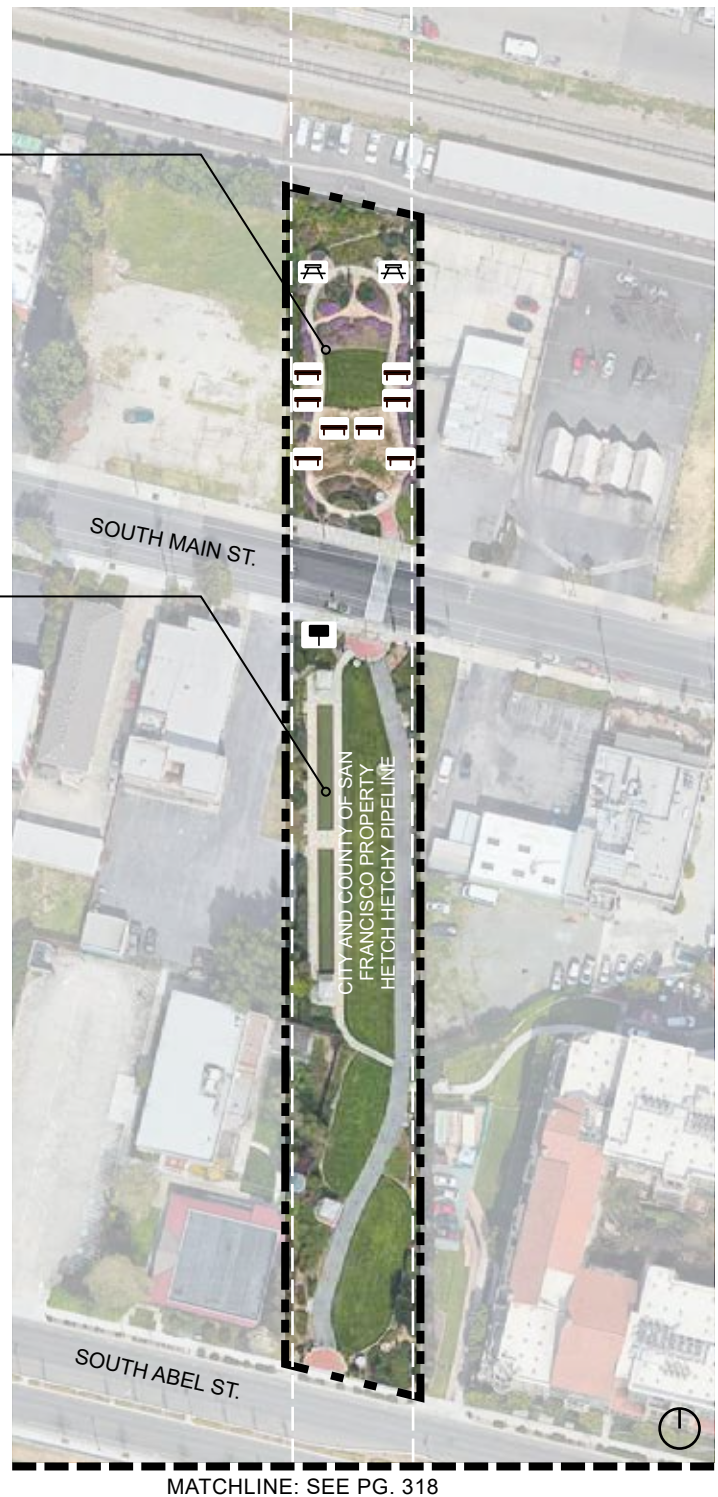
PROPOSED IMPROVEMENTS SITE PLAN

Replant butterfly garden and
replace sod at garden

Refurbish bocce ball courts

LEGEND (This Sheet)

-  Bench (8)
-  Picnic Table (2)
-  Entry Sign (1)



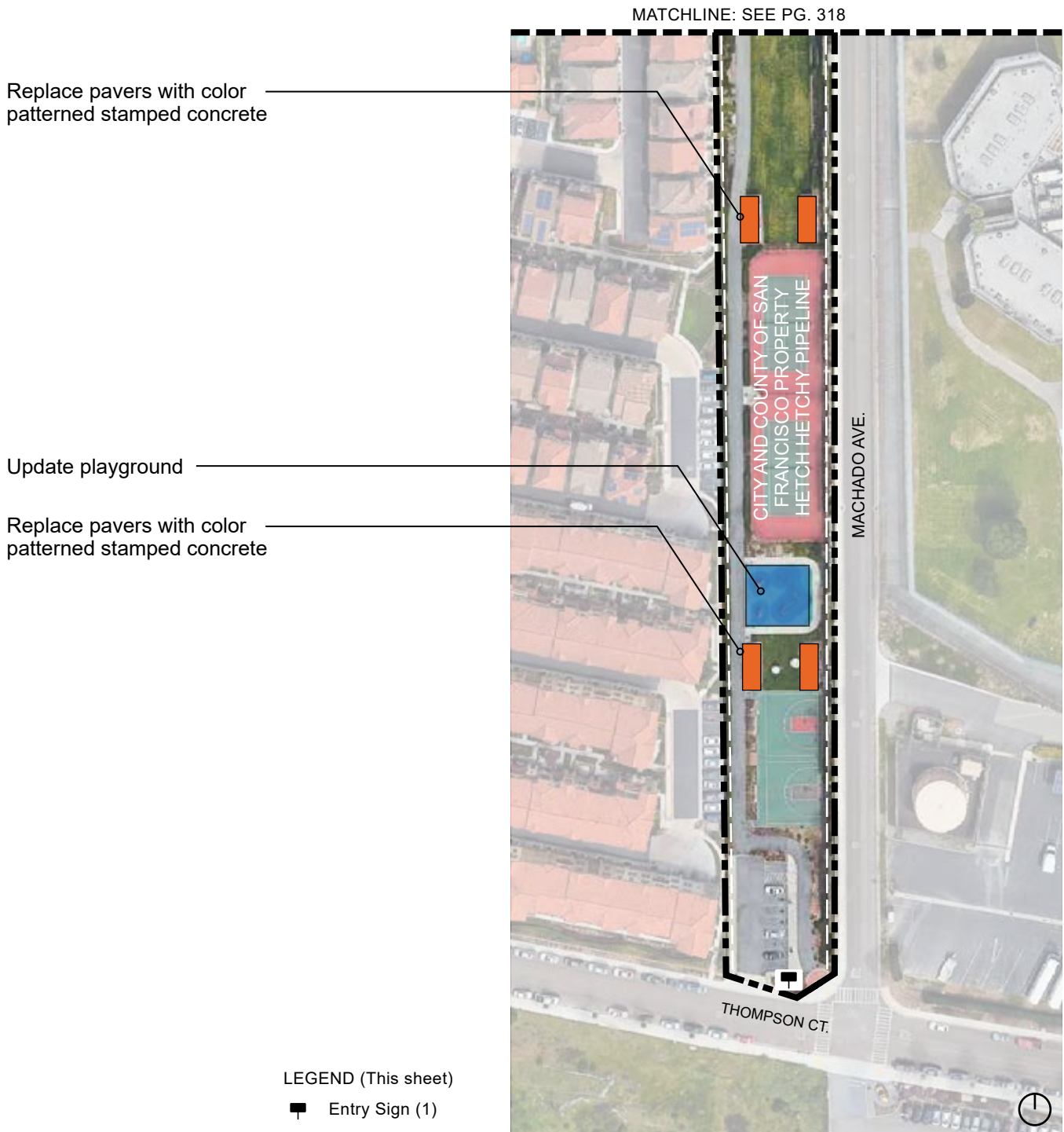
CHAPTER 5: GOALS AND RECOMMENDATIONS

PROPOSED IMPROVEMENTS SITE PLAN (CONT.)

Replace pavers with color
patterned stamped concrete



PROPOSED IMPROVEMENTS SITE PLAN (CONT.)



CHAPTER 5: GOALS AND RECOMMENDATIONS

IMPROVEMENTS COST

	Item	Quantity		Unit Cost	Subtotal
A.	Short Term Repairs & Upgrades				
1	Entry Sign (City Standard)	2	EA	\$5,000.00	\$10,000
2	BBQ & Ash Receptacle	7	EA	\$5,000.00	\$35,000
3	Bench	5	EA	\$3,000.00	\$15,000
4	Dog Waste Station	1	EA	\$1,500.00	\$1,500
5	Picnic Table	9	EA	\$4,000.00	\$36,000
6	Refrubish Restroom (Refer to Facility Condition Assessment)	1	LS	\$109,000.00	\$109,000
7	Repair fencing at playground area	1	LS	\$5,000.00	\$5,000
8	Playground Equipement & Surface Repairs	1	LS	\$286,112.00	\$286,112
	SUBTOTAL Short Term Park Improvements				\$497,612
	Soft Costs (Administration, Inspection) - 30%				\$149,284
	Short Term Repairs & Upgrades TOTAL				\$ 647,000.00
B.	Long Term Park Improvements				
1	Demolition & Grading	70,000	SF	\$5.00	\$350,000
2	Pave Walking Path (9' Wide, 4" Concrete over 6" CL II AB)	14,000	SF	\$16.00	\$224,000
3	Event Space (4" Concrete over 6" CL II AB)	7,500	SF	\$16.00	\$120,000
4	Parking Lot (3.5" AC over 14.5" CL II AB)	8,500	SF	\$12.50	\$106,250
5	Drainage	1	LS	\$125,000.00	\$125,000
6	Replace Pedestrian Lighting	1	LS	\$150,000.00	\$150,000
7	Site furnishing	1	LS	\$100,000.00	\$100,000

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CHAPTER 5: GOALS AND RECOMMENDATIONS

ALVISO ADOBE

2087 Alviso Adobe Ct.

Type: Historic Building
Size: 2,200 SF
Construction Date: 1835
Latest Renovation: 2021
Parking: 2 ADA parking stalls
5 standard stalls

OVERVIEW

The Alviso Adobe was built in 1835 by Jose Maria de Jesus Alviso. The site was originally used for cattle ranching and crops. Since its construction the Adobe and surrounding buildings have gone through extensive changes. In 1853 the second story was added, and in 1922 the property was acquired by the Cuciz family who planted orchards, built a water tank house, a barn, carriage shed, and many other improvements. The City of Milpitas acquired the property in 1996 and many of these historic artifacts have been preserved or reconstructed on site for the public to see.

Today, tours of the Alviso Adobe are provided, showcasing the original adobe walls from 1830, framing, doors and windows from 1853 and a mostly intact 1920's kitchen. The surrounding park contains the outbuildings and artifacts from the Adobe's history.

PROGRAMS:

- Guided tours

FACILITIES:

Facility	Description
Historic Building	Historic Adobe open for guided tours
Restroom	Detached restroom



JOSE HIGUERA ADOBE

Wessex Pl.

Type: Historic Building

Size: 3,000 SF

Construction Date: ~1828 -

Latest Renovation: 2003

Parking: 2 ADA parking stalls
19 standard stalls

OVERVIEW

Jose Higuera Adobe was built around 1828 by José Higuera after being granted the land by Pablo Vicente de Sola, the last Spanish governor of California. The fig, pepper and olive trees surrounding the Adobe are historic, planted by José Higuera in the 1830s. The building on site now is a facade built in the 1960's to protect the ruins of the old adobe.

The dark redwood building, now home to the Higuera Adobe Park caretaker, dates from the 1850s. This downstairs was used as a saloon and some say the structure was a gambling hall and some still refer to it as the "Casino." The timbers are the original unpainted, old growth redwood. It is one of the oldest wooden residences in the state. Since the City took ownership of the building, it has not been opened to the public. Repairs to the structure's roof have been made to preserve the building approximately 10 to 15 years ago. There have been past discussion to restore and renovate the building for public tours or other purposes.

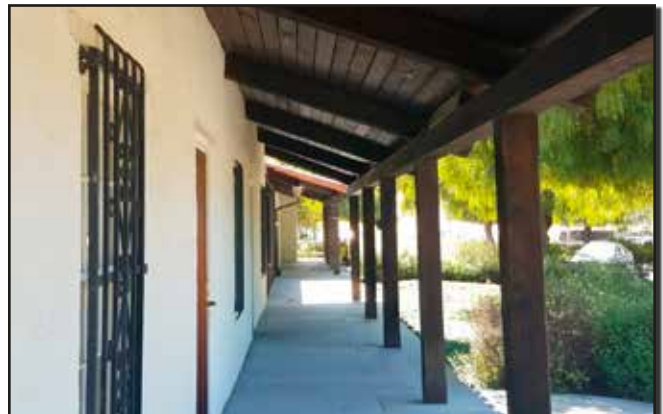
The City acquired the property in the 1970's and added a kitchen and indoor restrooms. Following the Loma Prieta earthquake extensive reconstruction was needed. In 1993 the City built public restrooms adjoining the kitchen. Today there are historic exhibits that can be visited by the public.

PROGRAMS:

- Facility rentals
- Summer camps

FACILITIES:

Facility	Description
Auditorium	The main building can be rented for gatherings of up to 50 people
Picnic Area	The shaded picnic area behind the Adobe can be rented
Kitchen	Used for events
Restroom	Indoor restroom



CHAPTER 5: GOALS AND RECOMMENDATIONS

MILPITAS COMMUNITY CENTER

1325 E. Calaveras Blvd.

Type: Community Center

Size: 24,000 SF

Construction Date: 2010

Parking: 3 ADA parking stalls
116 standard stalls

OVERVIEW

The Milpitas Community Center serves as the Milpitas Recreation and Community Services Department’s headquarters and the site of many of our classes and programs including Pre-K, youth enrichment, Milpitas Community Theatre, Phantom Art Gallery and special events. Built in 1982, the Community Center’s amenities include a large auditorium with a raised stage and adjacent kitchen, a dance studio, meeting room, and classrooms. The auditorium and classrooms are available for rent to hold family events, club activities and other community events. The Community Center shares its beautiful park-like grounds with City Hall and the Barbara Lee Senior Center. Outdoor amenities include a pond surrounded by a walking path, Veteran and Cesar Chavez Plaza and a small amphitheater.

PROGRAMS:

- Pre-K learning
- Teen education programs
- Art workshops
- Music classes
- Dance classes
- Martial arts classes
- Yoga classes
- Theatre productions
- Summer camps
- Cultural events

FACILITIES:

Facility	Description
Auditorium	300-person capacity auditorium with stage
Dance studio	20-person capacity dance studio
Conference room	40-person capacity conference room
Civic Center Plaza	Shaded lawn area and amphitheater
Kitchen	Kitchen accessible to caterers during private and public events



BARBARA LEE SENIOR CENTER

40 N. Milpitas Blvd.

Type: Senior Center

Size: 22,000 SF

Construction Date: 2009

Parking: 8 ADA parking stalls
98 standard stalls

OVERVIEW

The Barbara Lee Senior Center provides programs and classes for seniors in Milpitas as well as hosting a teen center for the City's youth.

The facility has a main community room/auditorium, a game room, classrooms, an art room, an exercise room and a fitness center. There is also a coffee and snack bar lounge area.

The original structure was a library constructed in 1983. The library was moved to the current location on Main Street, and the original building was renovated and improved for a new Senior Center.

SENIOR PROGRAMS:

- Case management services
- Lunch program
- Legal and financial assistance
- Senior outings
- Dance classes
- Yoga classes
- Art classes
- Music classes
- Arts and crafts
- Bingo
- Book club

TEEN CENTER PROGRAMS:

- Dance classes
- Fitness classes
- Cooking workshops
- Service projects
- Homework center
- Game rooms
- Movie days
- Outdoor outings
- Mental health services
- Video game tournaments

FACILITIES:

Facility	Description
Auditorium	399-person capacity multi-purpose auditorium
Classrooms (3)	102-person capacity total
Game room	30-person capacity pool and ping pong room
Snack bar	Small lounge area with coffee and snacks for sale
Kitchen	Kitchen for lunch program and private events



CHAPTER 5: GOALS AND RECOMMENDATIONS

MILPITAS SPORTS CENTER COMPLEX

1325 E. Calaveras Blvd.

Type: Sports Center

Size: 39,700 SF

Construction Date: 1999

Latest Renovation: 2015

Parking: 9 ADA parking stalls
187 standard stalls

OVERVIEW

The Milpitas Sports Center contains a 33-piece fitness center, three pools, two dance/aerobic studios, locker rooms and a snack area.

The Sports Center offers fitness classes, personal trainers and organized adult sports leagues.

PROGRAMS:

- Parent/Child basketball classes
- Youth basketball clinics and scrimmages
- Futsol
- Dance classes
- Martial arts classes
- Yoga classes
- Leadership academy
- Lifeguard training
- Adult swim classes

FACILITIES:

Facility	Description
• Gym	600-person capacity basketball gym with bleachers
• Fitness center	34-person capacity fitness center with cardio machines, weight training machines, and freeweights
• Dance studios (2)	Two 40-person capacity dance rooms with sound systems and equipment storage
• Training pool	Shallow 20-person capacity pool

FACILITIES:

Facility	Description
• 25 yard pool	160-person capacity lap pool
• 25 meter pool	180-person capacity lap pool
• Snack area	Snack and lounge area
• Locker rooms	Locker rooms for gym, dance and fitness facilities
• Pool lockers	Locker rooms for pool users
• Multi-purpose room	Used for yoga, dance, teen programs



SAL CRACOLICE RECREATION FACILITY

791 Garden Street

Type: Recreation Facility

Size: 6,442 SF

Construction Date: 2016

Parking: 3 ADA parking stalls
20 standard stalls

OVERVIEW

The Sal Cracolice Recreation Facility opened in May 2016. The building is located at Bob McGuire Park in the new urban Metro Plan area. Bob McGuire Park has two play grounds, picnic tables, outdoor amphitheater, and tennis courts. The building, picnic area, and amphitheater are separate facilities. The building has 4 available rooms to rent, the auditorium, conference room, and 2 classrooms; the outdoor amphitheater is also available to rent.

FACILITIES:

Facility	Description
• Auditorium	80-person capacity
• Conference Room	45-person capacity
• Classroom	20-person capacity
• Art Room	15-person capacity
• Outdoor Amphitheater	100-person capacity



CHAPTER 5: GOALS AND RECOMMENDATIONS

VETERAN MEMORIAL PLAZA

Located between Milpitas City Hall and Community Center

Size: 0.25 acres

OVERVIEW

Veterans Plaza is located between Milpitas City Hall and Community Center. Veterans Plaza was constructed in 2003 and is dedicated to remember and honor those who served in the U.S. Armed Forces. Veterans Plaza includes flags, monuments and public art dedicated to military casualties and veterans. It is primarily used for ceremonies, patriotic and memorial events.

The Plaza consists of 7 concrete monuments surrounded by well-maintained landscaping and several site furnishings including, 4 flag poles, 3 benches, 1 drinking fountain, 1 park sign, pedestrian lightings and trash receptacle, which are all in good condition.

RECOMMENDED MAINTENANCE SCHEDULE

The plaza is in good condition. On-going scheduled maintenance of the landscaping is recommended.



CESAR CHAVEZ PLAZA

Located between Milpitas Senior Center and Community Center

Size: 0.24 acres

OVERVIEW

Cesar Chavez Plaza is located between Milpitas Senior Center and Community Center. Cesar Chavez Plaza is the former Veterans Plaza, renamed in 2017 to honor labor leader and human rights activist Cesar Chavez. The Plaza is primarily used for ceremonies such as cultural flag raisings and performance events.

The Plaza consists of an open space lawn and concrete area surrounded by well-maintained landscaping and site furnishings including, dedication plaques, three flag poles, three benches, pedestrian lightings, public art, and trash receptacle which are all in good conditions.

RECOMMENDED MAINTENANCE SCHEDULE

The plaza is in good condition. On-going scheduled maintenance of the landscaping is recommended.



CHAPTER 5: GOALS AND RECOMMENDATIONS

CIVIC CENTER

Located between Milpitas City Hall, Senior Center, and Community Center

Size: 0.62 acres

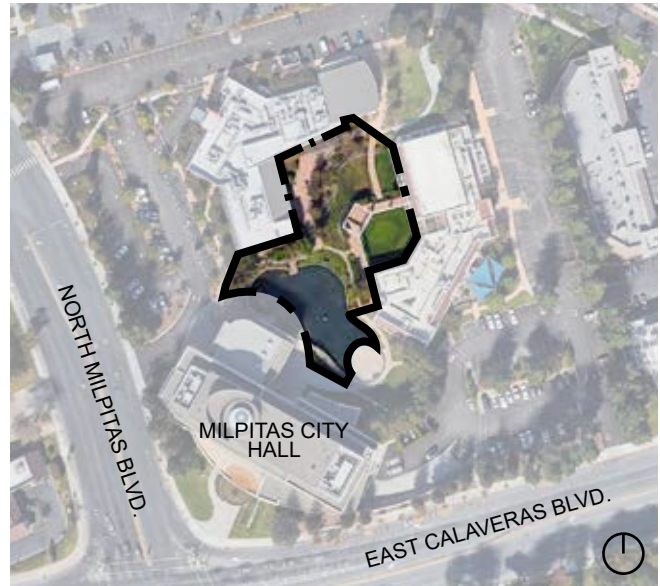
OVERVIEW

Civic Center is located between Milpitas City Hall, Senior Center and Community Center. Civic Center consist of a central pond, surrounded by a walking path and landscaping, and a small concrete performance area with lawn for seating. It is flanked by Veterans and Cesar Chavez Plazas. The Plaza is primarily used, in conjunction with the surrounding plazas and buildings, for larger special events, including an annual Tree Lighting event and Lunar New Year event.

The park consists looped walking path and landscaping that are well maintained

RECOMMENDED MAINTENANCE SCHEDULE

The plaza is in good condition. On-going scheduled maintenance of the landscaping is recommended.



JERRY ARNOLD PLAZA

Located at corner of Great Mall Parkway and A. Able Street

Size: 0.48 acres

Construction Date: 2013

OVERVIEW

Jerry Arnold Plaza is City-owned plaza, but maintained by the Lyon Milpitas, LLC. The plaza was design and constructed in 2013 by Lyon Milpitas, LLC as part of the agreement between the City of the Developer.

The Plaza consists of a water feature located in the center , 16 benches, 2 picnic tables, 1 drinking fountain, 11 park lighting and several trash receptacles. Majority of the site furnishing are in good to fair condition that require very minimum maintenance or repair. There are dozens of healthy mature trees located planted throughout the plaza that provides ample of shade for plaza visitors.

RECOMMENDED MAINTENANCE SCHEDULE

The plaza is in good condition, but a few park lightings require some repair. On-going scheduled maintenance of the landscaping is recommended.



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IMPLEMENTATION



Play Milpitas

6



OVERVIEW

This Master Plan is intended as a living document. With a 20-year time horizon, changes in circumstances, opportunities, resources and demand will evolve. This chapter provides criteria for evaluating project opportunities in order to prioritize use of resources. It also discusses various funding mechanisms that may be pursued to implement the recommended projects, and includes a table of estimated costs for improvements as of the time of this report.

IMPLEMENTATION

In order to provide a range of opportunities and increase the level of services for the City's park system, the following implementation strategies are recommended:

- Explore new funding sources to improve and maintain the City's park infrastructure
- Routinely rebuild and replace existing park facilities in need of repair
- Provide programming and community events to encourage more residents to visit City parks and public spaces
- Improve connections between parks through an integrated network of streets, sidewalks, and trails
- Work with other agencies such as the County, Milpitas Unified School District, City of San Jose and City of Fremont to provide new shared park and recreation opportunities such as expansion of the pedestrian trail system
- Expand the park system with privately owned and publicly accessible recreation areas through the development process

For all six implementation strategies, the Recreation and Community Services Department will seek opportunities to collaborate with partners and alternate providers to improve service levels for parks.

The COVID-19 pandemic has severely impacted anticipated City revenues and staff is forecasting a \$25 million shortfall over the next three fiscal years. To help offset these revenue losses, staff reviewed existing and proposal capital projects to ensure that funding be prioritized for essential and safety-oriented projects, and funding was reduced or eliminated for projects that could be delayed. The 2020-25 Capital Improvement Program (CIP) includes these cost savings in the amount of \$5.67 million for fiscal year 2020-21, helping to offset the

anticipated revenue losses to the General Fund.

ACTIVE PROJECTS

Active projects are those that have already begun construction. Milpitas is regularly implementing enhancements. These projects require continued investment in staff time, consulting fees or CIP funds until completed. Active projects include:

- McCandless Park (CIP 5102)
- Citywide Park Rehabilitation (CP 3424)
- Minor Sports Courts Rehabilitation (CP 5113)
- Sports Fields Turf Rehabilitation Program (CP 5108)
- Alviso Adobe Renovation (CP 5055)
- Lower Penitencia Creek Pedestrian Bridge (CP 2005)
- Metro Linear Trails (CP 2012)
- Trade Zone/Montague Park - North (CP 2013)

PENDING PROJECTS

Projects in the 'Pending' category are ready to move forward but require a funding source. For example, a pending project may be a park site with an approved master plan that is awaiting funding for the next design phase, or a project that has completed the design phase and awaiting CIP funding for construction. Currently pending is:

- Sandalwood Park Renovations (CP 5110)
- Milpitas Sport Center Master Plan Update (CP 5114)

FUTURE PROJECTS

These are projects that have not yet been started. They are awaiting a funding source to begin. New projects will likely be proposed during the lifespan of this document and will need to be added to this list.

- Cardoza Park Softball Fields Improvement
- Trade Zone / Montague Park - Central (CP 2023)
- Metro Subdistrict Park
- Metro Community Facility Building

PRIORITIZATION CRITERIA

Within the overall park system, prioritization of individual projects is critical to achieving the vision of ensuring that Milpitas has an accessible, equitable and sustainable system of parks and open spaces that maximizes the recreational opportunities available to all of the City's residents, workers and visitors.

Over the course of this Master Plan, Milpitas will determine which projects to move into the "Active" category. The criteria in this section will guide City Staff and elected officials in their decision making process, and will help to determine which projects make the best use of available resources.

The criteria below will help Milpitas determine how to prioritize resources when projects are considered to be moved from either the Future or Pending category to the Active category:

- **Funding availability:** Projects or initiatives for which Milpitas has identified capital and operating funding sources should be moved to active status as capacity allows. An additional consideration is whether the costs are one-time or recurring.

Multiple benefit projects or initiatives, those that advance the goals, projects, and directions of other City plans, often have more sources for funding.

- **Reduces operating costs or generates revenue:** Projects or initiatives that can create additional revenue, improve maintenance or operations efficiencies, and conserve water or reduce water usage should be given high priority to move forward.
- **Time-limited opportunity:** Opportunities arise, and often come with a time constraint, such as a property coming up for sale, a new residential or commercial development, or a project being completed by another department or agency. Time-limited opportunities should be leveraged.
- **Partnership potential:** Partnerships are an important aspect of Milpitas' approach to parks and recreation services. Those projects or initiatives with one or more partners who will help with implementation and/or ongoing operation should take precedence.
- **Quick win:** Some projects can be quickly implemented, demonstrating results to the community. Providing quick wins keeps staff and the community motivated and invested while longer term and more complicated projects are underway.



Photo courtesy of Facebook - Milpitas Recreation & Community Services

PRIORITY MATRIX

Within the overall park system, prioritization of individual projects is critical to achieving the vision and ensuring that Milpitas has an accessible, equitable and sustainable system of parks and open spaces that maximizes the recreational opportunities available to all of the City's residents, workers and visitors.

The Park and Recreation Master Plan Update establishes a Prioritization Matrix to guide City staff and elected officials in their decision making process and help determine which projects make the best use of available resources. The following criteria will help determine how to prioritize resources when funding is available.

The Matrix provides park by park prioritization based on current park health and safety, code compliance, amenities, and community needs and priority. The following is an explanation of the criteria and the scoring system used to determine the park priority. Parks that have the most points would be consider as highest priority to investment City resources.

- 1. User Groups Served:** Park features, site amenities and programing are used to determine the user groups that each park serves. The more diverse age groups the park serves, the higher the park is weighted in this category. There are four age-groups being categorized which are Children (2-12), Teens (13-19), Adults (18-55) and Seniors (55+). For each age-group the park serves, one point will be assigned. The maximum points for these criteria are four points.
- 2. Capacity:** This criteria is based on numbers of people a park can serve at a given time, park size, amenities provided and access. The greater capacity the park serves, the higher the park is weighted in this category. One point will be given for the capacity of less than 50, two points for the capacity between 50 and 200, and three points for the capacity greater than 200 people.

- 3. Condition:** This health and safety criteria is a based on the existing site assessment of the park in the Goals and Recommendations section of the Master Plan. The overall condition of the park will be classified into four categories: good, fair, poor and critical. Park in critical condition will receive 10 priority points, poor condition will receive 6 points, fair condition will receive 2 points, and good condition will receive zero points. Parks in poor to critical condition is a indicates the existing infrastructure is aging or outdate and needs immediate upgrades and/or renovation.
- 4. Accessibility:** This code complain criteria evaluates the accessibility of the park in three categories as follows. Parks receiving a greater number of points is less likely to be in complaint with ADA standards.
 - **Pathways:** Zero priority points will be assigned if all pathways are accessible; one point will be given if 50% of the pathways are accessible; and two points will be given if the site has no accessible paths of travel.
 - **Site Furnishings:** If the site provides adequate ADA accessible site furnishings such as benches and tables suitable for the park user capacity, zero points will be given. If the park provides 50% of the required amount of accessible furnishing by ADA standards, one point will be given. Two points will be given if the park provides no accessible furnishings.
 - **Play Equipment:** If the site provides adequate ADA accessible play equipment, surfacing, and path of travel to the play equipment, no point will be given. Two points will be assigned if nothing is in compliance. One point will be given for having either accessible play equipment or accessible path of travel to the play areas.
- 5. Community Wide Asset:** A community wide asset park is a park that serves and provides services to all Milpitas residents, not just the residents living in the neighborhood. Each park that meets this criteria will get one point. Milpitas Sports Center

and Dixon Landing Park are the two examples of the parks that fall into this category because of the amenities and programs it offers to community.

6. Community Priority: Community priority is calculated based on the number of responses or comments on a given park during the community outreach phase of the Master Planning process. Each park will be categorized as low, medium or high priority and will get one, two or four points respectively.

7. Latest Improvement: Parks that have never been renovated will receive more points than the one that have been recently updated/renovated. New parks or parks with major renovation in the past 15 years will get zero point. One point will be assigned if there are some maintenance improvement happens in the last 15 years. Parks without any maintenance or improvement in the last 15 years will be given two points.

8. Recommended Improvement Time Frame: Based on community priority, park and facility condition, ages and its latest improvement timeline, a long-term improvement with a complete design and renovation for each park is recommended and categorized into three target time frames:

- **1-5 years:** Parks recommended to be improved within this time frame are parks that are in disrepair, no longer provide the same level of service as originally designed or have not had any major improvements in the last 20+ years. These parks do not provide ADA accessible path, play equipment or path of travel, and do not have enough ADA compliance amenities to serve the community. Four priority points will be assigned for parks in this category.
- **6-20 years:** Parks recommended to be improved within this time frame are parks that have been improved or renovated within the last 20 years but are still in need of upgrades due to aging infrastructure or outdated site furnishing. These parks generally serve their purposes, but require

preventative maintenance. They provide some ADA accessible amenities and paths of travel. Two priority points will be assigned for parks in this category.

- **20+ years:** Parks recommended to be improved within this time frame are parks that have major renovations within the last 10 years and do not require any renovations. These parks provide modern accessible amenities, paths of travel and a high level of service to their communities. One priority point will be assigned for parks in this category.

CHAPTER 6: IMPLEMENTATION

PRIORITY MATRIX

FACILITY / ELEMENT	PARK SIZE	PRIORITY	USER GROUP(S) SERVED				CAPACITY			CONDITION			
			CHILDREN 2-12	TEENS 13-19	ADULTS 18-55	SENIORS 55+	< 50	50-200	>200	Good	Fair	Poor	Critical
Priority	Acres		1	1	1	1	1	2	3	0	2	6	10
Sandalwood Park (N)	3.88	31	1	1	1	0	0	2	0	0	0	0	10
Sinnott (N)	4.67	31	1	1	1	1	0	2	0	0	0	0	10
Strickroth (N)	4.87	31	1	1	1	1	0	2	0	0	0	0	10
Starlite Park (N)	3.44	30	1	1	1	1	0	2	0	0	0	0	10
Murphy Park (N)	8.30	25	1	1	1	1	0	2	0	0	0	6	0
Sunnyhills Albert Augustine Jr. Park (N)	6.20	25	1	1	1	1	0	2	0	0	0	6	0
Robert E Browne (N)	4.93	24	0	1	1	1	0	2	0	0	0	6	0
Foothill (N)	3.98	24	1	1	1	0	0	2	0	0	0	6	0
Ben Rogers Park (N)	8.66	24	1	1	1	0	0	2	0	0	0	6	0
Parc Metro West (U)	0.98	22	1	1	1	1	0	2	0	0	0	6	0
Hidden Lake Park (N)	6.57	22	0	1	1	1	0	2	0	0	0	6	0
Oliver Jones Memorial (N)	4.93	22	1	1	1	1	1	0	0	0	0	6	0
Peter Gill (N)	8.16	21	1	1	1	1	0	2	0	0	2	0	0
Milpitas Sports Center (C)	18.47	20	1	1	1	1	0	0	3	0	2	0	0
Hall memorial Park (N)	9.91	19	1	1	1	0	0	2	0	0	2	0	0
Cardoza Park (C)	10.15	17	1	1	1	1	0	0	3	0	2	0	0
Parc Metro East (U)	2.06	17	1	1	1	1	0	2	0	0	2	0	0
Hillcrest Park (N)	5.08	17	1	1	1	1	0	2	0	0	2	0	0
Dixon Landing (C)	11.40	16	1	1	1	0	0	0	3	0	2	0	0
Parc Metro Central (U)	0.58	15	1	1	1	1	1	0	0	0	2	0	0
Milpitas Dog Park (S)	1.57	14	0	1	1	1	1	0	0	0	2	0	0
Pinewood Park (U)	9.88	13	1	1	1	1	0	0	3	0	2	0	0
Selwyn Park (U)	0.23	13	1	1	1	0	1	0	0	0	2	0	0
Calaveras Ridge (S)	1.80	12	0	1	1	1	1	0	0	0	0	0	0
John McDermott (U)	0.94	12	1	0	1	1	1	0	0	0	2	0	0
Tom Evatt (N)	4.42	11	1	1	1	1	0	2	0	0	2	0	0
Cerano Park (N)	1.00	11	1	1	1	1	0	2	0	0	2	0	0
McCandless Park	4.00	11	1	1	1	1	0	0	3	1	0	0	0
Pecot Park (L)	3.00	11	0	0	1	1	1	0	0	0	2	0	0
Jose Higuera Adobe Park (S)	4.80	10	1	1	1	1	0	2	0	1	0	0	0
Alviso Adobe (S)	2.26	10	1	1	1	1	0	2	0	1	0	0	0
Bob Mcguire Park (N)	3.00	10	1	1	1	1	0	2	0	1	0	0	0
Otoole Elms (U)	1.63	9	1	1	1	1	1	0	0	0	2	0	0
Calle Oriente Mini Park (U)	0.35	9	1	1	1	0	1	0	0	0	2	0	0
Creighton Park (N)	5.00	9	1	1	1	1	0	2	0	1	0	0	0
Skate Park (S)	1.23	9	1	1	1	0	0	2	0	1	0	0	0
Augustus Rathbone (N)	0.73	6	1	1	0	0	1	0	0	1	0	0	0

CHAPTER 6: IMPLEMENTATION

ACCESSIBILITY			COMMUNITY-WIDE ASSET	COMMUNITY PRIORITY			LATEST IMPROVEMENT				RECOMMENDED IMPROVEMENT TIMEFRAME		
PATH	FURN	PLAY		Low	Med.	High	Major Renovation/New Park last 15 years	Maintenance Improvement last 15 years	Maintenance Improvement last 15-30 years	Maintenance Improvement beyond 30 years	1-5 Years	6-20 Years	20+ Years
0-2	0-2	v	1	1	2	4	0	1	2	4	4	2	1
2	2	2	0	0	2	0	0	0	0	4	4	0	0
2	2	1	0	0	0	4	0	0	2	0	4	0	0
1	2	2	0	0	0	4	0	0	2	0	4	0	0
2	2	2	0	0	2	0	0	0	2	0	4	0	0
0	2	1	1	0	0	4	0	1	0	0	4	0	0
1	2	1	0	0	0	4	0	1	0	0	4	0	0
1	2	0	1	0	0	4	0	1	0	0	4	0	0
2	2	0	0	0	0	4	0	1	0	0	4	0	0
2	2	0	0	0	0	4	0	1	0	0	4	0	0
0	2	2	0	0	2	0	0	0	0	0	4	0	0
1	2	0	1	0	2	0	0	1	0	0	4	0	0
2	2	0	0	0	2	0	0	1	0	0	4	0	0
1	2	2	1	0	0	4	0	1	0	0	0	2	0
1	2	0	1	0	0	4	0	1	0	0	0	2	0
1	2	1	1	0	0	4	0	1	0	0	0	2	0
1	2	0	1	0	2	0	0	0	0	0	0	2	0
1	2	2	0	0	2	0	0	0	0	0	0	2	0
0	2	0	0	0	0	4	0	1	0	0	0	2	0
0	2	0	1	0	2	0	0	1	0	0	0	2	0
0	2	2	0	0	2	0	0	0	0	0	0	2	0
1	2	0	1	1	0	0	0	0	2	0	0	0	1
0	0	1	1	1	0	0	0	0	0	0	0	0	1
0	2	1	0	1	0	0	0	1	0	0	0	2	0
2	2	0	0	0	2	0	0	0	0	0	0	2	0
0	2	1	0	1	0	0	0	0	0	0	0	2	0
0	0	0	0	1	0	0	0	0	0	0	0	2	0
0	1	0	0	1	0	0	0	0	0	0	0	0	1
0	0	0	1	1	0	0	0	0	0	0	0	0	1
1	0	0	0	1	0	0	0	0	2	0	0	2	0
0	0	0	1	1	0	0	0	0	0	0	0	0	1
0	0	0	1	1	0	0	0	0	0	0	0	0	1
0	0	0	1	1	0	0	0	0	0	0	0	0	1
0	0	0	0	1	0	0	0	0	0	0	0	0	1
0	1	0	0	1	0	0	0	0	0	0	0	0	1
0	0	0	0	1	0	0	0	0	0	0	0	0	1
0	0	0	1	1	0	0	0	0	0	0	0	0	1
0	0	0	0	1	0	0	0	0	0	0	0	0	1

FUNDING STRATEGIES

The Master Plan Update identifies numerous park improvements to address current deficiencies and unmet needs of the community and it includes the associated costs to implement these improvements.

Over the last 5 years, the Capital Improvement Program has funded an average of \$6M in park repair and improvement projects with 60% of the funding from Metro Specific Plan fees (formerly TASP) for projects within the defined Metro Specific area. Only \$2.5M in funding came from the General Fund for parks outside the Metro Specific area. This level of funding is not enough and the finance gap between the cost of the desired level of annual maintenance and improvement versus available funding will continue to grow as park infrastructure ages and the burden of safety mandates increases. While the City continually pursues grants and other funding sources, there is a need to establish a secure, predictable funding stream to allow park improvement projects to proceed in a cost effective and timely manner.

In addition to addressing existing park and recreation needs, the projected growth of the City will require additional parkland and recreation facilities to meet the needs of future residents. Currently this need is addressed by requiring new development to provide parks for their communities funded through impact fees. However, with the cost and shortage of available land in Milpitas, this has been a challenge to implement and will compound existing deficiencies. In order to secure funding to meet future Milpitas park and recreation needs, the City should consider:

- Review of the current Development Impact Fee structure to confirm it reflects the true cost to acquire park land and to develop and expand park and community center facilities to meet the needs of future residents. The City's current development

fees are lower than other Santa Clara communities. Some cities have park impact fees for an office, rental, individual and institutional uses. The City may wish to explore similar fee structures.

- Review of the current development Park-in-Lieu fee to confirm the fee calculations are based on current appraised land values in Milpitas and institute a process to update the fee on an annual basis.
- Explore a potential nexus study to broaden use of existing Development Impact Fees to add amenities and enhance capacity of existing parks throughout City to meet the needs of new residents in the Metro Specific Plan Area.
- Explore benefits and costs as well as potential support for development of special assessment districts (Community Facilities Districts or Enhanced Infrastructure Financing Districts) or a bond measure to fund park improvements and maintenance. An assessment or bond measure could help address funding for much needed improvements to existing community buildings as well.

REVENUE POTENTIAL

The Quimby Act

The Quimby Act permits the City to require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for parks or recreation purposes as a condition to the approval of a tentative or parcel map. Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual development of parks and other recreational facilities is subject to discretionary approval and is evaluated on a case-by-

case basis with new residential development. The City has adopted park fees as allowed by the Quimby Act.

FUNDING SOURCES

Milpitas Development Impact Fee Program

Development impact fees are charged as a condition of development to defray all or a portion of the cost of public facilities and improvements including park improvements. The revenues are used to pay for the City's future construction of facilities, or to reimburse the City for facilities constructed by the City with funds advanced by the City from other sources.

General Fund and Potential Tax Measures

In Milpitas, property taxes including in-lieu payments and sales taxes account for approximately 60 percent of total General Fund revenues. The remaining 40 percent is accounted for by transient occupancy tax, licenses and permits, charges for service, franchise tax, and "other" sources licenses. At the City's discretion, the General Fund can be used for park improvements as part of Capital Improvement Projects (CIP Program). Capital improvements may include the cost of all acquisition, construction, expansion, or rehabilitation of facilities. In 2018 - 2019 in Milpitas park improvements account for 24% of the total CIP budget. However, by 2020 – 2021 the portion of CIP budget allocated for park improvements is projected to drop to 15% and by 2022 – 2023 to less than 3% of total CIP budget.

The City of Milpitas should explore the potential for a park bond or tax assessment that can be assessed to households with in the City in order to fund future park improvements.

Private Sector Collaboration

The City should expand and enhance partnerships with local businesses non-profits, sports clubs and others

to assist with sharing maintenance efforts, or sharing facilities such as sports fields and courts. Further, the City should continue to foster positive relationships with large commercial businesses in the City. The top three employers in Milpitas are Cisco Systems, KLA-Tencor and SanDisk, which are responsible for approximately 6,000 employees working in Milpitas. These partnerships can provide the opportunity to share costs for maintenance, the development of new facilities, as well as support effective shared use agreements.

Midtown Park Fund & TASP Impact Funds

As part of the Specific Plan process a strategy was developed to access impact fees on new development to develop new and rehabilitate existing park lands to accommodate additional use from new residents.

Based on its 2020 – 2025 CIP Programs, the City hopes to invest \$59 million on existing park improvements. The Sports Field Turf renovations will be funded through the Midtown Park Fund. The Community Wellness and Open Space project and the new trade zone / Montague Park will be funded with TASP impact fees.

However, almost \$47 million in projects do not have an identified funding source.

Measure F

Measure F authorizes an additional sales tax of 0.25% for eight years and will generate an estimated \$6.5 million per year for the City's General Fund, increasing the total sales tax rate in Milpitas from 9% to 9.25%. Additional funds will be used to maintain the City's finances and services, including: police and fire, emergency responses, and natural disaster preparation; youth, senior, and recreation services; repairing park equipment and maintaining parks and recreation centers; and attracting and retaining local businesses.

CHAPTER 6: IMPLEMENTATION

Measure T

Measure T removes the ‘sunset’ on Measure Q’s funding by keeping the existing \$24 annual parcel tax in place with no end date. Measure Q was the Open Space, Wildlife Habitat, Clean Water and Increased Public Access Funding Measure. Since passing, Measure Q has brought in roughly \$7.9 million each year for the Santa Clara Valley Open Space Authority, and the Authority has been able to double the amount of preserved land in the jurisdiction and make much of that land available for residents to explore and enjoy.

The action plan (Table 6-1) presents each action, indicates the goal or goals it implements, and identifies a time frame for implementation. The time frames are: completed within one to three years, completed within three to five years, initiated five years or more from this document, or ongoing.

The action plan is intended to be updated over the life of the PRMP and this version is a snapshot in time.

Park Improvement Fund

The Park Improvement Fund was established to account for the construction and maintenance of city parks. Financing is provided by a special parks improvement fee imposed on developments.

Community Facility District Fund

The Community Improvement Fund was established to account for special taxes collected within the district to provide park maintenance and street landscape maintenance services and public safety.

Cost Recovery

In 2020, the City engaged a third party to provide an assessment of City recreation programs, fees, and existing cost recovery percentages compared with other Bay Area municipalities. The comparative agencies

included the cities of Fremont, Mountain View, Redwood City and San Jose. It was determined that even though Milpitas recreation services, programs and fees are generally in alignment with these other agencies, the assessment recommended the City update its policy on cost recovery targets. The resolution was passed and adopted on May 16, 2021 by City Council. A copy of the signed resolution can be found in the appendix.

General Obligation Bond

General Obligation bonds may be issued by cities, counties, and certain other local government entities to finance park improvement projects. Debt service for these bonds is provided by an earmarked property tax above the 1% general property tax mandated by Proposition 13. These overrides typically appear on the annual tax bill as ‘voted indebtedness.’ General Obligation bonds require a $\frac{2}{3}$ majority vote by registered voters.

Government Grants

The City has the opportunity to apply for a variety of grants to help fund programs and capital improvements. Grants would most likely be for activities or efforts that consider environmental improvements and access to parks, and that enhance services to underrepresented communities. Projects that provide multiple benefits can increase the possibility of successful grant applications.

California voters approved the Parks and Water Bond Act of 2018 (Proposition 68), which allocates \$185 million in funding for local jurisdiction park improvements (part of a larger \$4 billion allocation). Funds will be allocated on a per capita basis and emphasize providing parks for neighborhoods that lack access to parks and nature. Funding applications began to be available in 2019.

The federal Land and Water Conservation Fund, administered by California State Parks’ Office of Grants and Local Services (OGALS), provides funding for the acquisition or development of land to create new

outdoor recreation opportunities for the health and wellness of Californians. The next competitive cycle will likely occur in 2020.

Information on current grant opportunities, including program guidelines, online application review, and additional resources is available at: <http://resources.ca.gov/grants/>

Other grants are available through agencies and foundations. Examples include:

- AARP Community Challenge Grant Program funds “quick-action” projects for immediate improvements that benefit residents of all ages. One focus area is on projects that create vibrant public places that improve open spaces, parks and access to other amenities.
- Build it with KaBOOM! pairs one of their dedicated funding partners with a community partner (the City), who then come together to plan and build a brand new playground.
- Through the 10-Minute Walk Planning Grant and Technical Assistance the National Recreation and Park Association, with support from the JPB Foundation, works alongside the Trust for Public Land and the Urban Land Institute to support planning efforts that help cities increase access to high-quality parks within a 10-minute walk.
- The U.S. Soccer Foundation offers grants to support irrigation, lighting, and artificial turf costs for field space that will be used for soccer a majority of the time.

A strong grant-writing and grants management program is critical to identifying, compiling applications, and securing grant funding.



Photo courtesy of Kaboom.org



CHAPTER 6: IMPLEMENTATION

PROJECT MAINTENANCE SCHEDULE

Maintenance is the preservation and protection of the City's recreation system. A continuous effort is needed to accomplish the safe and proper condition required for public use.

It is the responsibility of the Parks Maintenance Division, under the direction of Public Works, to ensure the cleanliness and address matters of public health and safety in all park and recreation facilities. This includes sanitation, correcting defects, and the timely repair of site elements and facilities within the City park boundaries. The maintenance is vital to protect the park users from harm as well as protect the City's asset and help reduce City liability.

The table on the following pages provides an itemized list of maintenance tasks with the recommended frequency of action, estimated costs, and estimated life expectancy of the park elements. Note: all costs include 40% contingencies and soft costs.

Maintenance Tasks & Scheduling								
Athletic Fields, Turf, and Planting Areas	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Turf Renovation - Top Dressing, Overseeding	X					SF	\$0.50	Ongoing Maintenance
Turf Replacement				X		SF	\$3.00	15
Irrigation System Repair	X					SF	\$2.25	Ongoing Maintenance
Irrigation System Replacement				X		SF	\$5.00	15
Field Lighting Relamping		X				EA	\$3,000.00	3
Field Lighting Fixture Replacement - Energy Efficient					X	EA	\$15,000.00	25
Field Lighting Pole Replacement					X	EA	\$100,000.00	50
Field Lighting - Replace Conductors And Conduits					X	LF	\$15.00	25
Synthetic Turf Removal And Replacement			X			SF	\$15.00	10
Infield Mix Replenishment	X					SF	\$1.50	Ongoing Maintenance
Fencing Repair	X					LF	\$35.00	Ongoing Maintenance
Fencing Replacement					X	LF	\$125.00	25
Dugout Repair	X					SF	\$20.00	Ongoing Maintenance
Dugout Replacement					X	EA	\$45,000.00	50
Backstop Repair	X					EA	\$1,500.00	Ongoing Maintenance
Backstop Replacement					X	EA	\$40,000.00	25
Bleacher Replacement					X	EA	\$20,000.00	25
PA Replacement					X	EA	\$7,500.00	25
Scoreboard Replacement					X	EA	\$40,000.00	25
Soccer Goal Replacement					X	EA	\$15,000.00	20

Table 6-2: Project Maintenance Schedule

CHAPTER 6: IMPLEMENTATION

Roads and Parking	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Asphalt Paving Overlay - 2 Inches			X			SF	\$4.50	10
Asphalt Paving Replacement					X	SF	\$7.50	20
Concrete Curb and Gutter Replacement					X	LF	\$65.00	50
Signage Replacement			X			EA	\$1,500.00	10
Use Areas (Dog Park, Community Gardens)	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Fencing Replacement					X	LF	\$75.00	20
Bench Replacement					X	EA	\$3,500.00	20
Table Replacement					X	EA	\$4,500.00	20
Trash Receptacle Replacement					X	EA	\$2,500.00	20
Water System Repair	X					LS	\$1,000.00	Ongoing Maintenance
Sink Replacement					X	EA	\$10,000.00	25
Potable Water System Replacement					X	LS	\$25,000.00	25
Amenities	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Shade Structure - Wood Or Metal - Repair Finish		X				EA	\$2,000.00	Ongoing Maintenance
Shade Structure - Wood Or Metal - Replace					X	SF	\$115.00	35
Small BBQ Replacement and Ash Receptacle					X	EA	\$1,500.00	20
Large BBQ & Ash Receptacle					X	EA	\$5,000.00	20
Bench Repair / Refinish		X				EA	\$500.00	Ongoing Maintenance
Bench Replacement					X	EA	\$3,000.00	20
Bicycle Rack Replacement					X	EA	\$25,000.00	20
Dog Waste Bag Dispenser Replacement			X			EA	\$1,500.00	10
Drinking Fountain Replacement					X	EA	\$12,500.00	20
Entrance Signage Replacement					X	EA	\$5,000.00	20
Fencing - Ornamental Metal - Grind and Repaint	X					LF	\$25.00	Ongoing Maintenance
Fitness Equipment Repair/Refinish			X			EA	\$500.00	Ongoing Maintenance
Fitness Equipment Replacement					X	EA	\$12,000.00	35
Game Table Repair / Refinish		X				EA	\$750.00	Ongoing Maintenance
Game Table Replacement					X	EA	\$2,000.00	20
Picnic Table Repair / Refinish		X				EA	\$750.00	Ongoing Maintenance
Picnic Table Replacement					X	EA	\$4,500.00	20
Interpretive Signage Replacement					X	EA	\$3,500.00	20
Shade Sail, Replace Fabrics			X			SF	\$45.00	10
Shade Sail Structure Replacement					X	LS	\$35,000.00	20
Message Kiosk Replace					X	LS	\$20,000.00	20
Pathways	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Decomposed Granite Paths - Replenish / Fine Grade	X					SF	\$1.25	Ongoing Maintenance
Decomposed Granite Paths - Excavate / Replace				X		SF	\$12.50	15
Asphalt Paving Repair		X				SF	\$2.50	Ongoing Maintenance
Asphalt Paving Overlay			X			SF	\$4.50	10
Asphalt Paving Replacement					X	SF	\$7.50	20
Concrete Paving Repair - Replace Damaged Areas		X				SF	\$30.00	Ongoing Maintenance
Concrete Paving Replacement					X	SF	\$20.00	50
Concrete Seatwall Replacement					X	LF	\$350.00	50
Concrete Mow Band Replacement					X	LF	\$45.00	50
Header Board Replacement				X		LF	\$12.00	15

(LF = Linear Foot, SF = Square Foot, LS = Lump Sum, EA = Each)

Table 6-2: Project Maintenance Schedule

CHAPTER 6: IMPLEMENTATION

Decomposed Granite Paths - Replenish / Fine Grade	X					SF	\$1.25	Ongoing Maintenance
Decomposed Granite Paths - Excavate / Replace				X		SF	\$12.50	15
Asphalt Paving Repair		X				SF	\$2.50	Ongoing Maintenance
Asphalt Paving Overlay			X			SF	\$4.50	10
Asphalt Paving Replacement					X	SF	\$7.50	20
Concrete Paving Repair - Replace Damaged Areas		X				SF	\$30.00	Ongoing Maintenance
Concrete Paving Replacement					X	SF	\$20.00	50
Concrete Seatwall Replacement					X	LF	\$350.00	50
Concrete Mow Band Replacement					X	LF	\$45.00	50
Header Board Replacement				X		LF	\$12.00	15

(LF = Linear Foot, SF = Square Foot, LS = Lump Sum, EA = Each)

Children's Play Areas	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Equipment Repair	X					N/A	Varies	Ongoing Maintenance
Equipment Replacement					X	SF	\$80.00	Ongoing Maintenance
Wood fiber Surfacing Replenishment	X					SF	\$5.50	1
Sand Replenishment	X					SF	\$3.00	1
Resilient Surfacing Replacement				X		SF	\$24.00	15
Courts	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Volleyball Court - Sand Replacement	X					SF	\$0.75	Ongoing Maintenance
Tennis Court - Repair/ Restripe		X				SF	\$5.50	5
Tennis Court Slipsheet					X	EA	\$75,000.00	20
Tennis Court Replacement					X	EA	\$150,000.00	20
Basketball Court Overlay			X			SF	\$4.00	10
Basketball Court Replacement					X	EA	\$7.50	20
Bocce Court - Replenish Surface	X					SF	\$0.75	Ongoing Maintenance
Bocce Court Replacement				X		EA	\$7,500.00	15
Court Lighting - Relamping		X				EA	\$1,500.00	5
Court Lighting - Fixture Replacement - Energy Efficient					X	EA	\$15,000.00	20
Hoops, Nets & Miscellaneous Court Amenities			X			LF	\$10.00	10
Water Features	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Fountain - Aerator Repair	X					LS	\$45,000.00	Ongoing Maintenance

Table 6-2: Project Maintenance Schedule

CHAPTER 6: IMPLEMENTATION

Fountain - Aerator Replacement					X	EA	\$50,000.00	35
Observation Deck Repair	X					SF	\$200.00	Ongoing Maintenance
Observation Deck Replacement					X	SF	\$200.00	25

(LF = Linear Foot, SF = Square Foot, LS = Lump Sum, EA = Each)

Planting and Irrigation	Frequency (years)					Unit	Unit Cost	Life Expectancy (years)
	1	5	10	15	20+			
Turf - Topdressing And Overseeding	X					SF	\$0.50	Ongoing Maintenance
Turf - Remove And Replace Sod				X		SF	\$2.25	15
Shrubs - Replace Woody/Overgrown Shrubs		X				SF	\$3.00	Ongoing Maintenance
Ornamental Grass - Replace Dead Clumps			X			EA	\$15.00	10
Groundcover - Replace Woody/Overgrown Areas			X			SF	\$3.00	10
Mulch - Replenish			X			SF	\$3.00	10
Tree Pruning		X				EA	\$1,500.00	Ongoing Maintenance
Tree Removal		X				EA	\$1,500.00	Ongoing Maintenance
Tree - 15 Gallon Replacement		X				EA	\$225.00	Ongoing Maintenance
Creek Restoration Planting Maintenance	X					SF	\$0.25	Ongoing Maintenance
Non-Irrigated Erosion Control Mowing	X					SF	\$0.10	Ongoing Maintenance
Concrete Mow Band Replacement					X	LF	\$45.00	50
Header Board Replacement				X		LF	\$12.00	15
Irrigation System Repair	X					SF	\$2.25	Ongoing Maintenance
Irrigation System Replacement - Small Turf Or Planting Area					X	SF	\$5.00	25
Irrigation System Replacement - Large Turf Or Planting Area					X	SF	\$4.00	25

(LF = Linear Foot, SF = Square Foot, LS = Lump Sum, EA = Each)

Table 6-2: Project Maintenance Schedule

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APPENDIX

Play Milpitas

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COMMUNITY OUTREACH

The following section contains all the materials used for community outreach, including presentations, boards, marketing collateral, online survey responses, and meeting summaries. This section is organized in chronological order.

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TREE LIGHTING EVENT (DEC. 1, 2019) - FLYER



MILPITAS PARKS + RECREATION MASTER PLAN



What:

Share ideas for future improvements for all Milpitas Parks
Participate online or in person at the Tree Lighting Civic Center
December 1, 6:30 PM

Que:

Comparte ideas para el futuro de los parques de Milpitas
Participa en línea o en persona en el Iluminación del árbol de Navidad Centro Civil
1 de Diciembre, 6:30 PM

内容:

让我们一起畅想米尔皮塔斯公园的未来发展
网络参与
或
市民文化中心现场参与
12月1日, 6:30 PM

Điều Gì:

Chia sẻ ý tưởng để cải thiện tất cả giải trí và công viên Milpitas trong tương lai.
Tham gia trực tuyến hoặc ại cây đèn civic center vào ngày 1 tháng 12, lúc 6:30 PM

The Parks and Recreation Master Plan will study existing parks, facilities and recreation programs. It will also guide the City into the future by providing a long-term vision to meet the parks and recreation needs of the community. Please provide your input and feedback!
Follow along for updates on future input opportunities:

www.milpitasparksrecreationmasterplan.org





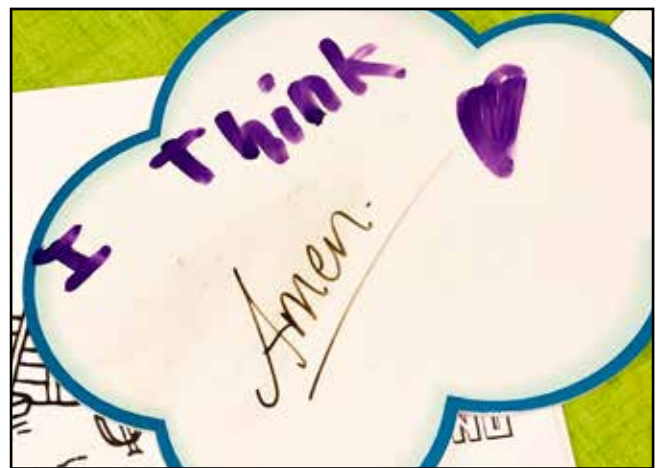




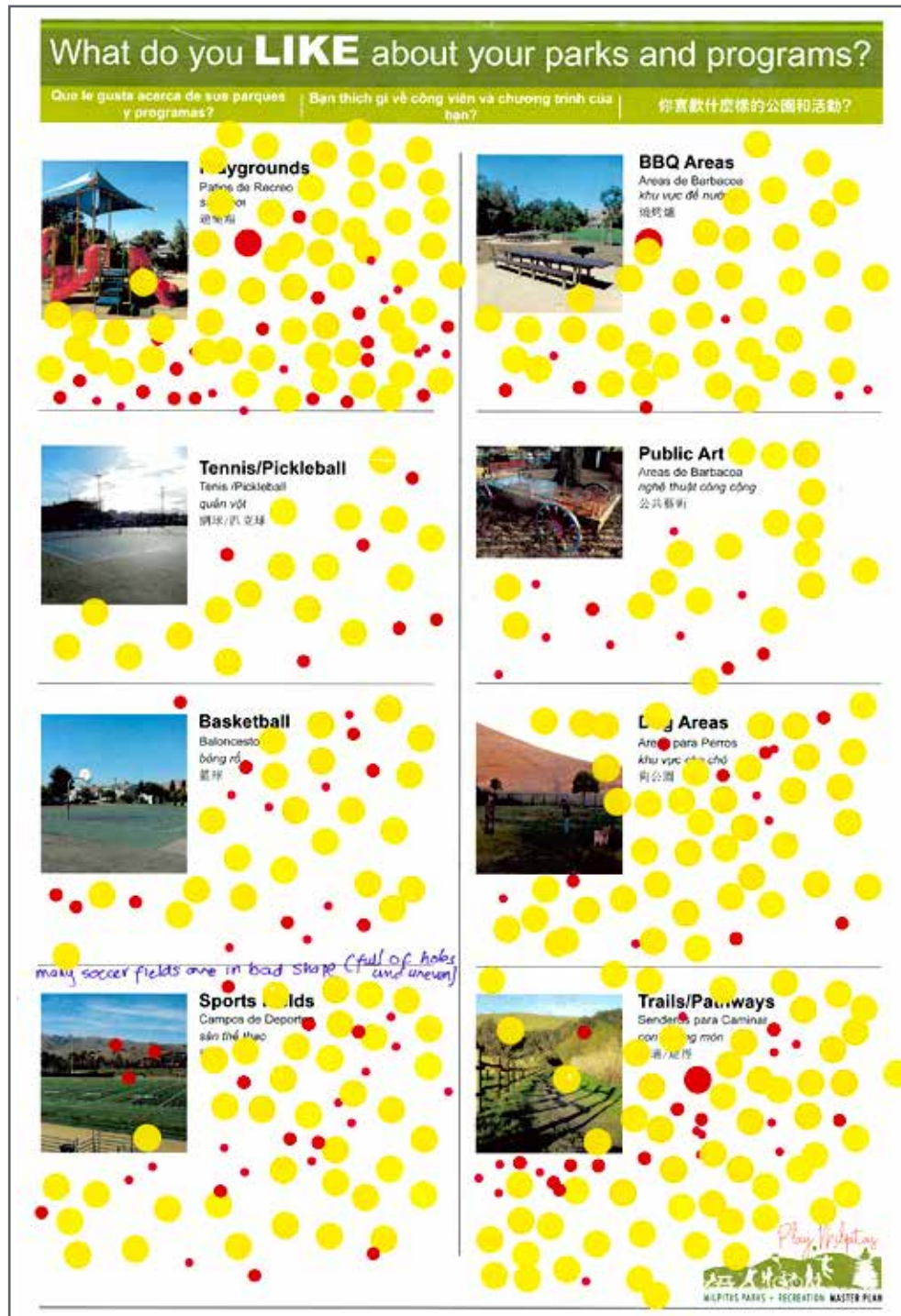
TREE LIGHTING EVENT (DEC. 1, 2019) - PHOTOS



TREE LIGHTING EVENT (DEC. 1, 2019) - PHOTOS



TREE LIGHTING EVENT (DEC. 1, 2019) - BOARDS



TREE LIGHTING EVENT (DEC. 1, 2019) - BOARDS

What do you **LIKE** about your parks and programs?

Qué le gusta acerca de sus parques y programas?
 Bạn thích gì về công viên và chương trình của bạn?
 你喜歡什麼樣的公園和活動?



Open Space
 Espacio Abierto
 không gian mở
 開放地



Kids Yoga Camp
 Campamento de Yoga
 trại yoga trẻ em
 兒童瑜伽訓練營



Picnic Areas
 Areas de Pícnic
 khu dã ngoại
 野營地



Swim Facility
 Instalaciones de Natación
 cơ sở bơi
 游泳池



Performing Arts
 Las Artes Escénicas
 biểu diễn nghệ thuật
 藝術表演



Teen Center
 Centro de Adolescentes
 trung tâm tuổi trẻ
 青少年中心

please more promotion



Senior Activities
 Actividades para Mayores
 hoạt động cao cấp
 老年活動中心

Other?
 Otras?
 khác?
 其他



Play Milpitas
 MILPITAS PARKS + RECREATION MASTER PLAN

TREE LIGHTING EVENT (DEC. 1, 2019) - BOARDS

What would you like to **ADD to your parks and programs?**

Que le gustaría agregar a sus parques y programas? | Bạn muốn thêm gì cho công viên và chương trình? | 你想在公園裡增添哪些項目?

	Bocce Pétanca Sân Chơi Bocce 地滾球
	Pump Track Pista de Bicicletas đường ray bơm 山地自行車賽道
	Game Tables Mesas de Juego bàn trò chơi 遊戲台
	Horseshoes Lanzamiento de Herrerías móng ngựa 馬鞍鐵遊戲
	More/Updated Playgrounds Más Actualizar Parques Infantiles sân chơi cập nhật hơn 更多/更新的路樂場
	More Community Events Más Eventos Comunitarios nhiều sự kiện cộng đồng 更多社區活動
	Exercise Stations Estaciones de Ejercicio trạm tập thể dục 運動站
	Adult Space Más Eventos Comunitarios không gian người lớn 成人場地

Play Milpitas
MILPITAS PARKS + RECREATION MASTER PLAN

TREE LIGHTING EVENT (DEC. 1, 2019) - BOARDS

What would you like to **ADD** to your parks and programs?

Que le gustaría agregar a sus parques y programas? | Bạn muốn thêm gì cho công viên và chương trình? | 你想在公園裡增添哪些項目?



More Outdoor Picnic & Gathering Areas
 Más Áreas de Pícnic y Reuniones
 thêm khu vực dã ngoại và tụ tập ngoài trời
 更多野外露營地



More Dog Parks
 Más Parques para Perros
 có nhiều công viên chó
 更多狗公園



Covered Area / Shade
 Áreas Cubiertas / con Sombra
 khu vực được che chắn
 遮雨地/遮陽地



Teen Space
 Espacio para Adolescentes
 không gian tuổi trẻ
 青少年場地



Community Gardens
 Jardines Comunitarios
 khu vườn cộng đồng
 社區花園



Demonstration Gardens
 Jardines Educativos
 vườn trình diễn
 示範花園



More Amenities
 (Seating, Drinking Fountains, etc.)
 Más Comodidades (Lugares para Sentarse, Fuentes Para Beber Agua, etc.)
 tiện nghi hơn (chỗ ngồi, đài phun nước, v.v.)
 更多設施 (座椅、飲水器等)



Public Art
 Arte Público
 nghệ thuật công cộng
 公共藝術



Play Milpitas
 MILPITAS PARKS + RECREATION MASTER PLAN

TREE LIGHTING EVENT (DEC. 1, 2019) - BOARDS

What would you like to **ADD** to your parks and programs?

Que le gustaría agregar a sus parques y programas? | Bạn muốn thêm gì cho công viên và chương trình? | 你想在公園裡增添哪些項目?



More Bike Facilities
Más Instalaciones para Bicicletas
có nhiều cơ sở cho xe đạp
更多單車設施



Better Park Lighting
Mejorar la Iluminación
công viên có nhiều loại đèn
số
优化公园照明



More Computer Classes
Más Clases de Computadoras
có nhiều lớp máy tính
社區電腦



More Indoor Sports
Más Deportes de Interior
trọng tâm trường có nhiều
môn thể thao
更多室內設施



Restrooms
Baños
nhà vệ sinh
公厕



Performance Space
Espacio para Actuaciones
địa điểm biểu diễn
表演場地



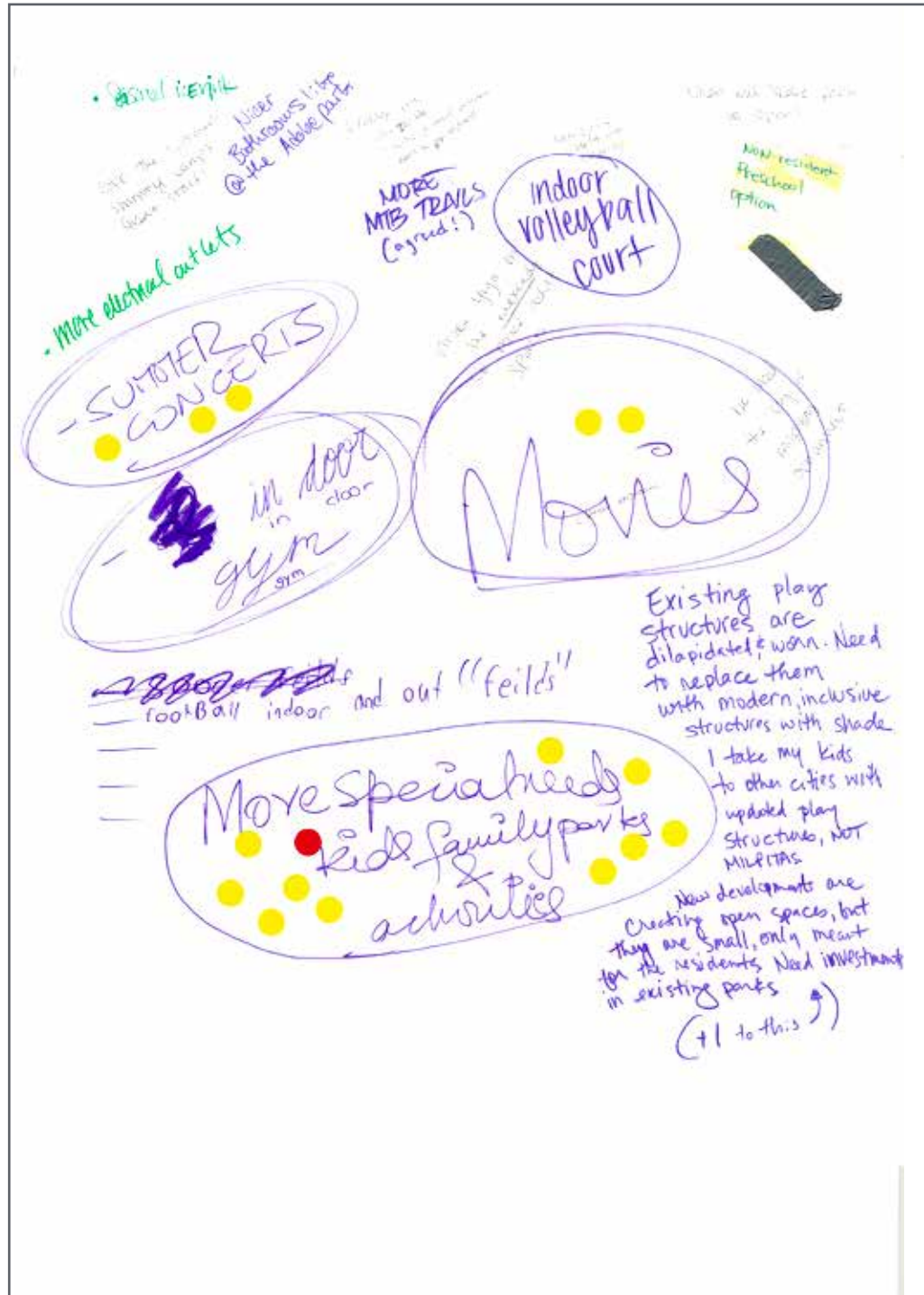
Disc Golf
Disco de Golf
đĩa gôn
飞盘高尔夫

Other?
Otras?
khác?
其他



PLAY MILPITAS
MILPITAS PARKS + RECREATION MASTER PLAN

TREE LIGHTING EVENT (DEC. 1, 2019) - WRITE-IN COMMENTS



LUNAR NEW YEAR EVENT (JAN. 8, 2020) - PHOTOS



ROUND 1 ONLINE SURVEY MARKETING COLLATERAL



The Parks and Recreation Master Plan will study existing parks, facilities and recreation programs to provide a long-term vision to meet the needs of the community!

Take the online survey now!

www.milpitasparksrecreationmasterplan.org



MILPITAS RECREATION AND COMMUNITY SERVICES GATES ASSOCIATES



Take our Survey and be entered to win a prize!

You have been selected to provide input on the Milpitas Park & Recreation Master Plan Update. Your input is critical to assist us in identifying community priorities. As a sign of our appreciation for your participation, once you complete the survey you will be entered to win a Milpitas Recreation and Community services basket, containing Milpitas Recreation branded accessories and fun gifts to help you enjoy your Milpitas parks to the fullest!

Survey Link
<https://wikimapping.com/Milpitas-Parks-and-Recreation-Master-Plan-Update.html>

Additional Project Information
www.milpitasparksrecreationmasterplan.org



Brian McLean | Community Engagement & Inclusion Administrator / Assistant Director
 Recreation and Community Services
 Email: bmclean@milpitas.ca.gov

MILPITAS RECREATION AND COMMUNITY SERVICES GATES ASSOCIATES



ONLINE SURVEY

deeper dive into parks, programs and events

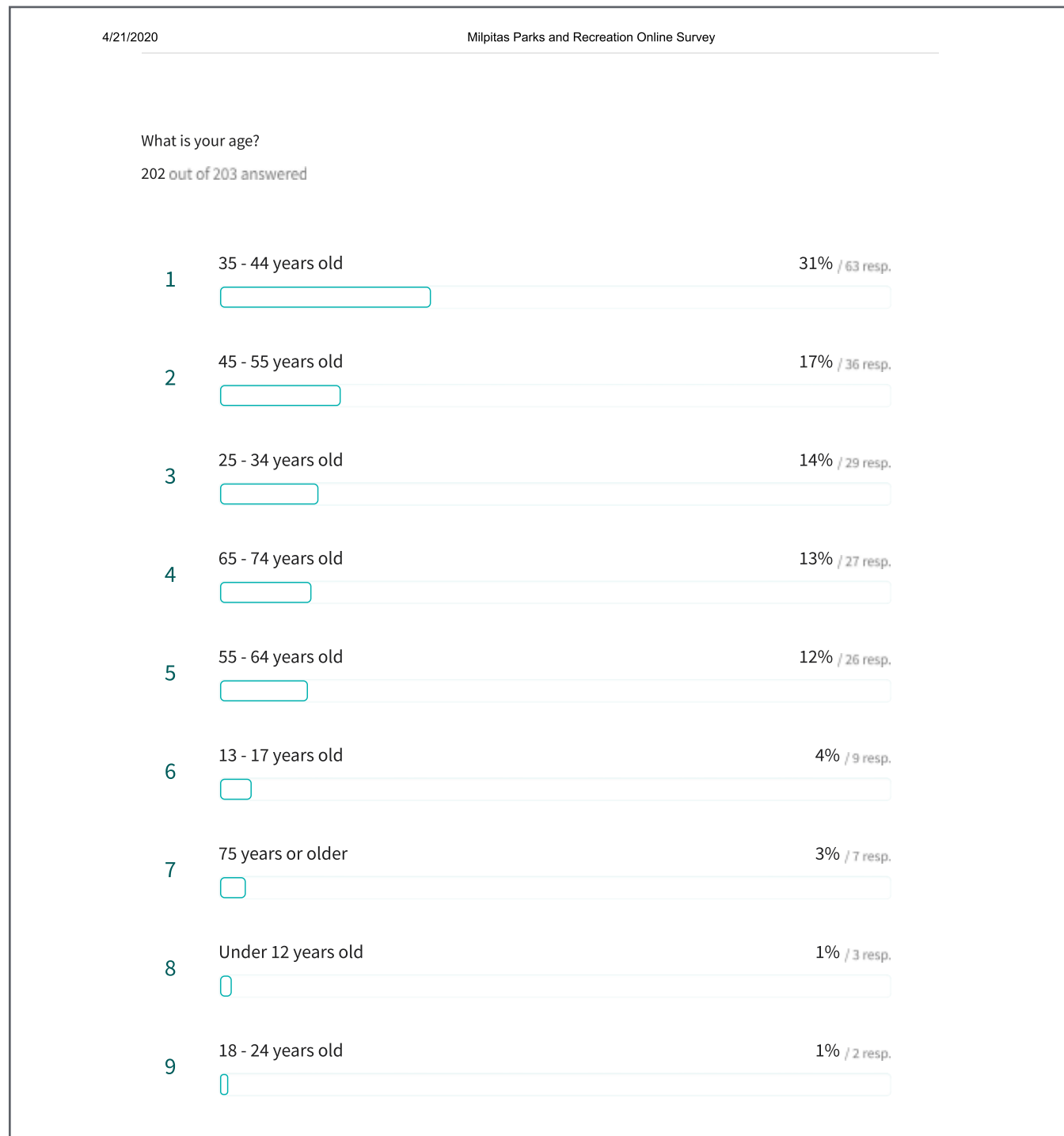


#PlayMilpitas

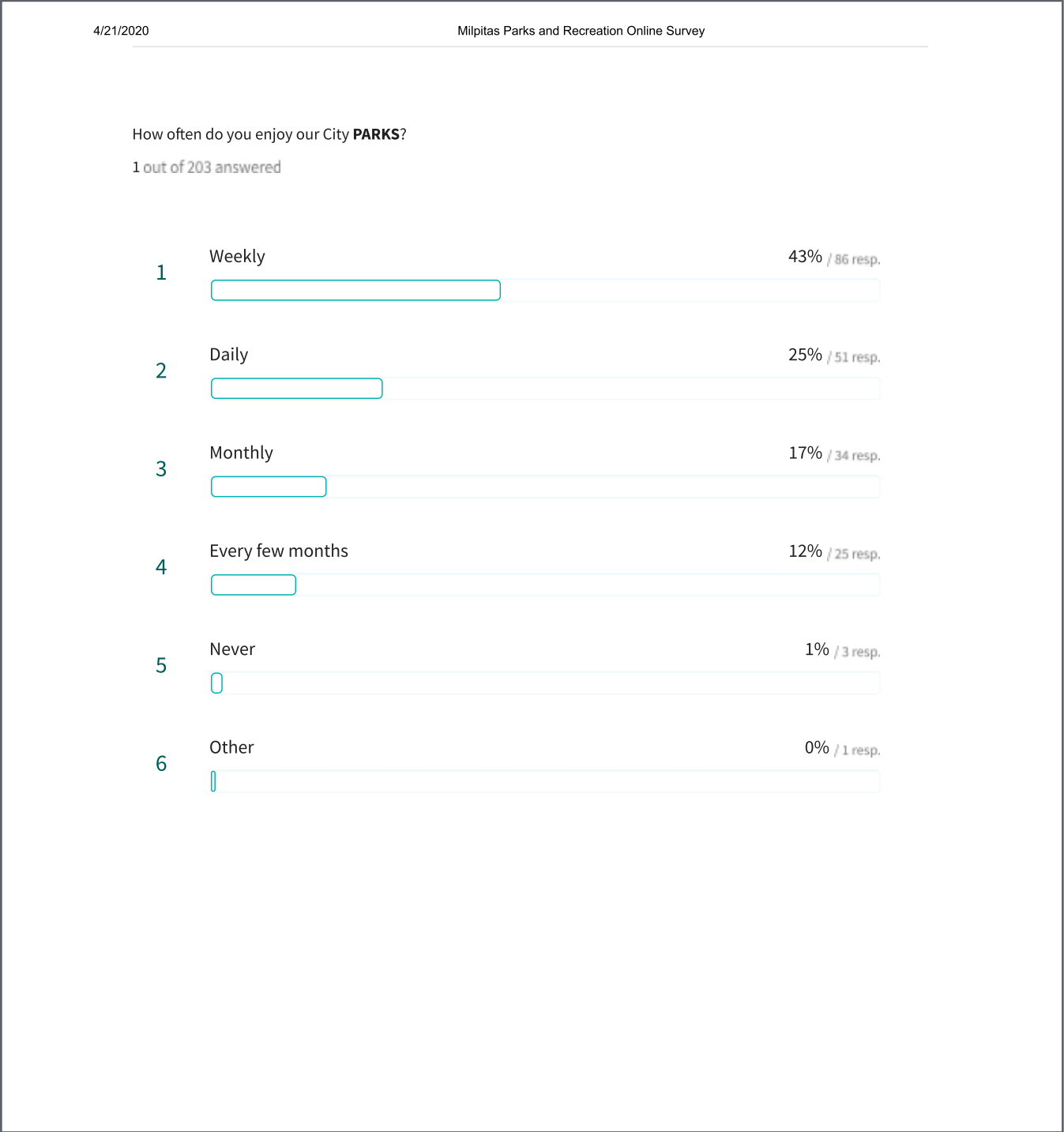
YOUR PARKS YOUR VOICE

Take the Online Survey Now

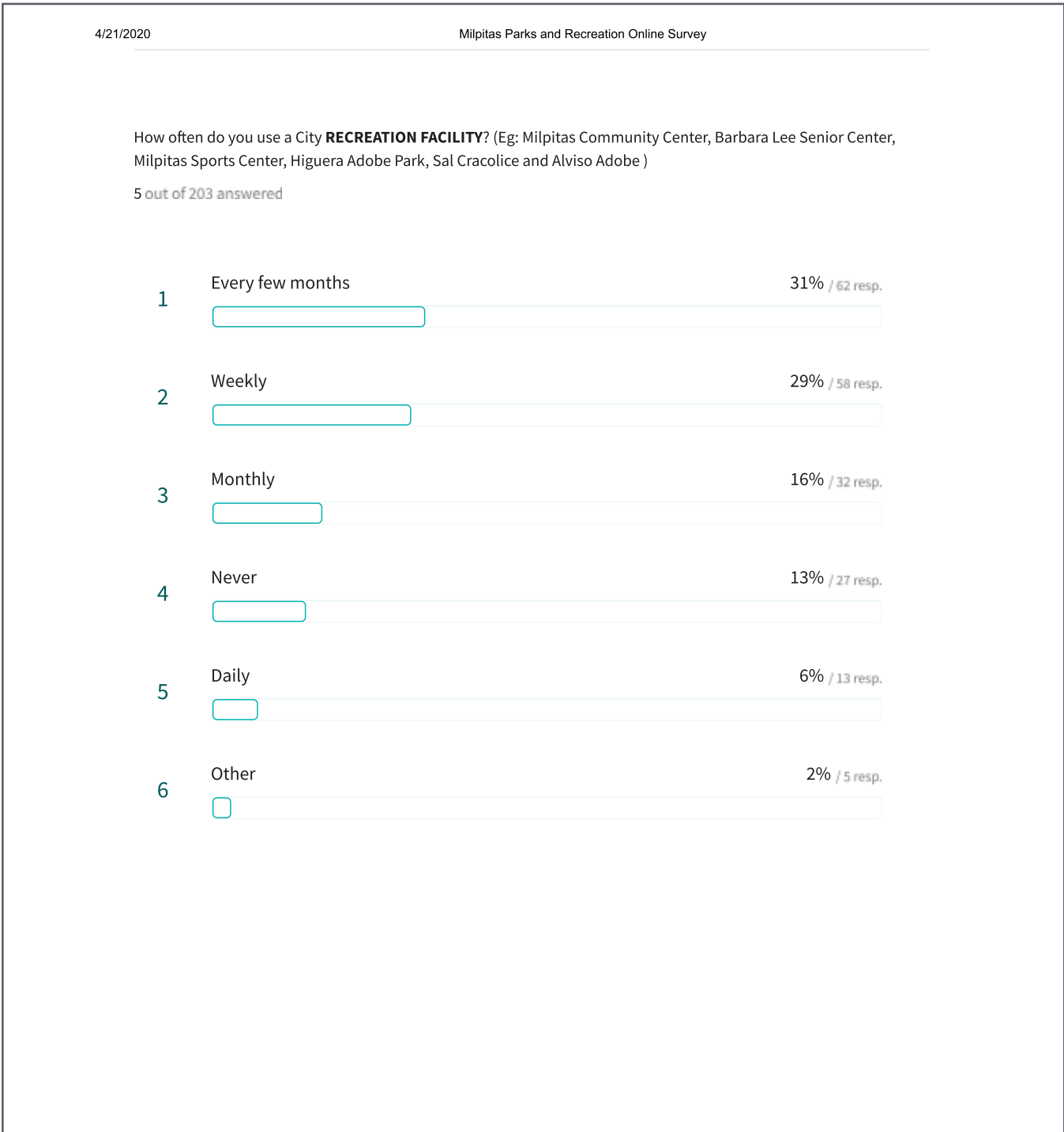
ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES (AS OF 4/21/2020)



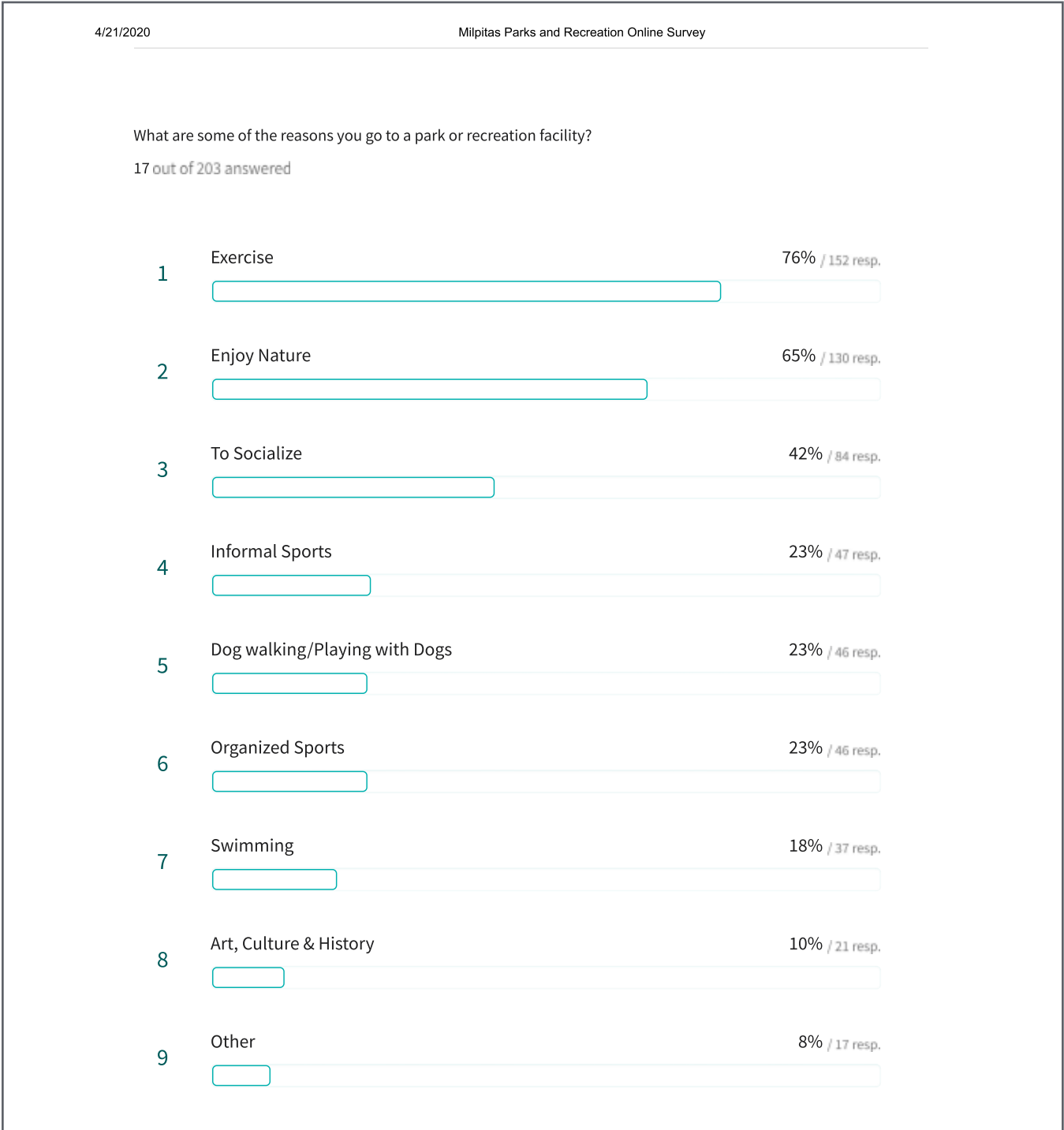
ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)



ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)

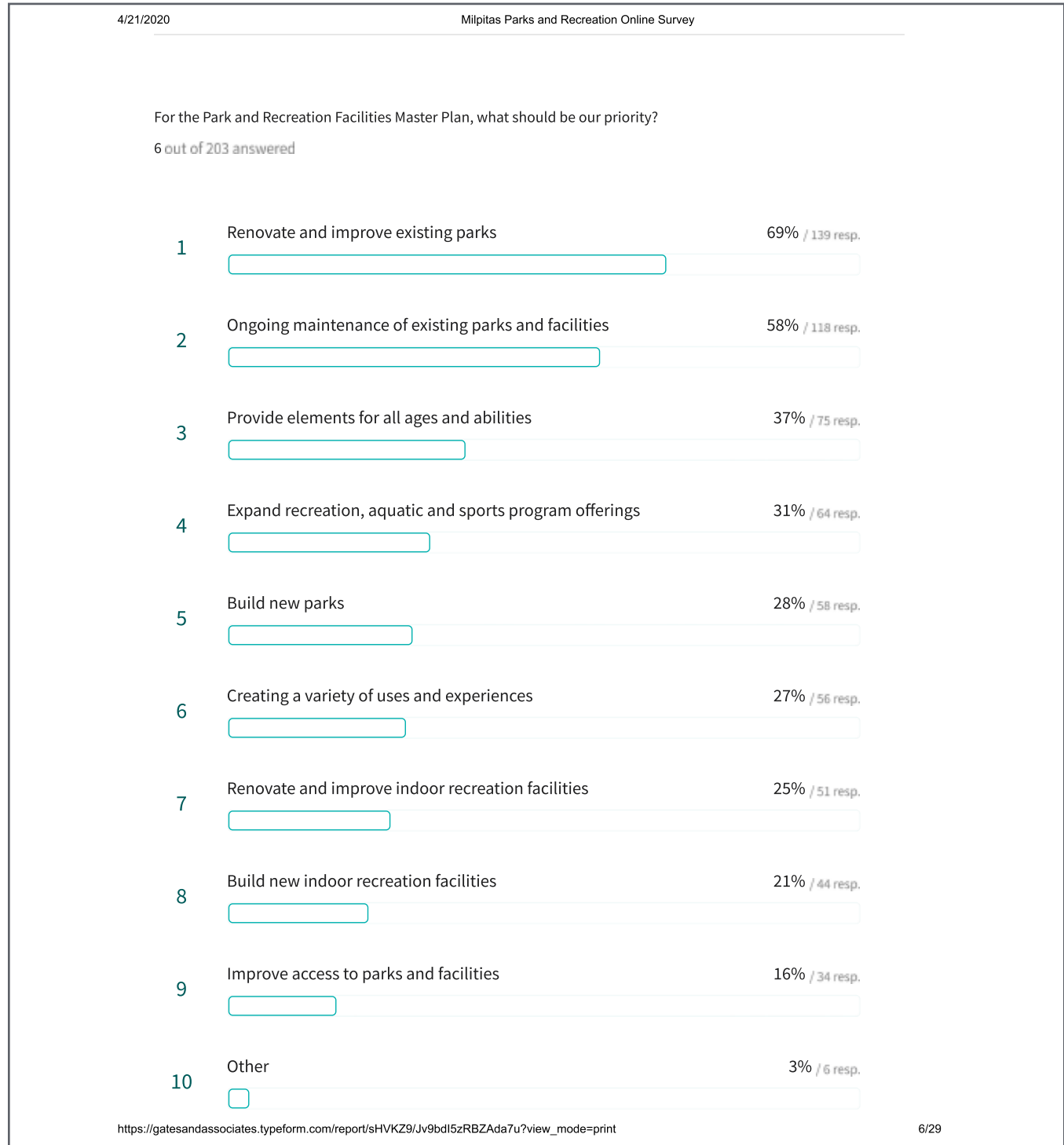


ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)



CHAPTER 7: APPENDIX

ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES (AS OF 4/21/2020)

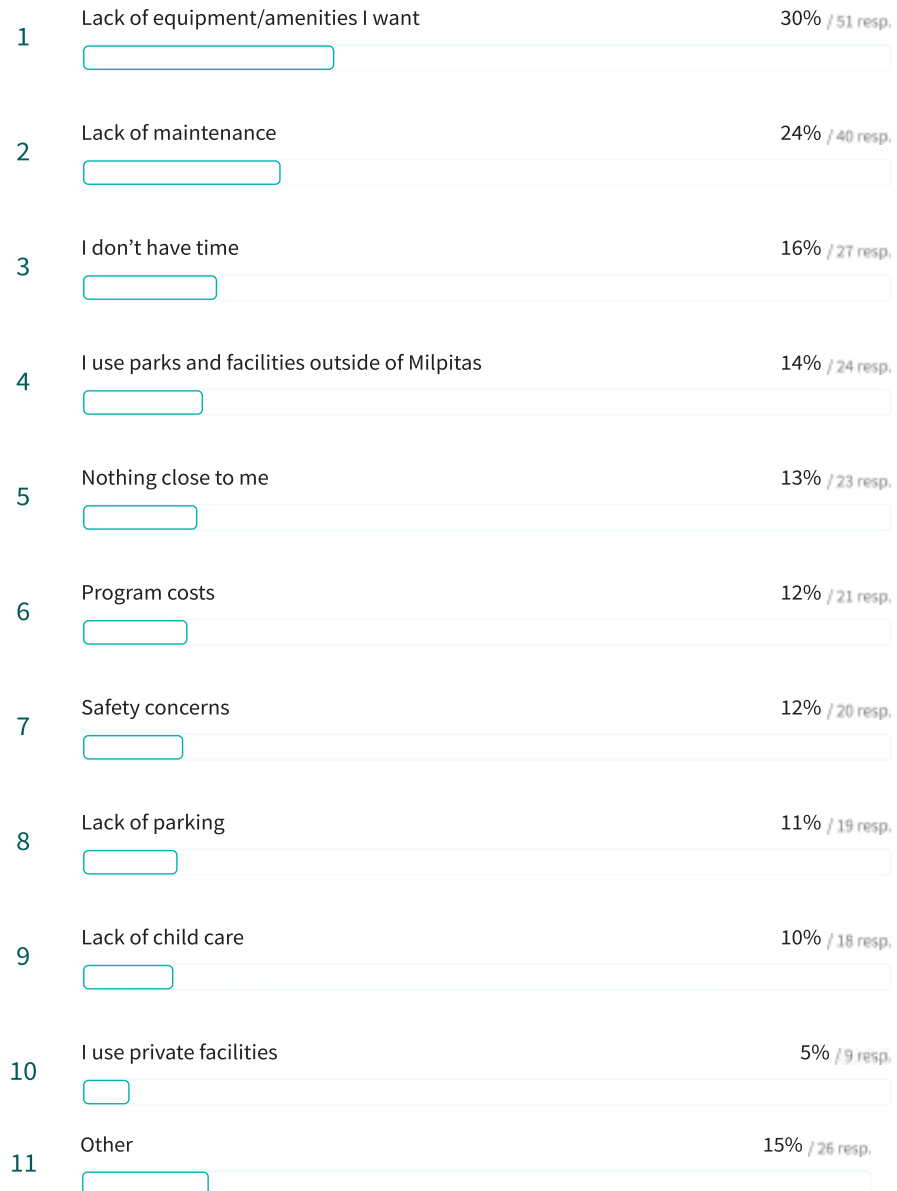


ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

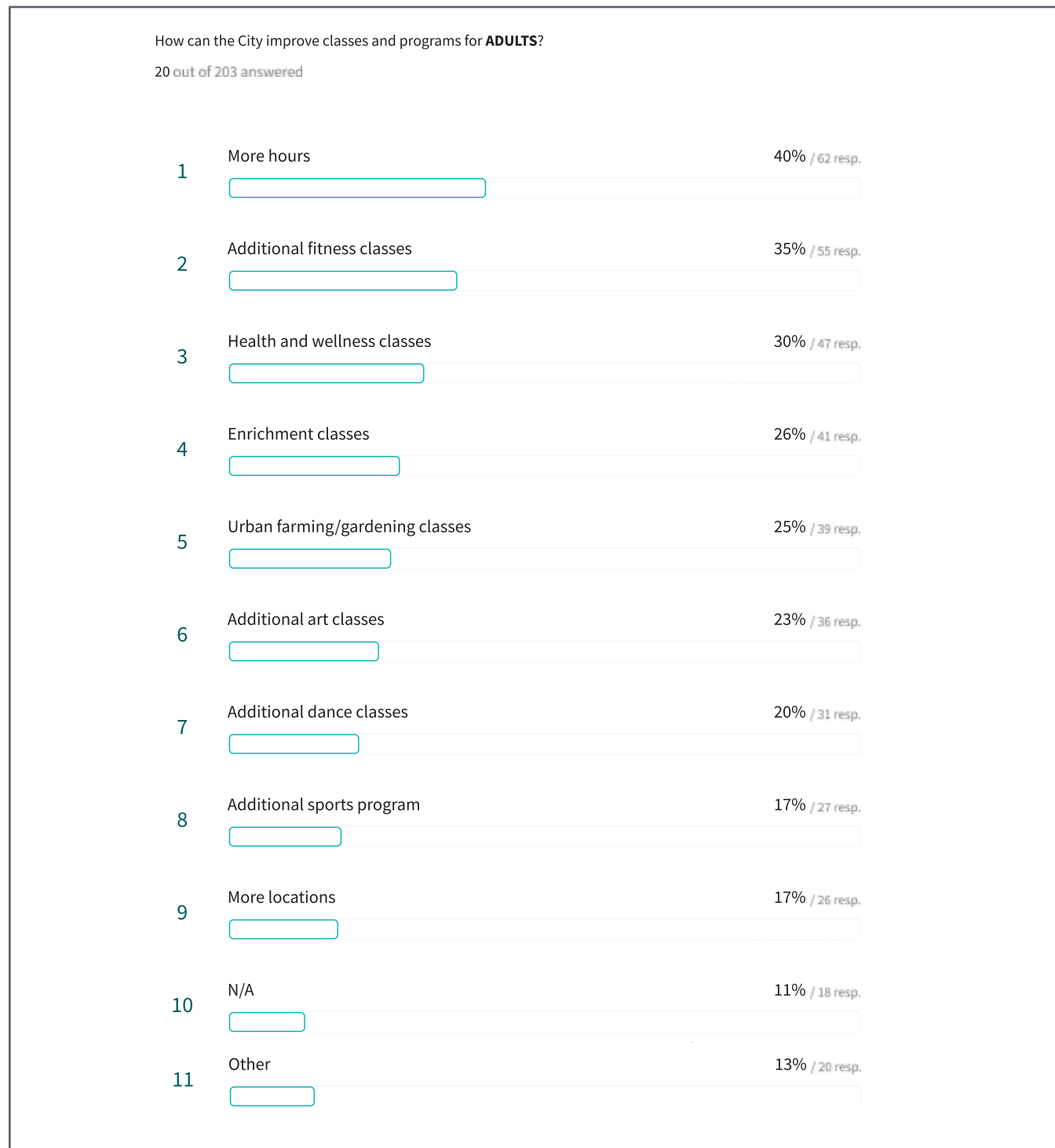
If you do not use the City's Parks and Recreation facilities, what are the barriers?

26 out of 203 answered



ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

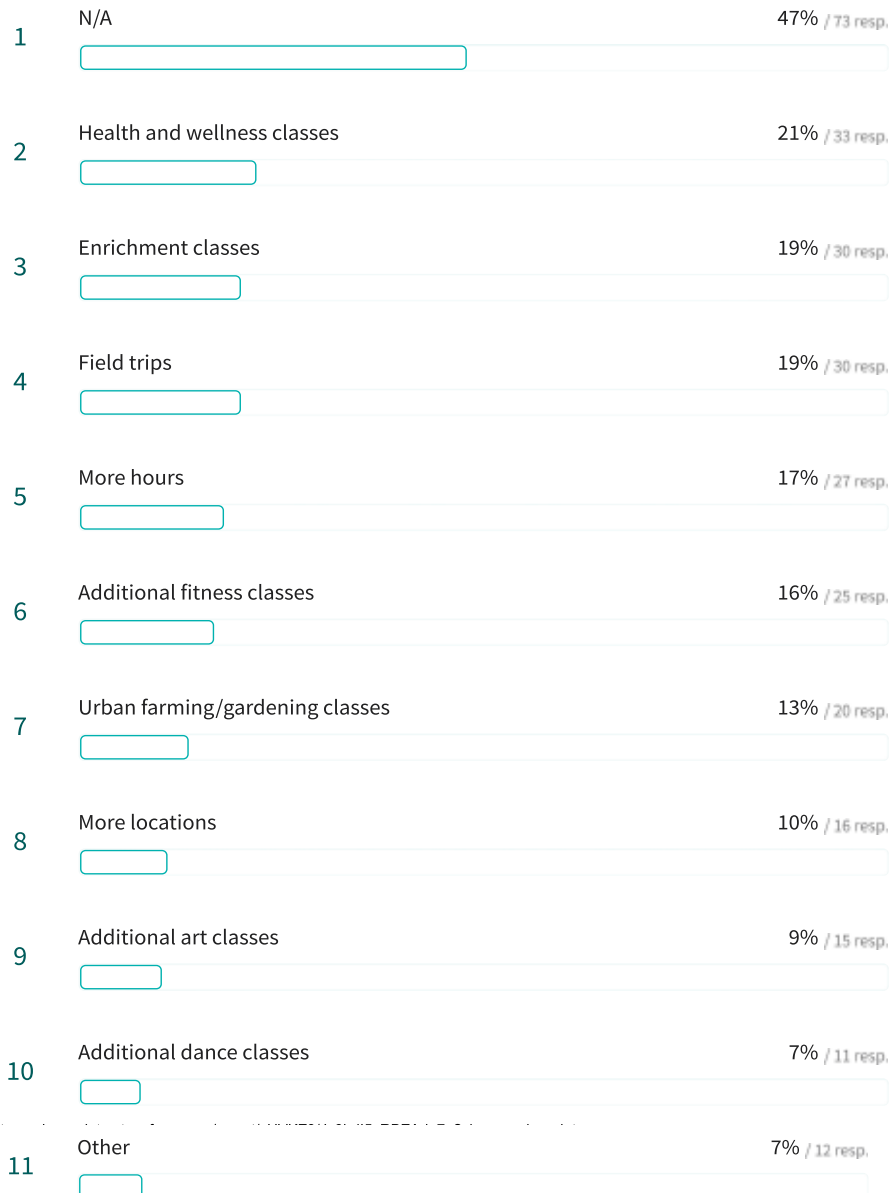


ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

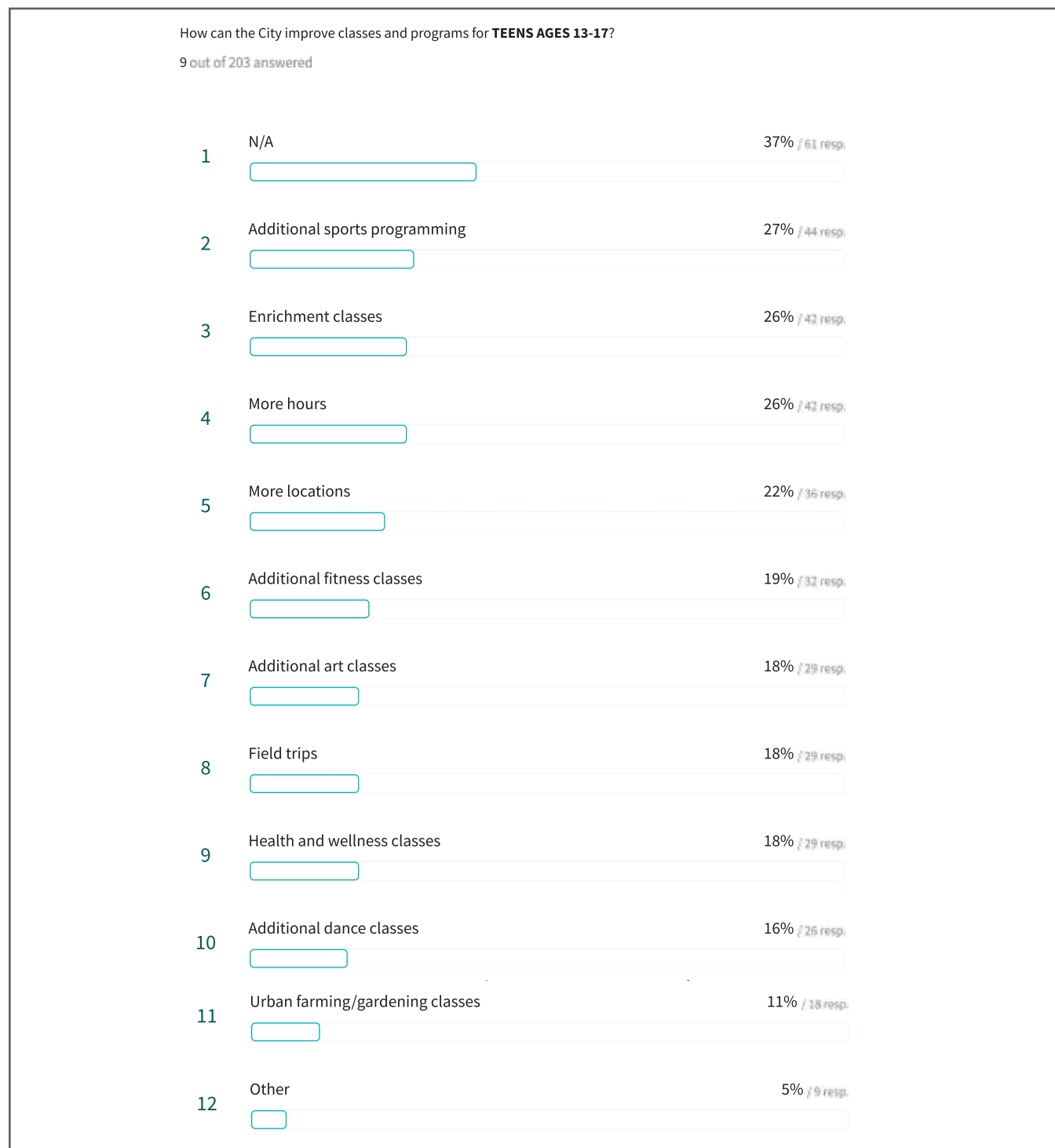
How can the City improve classes and programs for **SENIORS**?

12 out of 203 answered



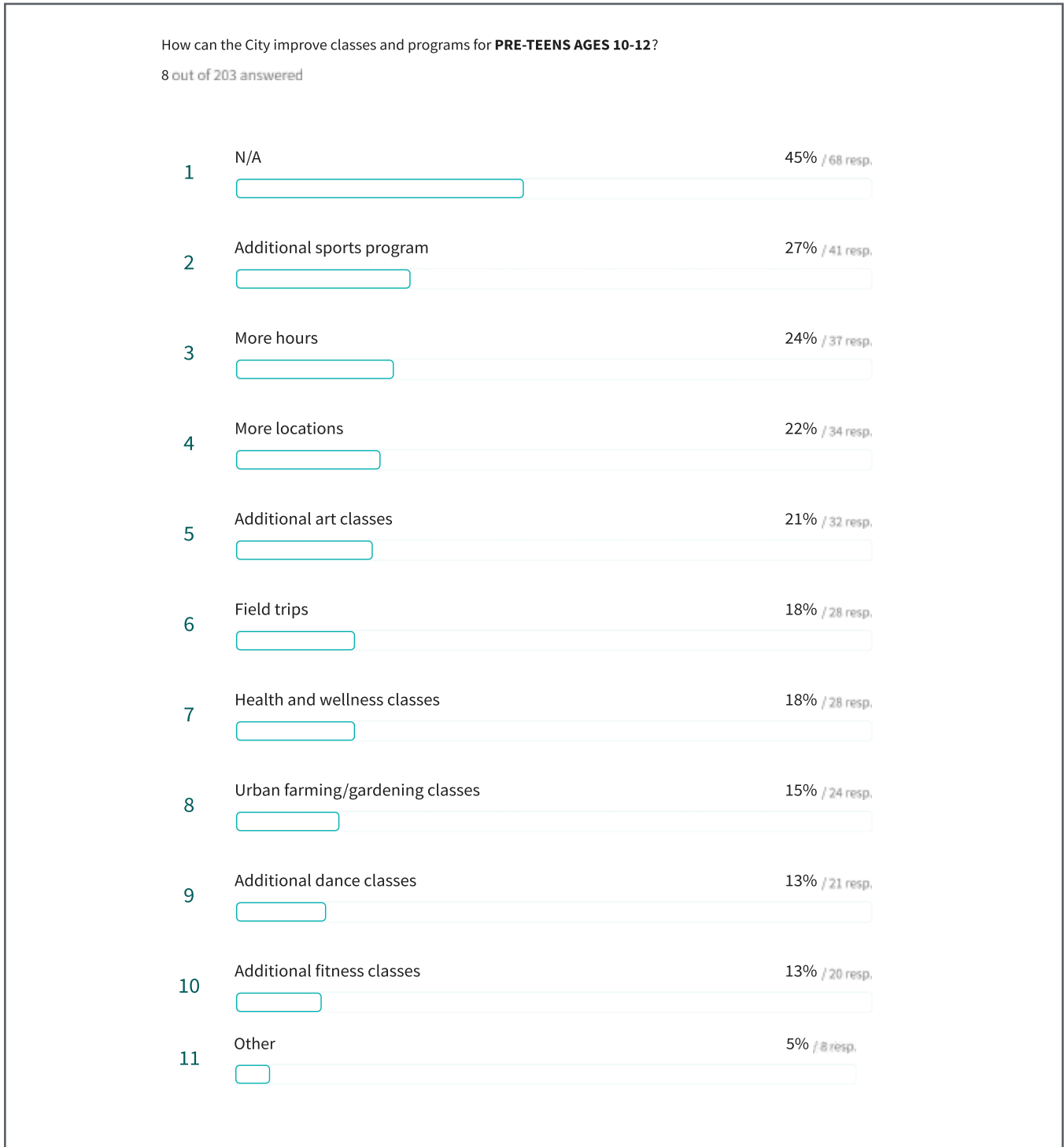
ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)



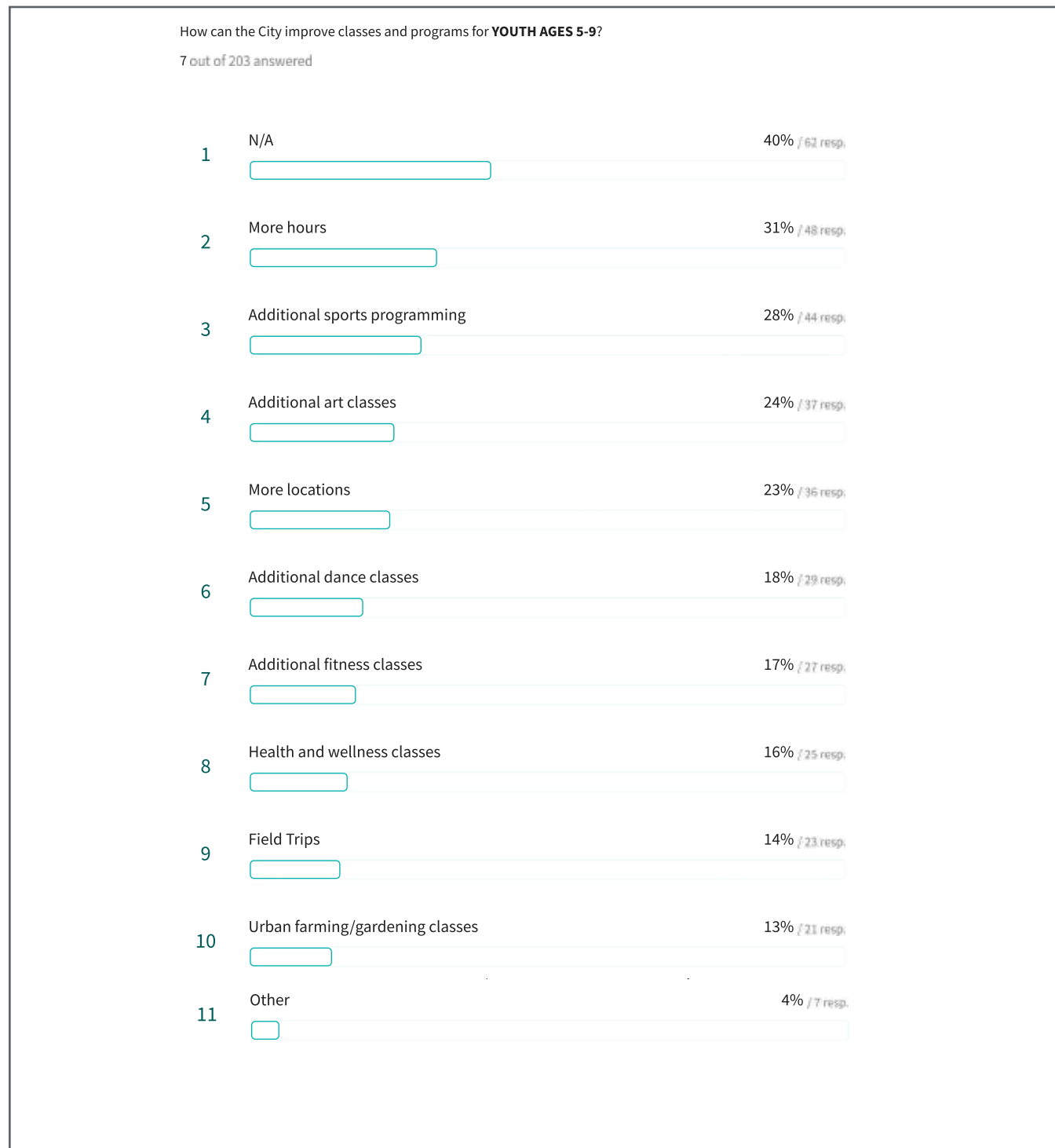
ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

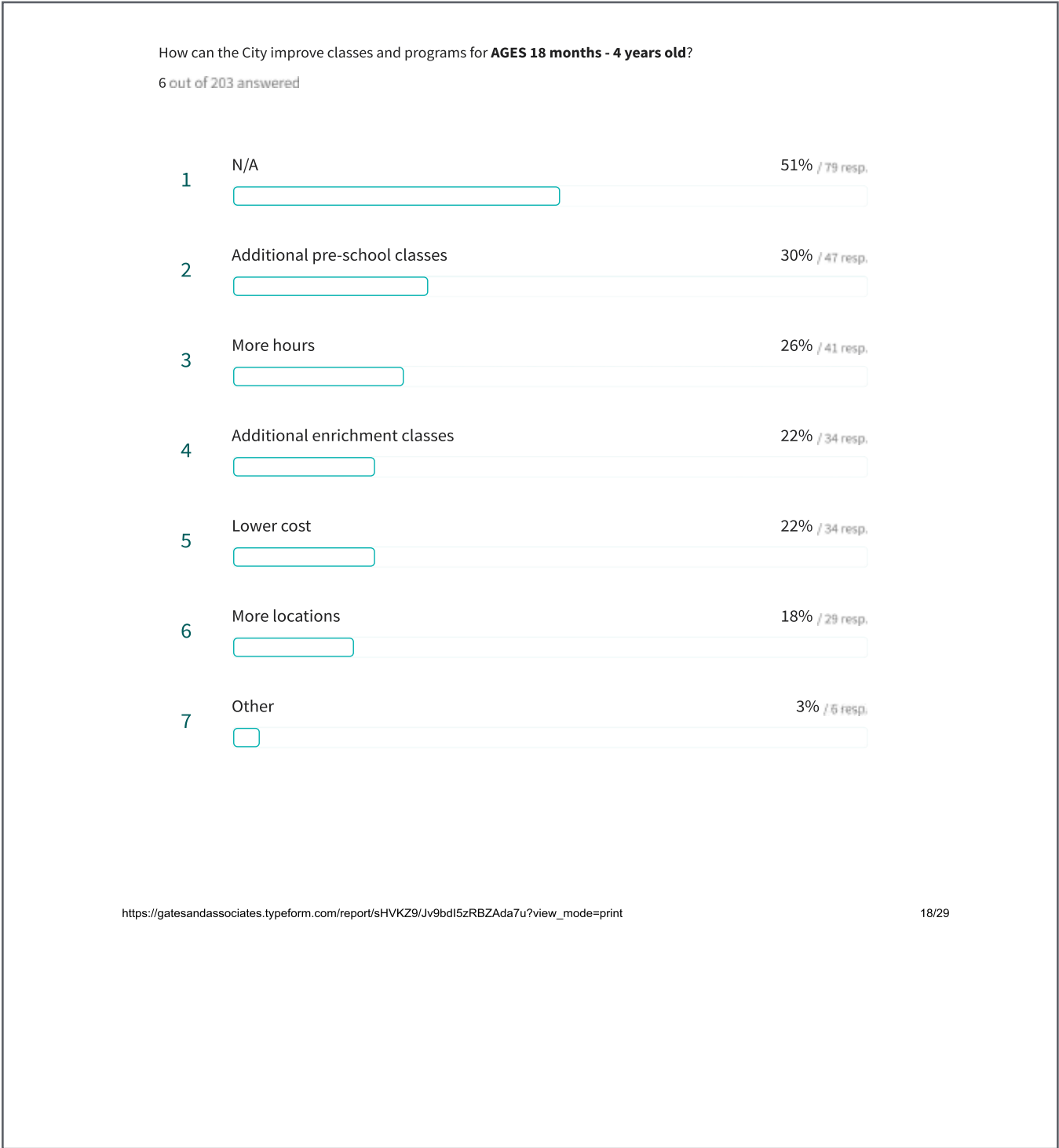


ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

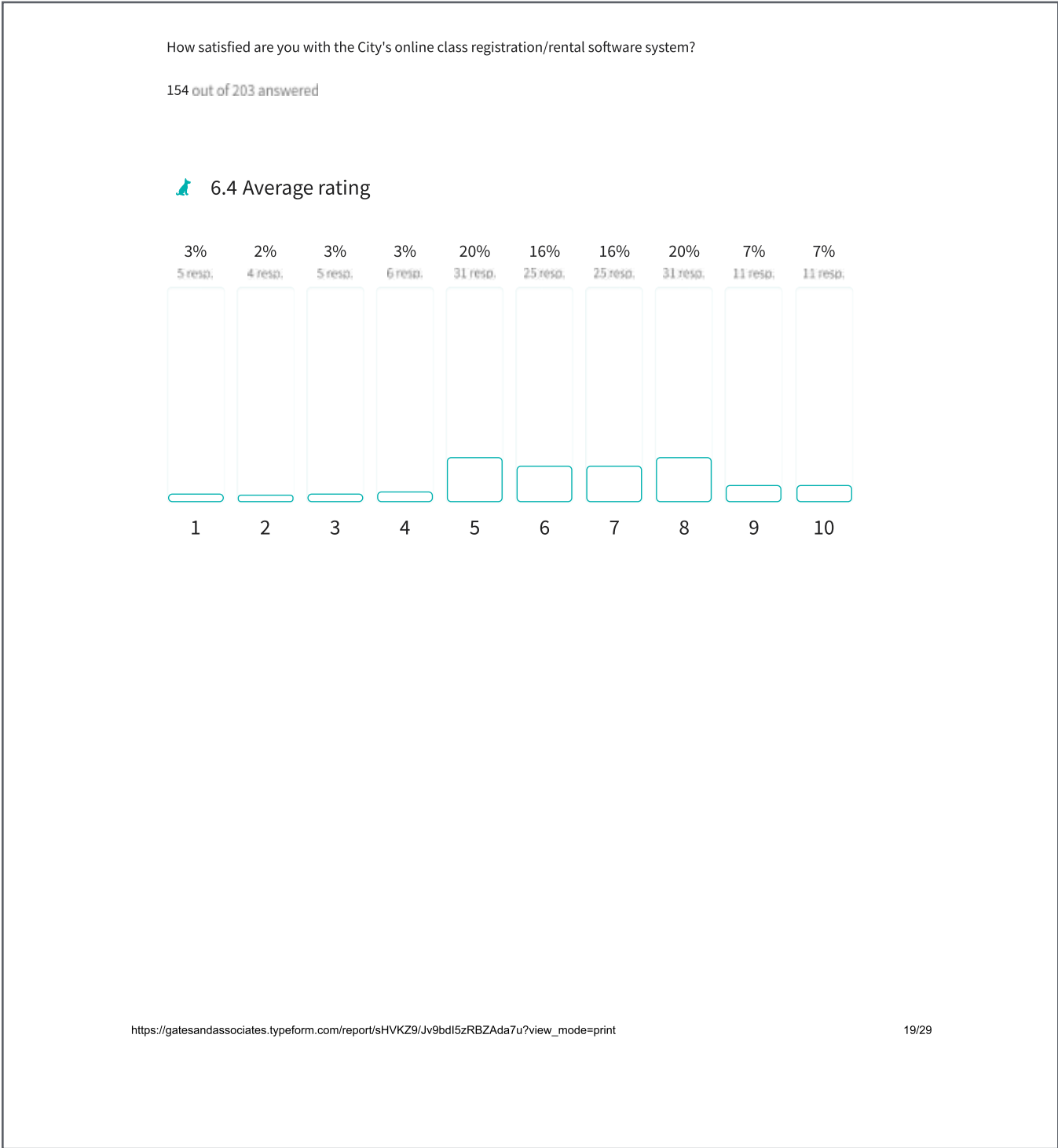
(AS OF 4/21/2020)



ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)

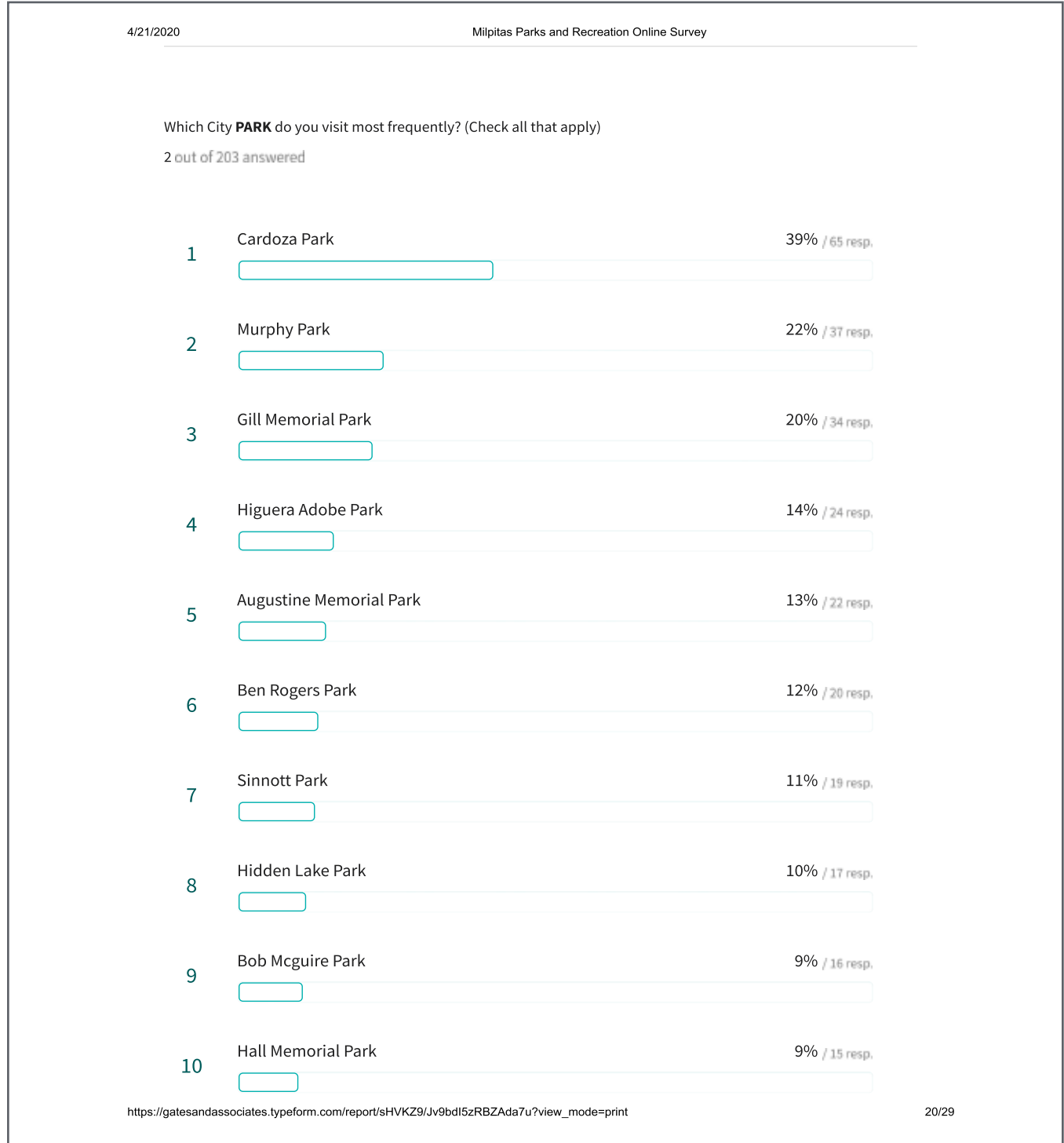


ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)



ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)



ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

4/21/2020

Milpitas Parks and Recreation Online Survey

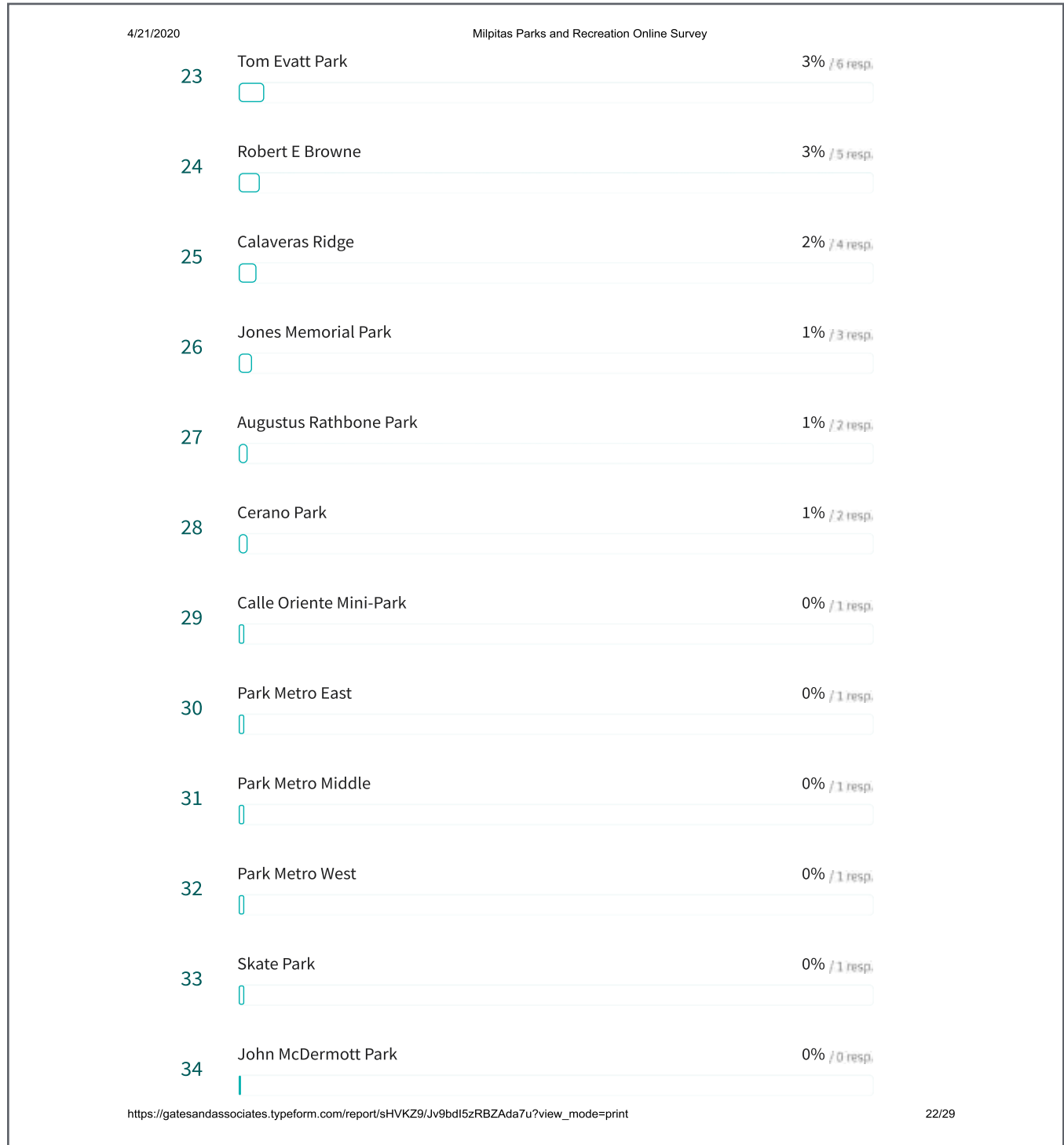
11	I don't know	8% / 14 resp.
12	Dixon Landing Park	8% / 13 resp.
13	Alviso Adobe Park	7% / 12 resp.
14	Foothill Park	6% / 11 resp.
15	Hillcrest Park	6% / 11 resp.
16	Pinewood Park	5% / 9 resp.
17	McCandless Park	4% / 8 resp.
18	Milpitas Dog Park	4% / 8 resp.
19	Starlite Park	4% / 8 resp.
20	Stickroth Park	4% / 7 resp.
21	Creighton Park	3% / 6 resp.
22	Sandalwood Park	3% / 6 resp.

https://gatesandassociates.typeform.com/report/sHVkZ9/Jv9bdI5zRBZAda7u?view_mode=print

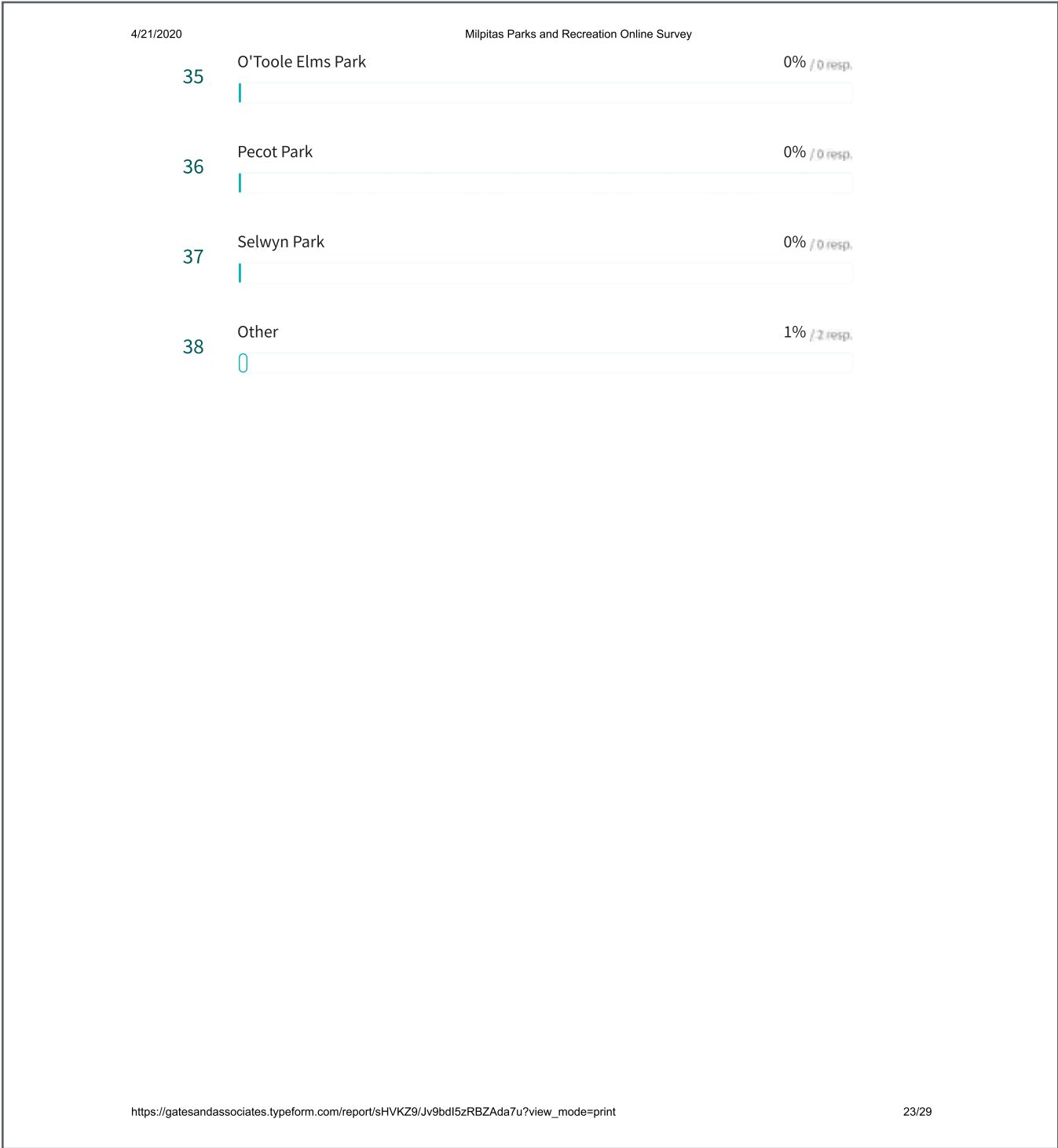
21/29

ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

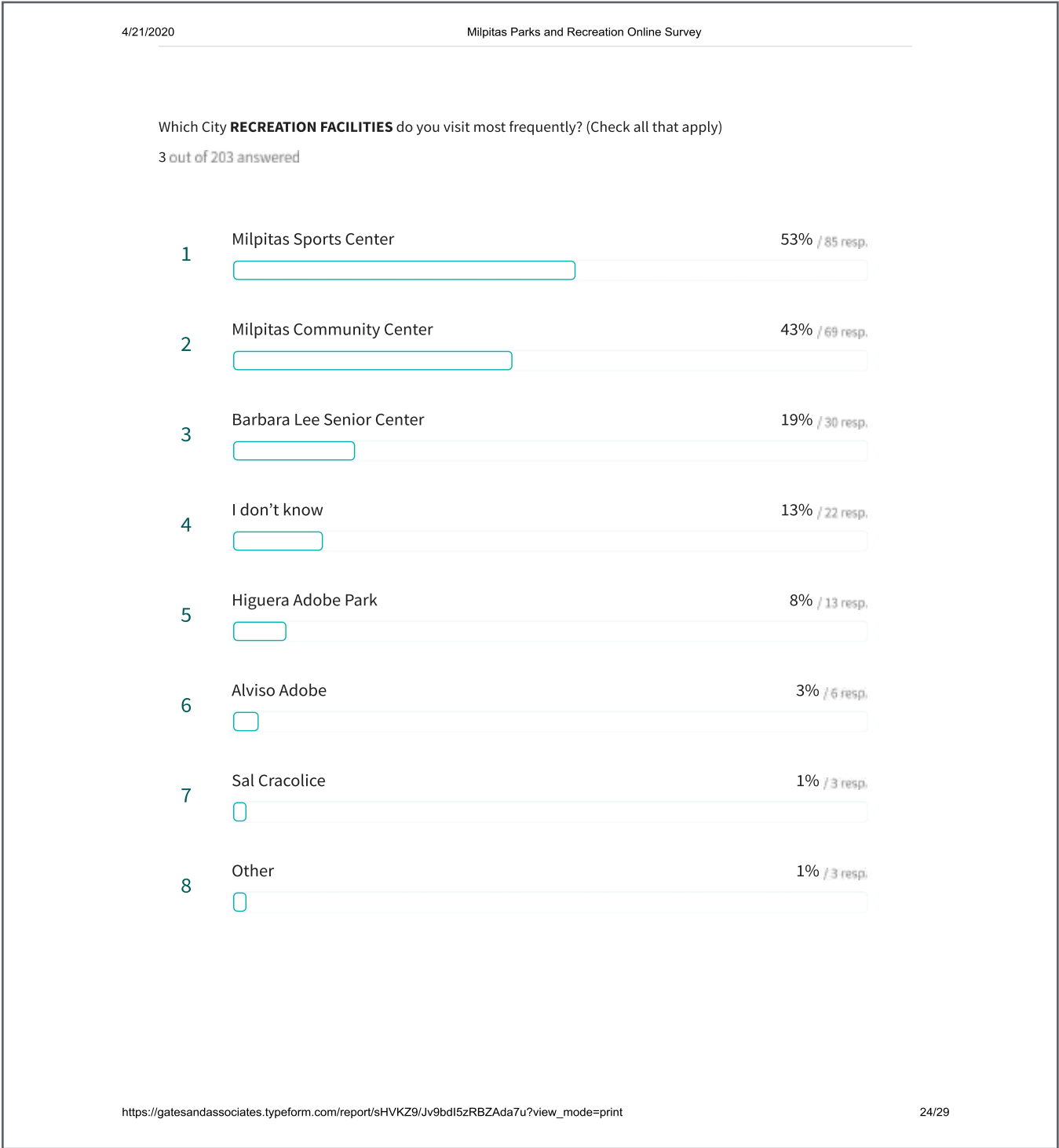
(AS OF 4/21/2020)



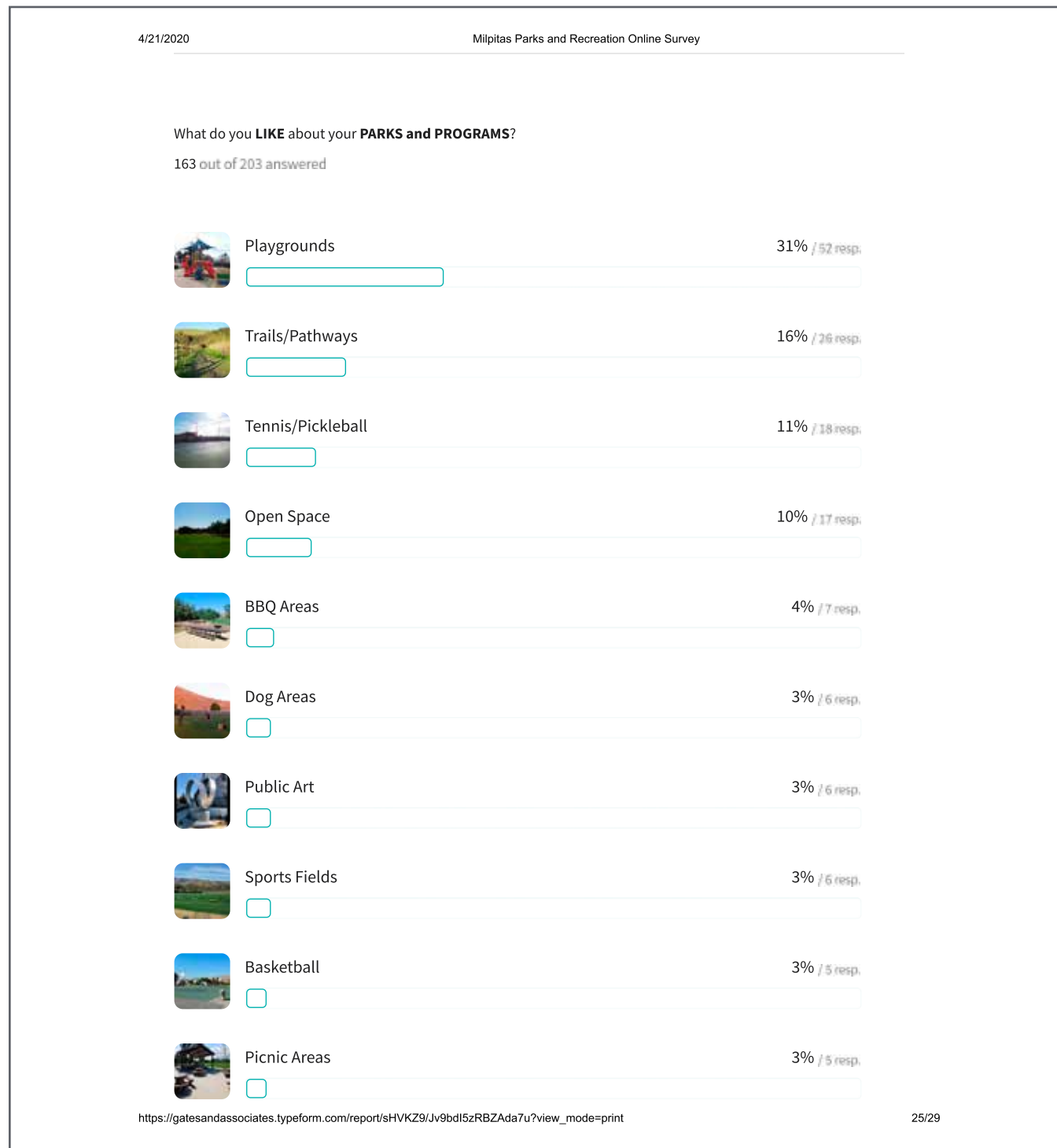
ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)

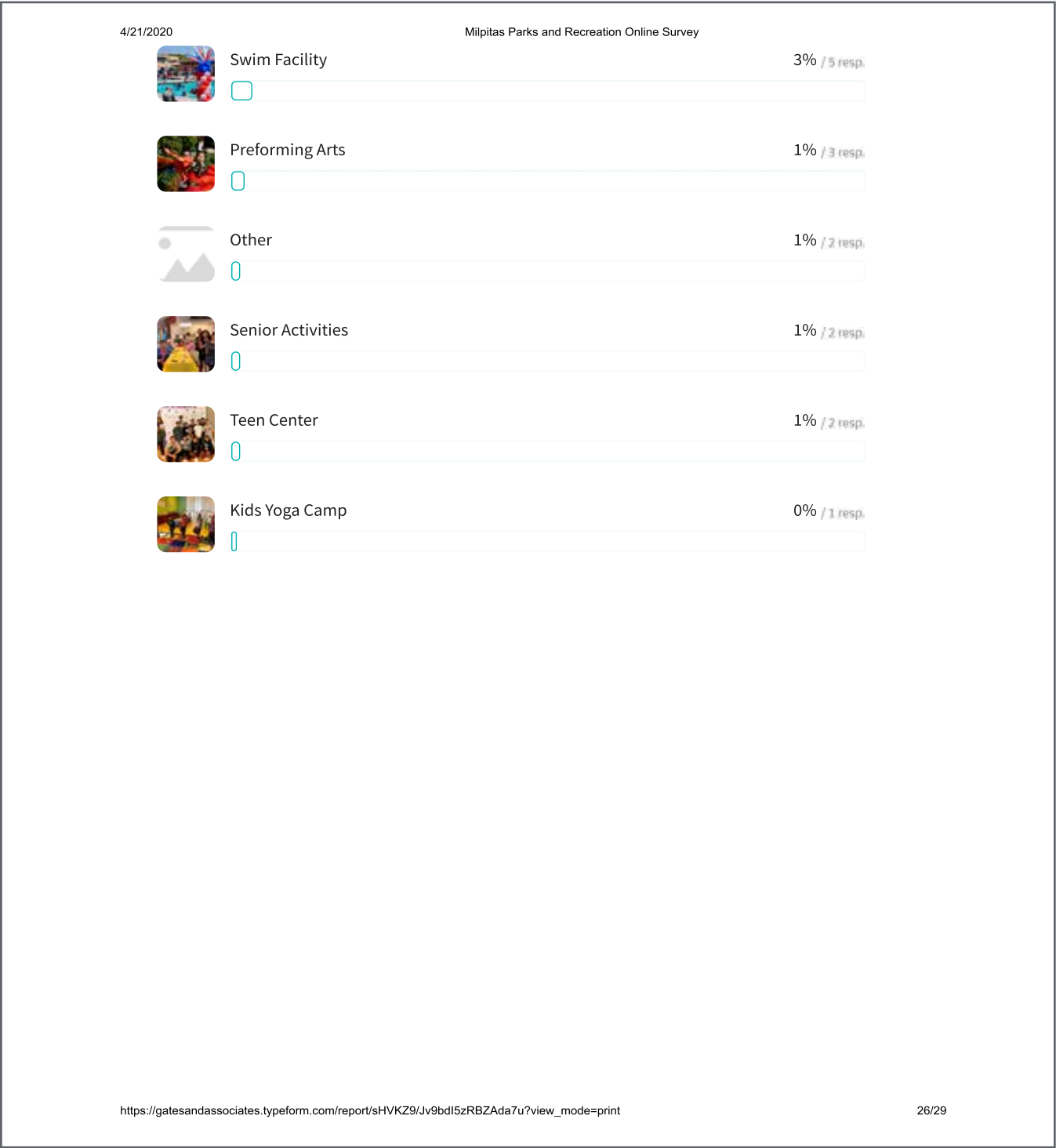


ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)



CHAPTER 7: APPENDIX





ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

4/21/2020

Milpitas Parks and Recreation Online Survey

What should be **ADDED** to your **PARKS and PROGRAMS** ?

162 out of 203 answered

	More/Updated Playgrounds	25% / 41 resp.
	Exercise Stations	7% / 12 resp.
	More Community Events	7% / 12 resp.
	Adult Space	5% / 9 resp.
	Better Park Lighting	5% / 9 resp.
	More Indoor Sports	5% / 9 resp.
	Pump Track	5% / 9 resp.
	Teen Space	5% / 9 resp.
	More Outdoor Picnic and Gathering Areas	4% / 7 resp.
	Covered Area/Shade	3% / 6 resp.

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27/29

ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF 4/21/2020)

4/21/2020

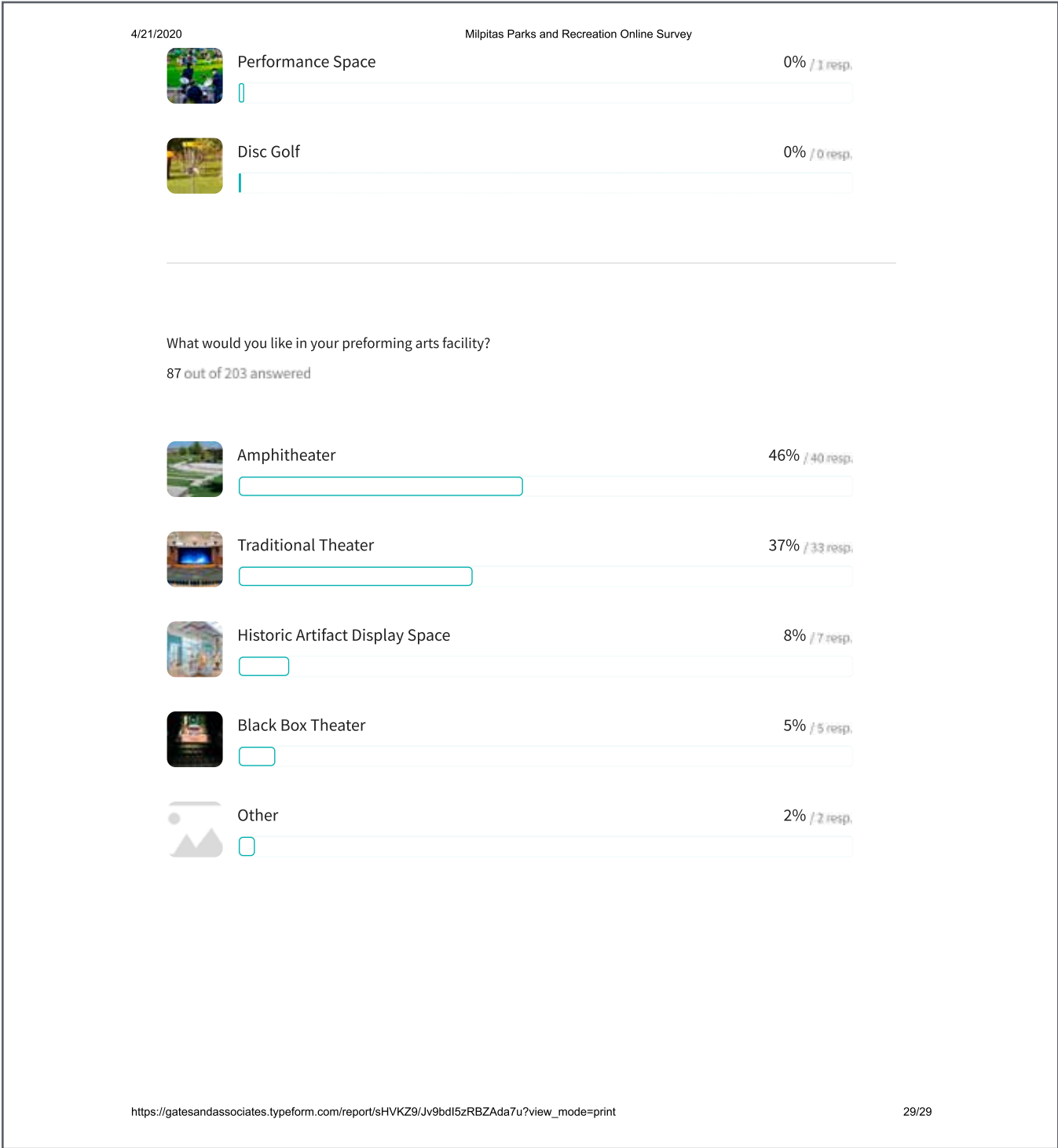
Milpitas Parks and Recreation Online Survey

	More Dog Parks	3% / 6 resp.
	Restrooms	3% / 6 resp.
	Bocce	3% / 5 resp.
	More Amenities (Seating, Drinking Fountains, etc.)	2% / 4 resp.
	Community Gardens	1% / 3 resp.
	More Bike Facilities	1% / 3 resp.
	More Computer Classes	1% / 3 resp.
	Other	1% / 3 resp.
	Public Art	1% / 2 resp.
	Demonstration Gardens	0% / 1 resp.
	Game Tables	0% / 1 resp.
	Horseshoes	0% / 1 resp.

https://gatesandassociates.typeform.com/report/sHVKZ9/Jv9bdI5zRBZAda7u?view_mode=print

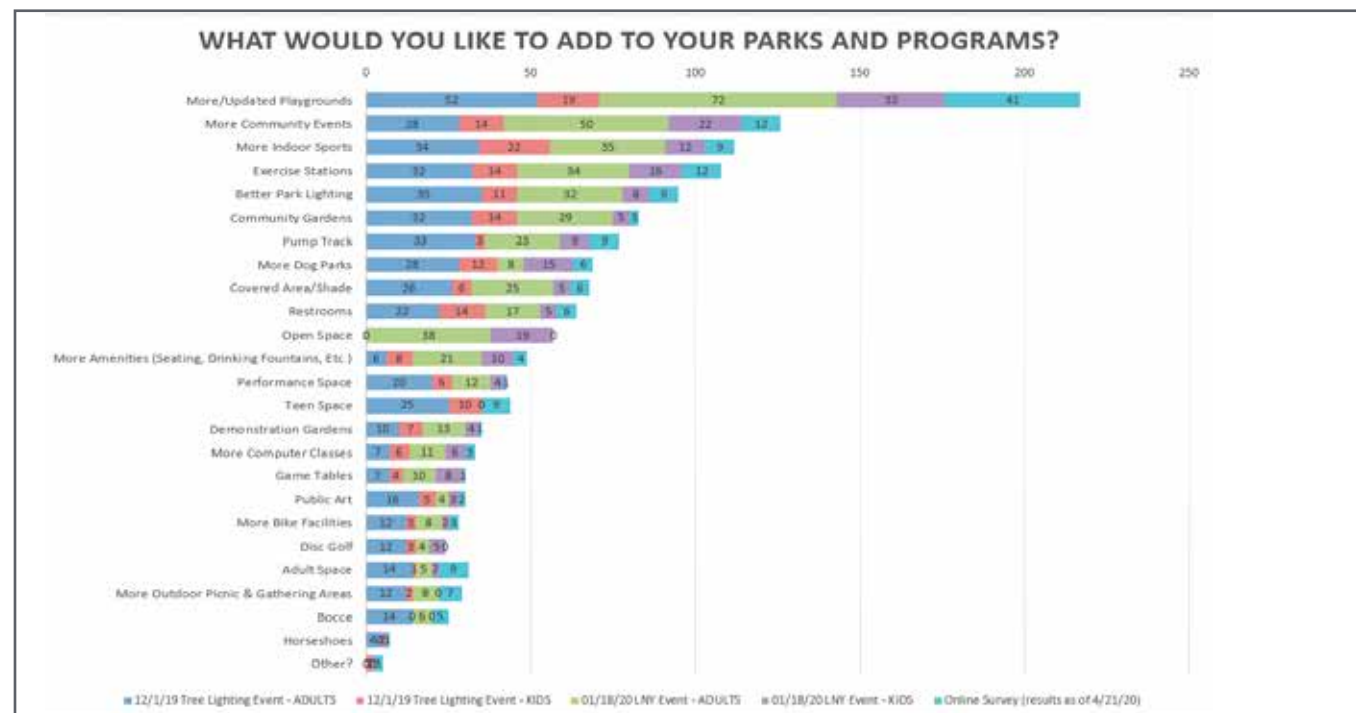
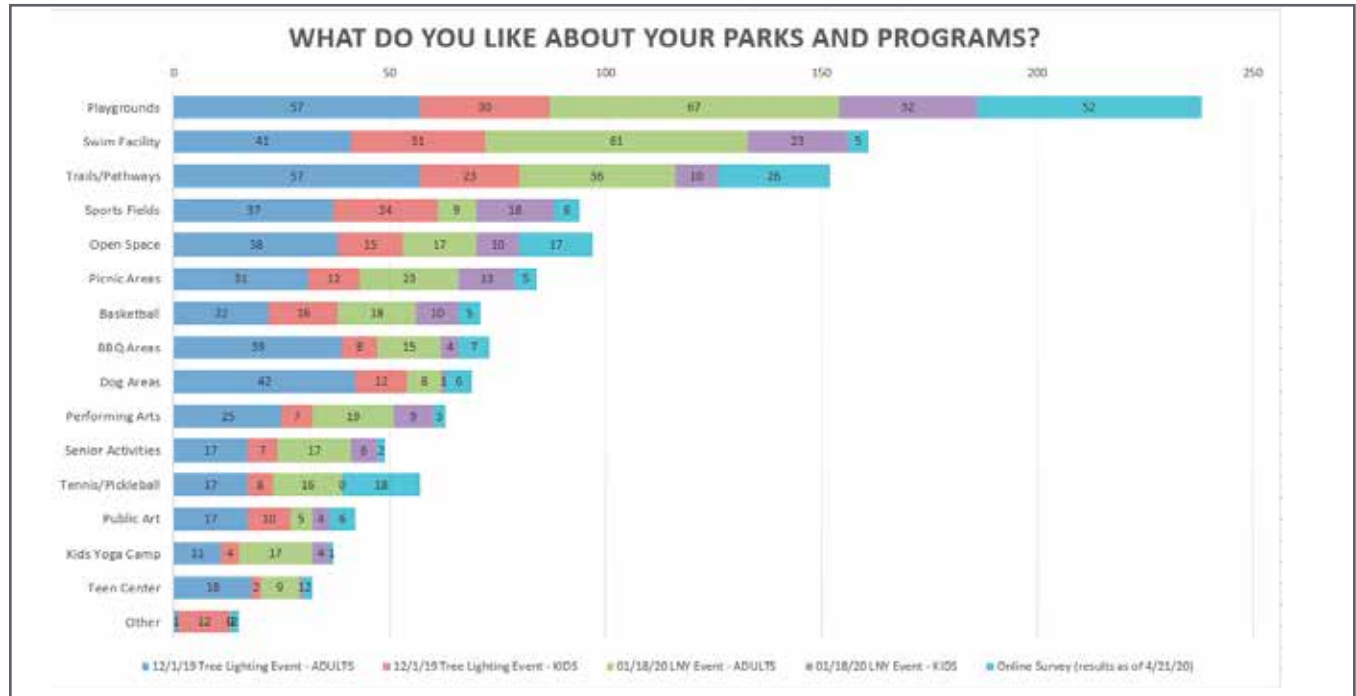
28/29

ROUND 1 ONLINE SURVEY QUESTIONS & RESPONSES
(AS OF 4/21/2020)



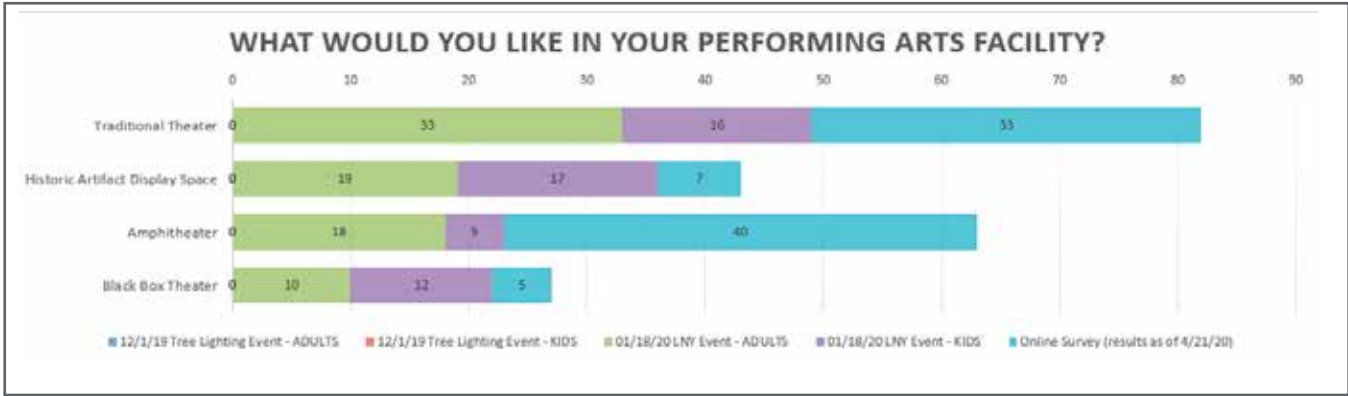
ROUND 1 OUTREACH RESULTS

TREE LIGHTING POP-UP | LUNAR NEW YEAR POP-UP | ONLINE SURVEY



ROUND 1 OUTREACH RESULTS

TREE LIGHTING POP-UP | LUNAR NEW YEAR POP-UP | ONLINE SURVEY



SPORTS FOCUS GROUP

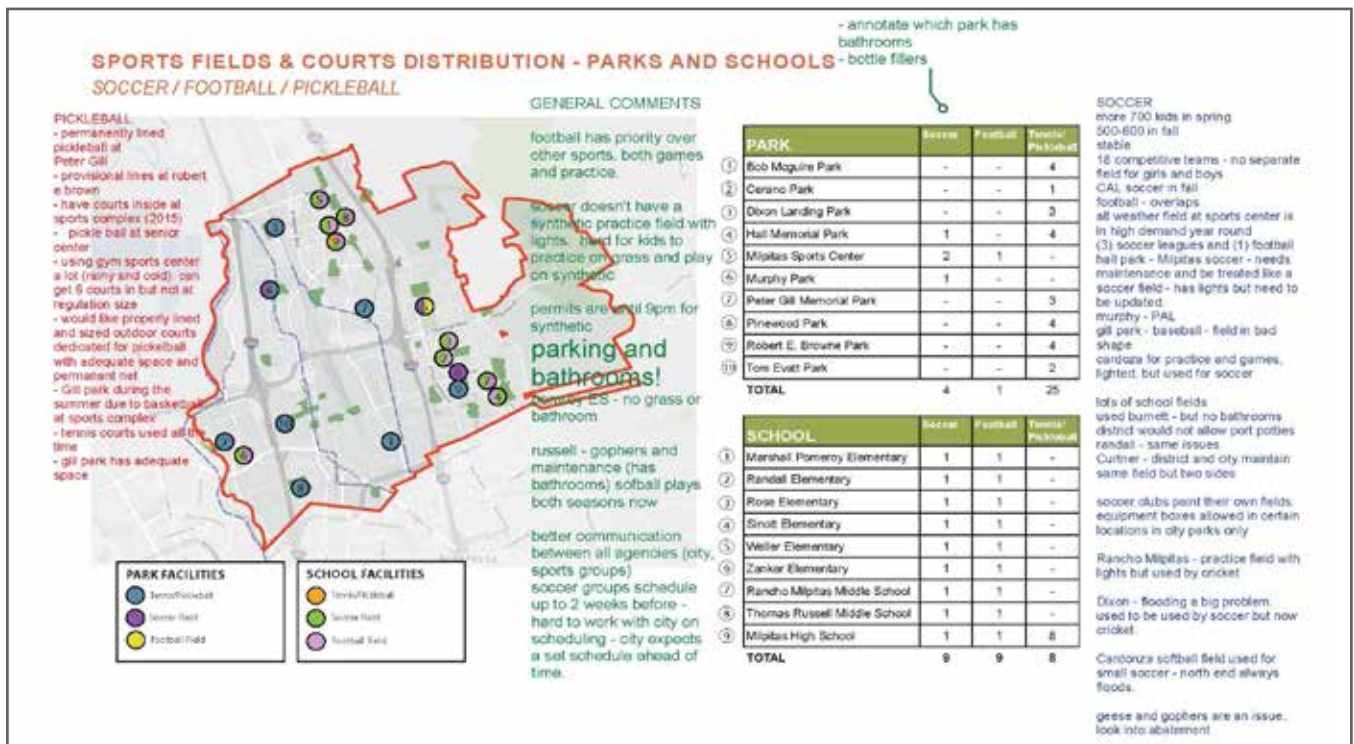
SEPT. 24, 2020 | ZOOM

PURPOSE OF MEETING

This meeting was held to discuss the needs of the Organized Sports User Groups in relation to the City-owned and/or maintained sports fields and courts. Our team reviewed efforts-to-date and held a Q&A session within breakout rooms. The sports groups invited to share input included:

- Cricket
- Milpitas Youth Soccer
- PAL Softball
- PAL Soccer
- Youth Rugby & JR Giants Baseball
- Knights Football
- Youth Baseball
- Adult Soccer
- Pickleball

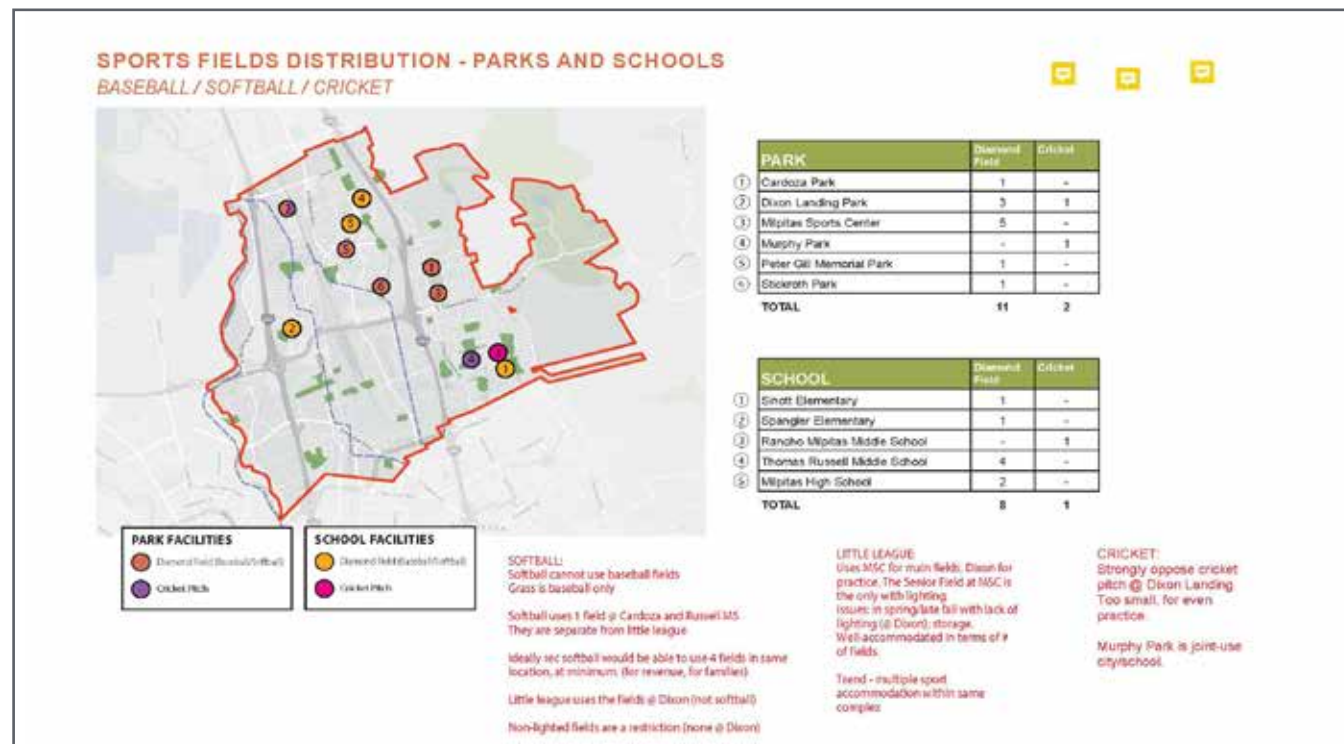
SOCCER / FOOTBALL / PICKLEBALL BREAKOUT ROOM PARTICIPANT INPUT



SPORTS FOCUS GROUP

SEPT. 24, 2020 | ZOOM

BASEBALL / SOFTBALL / CRICKET BREAKOUT ROOM PARTICIPANT INPUT



SPORTS FOCUS GROUP - MEETING SUMMARY

SEPT. 24, 2020 | ZOOM

Milpitas Sports Focus Group Meeting

Breakout Group #2 Cricket and Ballfields

Softball

PAL Softball	Tina Ortiz and Elena Gill
JV Softball	Rosie Walker – Milpitas Monsters Softball
Rec Softball	

Cricket

Club and Academy	Abrar Ahmad
Milpitas Youth	

Baseball

Little league	Jose Gomez, Laurie and Brian King
Adult / Tournament	Jose Gomez
Farr T-ball	

Requirements

Softball

2001 outfield, skinned infield

Baseball

Little league	300' to centerfield
	Skinned / grass infield games, skinned practiced
Jr. Baseball	225' – 250' to centerfield

Cricket

flexible / 50' x 250' – 300'

SPORTS FOCUS GROUP - MEETING SUMMARY

SEPT. 24, 2020 | ZOOM

	Baseball				Softball		
*Assuming Milpitas Master Plan	Adult	LL Game	LL Practice	T-ball Practice	Game	Practice	Cricket
City Parks							
Cardoza					1	1*	
Dixon	1	2		2			1
Milpitas Sports	1	2	2				
Murphy Park / School							1
Gil Memorial					1		
Strickroth				1			
Schools							
Russel Middle School					3	1	
Rancho Milpitas			1				1

Findings:

Cricket – Fast growing non-contact sport, intermural and competitive leagues. Need better facilities. Have money to invest in improvements.

Baseball – Currently feels they have adequate fields.

Some t-ball use conflicts at Dixon T-ball with cricket pitch.

Softball – Currently has 4 fields at Russel Middle School.

This allows them to schedule all games together and support concession stand. District improvements current schools have closed fields. In future only 2 fields available. Sports is expanding to year round.

Competitive softball team exploring relocating to Fremont fields.

Recommendations:

- Consider lighting of fields at Dixon Landing, Rancho Milpitas and Murphy Park to expand hours of operations and accommodate more use as community grows.
- Consider converting synthetic turf to expand field capacity to handle wear and team with additional use and ability to use fields year round.
- Add storage facilities at fields.
- Provide access to restrooms and parking.

SPORTS FOCUS GROUP - MEETING SUMMARY

SEPT. 24, 2020 | ZOOM

- Work with school district to allow city to maintain and schedule fields on school property after school hours.
- Add “shared” baseball / cricket batting cages
- Consider relocating path at Murphy Park to reduce conflict with cricket. Cricket and ball field could be co-located at this site.
- Improvements to grades and field condition in cricket/t-ball portion of Dixon landing could expand usability of those fields.

All sports groups recognize the challenge of meeting sports recreation needs in a community where there’s very limited new park land. All users were willing to work collaboratively to address needs.

SPORTS FOCUS GROUP - MEETING SUMMARY

SEPT. 24, 2020 | ZOOM

Soccer / Football / Pickleball Breakout Group - Summary

SOCCER

- 700+ kids in spring; 500-600 in fall; stable
- 18 competitive teams - no separate field for girls and boys
- PAL soccer in fall (**Murphy Park**)
- Football – overlaps
- All weather field at sports center is in high demand year round
- (3) soccer leagues and (1) football
- **Hall Park:** Milpitas soccer - needs maintenance and be treated like a soccer field - has lights but need updating
- **Gill Park:** baseball field in bad shape
- **Cardoza Park:** for practice and games, lighted, but used for soccer; softball field used for small soccer; **north end flooding issues**
- **Many school fields, but lack of bathroom access:**
 - **Burnett, Randall**
 - District would not allow port-a-potties
- **Curtner** - district and city maintain same field but two sides
- Soccer clubs paint their own fields. Equipment boxes allowed in certain locations in city parks only
- **Rancho Milpitas:** practice field with lights but used by cricket
- **Dixon: flooding** issues; previously used by soccer but now cricket.
- Geese and gophers are an issue; look into abatement

PICKLEBALL

- **Peter Gill:** has permanently lined pickleball; adequate space; used during summer due to basketball @ sports complex
- **Robert E Browne:** Provisional lines
- Have courts inside at sports complex (2015)
- Pickleball at senior center
- Using gym sports center a lot (rainy and cold); can get 6 courts in but not at regulation size
- Would like properly lined and sized outdoor courts dedicated for pickleball with adequate space and permanent net
- Tennis courts used all the time

GENERAL COMMENTS

- Football has priority over other sports (both games and practice)
- **Recommend a synthetic practice field for soccer** – difficult for kids to practice on grass and play on synthetic; permits are until 9pm for synthetic
- **Need parking and restrooms**
- **Pomeroy Elementary** - no grass or bathroom
- **Russell** - gophers and maintenance (has bathrooms); softball plays both seasons now
- **Need better communication between all agencies** (city, sports groups); soccer groups schedule up to 2 weeks before; scheduling difficulties with City (expect a set schedule ahead of time)

TEEN FOCUS GROUP - MEETING SUMMARY

OCT. 1, 2020 | ZOOM

PURPOSE OF MEETING

This meeting was held to discuss the needs and desires of teens in relation to the City-owned parks and recreational programming. The project team asked a group of 10 participants to provide input on what their barriers were to using the existing parks, and also to share what they want to see in parks and programming.

Milpitas Teen Focus Group 10/01/2020

How can the Milpitas Park and Recreation system address the needs of the teen population?

10 participants – primary use Dixon Landing Park and Pinewood

What are the barriers to park usage?

- Lack of amenities tailored to teens, amenities primary for younger children
- Parents concern for teen safety when visiting park independently
- Condition of some amenities; taken and benches aging, parks feels old
- Paths too narrow to accommodate variety of users – skateboarders, joggers, bikes
- Basketball and tennis accommodate by the user groups
- Lack of time when school is in session

What would you like to see in parks?

1. Park opportunities to socialize through planned events provide

- Movie in park, stargazing
- Food trucks, pop-up café
- Special lighting and music for evening events

2. Amenities geared to teens

- Rope challenge course, large spinner requiring collaboration to move, tall climbing elements
- Wi-fi
- Exercise stations clustered to socialize
- Art (interactive mural)
- Swings for teenagers
- Ping pong tables
- Skateboard spots in local parks so teens can walk not drive
- Informal stage

TEEN FOCUS GROUP - MEETING SUMMARY

OCT. 1, 2020 | ZOOM

3. Provide a place to connect with natives
 - Habitat for birds
 - Emphasis sustainability
 - Appreciate beauty of scenery
 - More natural characters
4. Make parks more comfortable in summer, when teens are not in school
 - Splash pads (but do not waste water)
 - Co-sheltered tables
 - Areas to gather in shade and hang out
 - No wood tables/benches
5. Current activities
 - Picnic
 - Paint
 - Meet friends

NEW RESIDENT FOCUS GROUP - MEETING SUMMARY

OCT. 1, 2020 | ZOOM

PURPOSE OF MEETING

This meeting held to discuss the needs and desires of new residents in relation to City-owned neighborhood parks. The project team asked a group of 5 participants to provide input on what their barriers were to using the existing parks, and also to share what would get them outside.

Milpitas New Resident Focus Group 10/01/2020

How can the Milpitas Park and Recreation system meet the needs of the new residents living in higher density neighborhoods?

5 participants, primarily use Bob McGuire and Pinewood Park.

Emerging Themes –

1. Want parks to facilitate “getting to know neighbors”
 - Group exercise area to socialize and workout
 - Activate park with events – outdoor Zumba or yoga class
 - Movies in park
2. Park needs to be convenient and comfortable to visit and linger
 - Need Wi-Fi
 - Restrooms especially for parents with small children
 - Within walking or biking distance
3. Want equity protocols / systems to reduce use conflicts
 - Tennis courts very popular, need timer, sign-up sheet or on-line reservable as possible strategies to schedule court use.
4. Provide adequate parking to accommodate reserved use of recreation building or group picnic areas
 - Possible permits for on-street parking areas with reservation

NEW RESIDENT FOCUS GROUP - MEETING SUMMARY

OCT. 1, 2020 | ZOOM

5. Provide a greater variety of uses

- Pickleball, outdoor ping pong, tennis ball backboard
- Shaded group picnic area
- Want swings for adults and kids

6. Create a shared history

- Provide information about history of park name or events with Milpitas in Park

7. Misc.

- Limit sand in play areas (cleanliness and safety)
- Avoid evening use of park
- Like 7 Seas Park play area for toddler

VIRTUAL TOWN HALLS - MARKETING COLLATERAL

OCT. 10 & 14, 2020 | ZOOM



MILPITAS PARKS + RECREATION MASTER PLAN

VIRTUAL TOWN HALL

Help create the vision for the Milpitas park and recreation system!
2 Options to Attend:

¡Ayude a crear la visión! 2 opciones para asistir: Hai lựa chọn để tham dự: 两种参与方式:

What:	Qué:	Điều Gì:	活动内容:
VIRTUAL TOWN HALL Saturday, October 10 10-11 a.m. AND Wednesday, October 14 6-7 p.m.	AYUNTAMIENTO VIRTUAL Sábado 10 de Octubre 10-11 a.m. Y Miércoles 14 de Octubre 6-7 p.m.	Tòa thị chính ảo Thứ năm ngày 10 tháng 10 10-11 giờ sáng và Thứ bảy ngày 14 tháng 10 6-7 giờ tối	公园和娱乐线上市政厅 周六, 10月10日 早上 10-11点 & 周三, 10月14日 晚上 6-7点

Register at: | Regístrese en: | Đăng ký tại: | 注册地点:

10/10 https://apm.activecommunities.com/milpitasrec/Activity_Search/55776

10/14 https://apm.activecommunities.com/milpitasrec/Activity_Search/55777




If you can't join us - take our survey at the link below!
Si no puede asistir, responda a nuestra encuesta en el link a continuación:
Nếu bạn không thể tham gia với chúng tôi - hãy tham gia cuộc khảo sát của chúng tôi tại liên kết bên dưới!
如果您未能参与此次活动, 您也可通过下方链接填写问卷调查:

www.milpitasparksrecreationmasterplan.org




MILPITAS PARKS + RECREATION MASTER PLAN

Join us for a

VIRTUAL TOWN HALL

Help create the vision for the Milpitas park and recreation system!
2 Options to Attend:

Saturday, October 10
10 - 11 a.m.

Wednesday, October 14
6 - 7 p.m.



Registration links are in the description!

If you can't join us - take our survey at the link below!
www.milpitasparksrecreationmasterplan.org





VIRTUAL TOWN HALLS

OCT. 10 & 14, 2020 | ZOOM

PURPOSE OF MEETINGS

The project team held two virtual town hall meetings via Zoom that were open to the community. Conducted in a webinar style, the interactive meeting included polling questions where participants could submit answers in real time. The meeting sought to increase awareness and understanding of the Master Plan process, collect input on current barriers to using the parks and participating in recreational programming, and identify community needs and desires in relation to City-owned parks and programming.

VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

INTRODUCTIONS

— The Master Plan Team

- Milpitas City Staff
- Gates + Associates
- Matrix Consulting Group



MILPITAS
RECREATION
AND COMMUNITY SERVICES



GATES
+ ASSOCIATES
LANDSCAPE ARCHITECTURE

matrix#
consulting group



ZOOM PROTOCOLS

— Best Practices



Please utilize the Q&A window to ask questions while others are talking!

Raise your hand
if you have a
comment or
question!



Mute yourself when not talking



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

MEETING OVERVIEW

— Purpose:

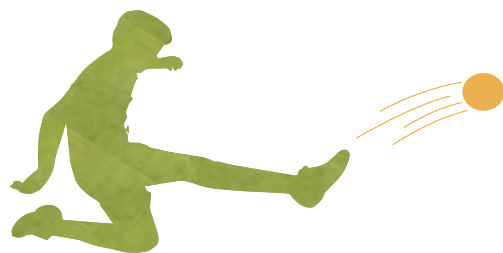
- » Review efforts to date on Parks & Recreation Master Plan Update
- » Gather community input



PARKS & RECREATION MASTER PLAN UPDATE

— Purpose of this Project

Create a **ROAD MAP** to guide **FUTURE IMPROVEMENTS** to existing parks, planned parks and programs



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

POLLING

— Question 1:

How many people are participating with you on this Zoom call?

- ☐ Just me
- ☐ 1 other person
- ☐ 2 or more



2008 PARKS & RECREATION MASTER PLAN

— Park Improvements

26 million dollars in improvements:

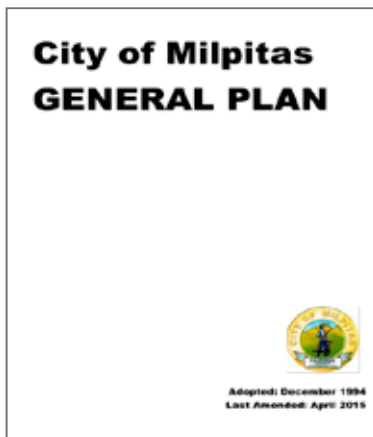
- » New synthetic fields, pool rehab, and upgraded locker rooms at the **Milpitas Sports Center**
- » New Skate Park, Restrooms and Concession Building
- » The new **Creighton Park** re-design
- » **Sandalwood Park** re-design
- » Higuera Adobe Park and Building re-design & retrofit
- » Major improvements to Alviso Adobe, Pinewood, Cardoza, and Calle Oriente Parks



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

PLANNING CONTEXT

— Milpitas General Plan



Park and Recreational Facilities Guiding Principles:

4.a-G-1 Provide a park and recreation system designed to serve the **NEEDS OF ALL RESIDENTS** of the community.

4.a-G-3 **Cooperate** with other agencies, such as the **County** and **MUSD**, to provide recreational opportunities to residents.



DEMOGRAPHICS

— People

The population has grown 21% since 2010

Milpitas is very diverse:

- 67% Asian
- 16% Caucasian
- 15% Hispanic or Latino

The population of Milpitas is projected to grow to 113,530

	2010	2019
POPULATION	66,790	84,196
AGE:		
Under 19	26%	25%
20-44	38%	37%
45-64	27%	27%
Over 65	9%	11%



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

PLANNING CONTEXT

Milpitas General Plan

"EXPERIENCE OVER ACRES"

Table 4-2 Park Standards for New Facilities			
	Urban Parks	Neighborhood Parks	Community Parks
Distribution (acres/1,000 residents)	5 acres with a minimum of 3 acres per 1000 residents for public parks outside of the Midtown and Transit Specific Plan areas. 3.5 acres with a minimum of 2 acres per 1,000 residents for public parks within the Midtown and Transit Specific Plan areas.		
Service Area Radius	1/4 Mile	3/8 Mile	Citywide



POLLING

Question 2:

How many parks do you think are in the Milpitas Parks & Recreation system?

- ☐ 15
- ☐ 26
- ☐ 36



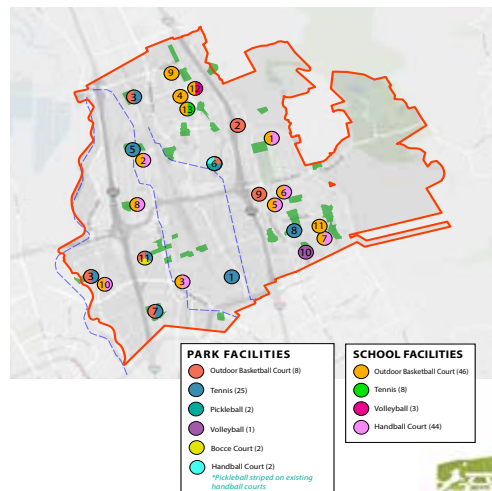
VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

PARKS & RECREATION MASTER PLAN UPDATE

Existing Conditions Assessment

- » 36 parks
- » 6 Facilities

SPORTS COURTS DISTRIBUTION - PARKS AND SCHOOLS



EXISTING CONDITIONS ASSESSMENT

AUGUSTUS RATHBONE PARK
 Location: E. F. Johnson Dr.

Park Overview

Augustus Rathbone is a modern, compact neighborhood park. It is well-maintained and contains modern play elements and amenities.

The entrance of the park features a large art piece and ornamental planting areas. Shaded picnic areas with accessible seating sit adjacent to a well-maintained playground and open lawn.

Modern production lighting and bollard lights provide safety and security in the evening hours.

The park will soon double in size with the addition of an adjacent lot off of Sanger Court. The expansion will feature picnic areas, playgrounds and public art.

EXISTING SITE ASSESSMENT

Site Furnishings

- Amenity:** Three metal picnic tables and one ADA table are provided, all are in good condition. Four metal benches are in good condition. One blue rack is in good condition.
- Play Equipment:** Play equipment and poured-in-place surfacing is in good condition.

Accessibility

- Pathways:** All concrete pathways are in good condition with no cracking or heaving. All slopes and ramps are within ADA compliance.
- Furnishings:** ADA accessible benches and tables are provided.

Landscaping & Maintenance

- Landscape Planting:** Landscape planting is in overall good condition. Much of planted areas is new.
- Turf:** Turf is in good condition with some sparse areas.
- Irrigation:** This park is on the City's centralized irrigation system using reclaimed water.



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

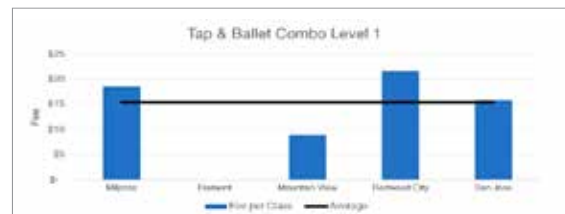
PARKS & RECREATION MASTER PLAN UPDATE

More Than Just Parks

- » Programs
- » Events
- » Community Support Services



PROGRAM FEE ASSESSMENT & COST RECOVERY



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

POLLING

Question 3:

What types of online programs would you like to see?

- ☐ **Fitness Classes** (yoga, zumba, etc.)
- ☐ **Enrichment Classes** (art history, cooking, guitar, etc.)
- ☐ **Art Classes** (painting, photography, crafts, etc.)
- ☐ **Teen-focused Classes** (coding, web design, academic, sports)
- ☐ **Youth** (virtual kids club, keyboarding, art, academics)
- ☐ **Pre-K Enrichment** (parent/child classes - music, soccer, yoga)
- ☐ **Other**



POLLING

Question 4:

Which class are you most looking forward to attending in person in the future?

- ☐ **Fitness Classes** (yoga, zumba, etc.)
- ☐ **Enrichment Classes** (art history, cooking, guitar, etc.)
- ☐ **Art Classes** (painting, photography, crafts, etc.)
- ☐ **Teen-focused Classes** (coding, web design, academic, sports)
- ☐ **Youth** (virtual kids club, keyboarding, art, academics)
- ☐ **Pre-K Enrichment** (parent/child classes - music, soccer, yoga)
- ☐ **Other**



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

POLLING

Question 5:

What are your barriers to participating in Milpitas' recreation programs? *(select all that apply)*

- ☐ None - I participate in the programs
- ☐ Cost
- ☐ Lack of time
- ☐ Classes offered at inconvenient times
- ☐ Nothing of interest to me
- ☐ Lack of childcare
- ☐ I don't know what is offered



RECREATION & COMMUNITY SERVICES

City-Sponsored Events

- » **Large, Citywide Events** *(i.e. fireworks)*
- » **Smaller, Focused Events** *(i.e. diversity celebrations like Lunar New Year, LGBTQ+ Pride)*
- » **Holiday Events** *(i.e. tree lighting)*
- » **Cultural Performances** *(i.e. Concerts in the Park, Center Stage)*
- » **Health & Wellness Events** *(i.e. Bike to Work Day)*
- » **Events for Special Interest Groups** *(i.e. car shows)*
- » **Age-Group Specific Events** *(i.e. children/seniors/teens)*
- » **Events that Support Local Businesses** *(i.e. art walk)*

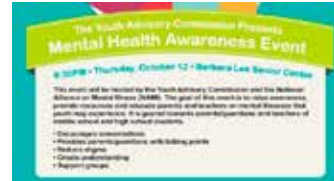


VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

RECREATION & COMMUNITY SERVICES

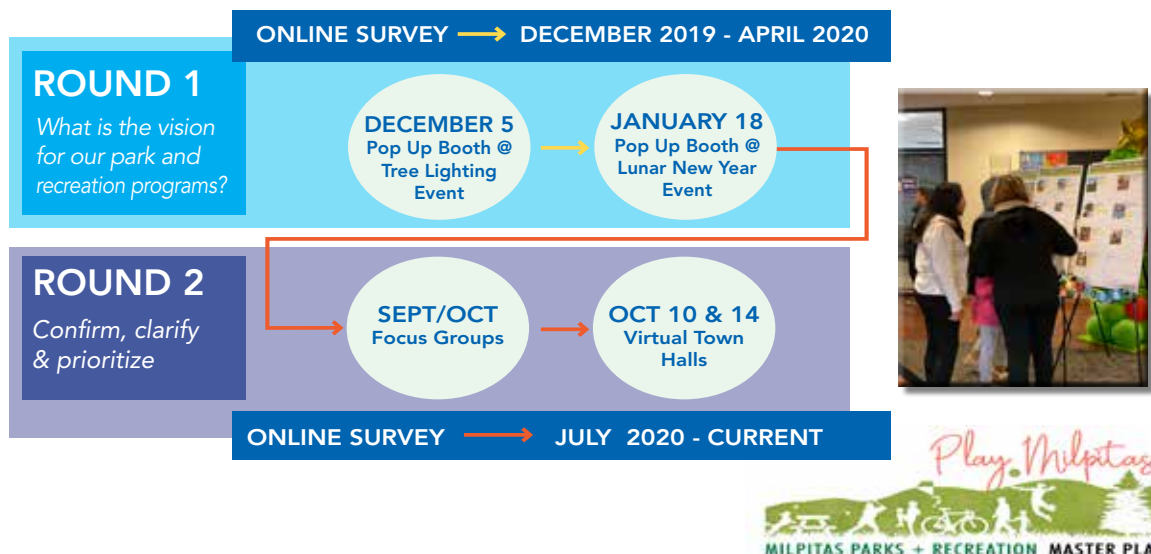
City-Sponsored Social Services

- » Senior Nutrition Program
- » Senior Health Screenings
- » Senior Case Management (*expanding to everyone Oct. 26*)
- » Milpitas Assistance Program (*fee assistance*)
- » Suicide Prevention Resources
- » After School Childcare
- » Youth Job Corps
- » Teen Center (*i.e. art walk*)
- » Volunteer Opportunities
- » Food Resources
- » Senior Services via Partner Groups (*legal, tax, home repair*)
- » Presentations from Service-Providing Community Non-Profits
- » Rent Assistance



COMMUNITY INPUT

Engagement Schedule



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

COMMUNITY INPUT

— Summary: Efforts to Date

- » 700+ PARTICIPANTS
- » (2) Pop-Up Event Booths & Online Survey
- » (3) Focus Groups
- » (2) Virtual Town Hall Meetings
- » English, Spanish, Chinese, Vietnamese

**WHAT DO YOU LIKE?**

1. Playgrounds
2. Swim Facility
3. Trails/Pathways
4. Sports Fields
5. Open Space
6. Picnic Areas
7. BBQ Areas
8. Tennis / Pickleball

WHAT SHOULD WE ADD?

1. More/updated playgrounds
2. More community events
3. More Indoor Sports
4. Exercise Stations
5. Better Park Lighting
6. Community Gardens
7. Dedicated Teen Space



POLLING

— Question 6:

How did you learn about this Town Hall Meeting?

- ☐ From a friend or family
- ☐ Social Media (Facebook, Instagram, Twitter)
- ☐ Master Plan website
- ☐ Email
- ☐ City website



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

COMMUNITY INPUT

Current Online Engagement Opportunities

- » Online Survey & Interactive Map

<https://wikimapping.com/Milpitas-Parks-and-Recreation-Master-Plan-Update.html>

- » City Council Meeting - Oct. 20

Tell your friends!



COMMUNITY INPUT

Park-Specific Amenities / Trends

PUMP TRACK

MURPHY PARK
GILL MEMORIAL PARK
SINNOTT PARK

FENCED DOG PARK

FOOTHILL PARK
MURPHY PARK
AUGUSTINE MEMORIAL PARK

FITNESS EQUIPMENT

MURPHY PARK
GILL MEMORIAL PARK
SINNOTT PARK

COMMUNITY GARDENS

MURPHY PARK
ROGERS PARK
SINNOTT PARK



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

FOCUS GROUPS

Organized Sports

- » Stronger joint-use with schools
- » Amenities access (parking, storage, restrooms)
- » Expand usability (lighting, synthetic turf)
- » Collaboration (share fields, concessions, batting cages)



FOCUS GROUPS

Teens

- » Informal uses geared to teens (climbing wall, table tennis, swings)
- » Improve Aging, Unattractive Parks (wi-fi, site furniture)
- » Sustainability & Natural Feel
- » Social Activities (food trucks, astronomy nights)
- » Use Conflicts (pathway width, dominant users)
- » Safety Concerns (parents vs. need to socialize)
- » Summer Usage (shade structures, spray elements)



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

FOCUS GROUPS

— New Residents

- » Opportunities for Neighbor Interaction (exercise stations, planned activities - zumba/ yoga/movies)
- » Reduce Competition for Facilities (scheduled tennis, additional amenities like paddle ball, adult swings, table tennis)
- » Convenience (wi-fi, walkability, restrooms)
- » Rental Space (permit parking, group picnic shelters, building access)



POLLING

— Question 7:

What are your barriers to using Milpitas' parks?
(select all that apply)

- ☐ None - I use parks regularly
- ☐ Lack of time
- ☐ Nothing of interest to me
- ☐ Safety concerns (*social distancing, worn facilities, etc.*)
- ☐ I use other facilities (*private, in other city*)



VIRTUAL TOWN HALL MEETING SLIDES (OCT. 14, 2020)

WE WANT TO HEAR FROM YOU!

QUESTIONS?



<https://milpitasparksrecreationmasterplan.org/>

#playmilpitas

THANK YOU!

Don't forget to
take our online
survey!

SOCIAL SERVICES/INCLUSION FOCUS GROUP - MEETING SUMMARY

OCT. 19, 2020 | ZOOM

PURPOSE OF MEETING

The purpose of this focus group was to discuss how the City of Milpitas can better serve community members who are in one of the following special populations:

• seniors	• people with mental illness
• at-risk teens	• people whose primary language is not English
• people with physical disabilities	• people who are low- or very low-income
• people with developmental disabilities	• people who are experiencing homelessness

Milpitas Social Services Focus Group 10/19/2020

How can the Milpitas Park and Recreation system better serve community members in special populations?

9 participants

What amenities should we consider to make our spaces more welcoming and user friendly to our special populations?

- Lack of amenities tailored to teens, amenities primary for younger children
- All-inclusive playgrounds similar to Miracle Bridge playgrounds
- More/additional signage and community awareness of inclusion
- Quiet pods in new and existing playgrounds

What modifications are needed to make existing recreation programs, like classes and events, more welcoming and user friendly to our special populations?

- Better class/program descriptions
- Better staff training working with special populations
- Early access to teachers to discuss curriculum/user level of programs being offered
- Additional staff specially trained to assist/teach special populations
- Teen center hours outside of business hours
- Partner with local inclusion groups that can help with staffing and training

SOCIAL SERVICES/INCLUSION FOCUS GROUP - MEETING SUMMARY

OCT. 19, 2020 | ZOOM

Are there any specially-targeted programs you would like to see Milpitas consider?

- Coding for at risk teens
- Programs that cater to teens and seniors at the same time – to bridge friendships/socialization
- Teen ambassador training/program
- Support groups 9LGBTQ, at-risk teens, etc.)
- Reading groups for younger children
- Ally training

What are some of the unmet needs of Milpitas' special populations?

- More collaboration between police and special populations
- In class/program support for special populations who are taking the class

Do you have ideas on how Milpitas Rec and Community Services could improve awareness and accessibility among special populations about the parks, recreation and community services resources available?

- More signage, better messaging on websites, in facilities, at events and in parks

SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Inclusion & Social Services Focus Group

Monday 10/19/20 6pm - 7pm



Play Milpitas



What Are We Doing Today?

The purpose of this focus group is to discuss how the City of Milpitas can better serve community members who are in one of the following special populations:

- seniors
- at-risk teens
- people with physical disabilities
- people with developmental disabilities
- people with mental illness
- people whose primary language is not English
- people who are low- or very low-income
- people who are experiencing homelessness

AGENDA

1. Introductions
2. Efforts to date
3. Discussion Questions
4. Next Steps



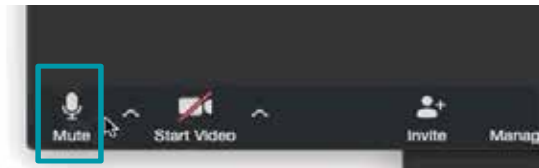
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SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

ZOOM Protocols

Please utilize the chat window to ask questions while others are talking!



Mute yourself when not talking

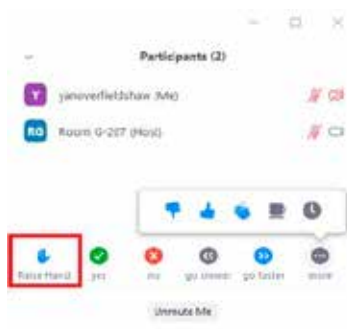


Play Milpitas



ZOOM Protocols

Raise your hand if you have a comment or question!



We encourage you to turn on your video!



Play Milpitas



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Who Are We?

- City of Milpitas
- Gates + Associates - Landscape Architects & Planners
 - Linda Gates
 - Melonie O'Sullivan

What is a Parks & Recreation Master Plan?

- Strategic document that studies the existing park & recreation system
- Sets forth a framework for the future



Introductions

Toni Perrina
Kavita Sreedhar
Corinne Tobias
Ron General
Norma Morales
Celia Huang



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Current Park System



PARKS

- | | |
|----------------------------------|----------------------------|
| 1 Alviso Adobe Park | 26 Parc Metro East |
| 2 Augustine Memorial Park | 26 Pecos Park |
| 3 Augustus Rathbone Park | 27 Peter Gil Memorial Park |
| 4 Bob McGuire Park | 28 Pinewood Park |
| 5 Ben Rogers Park | 29 Robert E. Browne |
| 6 Calaveras Ridge | 30 Sandalwood Park |
| 7 Calle Oriente Mini-Park | 31 Selwyn Park |
| 8 Cardozo Park | 32 Skate Park |
| 9 Cerano Park | 33 Sinnott Clark |
| 10 Creighton Park | 34 Starlite Park |
| 11 Dixon Landing Park | 35 Stockroth Park |
| 12 Foothill Park | 36 Tom Evans Park |
| 13 Hall Memorial Park | |
| 14 Hidden Lake Park | |
| 15 Hillcrest Park | |
| 16 John McDermott Park | |
| 17 Jose Higuera Adobe Park | |
| 18 McCandless Park | |
| 19 Milpitas Dog Park | |
| 20 Murphy Park | |
| 21 Oliver W. Jones Memorial Park | |
| 22 O'Toole Elms Park | |
| 23 Parc Metro East | |
| 24 Parc Metro Middle | |

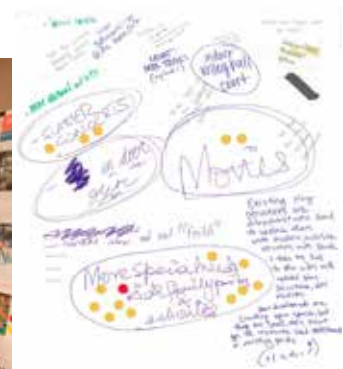
- **Creighton** (open Nov. 2020)
- **McCandless** (open in 2022)



Play Milpitas



Efforts to Date - Community Outreach



Play Milpitas



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Efforts to Date - Site and Facility Assessments



AUGUSTUS RATHBONE PARK
Exposition Dr./Adeline Dr.

Type: Neighborhood Park
Size: 73 acres
Construction Date: _____

PARK OVERVIEW

Augustus Rathbone is a modern, compact neighborhood park. It is well-maintained and contains modern play elements and amenities.

The entrance of the park features a large art piece and ornamental planting areas. Shaded picnic areas with accessible seating sit adjacent to a well-maintained playground and open lawn.

Modern pedestrian lighting and robust signs provide safety and security in the evening hours.

The park will soon double in size with the addition of an adjacent lot off of Sanga Court. The expansion will feature picnic areas, playgrounds and public art.

EXISTING SITE ASSESSMENT

Site Furnishings

- 1 Amenity:** Three metal picnic tables and one ADA table are provided; all are in good condition. Four metal benches are in good condition. One bike rack is in good condition.
- 2 Play Equipment:** Play equipment and ground in place surfacing is in good condition.

Accessibility

- 1 Pathways:** All concrete pathways are in good condition with no cracking or heaving. All slopes and curbs are within ADA compliance.
- 2 Furnishings:** ADA accessible benches and tables are provided.

Landscaping & Maintenance

- 1 Landscaping Planting:** Landscaping planting is in overall good condition. Much is planted areas is low.
- 2 Turf:** Turf is in good condition with some sparse areas.
- 3 Irrigation:** This park is on the City's centralized irrigation system using reclaimed water.






Efforts to Date - Benchmarking

	MILPITAS	CUPERTINO	DUBLIN	MOUNTAIN VIEW	REDWOOD CITY
ACTIVE USE PARKS					
Number of Parks	29	23	27	30	30
Acres developed parkland	173	186	187	155	195
Acres per 1000 residents	2.1	3.1	2.6	1.4	2.1
Residents per park	3,158	2,588	2,434	2,742	2,293
INCLUDING SCHOOL SITES					
Acres	198	410	230.6	202.8	329.2
Acres per 1000 residents	2.4	6.9	3.5	2.5	2.8
REGIONAL PARKS/ OPEN SPACE					
Acres	1,858	5,962	783	737	487

Table X-X Parks and Open Space

	MILPITAS	CUPERTINO	DUBLIN	MOUNTAIN VIEW	REDWOOD CITY
Total Residents per field					
SPORTS FIELDS					
Football Field	1	34,136	0	0	2
Soccer Field	4	21,046	6	9,879	16
Diamond Field (Baseball/Softball)	11	7,954	7	8,567	16
Golf Course	1	34,136	1	59,276	1
SPORTS FIELDS TOTALS					
Total Sports Fields	17	14	33	33	10
Fields Per 10,000	2.0	2.4	5.6	4.3	1.2

Table X-X Sports Fields

	MILPITAS	CUPERTINO	DUBLIN	MOUNTAIN VIEW	REDWOOD CITY
Total Residents per court					
SPORTS COURTS					
Outdoor Basketball Court	6	10,525	6	9,879	13
Tennis/Hockeyball	25	3,360	28	2,117	12
Volleyball	1	64,196	0	-	5
Beach Court	2	42,098	3	29,638	2
Handball Court	2	42,098	0	-	1

Table X-X Sports Courts



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

City-Sponsored Social Services

- Senior Nutrition Program
- Senior Health Screenings
- Senior Case Management
(expanding to everyone Oct. 26)
- Milpitas Assistance
Program (fee assistance)
- Suicide Prevention
Resources
- After School Childcare
- Youth Job Corps
- Teen Center
- Volunteer Opportunities
- Food Resources
- Senior Services via Partner
Groups (legal, tax, home repair)
- Presentations from
Service-Providing Community
Non-Profits
- Rent Assistance



Play Milpitas



Discussion Questions

As we think about Parks and Facilities improvements, what **amenities** should we consider to make our spaces more welcoming and user-friendly to our special populations?



Play Milpitas



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Discussion Questions

What **modifications** are needed to make Milpitas' existing recreation programs, like classes and events, more welcoming and user-friendly to our special populations?



Play Milpitas



Discussion Questions

Some cities have added programs and events that are specifically designed to meet the needs of special populations, such as:

- A recreation program for developmentally disabled adults
- A dance or sports class for those with physical disabilities
- Classes taught in other languages for those whose primary language is not English



Are there any **specially-targeted programs** you would like Milpitas to consider?



Play Milpitas



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Discussion Questions

Recreation departments are increasingly offering Community Services to address health and well-being of special populations, access inequity due to poverty and homelessness, language barriers, racial, sexual orientation and other issues.

What are some of the unmet needs of Milpitas' special populations?

(These could be either needs that the City should directly address or needs that could be addressed through partnerships with other agencies)



Play Milpitas



Discussion Questions

One of the biggest challenges in serving special populations is outreach to groups that have traditionally been underserved by Parks and Recreation programs.

Do you have ideas on how Milpitas Recreation and Community Services could improve awareness and accessibility among special populations about the parks, recreation & community services resources available?



Play Milpitas



SOCIAL SERVICES/INCLUSION FOCUS GROUP PRESENTATION SLIDES (OCT. 19, 2020)

Next Steps

NEXT! Please take the online survey and tell us about the parks nearest you!

<https://wikimapping.com/Milpitas-Parks-and-Recreation-Master-Plan-Update.html>

UPCOMING! City Council Meeting tomorrow on **Oct 20th**. Tell your friends and family!

Check the Master Plan website for updates:

<https://milpitasparksrecreationmasterplan.org/>

Additional comments or questions?

Email us - melonie@dgates.com



Play Milpitas



ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

1. The Milpitas community has identified new and updated playgrounds as a high priority. The city currently has 29 playgrounds. How would you prioritize which playgrounds get improved first? Please rank the importance of the following criteria, 5 being most important, 1 being least important.

	5	4	3	2	1
Replace equipment in poor condition	187	80	35	7	7
Address accessibility and safety concerns	178	75	39	15	8
Serve neighborhoods with limited access to parks	96	92	78	25	16
Serve neighborhoods with high concentration of children	128	99	65	12	8
Increase capacity to accommodate a range of abilities	123	86	71	14	17
Increase variety of play experience	141	74	58	20	19
New and updated playgrounds are new and updated playgrounds are not a priority for me	0	0	0	0	0
	853	506	346	93	75

indicates low priority

Write-in Comments

Serve neighborhoods with older generation population too
bring in new sports to address needs of diverse communities
Ground with cricket pitch. As no grounds are made for cricket game with so much population deprived to play the sport.
Add cricket pitch to the Sports Center
Cricket
Cricket playground is a must requirement.
Add Cricket Pitch to the sports center
Need cricket pitch at sports center
Cricket please
With Covid going on right now, I would say do not prioritize playgrounds right now as people would still be scared to touch things in public and even after finding a cure. The only main improvement I would like to see around playgrounds is to improve on the lighting as sunsets at 4:50pm in the fall/winter. This will help ensure safety to families who go to the park after work hours.
Fix the poor condition roads and children play area. Hillcrest Park's child play area needs to be modernized with a new slides and rubber floors. The roads inside the park needs to be fixed too.
see saws are awesome!!!!!!
Milpitas should also focus on connection the major parks and the Milpitas areas together in one continuous walking and biking riding trails that eventually connect along the back to the adjacent cities. This is such a vital long-term benefit to milpitas.
I wish the city can put some outdoor exercise equipment in the park and playground. Those outdoor exercise equipment are very popular in China and can be used for wide range of ages.
We need better sports fields too at the schools.
More toys for toddlers to play on. Kiddie swings in every park.
There is park planned and approved for mccandless drive. Its not completed even after 3 years approval. Its so bad that even construction not started till date.
please paint lines for pickleball courts, it's the #1 growing sport in the country. we would love to play outdoors on 'real' courts!
Safety - I see people walking in Milpitas parks without mask - in crowds gathering and doing potluck. Is there a way to enforce safety ?
Jose Higuera Adobe Park is the only one we use.
Starlite park cross the street of Anthony Spangler elementary , its playground is a poor condition, needs to be replaced or deep fix!Thanks
I'm a grandmother and have watched kids pay at Sinnott park a lot.
I am more interested in connecting as many of the parks as possible via safely bikable and walkable trails.
Improve shade and water access at parks, as this is a safety issue during summer months.
I would like a cricket field in Milpitas
Reduce usage of park parking lot by near by residence on daily bases
All of these statements are priorities!!
Just maintaining what we have is also crucial.
We go to Cardoza park, often there is too much litter. Sadly people are slob but it should be monitored better.
You closed the parks because of COVID-19 and despite them being one of the least unsafe activities for children. Maybe reconsider the decision?
More tennis courts. They are always taken up by adults. Need to limit times or have sign up sheet.
Can't relate to playgrounds, I don't use it or see enough to comment about cardoza park has a nice playground and I see it being used. The random walks past selwyn park makes me think the kids doesnt really use the facility. Maybe selwyn can be changed/updated facility?
Recently I talked to the installers of the new playground equipment in Ben Rodgers Park. They told me it was probably the cheapest playground structure in the world, and they should know since they install these things all over the place. It replaced equipment of equally poor play value for a wide variety of children. Only children about the size of 3 year olds can get through the slot for BOTH slides. No adult could get through to accompany an tinier child. Nor could a child of elementary school age get through either. So, I know the City still went to considerable expense to install this crap. Will they be willing to replace it if we ask in this survey? Why did they not pay any attention to the last survey?
McCandles Park should be a high priority given the high volume of new residents with no where to go for a local park
We need a dog park or two now that the Human Society closed their dog parks...please! I miss the dog park!
I see that Oliver Jones Park is a newer Park and has been well maintained and has been remodeled. Meanwhile, Strickroth Park hasn't been touched in many many years. Would be nice to have a park with rubber flooring and no sand. Thank you for this opportunity to voice this.
Safety and fun is paramount for parks. Kids playgrounds need to be progressive and with best equipment possible: For example: <https://www.surfaceamerica.com/playground-surfacing/>
There must be intermittent plans for repair and renovation

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

QUESTION 1 WRITE-IN COMMENTS CONT.

Insulation of pickle ball courts
Finish the parks that are being worked on before thinking about starting new parks!
Improve and revamp parks with baseball softball fields even if it's for recreational such as the small field at Strickroth. The field can also be used for soccer area. This park also can use seating near the playgrounds.
What is most important to me is that the girl's Softball has a perm. home.
I'm sorry I simply put a 'S' for everything, but this is how I feel about Milpitas' playgrounds. I think majority of them are old and outdated. They need to be updated for safety concerns, play experience, and properly "sized" for the concentration of children in the area.
Even the newer playgrounds in the city I feel are too small and don't offer a great play experience. Bob McGuire park is a good example. New playground, but extremely small for the amount of children in the area.
Add a cricket pitch to the sports center
dog park!
None
More dog parks.
Need more tennis courts- the ones in Browne Park are always packed. And more bike paths is always good.
New parks near los coches st
I would prefer you just remove all the playground equipment.
Fishing please
We already have parks all over town, some are run down or lacking in amenities. New parks are not a priority. With our budget deficit, if we are going to make improvements, let's improve existing parks before developing new parks.
Have more trash and recycling bins laying about. Just having more prevents people from littering! So much trash in some areas.
Add handwashing stations for the most busy parks
I am not a citizen with a child so I can't speak to the fullness of the question but I am for fewer playgrounds and more space that can be used by all people (basketball courts, soccer, etc).
Please update Gill Park playground! Same from when I was a kid.
Let's think of park design that will persevere for the future 20 years. Public WiFi, Water elements that are within drought guidelines.
More seating areas, oftentimes the kids want to play for extended times, and it feels like benches are sparse. Maybe some concrete Adirondack chairs styles, innovative and affordable.
Let's consider hiring an ideation firm, we have the worlds best in the Bay Area.
Parking and access to clean public restrooms would be nice.
Do not replace playgrounds if they are not in poor condition or pose safety concerns. Instead devote funds that would have gone to those parks to other parks that need more support. I live near Ben Rogers park (a great park btw) and see that a perfectly good playground was replaced with smaller equivalents. This seems to me to be a waste of funds that could've gone to better causes. Also, I see that the sand base was replaced by tan bark which causes splinters. Its not clear to my why this replacement was made.
Murphy Park is in need of an upgrade/update.
I had this survey almost complete and it shut down :(
1 - replace dangerous equip
2 - upgrade areas with high concentration of children
3 - Range of abilities would be nice so a toddler and a 12 yr old both have things to do
4 - Play experience...kids are inventive and do not need the play experience most adults think they do - watch what they do with a large cardboard box!
We would love to have interactive game play and art work to engage kids. Like the kind of interactive games that are there in Children's discovery museum, it would be great to have something similar in an outdoor setting

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

2. The community has identified community events as a high priority. What types of events are most important? Please rank the importance of the following criteria, 5 being most important, 1 being least important.

	5	4	3	2	1
Large City-wide event (i.e. Fourth of July Fireworks)	111	72	57	23	44
Family focused events (i.e. Pumpkins in the Park, Family Game Night)	107	86	74	18	25
Events that celebrate diversity (i.e. Lunar New Year, LGBTQ+ LGBTQ+ Pride)	65	74	89	33	40
Holiday Events (i.e. Tree Lighting)	90	104	68	22	19
Performances (i.e. Community Theater, Concert Band Community Theatre, Concert Band)	68	95	90	24	28
Health and Wellness Events (i.e. Bike to Work Day, 5K Run or Walk)	87	96	81	21	24
Events for special interest groups (i.e. car shows)	30	12	17	5	7
Events that generate revenue for the City (i.e. sponsor)	72	93	89	33	18
Events that support local businesses (i.e. art walk)	116	95	62	19	16
Community Events are not a priority for me	0	0	0	0	0
	746	727	627	198	221

indicates low priority

Write-in Comments

City government awareness programs (like fire dept, police, security, environment, etc)

Movies in Park, Family Campout in Park, Arts & Culture Festival

Cricket play ground.

Family focused events and local small businesses should be the main priority. With family focused events, I believe it would be nice to see your neighbors at a local event and get to know other locals. I really do enjoy Music at the Park and Movie night a lot.

One thing I wanted to say about Health and Wellness events is that we should increase making green biking lanes around the city FIRST so it would encourage locals to bike. An ideal spot, in case if it isn't planned already, should be South Park Victoria Drive in between Yosemite and Yellowstone. It's not a LONG road but it is heavily used by residents. When they see the green lanes, they would be more inclined to bike. Also, it is next to Murphy park so it would better connect it.

We also need planting more trees. It not only beautifies parks and streets, it provides plenty of shady areas we really need in the hot summer. Right now, our parks and streets are too hot, hardly seeing any shade. If you go to a park like Cuesta park in Mountain View, you will see what I mean.

Bring back the Firecracker 10k race.

pbqs and liv concerts

Bring back the lifesize Candyland game the city used to sponsor.

Egg hunts in park, halloween parade etc.,

cricket ground

Events should focus on supporting local businesses and city/govt entities (e.g. Milpitas library, hospital, etc)

I like the fireworks, pumpkins in park, car show. There was like a faire by the cisco buildings a couple of years back too, it had food trucks, milpitas historical society, the cars, the earthquake simulation vehicle. That one was cool!

Not seeing anything that would particularly interest me as a senior.

Given COVID getting people together would increase exposure. I don't recommend adding events until a cure is widespread.

Large City events-- somehow limit to residents only... City Fireworks is busy event with people from neighboring towns come & no space is left for the resident..

Keep designated softball fields for girls' sports. Gill, Cardoza, and Dixon parks.

None

Community events are not an appropriate activity for government.

While not necessary to go overboard, make these events like potluck. People should be allowed to bring things, or at least be able to chip in. Also, take ideas of events from the people. There are some good ideas people may have that can be cost-efficient and still fun.

While these are my opinions, I think anything that brings the community together is key. Community Events ought to be community focused and thus there is a certain level to which the majority ought to have greater say instead of trying to please everyone.

This may be hard to build momentum, once it does I have seen it transform the community vibe. Consider some at great mall,

As one of the commissioners on the Energy & Environmental Sustainability Commission, I see parks as a fundamental building-block in our aim to reach a more sustainable Milpitas. If we emphasize our parks correctly, they could become a draw for neighborhoods to continue to work from home and visit the parks for outdoor breaks. Provide more places for folks to sit and tables to eat lunch from. Allow Food Trucks to service the parks and perhaps even act as a local hub for meals for the neighborhood for breakfast or lunch. Another option is to approach our local markets and see if they'd be interested in providing a grocery truck. Let's give our neighbors no reason to get into their cars and enjoy the parks instead.

Milpitas does not have an area large enough for a safe city wide event..

It would be great to have an open air stage so we could have performances outdoor, summer or winter. Especially during Covid, this would have been a great opportunity to have outdoor movie nights. Money charged during movie night can help the city as well.

Definitely a great idea to have art walk and food truck events, which can help local businesses and Milpitas City.

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

1	Dedicated Yoga Studio	177
2	Basketball	166
3	Badminton	151
4	Ping Pong, Table Tennis	145
5	Climbing	136
6	Indoor Soccer, Futsal	129
7	Martial Arts (including lion and dragon dance)	101
8	eSports (organized multiplayer video game competitions)	70
9	Pickleball	42

Write-in Comments
Cricket
Cricket
Cricket indoor and outdoor
Cricket should be another choice
Cricket
Cricket
Cricket
Cricket
Cricket
Cricket
bring in new sports to address needs of diverse communities like cricket.
Cricket
Cricket
Cricket
Cricket
Add cricket pitch to the Sports Center
Cricket
Cricket
Cricket
Cricket
Cricket
Cricket
Cricket
Cricket
Basketball is a high priority for me. If you can somehow install rock climbing around here then I think it would be popular as well.
Gun range, archery, arcades
Looking forward for sports center to safely reopening soon.
Will you offer yoga/aerobics via video conferencing - we may be in pandemic for a while.I found sports center instructor Aria's video, thank you! And will you update at least once a week for a variation of the exercise?
Volleyball
It's not safe at all due to pandemic
Badminton currently doesn't exists anywhere. Please make it high priority
The highest priority is to maintain the Milpitas Sports Center.
Tennis
cricket
Tai Chi classes
weight training and cardio
Indoor sports are cool but should be free for residents.
Esports events sound fun. You should stream it online if you do host it, like in Twitch. The other sportstuff I can't really relate to due to how infrequent I use the sports center facilities. I sed to swim when I had time, but not anymore.
Silver Sneakers
Given COVID, this is not a priority in 2020 until a cure is in place
Volleyball
Indoor archery range
Might even be good for city to consider having an indoor location for other sports that are traditionally played outdoors (I.e. Football, Baseball, Softball); one indoor shared facility that could be used by these groups during acclimate weather.
Weight lifting, boxing/MMA
Volleyball
Softball baseball
Volleyball
sporting venues are not something government should be involved with
No indoor sports during COVID-19; let's relook at indoor sports after the pandemic has passed through the country (because residents of other counties/states live, work, play and visit in Milpitas, too).
Taiko
We need fields that kids will actually do, half that list makes no sense! Why would the city waste money on Pickleball?!
I dont have good ideas, others may suggest great ideas ,
handball
I have been using the privately run badminton courts in Milpitas for many years now. It would be nice if the city could provide access to that.
No sport other the basketball is popular enough to warrant an INDOOR facility. Maybe 2 large gyms that can be rented. one geared adults and on to kids
SINCE NO COMMENT IS AVAILABLE FOR A PUMP TRACK...NO NO NO IT CANNOT BE CONTROLLED. THERE WILL BE SKATE BOARDERS AND TROUBLE CAUSING OUTSIDERS...REMEMBER THE SKATE PARK?

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

4. The community has identified a desire for a pump track. A pump track is a circuit of rollers, banked turns and features designed to be ridden completely by riders "pumping"—generating momentum by up and down body movements, instead of pedaling or pushing and can be ridden by people of all ages. The following park sites are potentially suitable for a new pump track. Please select your top 3 preferred locations.

1	Murphy Park
2	Peter Gill
3	Starlite
4	Sinnot
5	Foothill

5. The community has identified a desire for a fenced dog park. The following park sites are potentially suitable for a new dog park. Please select your top 3 preferred locations.

1	Murphy
2	Peter Gill
3	Albert Augustine
4	Foothill
5	Sinnot

6. The community has identified a desire for community gardens. Community gardens include multiple raised planters that can grow herbs, flowers, or veggies and fruits, and are tended to by the community. The following park sites are potentially suitable for a new community garden. Please select your top 3 preferred locations.

1	Murphy
2	Sinnot
3	Gill
4	Rogers
5	Jones

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

7. The community has identified a desire for fitness equipment. These can be a series of several, single-activity stations throughout a park or a grouping of several pieces of equipment in one location. The following park sites are potentially suitable for new fitness equipment. Please select your top 5 preferred locations.

1	Murphy
2	Sinnot
3	Gill
4	Rogers
5	Jones

8. The City of Milpitas offers a wide range of programs through the Recreation and Community Services department. In order to keep up with demand, are there any programs types that you would like to see offered? Select all that apply.

1	More adult fitness (i.e. Zumba, yoga)	217
2	More adult enrichment classes (i.e. chess, guitar)	140
2	More youth enrichment (i.e. tutoring, music)	140
3	More teen enrichment (i.e. tutoring, music)	119
4	More teen sports (i.e. skateboarding)	115
5	More teen dance (i.e. hip hop, swing)	91
5	More senior dance (i.e. line-dancing)	91
6	More youth dance (i.e. tap, ballet)	90
6	More youth day trips	90
7	More adult dance (i.e. belly dancing)	88
8	More teen day trips	78
9	More senior day trips	70
10	More senior dance (i.e. line-dancing)	59

Write-in Comments
Cricket
Add Cricket as sport
More cricket training
Lunchtime pilates. Lunchtime sketching. Lunchtime drop-in conversational language program (Spanish practice).
Cricket
Add cricket pitch to the Sports Center
Cricket
My mom (69) is actually a part of the Milpitas zumba.
Don't care for bridge, enjoyed the paint nite you had offered in the past. If you can reduce the cost, more will participate.

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

8. The City of Milpitas offers a wide range of programs through the Recreation and Community Services department. In order to keep up with demand, are there any programs types that you would like to see offered? Select all that apply.

Write-in Comments Cont.

I would really like an indoor site for hobbies, to include laser cutters, 3d printers, and wood working tools, including table saw, miter saw and wood lathe. A textiles area including industrial sewing machines, a serger, and even a quilting machine.

More swim days & times...

Track dedicated for walking and jogging

Classes at the community center for kids milpitas, are only printed on flyers and can be seen online ! There is none of the in real life !

I sent an email in the beginning of this year 2020 , to marketing dept. to address this issue after I tried to enroll my 7yrs. Old son asking for several ones , there were non active because of low enrollment!

It would be great .. if there is actual activate classes .

Theater Arts Programs

more teen cricket

Watercolor and drawing classes

Further engagement of the society will be beneficial, especially with times such as these where social distancing and business closures are forcing people to stay in their homes.

Balance and flexibility

Silver Sneakers (Not just chair exercises. Some walking and standing, balance routines, too.)

Given COVID, this is not a priority in 2020 until a cure is in place

More senior stuff later in the day or weekend

R&B line dancing (rhythm and blues)

Add cricket pitch.

Senior guided monthly 4 mile hikes on local trails.

None

Girls Softball .

Skatepark open soon please! My scooter kid is ready!

City government need not provide these kinds of services.

More youth fitness, more youth sports (winter sports), more weekend programs (adults and youth) to support working adults/parents, more adult sports (winter sports)

Youth basketball

Literally a center that contains much of these would be amazing for the entire county. When somewhere big enough goes for lease, instead of putting a market that caters to only one demographic or a shop that no one actually needs, put one of these there. Life here would be much better with literally just this center and nothing else if no other options could be made reality.

Please open the parks for outdoor fitness classes, following CDC and County regulations of course.

Roller skating

The girls of Milpitas need softball fields! The boys continue to get treated like kings and the girls like peasants! This needs to change and it's sad that the city doesn't see it. It's ridiculous!

WE HAVE A WONDERFUL SENIOR CENTER WITH DAY TRIPS AND MANY OF THE ABOVE PROGRAMS PLEASE, PLEASE DO NOT CLOSE THE SENIOR CENTER!

ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

9. Programs and classes are offered at various times and both during the week and on the weekends. Is there a day or time you would like to see more programs and or classes offered? Select all that apply.

1	More weekend classes (Saturday and Sunday)	224
2	More evening classes (after 6pm)	202
3	More lunch-time classes (noon-1pm)	49

Write-in Comments
Please continue to offer weekend swim classes. I know this was the first year this was offered and would really help single parents solve weekdays are so hectic already after school.
Would be great to see kids classes in the evening so kids with working parents can still attend. During the day or afternoon is very hard for parents who work 9-5 jobs. B
Senior Center opens on weekday only, and only til 4:30pm. Age 50-64 are most likely still working, cannot participate weekday activities at Senior Center. Please consider opening evening or weekend.
Please let them be rolling not only on the flyers!
More morning classes (8am - noon)
If work-life balance returns weekend and evening would likely be best however in today's situation weekday classes may work.
Given COVID, this is not a priority until a cure is in place
The growth of Milpitas currently exceeds anything offered
Programs and classes are a waste of taxpayer funds. I would prefer these funds go to first responders to provide for the health and safety of the community.
More early morning classes before 10 am
If a class is being offered on Sunday, please also offer a similar class on a weekday or Saturday so those who cannot attend classes on Sunday(due to religious beliefs or otherwise) can still take that class.
CAN'T YOU WORK IN TANDOM WITH MILPITAS ADULT ED?????
I don't usually participate in programs. However, programs after 4 PM and on weekends are better because students and parents alike are more available at those times.
We need indoor tennis courts and indoor heated swimming pools

10. During Shelter-in-Place, Milpitas Recreation and Community Services has been offering some of its fee-based programs online. Please rate your willingness to participate on future online programs.

Yes, I will participate in fee-based online programs	48
Maybe – I might participate in fee-based online programs	0
No – I will not participate in fee-based online programs	0

1ST	2ND	3RD
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ROUND 2 ONLINE SURVEY QUESTIONS & RESPONSES

(AS OF DEC. 15, 2020)

11. Milpitas Recreation and Community Services is interested in continuing to offer fee-based programs online. If the fee for the online program was less than the standard in-person program fee, would you participate?

1	Yes, I would participate in an online program for a lesser fee	86
2	Maybe – I might participate in an online program for a lesser fee	0
3	No – I will not participate in an online program for a lesser fee	0

12. What type of fee-based online programs would you be interested in participating in? Select all that apply.

1	Adult fitness (i.e. Zumba, yoga)	145
2	Adult enrichment classes (i.e. chess, guitar)	108
3	Youth enrichment (i.e. tutoring, music)	87
4	Senior Fitness	67
5	Adult dance (i.e. belly dancing)	52
6	Youth Dance	49
7	Teen Dance	43

ROUND 2 ONLINE INTERACTIVE MAP SURVEY (RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

ALVISO ADOBE PARK

Write-in Comments:

Work out an arrangement for parking nearby.
The city did a great job updating this park - the children's play area is wonderful. The picnic areas are good too. No changes, it's one of the nicest parks in Milpitas.

AUGUSTINE MEMORIAL PARK

Priority Ranking for Improvements:

	Fitness Equipment	Dog Park	Community Event Space	Updated Picnic Areas
				5
	4	3	5	3
	3	3	4	5
	5	4	5	5
	3	5	3	5
	3	4	5	5
	5	1	3	5
	5			5
	5	1	4	5
	2	3	4	5
	5		4	3
	5	2	5	5
	5	3	4	5
	4	4	5	5
	3	1	4	5
	1	1	1	5
	5		5	5
	1	4	3	4
	5	1		5
	3	2	5	1
	1	1	4	4
Combined Rankings	73	43	73	95
Total # Votes	20	17	18	20
Average Score	3.65	2.529411765	4.055555556	4.75
Rank	3	4	2	1

Write-in Comments:

Update Bathrooms! they are absolutely horrible
Thank you for thinking of me and asking our thoughts. Here is a list of some ideas we brainstormed to do around Milpitas parks:

1) Movie at the park - show movies on a screen in the outdoors - good for spring/ summer; enjoy popcorn

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

BEN RODGERS PARK

Priority Ranking for Improvements:

Fitness Equipment Stations	Dog Park	Community Garden	Updated Practice Baseball Field	Updated Picnic Areas
1	5	5	1	5
4		3	2	4
5	3	3	4	5
3	5	1	3	5
5	1	5	5	5
4	2	3	4	3
5				5
3	2	2	4	5
4	2	2	1	5
5	3	5	5	5
5	2	5	5	5
1	1	3	3	5
5	2	5	5	5
4	2	3	5	4
2	1	2	3	4
5	5	5	1	4
3	4	4	5	5
			5	3
2	5	2	2	2
1	1	1	5	5
1	3	1	3	2
4	1	5	5	5
3	2	5	4	5
5			5	5
4	4	5	4	5
3	1	3	1	5
2	2	3	3	5
1	4	4	3	5
2	1	5	2	3
2	4	5	4	5
5	1	5	4	5
Combined Rankings	99	69	100	106
Total # Votes	30	27	28	31
Avg. Score	3.3	2.5555556	3.571428571	3.533333333
Rank	4	5	2	1

ROUND 2 ONLINE INTERACTIVE MAP SURVEY (RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

Write-in Comments for Ben Rodgers Park:

How about some restroom facilities

Ben Rogers Park could really stand to have the trails paved.

we see that sand was removed and wooden chips/mulch is going to be placed instead. could we have rubber playmat ? its safer for infants and toddlers.

Please please DO NOT use mulch for the play area in Ben Rodgers park. Please keep the sand or at least add some rubber material on the ground for safety. Replacing sand with mulch is a VERY bad idea and will cause injuries to kids.

An updated Baseball/Softball Field would help contribute to youth sports in the community and would allow sports programs one additional field to use.

Parking is an issue here

Trex Deck for the picnic tables.

Mens Soccer is played each weekend on the open grass field. All arrive with a full bladder and nowhere to go so naturally they head for the trees. This makes it uncomfortable for those of us who walk the trails there. Please furnish small restrooms on site (even outhouses would be better). And please prioritize piping in reclaimed water for irrigation. One other suggestion: Offer to each park's neighborhood an opportunity to adopt a park. This would create vested interest to work with our contractors to improve things. Irrigation at Ben Rogers is poorly planned - lots of areas getting no water, others getting way too much or spilling right into the streets. A local volunteer care-taker who loves their park might make a positive difference.

More play structures and cater to all age groups and abilities would be more helpful and welcoming.

The worse possible piece of play equipment available in the whole world was installed in the sandlot here. The installers told me this, and they install playground equipment all over the state.

The softball structure is barely used. Perhaps equipment for a more popular sport might be better.

My friends and neighbors do love to walk their dogs in the park. While it shouldn't become a city dog park, perhaps a small fenced area where dogs could run freely might be appreciated. More doggy poo bags need to be provided.

As a senior, I would really appreciate that 'rough" paths should be completed with smooth asphalt. This includes the road into the picnic area from Grant Teton, and the paths, all three of them, into the southern section of the park. More park benches would also be appreciated. Some placed with Covid distances would be nice so we could still talk but at least 6 feet apart.

Add a hand washing station to the drinking fountain.

Picnic tables and benches all need new wood, and stained with preservative so they won't rot.

Hearing talk about little library. One in Ben Rogers would be wonderful.

For fun: some hidden geocaches that can't be stolen.

We are about the only park without an "Art in the Park" Can we get one please.

Remove flammable junipers. Replace with Toyon shrubs. Community garden showcase of native plants that thrive in our area.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

ROBERT E BROWNE PARK

Write-in Comments:

I would LOVE to see basketball courts here. There's no need for a playground here as it's near the one in Murphy Park and Sinnott Elementary School.
Dedicated Pickleball Courts
City seriously needs to pave the road from Sinnott park to this park. It already has a nice playground in this park. If fitness stations can be added around playground, it would be nice. The adults can do some exercises while watching the kids to play.

CALLE ORIENTE MINI PARK

Write-in Comments:

Sounds good. Please get it done. Thanks!
Glad the playground equipment will be updated.

CARDOZA PARK

Write-in Comments:

I am not in favor of this plan. You will be taking out lovely trees that are home to many birds including Cooper's Hawks. This will no longer be a Park, which is truly sad. So call it what it really is, an unwanted Hodgepodge Recreation Center. It will cause way more traffic on Kennedy Drive, and people who can't find parking at the recreation center, will spill over to neighboring streets, like they do for the 4th of July and other major events at Cardoza Park. Please don't ruin this lovely park!
Dedicated Pickleball Courts
Field improvement is key. This map is actually a great representation of the potential of this park to accommodate multiple sports.
The bathrooms need to be updated. There also appears to be a homeless man "living" in or by the bathroom alot. I ask my children to avoid that bathroom for security reasons. I usually walk my kids to the sports center for the bathroom.
Cardoza Park is in desperate need of a second or larger bathroom. It's a heavily used park and one stall each for male/female is not enough for the use that park sees, especially with plans to add more use area.
Need newer public restrooms
Due to the circumstances we should add handwashing stations in parks and play areas of high usage
The upgrades to softball fields look great but I notice there is no bleacher seating or dugouts for field nearest basketball courts. If this field is going to be an added field for softball or baseball it should have full amenities for use. Also, I noticed the scoreboard is not included in field design and wanted to ensure this field has lighting for night use as these amenities were included in previous field use.
1) Please provide shade for the playground structures. They were blown away or broken and then removed but never replaced. During the summer the structures get really hot because there is no shade.
2) The zip line on one structure was broken and removed long ago. Please fix the zip line or replace with something else in that empty space.
3) A tennis/badmitton court would be nice too.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY (RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

CREIGHTON PARK

Write-in Comments:

looks good. please get it done. thanks!
Would like to have seen a basketball court added.
A multipurpose field on turf area would benefit youth of all caliber to play/practice (ie. Football/soccer/baseball/softball/cricket
can you add pickleball courts here, lots of open space?

DIXON LANDING PARK

Write-in Comments:

sounds good. please get it done. thanks!
This park needs significant upgrade, it's a high density park and needs to address the demand from all the housing in the locale.
Program such as cultural events and senior events at the park are welcome
This would be an ideal location for a city owned softball facility - I never understood why we have two little league baseball facilities and no softball facility. The Russel facility was nice when it was opened but the restroom facility hasn't been maintained very well or the fields. Recently the main field does look better.
Park should be revisited and looked to be redesigned for the growth of Milpitas
Lighted sports fields
Add Both softball and baseball fields
Would like to see revamped fields to accommodate girls softball.
Remove cricket strip so youth in community can effectively play baseball or softball at fields without disruption or fear of injury.
We need more fairy lights and light music playing in the background. Accessibility is a must because we need more integration. I would also love to see events directed at teens or the lantern lightings that they have near IHS. Such events could be painting or movie showings
tennis courts: repair and resurface courts, replace damaged nets and windscreens all around. Replace "parking lot" lights with brighter LED lights suitable for play.

TOM EVATT PARK

Write-in Comments:

Small dog park for part of the grassy area would be great for all the families living in the area
Tom Evatt Park is located in very close vicinity to residential homes with young children. Would like to see more toddler (2-5 years old) friendly play equipment and water splash pad.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

FOOTHILL PARK

Priority Ranking for Improvements:

	Pump Track	Dog Park	Updated Picnic Areas
	1	5	5
	2	3	3
	5	5	5
	3	3	5
	5	1	5
	5	3	4
	4	3	5
	4	2	4
	2	2	5
	4	5	4
	1	4	4
	4	4	5
	1	5	2
	1	1	5
	1	4	5
	4	1	4
	3	4	
	3	4	5
	3	4	5
	5	1	5
Combined Rankings	61	64	85
Total # Votes	20	20	19
Avg. Score	3.05	3.2	4.473684211
Rank	3	2	1

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

GILL MEMORIAL PARK

Write-in Comments:

Add Cricket pitch to the sports center
I put a 5 on fitness equipment stations but ideally update the basketball courts.
Please paint two pickelball courts, one one each side at the tennis practice wall
Expand the handball/tennis backboard area by adding ~6 feet of surface to allow room to play Pickleball. Add pickleball lines to this area.
highest traffic park for milpitas and would need equipment that is sturdy and can last wesr and tear.. and also need to make use of HUGE grass field not being used to its fullest potential
Maintain softball field upgrades as backstop border has broken boards, broken lights, fence needs reinforcement.
Dedicated Pickleball Courts
Field improvement would be ideal for the baseball/softball field.
The playground(s) need to be desperately updated.
An upgraded playful d structure, Maintain Softball field upgrades (backstop, broken lights)
Turn soccer field into turf
The playground needs to be updated very badly.
Appreciate the pickleball lines at the practice wall, it would be great to have dedicated courts somewhere in Milpitas. Itâ€™s the fastest growing sport and many other cities have dedicated courts.
NONE. JUST HAVE A GREEN SPACE WITH WALKING PATHS AND GOOD LIGHTING FOR SAFETY. THAT'S IT.
Update the softball fields and replace lighting.
Update softball field
more Pickle Ball areas.
Please update the playground. Its the same one I used as a child in the 80s.
Playground or ammenities for special needs kids

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

HALL MEMORIAL PARK

Write-in Comments:

Cleaner lagoon / stock fish in the lagoon / Provide pathway (walking and bike) along the levee. Instructions on what people should or should not feed the ducks, etc.
FIX THE BALD EAGLE CAM and place it in a better location for better viewing.
Thank you for thinking of me and asking our thoughts. Here is a list of some ideas we brainstormed to do around Milpitas parks:
1) Movie at the park - show movies on a screen in the outdoors - good for spring/ summer; enjoy popcorn
Dedicated Pickleball Courts
What do you mean by Interpretive signage at lagoon? Example would have been nice; Please try and find a way to keep the geese off the field -the geese feces is everywhere. There must be a program that can be done to humanly take back the park from the geese to make it cleaner for the youth who use the field for softball. Update the lightning - look into using solar lights.
Ideally it would be nice to have a full soccer park with lighting as there is a large following for soccer in the community. Also, lighting would provide for ample teams to use the facility at night and not have to wait on use at other facilities. Milpitas should have its own soccer park as the have a baseball complex, softball complex, a football field for public use!!
This park is used quite a lot by our local soccer leagues and would benefit from a turf field. Many of times the city has closed it to let the grass grow multiple times due to gopher holes and the geese poop. Updating the lights would help tremendously since some lights work and don't work consistently, also you could save money putting in an efficient system.
Should be turfed and opened year round. No reason to have limited use of land because of seeding, ect. We need the use of fields (especially one with lights) for our youth sports. Again, city growth exceeds what the city can currently offer.
can you add PB lines to the tennis courts?
A few shaded paths with arbors for walking during summertime. A few scenic focal points for people to admire and take family pictures at. I recommend taking a look at some of the Milpitas neighborhood private parks for visual inspiration and ideas such as Metro Parc by the Great Mall and train tracks which has columns and plants that climb overhead. Another would be Family Fun for Everyone, a very small private park in the townhouse neighborhood behind Kaiser Permanente near the 680 entrance on Calaveras. It's tiny but uses space practically and has wonderful landscape and design features for its small space; arbored walking path lined with lime trees and really nice vining greenery growing against the wall that makes for a wonderful photo backdrop. Most importantly, it's well maintained and clean.
Softball fields for our youth women
It's a very nice park overall. My brother and his friends enjoy playing soccer on the field. However, I feel like the bathroom/tennis area could be remodeled because it's showing signs of wear.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY (RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

HIDDEN LAKE PARK

Write-in Comments:

PLEASE install bright lights here. It is so dark at night.
landscape needs updating, trail paving is failing and needs replacing
take care of that poop covered dock!!! it is a disgusting look to our city
Asphalt needs repair as well as second aerator.
Repaving and more garbage cans
Review the picnic table areas and make sure they are maintained.
My family and I really enjoy biking to Hidden Lake Park! We live by Hall Park, so we like to take the Berryessa Creek Trail, head past Hidden Lake Park, and down to the iTea/IHOP area. We haven't been there for a while, but we noticed that the trail path changed. Although we haven't tried biking on it yet, we hope that other trails/paths to parks will be bike-friendly as well.
Repave the path around the lake. There are cracks and hazardous bumps.

HIGUERA ADOBE PARK

Write-in Comments:

This is the only park we use and am grateful for its recent upgrades.
Might be suitable space for dog park as there is lots of open space
Last I checked about 6 months ago, the water coming out of this parks fountain was tainted with something that tastes like paint thinner. Please check.

HILLCREST PARK

Write-in Comments:

Perhaps restrooms would be nice. Or is that a park that is not meant for people to stay around at?
Swings in the playground
Hillcrest park's path is narrow, wore out and uneven. However, MANY residents walk at this park.
Short term: During pandemic period, please mark path with one direction, so that people won't need to avoid people walking from opposite direction.
Long term: Repave the path. Maybe reduce the grass area and increase the paved path width. Add adults fitness equipment stations, so that people don't need to wait to share the only two hand bars in park and block the walking path.
Trex Deck for the picnic tables, get a professional to remove the wasp nest from the bike rack and from the sprinkler system controller.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

JONES MEMORIAL PARK

Write-in Comments:

HUGE SPACE of a park will do well for updates
I see the children's play equipment being updated. I don't like the wood chips. Why aren't you put a rubberized surface like the children's play structure at Cardoza. Seems safer to me.
If there are pump tracks, then ample parking is needed.

MCCANDLESS PARK

Write-in Comments:

Could have an open area with just grass for kids to run around and play?
looks good. please get it done. thanks!
Please give higher priority to walking as walkways. Thanks.
I think the design is likely to overcrowd the area. Also I feel that a lot of emphasis is given to dogs given the area assigned within the park. That area will be cut off from the rest of the general public.
Also I don't see any path that will allow the public to go around the park either walking or jogging.
A jogging track around the park will serve a better purpose for the general public.
Please plant lots of flowers and small trees around the wall equipment area as much as possible. Please make sure the surrounding communities and kids are safe by monitoring the entrances to adjacent neighborhoods.
Please consider adding baseball/softball fields to this Multi use field. There are many School age kids in this area and it would be great if they didn't have to travel across town for field access
It would be nice to see a backstop put in for baseball or softball to use the multi-use field.
An addition to our the multipurpose field of a Baseball/Softball backstop would contribute to the youth sports teams in the community as it would allow for another venue for them to use.
Can't read details of image, however there should be lighting surrounding field for use. Again, the growth of Milpitas exceeds the needs of our youth sports. Not only do we need the fields for play, we need practice space especially for the older kids....

MCGUIRE PARK

Write-in Comments:

More parking!
Dedicated Pickleball Courts
The playground is too small for the amount of children it's servicing. Also, parking is HORRIBLE!!! The rental facilities at the park are great, but I avoid hosting any events there because guests have no where to park.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY (RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

MILPITAS DOG PARK

Write-in Comments:

More seating for Dog owners
I have always had big dogs that are trained, Dog parks have a lot of issues that bring untrained unfriendly dogs in. If we have an intown dog park it needs to be in an area that is NOT secluded like Ben Rodgers

MILPITAS SPORTS CENTER

Write-in Comments:

Cricket
Install a cricket pitch in one of the baseball fields. Cricket and Baseball can share the same field as their field needs are 90% similar.
I think cricket should be added to the facility.
Cricket ground should be included.
Cricket should be included
Add cricket pitch to the sports center
We like to have a cricket field in this place. Thank you
Add Cricket pitch to the sports center
Cricket pitch is needed.
Add cricket pitch to the Sports Center
Band Stand or Amphitheater should be either here or Cardoza.
lookss good. please get it done. thanks!
Need a Cricket pitch in Milpitas Sports Centre. So Cricket lovers can also use the facility.
Add cricket pitch to one of baseball fields to make it All Sports Center
Add cricket pitch to Sports Center
This map is great representation of the potential of this facility. It has improvements to every field and sport.
Looks Great!
Cricket field at the sports center!!!

ROUND 2 ONLINE INTERACTIVE MAP SURVEY

(RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

MURPHY PARK

Write-in Comments:

Cricket pitch for children

I believe Murphy Park is the prime park in Milpitas outside of Cardoza/Milpitas Sports Center. You should really look into improving the picnic area, the playground and the open field where the restrooms are. If you can somehow integrate all 3 together, then you would have a prime spot for families to go to. I would highly suggest you upgrade the lights throughout the park to ensure safety for the people around and who want to walk at night. I think the empty field in the north side of the park would be perfect for the pump track that you are looking to create.

Add cricket pitch

Upgrade play equipment (old/broken), upgrade playground material, fix bathrooms/amenities

Squishy ground instead of sand, or small sand area separate from main play structure. Music elements.

Would love to see the playground upgraded/updated...Creighton Park looks wonderful the dog park was a waste of city funding.

I think this space is used already for community events by the playground and bathrooms. On the other side it is used for soccer and cricket. Keep the soccer field it is a precious commodity because there are bathrooms close by unlike other parks and fields. Redo the children's playground if you haven't already.

PINEWOOD PARK

Write-in Comments:

Please update the backboard of the basketball courts here. They are heavily used and are due for a brand new one.

The park needs barriers at EVERY place a car can be driven into the park. You must be tired of fixing the grass when cats drive on it.

sounds good. please get it done. thanks!

would you transition the loose ground for a smooth/flat surface of recycled materials?

would like for Milpitas to remedy the cat overpopulation in the neighborhood so that my kids can enjoy running in the grass instead of watching for cat feces.

Pinewood Park has trees that release thorns on the paved walk path. in the last 2 years since we moved to the neighborhood, we've spend so much money on replacing our kids' bike tires because of the thorns from the park.

For a park with a lot of open space, a potential for a softball/baseball backstop would be a great addition to the community as it would be nice to have access to practice facilities all over the city.

ROUND 2 ONLINE INTERACTIVE MAP SURVEY (RESULTS & WRITE-IN COMMENTS AS OF DEC. 15, 2020)

SANDALWOOD PARK

Write-in Comments:

Please dont add more asphalt to a park. An open field meets a variety of needs, better than dedicated loops. joggers can run the periphery and green strip already.
looks good. please get it done. thanks!
This is really needed!!
It would be great to update the amenities and play structure at the park.
I WOULD PREFER TO HAVE ALL THE PLAYGROUND EQUIPMENT, BBQ STATIONS, ETC REMOVED. JUST HAVE GREEN SPACE WITH A WALKING TRAIL AND AMPLE LIGHTING TO MAKE IT SAFE. THIS PARK IS A GATHERING SPACE AT NIGHT FOR PEOPLE WHO ARE UP TO NO GOOD.
convert Basketball area to a pickle ball court.

SINOTT PARK

Write-in Comments:

Permanent pickleball courts
Maintain sand volley court
It will be nice to see more fitness equipment added to the park.

MILPITAS SKATE PARK

Write-in Comments:

Cricket pitch
Why are so much activities and money being spent on youth and teen activities? Milpitas has a large senior population. They deserve attention.
Dedicated Pickleball Courts
Scooter kids are ready!

STICKROTH PARK

Write-in Comments:

This is not strickroth park
A community garden would go well with updated picnic areas. This will encourage families to go out and enjoy the park more as it's more scenic.
I don't think fitness equipments are ideal right now during and in the initial months after covid.
You have 2 strickroth parks on here, one is actually Starlte
New playground equipment. The existing equipment has been here since the park was build.
The field improvement would be ideal for both soccer and baseball/softball and seating and potentially a bathroom
Add public bathrooms so this park could be better used by youth and the public.
this park doesn't have a bathroom. It's difficult to hold youth sports practices there without one. It's a great park to practice soccer or baseball if it was maintained and had a bathroom. Please consider this.

COUNCIL & COMMISSION PRESENTATIONS

MEETING SCHEDULE

No.	Commission Name	Meeting Schedule	City Staff Liasion	Proposal schedule	
				November	December
1	Art	The Arts Commission shall hold meetings the 4th Mondays of January, March, May, September and November at 7:00 PM	Tegan McLane	11/23/2020	
2	Community Advisory	The Community Advisory Commission shall hold meetings the 1st Wednesday of every month except July, at 7:00 PM	Robert Musallam	11/4/2020	12/2/2020 Conflict with Veteran commission
3	Economic Development and Trade	The Economic Development and Trade Commission shall hold meetings the 2nd Mondays of every month except, December and July, at 4:30 PM	Alex Andrade	11/9/2020	
4	Energy and Environmental Sustainability	The Commission meets the 3rd Wednesday of every month except July, at 6:00 PM	Elaine Marshall	11/18/2020	12/16/2020
5	Library and Education advisory	The Library and Education Commission shall hold meetings the 3rd Monday of every January, March, May, September, and November, at 7:00 PM	John Macon	11/16/2020	
6	Parks and Recreation & Cutureal Rsources	The Parks, Recreation and Cultural Resources Commission shall hold meetings the 1st Monday of every month except July, at 7:00 PM	Renee Lorentzen	Complete	
7	Planning	7:00 p.m. on the 2nd and 4th Wednesday of the month	Ned Thomas	11/11/2020 or 11/25/2020	12/09/2020 or 12/23/2020
8	Public Safety and Emergency Preparedness	The Public Safety and Emergency Preparedness Commission shall hold meetings the 3rd Thursday of every January, March, May September and November, at 7:00 PM	Toni Charlop	11/19/2020	
9	Science, technology and innovation	The Science, Technology and Innovation Commission shall hold meetings the 3rd Monday of every month, except July, at 7:00 PM	Daniel Nam	11/16/2020 conflict with Library and education dvisory	12/21/2020
10	Senior Advisory	The Senior Advisory Commission shall hold meetings the 4th Tuesday of February, April, June, August, October, and December, at 1:30 PM	John Macon		12/22/2020
11	Veterans	The Veterans Commission shall hold meetings the 1st Wednesday of February, April, June, August, October, and December, at 5:30 PM	Dale Flunoy		12/2/2020
12	Youth Advisory	The Youth Advisory Commission shall hold meetings the 2nd Thursdays of every month, except July, at 7:00 PM	Anthony Teschera	11/12/2020	12/10/2020

COUNCIL & COMMISSION PRESENTATIONS

MEETING NOTES

Milpitas Park and Rec Master Plan Council and Commission Meeting Notes

Art Commission:

- Celebrate the cultural diversity of Milpitas in the park system.
- Need a stage for performing arts must have access to parking.
- Would like to see a community destinations park that was accessible to the total community.
- Each neighborhood park should have a cultural theme based on neighborhood identity
- Like the idea of adding Art to the parks.
- Is it possible to reduce access fees to Levin Park for Milpitas residence?
- Like the idea of food trucks Milpitas is known as a foodie town.
- As we put more activities and events into parks need to make sure there's adequate parking.
- Dixon Landing has been used for the India Spring festival in the past

Community Advisory:

- GET THE WORD OUT!
- No signage related to maritime activities
- Unclear how port advertises to schools and who gets to take advantage of student programs/field trips
- Lack of signage related to Vision 2000 – nothing to tell the story
- Educational signage is there but old and tired. Could be more.
- Address Wi-Fi connectivity issues
- Need update and add more educational panels; add videos via QR Codes
- Address Wi-Fi issue

Economic Development and Trade:

- Over-developed, too intensive for operation and maintenance to maintain. Creates an unwelcoming feeling
- A lot of maintenance for the size of the park
- Spaces defined and amount of turf requires a lot of work – considered high maintenance – 3-4 full time employees

COUNCIL & COMMISSION PRESENTATIONS

MEETING NOTES

Energy and Environmental Sustainability:

- Port video from deconstruction – great for classroom video/educational video
- Public awareness of climate change and sea level rise should be the new focus – challenges we all face
- Opportunity to tell a story re: regional development of shoreline and existing industrial spaces
- Learning opportunities could be improved by are well established. EBParks has access to large user group for outreach and advertising. Beach wheelchair?
- Port sponsors field trips and provides bus transportation. Mainly to Oakland schools but other districts take advantage as well

Library and Education Advisory:

- What are the current users using the park for?
- What do they want to use it for? Who are the target users?
- How do we activate the space for the current users and current needs?
- What is vision 2025? New message re: climate change
- Positive connection to port
- Potential for a lot more enhancement
- Park is used by both community and terminal employees
- Good synergy between community and port goals

PRCRC:

- Park is underutilized
- Access to park not clear or defined, people don't know its there
- Container trucks block bike lane and access into park
- Access is and will be an ongoing challenge

COUNCIL & COMMISSION PRESENTATIONS

MEETING NOTES

Planning Commission:

- Access to power at Parks to facilitate rentals did not want to have to rent generators.
- Would like to see a major community park that could be a destination something unique and fun for the whole community.
- Would like to consider food for us and permaculture in Parks in addition to community gardens.
- Want to see pollinators and habitat improvements and parks.
- Want to know where there was a deficit of Parks in the community. Felt there were more parks on the east side concerned about adequate parks in the more urban areas.
- Wanted to know how small a park could be and still be considered a park.
- Wanted to know how parks were being funded in the new areas and was that a part of our study. Park fees are not a part of the master plan study but guidelines. Defining what constitutes dedicated park facilities will be part of the master plan.
- Ned shared the idea that linear parks along the creeks would connect the smaller parks to create a complete park system.
- the concept of experience over acreage was discussed
- Wanted to see more exercise equipment and Parks discussed the idea of exercise equipment being position to Provide opportunities for socialization at safe distances.
- Parks as a place to get to know your neighbors

Public Safety and Emergency Preparedness:

- What are the current users using the park for?
- What do they want to use it for? Who are the target users?

Science, Technology and Innovation:

- Over developed, too intensive for operation and maintenance to maintain. Creates an unwelcoming feeling
- A lot of maintenance for the size of the park
- Spaces defined and amount of turf requires a lot of work – considered high maintenance – 3-4 full time employees

COUNCIL & COMMISSION PRESENTATIONS

MEETING NOTES

Senior Advisory Committee:

- Port video from deconstruction – great for classroom video/educational video
- Public awareness of climate change and sea level rise should be the new focus – challenges we all face
- Opportunity to tell a story re: regional development of shoreline and existing industrial spaces
- Learning opportunities could be improved by are well established. EBParks has access to large user group for outreach and advertising. Beach wheelchair?
- Port sponsors field trips and provides bus transportation. Mainly to Oakland schools but other districts take advantage as well

Veterans:

- What are the current users using the park for?
- What do they want to use it for? Who are the target users?
- How do we activate the space for the current users and current needs?
- What is vision 2025? New message re: climate change

Youth Advisory:

- Design parks to accommodate more teens
- Agreed to take survey and share with their peers
- Sustainability is priority

PUBLIC COMMENTS ON DRAFT MASTER PLAN

Comments from Public on DRAFT MASTER PLAN

As of June 25, 2021

Comment: I would love to see more community gardens, especially in the Great Mall area. We have three large parks within blocks of each other, but most of these parks are under-utilized (at least in the 10 years I've lived here, I've barely seen folx use the park. I will say that during the pandemic, more folx have used it, but it's a handful of people each week. I would like to see a portion of Parc Metro West (the smaller part of the park) be repurposed into a community garden. As a private resident, I'm happy to work on a budget and even help maintain the garden (maybe even source neighborhood kids to learn about gardening). But we have this precious land that we should honor and make the most of.

--

Comment: I would love to see a community garden in this budget. I would be happy to help maintain the garden, but we can absolutely get supplies and plants for \$2,500. I don't want to convert the whole park into a garden, just a small portion of it.

--

Comment: Okay, so I'm not sure whether this is public property or private property, but there's a marsh/pond area between CETECOM and I-880 along Dixon Landing Road. Currently, the only way to view the marsh is from CETECOM's parking lot. There appear to be very old, almost destroyed benches on one side of the marsh, which indicates that the area was once accessible to public viewing. My suggestion is to possibly make a small amount of access by making a sidewalk on the other side of Dixon Landing to view the marsh or (if it doesn't disturb the habitat) making a small trail on the north end of the marsh connecting to Milpitas/WarmSprings boulevard.

Comment: Please continue to offer low cost programs especially for Milpitas residents. Please also look into alternatives of paying for these programs. When registering online, the registration fee charge is very high. Also found out if classes change or schedule changes, this fee is non refundable. Should not charge so much (% of the class cost). Would be better if there's a way to register for free. In person if free risks classes being sold out.

--

Paragraph Number: Improvements to Sinnott park

Comment: - Community garden - Think too much maintenance and left unmaintained will look messy and unappealing. In my yard, if I leave it for over two weeks, flowers and leaves start wilting. I'd rather space be used for another thing. Example: Baby - toddler sand box.

- Regarding replacing play ground! Great!!! Also good to take out sand and replace with rubber vs wood chips if possible. Anything but sand... since it's not cleaned often, I find trash in the sand.

- Pickle ball? Can you have tennis courts instead? The tennis courts on Yellowstone is always always full! Seems tennis is attractive to older folks, and since none of courts available, kids can't play. To compromise... how about tennis court with pickle ball lines too? Share space? Tennis courts would benefit students who would like to excel in that sport without having to pay for gym/court membership. Tennis courts available for free would be beneficial to people who don't have access to expensive clubs due to public availability. I'm disappointed MHS doesn't open 10 of their courts to the public. That would be nice.

- For more space for tennis courts... perhaps you can take out sand volleyball space. Have volleyball played in grass area instead.

- Lights at night would be good for safety. So ppl don't do bad stuff at the park during the night.

- Thx for having meeting available online. Thx for taking suggestions and giving us time to respond with comments.

--

PUBLIC COMMENTS ON DRAFT MASTER PLAN

Comments from Public on DRAFT MASTER PLAN

As of June 25, 2021

Comment: Tennis courts at Bob McGuire Park. No parking at all! Unfortunate because people outside of the immediate area would never be able to find parking and go to use the tennis courts! Amphitheater also extremely limited parking! I have driven around for over half an hour looking for parking.

--

Comment: More tennis courts in Milpitas please! Tennis courts closest to me (on Yellowstone) are always taken up! My kid and and neighbor are never able to get one. There should be time limits! Or sign up lists.

--

Comment: Milpitas Parks should offer goal nets to more parks, I have been to most of the parks in Milpitas yet they have no public goal nets or even goal frames. Milpitas has a lot of people who enjoy soccer, they should be able to enjoy it even more with nets.

--

Comment: Please try to include an cricket pitch or badminton court in the Mccandless park. There is a multi use /soccer play ground which in corner can accommodate an cricket pitch. please consider.

--

Comment: Gill Park - the handball court is going to be re-surfaced again? It was done last year. There are a few small areas that need repair. Maybe re-surfacing not needed??

--

Comment: Building courts at Sinnott may cause an issue with residents who may complain about the noise. They may be too close to homes. Residents may also complain about the potential abundance of cars parked on the nearest street. Check out these articles:

<https://www.acousticalnoise.com/noise-control/why-are-your-pickleball-courts-receiving-complaints-from-neighbors/#:~:text=We%20recommend%20that%20pickleball%20courts%20to%20be%20located,use%20C%20or%20leads%20to%20ongoing%20disputes%20with%20neighbors>
<https://www.berkeleyside.org/2020/11/13/north-berkeley-neighbors-complain-noisy-pickleball-games>

Gill Park would be a better location, on the right side of the tennis courts - but perhaps that area is off limits since it belongs to the county and city of SF? Then maybe the handball court should be totally removed, and perhaps three courts can be configured to fit into that space between the tennis courts and the playground? Or even the area on the left side of the tennis courts. Gill also has adequate parking.

Another suggestion would be to convert the least utilized tennis courts in the park system.

Thank you for your attention to my comments and the city's plans to try build some much needed dedicated courts.

--

Comment: Thanks for including a permanent pickleball courts in the Master Plan. John Sinnott is a good location except it might be close to houses. Pickleball has been known to cause problems with noise. That needs to be evaluated, see Internet for cases of noise issues. Berkeley is one example. Sinnott does not have its own parking though I believe there is enough street parking near by.

PUBLIC COMMENTS ON DRAFT MASTER PLAN

Comments from Public on DRAFT MASTER PLAN

As of June 25, 2021

A better location for the permanent pickleball courts would be located to the right of the Gill tennis courts. This is far enough from any houses. As far as I know there has not been complaints about noise from the Gill hitting wall courts.

You can easily setup 3 courts in the grass area and may share even one fence to save on cost. Also, you can share the light posts should lights be needed. Gill is ideal as it has plenty of parking for the players who play there 3 times a week from 8am to noon.

Another option is to build the courts at Calaveras Ridge. The space is not used right now and it has some parking and plenty of street parking.

Please feel free to contact me if you need clarifications or any discussions.



PROGRAM FEE ANALYSIS

The following section contains the Recreation Fee Assessment of the programs offered by Milpitas Recreation and Community Services. The analysis was performed and compiled by Matrix Consulting Group.

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PROGRAM FEE ANALYSIS

Chapter 3: Recreation

PROGRAMS

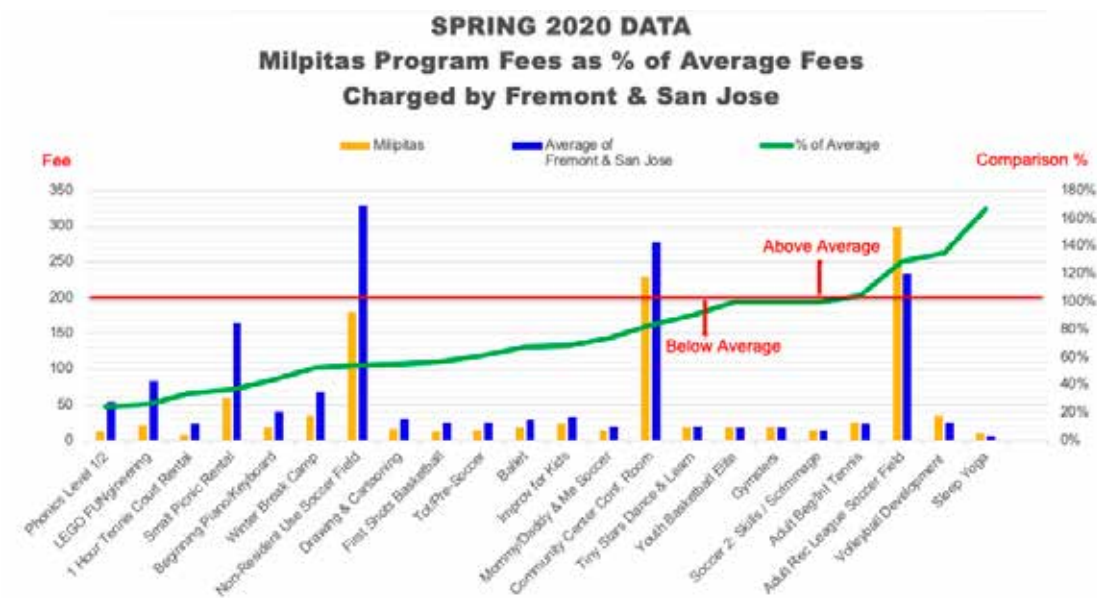
OVERVIEW

The City of Milpitas, as part of the Parks Master Planning effort, is evaluating the fee structure of Recreation Fees currently charged by the City to support Recreation programming activities. The following section summarizes observations and recommendations related to the fees charged by the City for various recreation programming activities. At the present time, recreation programming is limited by the existing facilities and programming spaces available to the City for use in providing programming and other recreational activities.

The City of Milpitas Recreation and Community Services Department offers a wide variety of program in the following areas: Senior Services, Youth Programs, Special Events, Performing Arts, General Classes, Aquatics and Sports & Fitness. In general, it provides a holistic approach to courses and attempts to meet the diverse and unique needs of the city’s residents. This review of programs, compared Milpitas to four similar agencies, where population and program offerings were most similar.

COMPARATIVE ASSESSMENT OF COURSE/PROGRAM FEES

City of Milpitas fees for selected programs and services (generally offered by multiple comparable agencies) to those charged by comparative agencies. The following graph summarize the findings of this effort for Fremont and San Jose - the two primary comparables to the City of Milpitas. Detailed tables and graphs for each program and service surveyed are provided in Appendix X and show how the City of Milpitas compares to the entire set of agencies selected: Fremont, Mountain View, Redwood City, and San Jose.



PROGRAM FEE ANALYSIS

As shown, the fees charged for the majority of programs are below the average charged by San Jose and Fremont indicating some ability for the City to adjust some select fees and still remain competitive in the public sector market.

LOCAL MARKET FEE COMPARISON

In addition to comparing fees to other communities, a small sample of programs and services were compared to local providers within the City of Milpitas to conduct a "reasonableness" test against costs for similar programs conducted by the private sector. While it is difficult to develop a completely equitable comparison between the City's services and those of other providers due to differences in facilities and gym offerings, this information provides at least an approach to gauging whether or not fees are aligning with market conditions. In general, this analysis supports the conclusion that the City is charging appropriate fees for programs but may have some capacity to increase rental rates for meeting and banquet facilities if desired.

The specific programs and services were identified in consultation with city staff and then outreach conducted to the providers to ascertain the costs they were charging for the similar services. The results are shown in the following table.

Banquet Halls and Meeting Rooms	
Service Provider	Fee Amount
India Community Center	\$3,500 per day weekdays and \$8,000 per day weekends - includes 10 hours per day with set up, tables, chairs, and linens included. Anything else is extra.
Spring Valley Golf Course	Indoor facility for 165 people. Patio seating for a total of 300 guests. Room rental fee of \$500 which is waived if total cost is over \$7,500. Required minimum \$4,300 in food and beverage, not including service charge of 17% or applicable taxes.
School District	76 person community meeting room at Mattos Elementary School is \$95 per hour or \$1,520 per day.
Summit Pointe Golf Club	150 person inside and 50 outside banquet room/patio. Includes full banquet staff, buffet menu, set up/clean up, tables and chairs, coffee, water, and tea. 4 hour minimum. 15-59 people \$800. 60-119 people \$1,200. 120-200 people \$1,800. \$200 per hour after initial 4. \$100 cleaning fee.
Gym Membership:	
Service Provider	Fee Amounts
India Community Center	\$10 initiation. \$45/monthly or \$449 annually. Family \$69 monthly or \$699 annually. Student \$29 or \$299. Senior \$15-25 month or \$160-\$249 annually (basic or full access membership difference).
India Community Center	Adult join \$90/Monthly \$73. Senior 90/66. Youth 45/37. Family (max) 165/161.
Fitness 19 Milpitas	Monthly rates from \$10-30 depending on access to features. 1-year commitment required.
Milpitas Star Aquatics and Fitness	\$40 annual maintenance fee. Gym \$50 sign up and \$20 monthly (first person, \$15 second person and \$10 each third+). Gym and pool membership is \$50 sign up and \$40 monthly. \$30 second person and 3 rd + each \$20 per month. 25 yard heated 7 lane pool for laps. 20 yard heated shallow pool for family swim.
City of Milpitas	Sports Center Unlimited Membership of \$60/monthly or \$480/year with reduced rates for seniors of \$235/year.

PROGRAM FEE ANALYSIS

While services and offerings between these facilities are not entirely consistent, the cost comparison does indicate that the City is in line with the rates being charged by other local service providers.

When considering additional programs or expanded programming, the following local market information may be useful in ensuring that the rates charged by the City are in alignment with fees in the local market.

Yoga	
Service Provider	Fee Amounts
Bikram Yoga	1 year / \$1200.
Worlds Yoga:	\$25 initiation. Yearly - \$79/mo. 6 months \$89/mo. 3 months \$99/mo. Drop in \$20. Class package 5 = \$75. 10=\$130. 20=\$240. 30=\$330.
Programming / events/ tutoring	
Service Provider	Fee Amounts
Christ Community Church	programs offered and costs. ESL \$50/year and free child care kids 0-9. Classes held about 28 days per month.
Kuman Math	Reading and Math programs. \$140 per month, per program. Each class is 20-30 minutes long and classes are held 2x each week. \$50 initial registration fee.
The Tutoring Center	\$279, 1 child, 2 sessions per week. \$359 3 sessions per week.
PEL Learning Center, Inc.	1 x registration \$50-\$100 (not sure why the range). Private tutoring \$35-\$40/hr. After school "homework help" \$100-\$150/month.
Science Nature Labs at Pump it up	science classes for kids aged 9-12. \$30/day.
KidzToPros	Introducing to "Python Programming". Grades 6-8. June 15-19 from 9 am – 3 pm. \$595. Computer programming skills held at Curtner Elementary School.
KidzToPros	.

A comprehensive assessment was made of the programs offered by the City of Milpitas' Department of Recreation and Community Services against those offered by comparative municipalities. For the purposes of the fee and program offering assessment, the following communities were utilized as comparatives: Fremont, Mountain View, Redwood City and San Jose.

The following table shows a summary of the most frequently offered classes that other communities provide that are not currently provided by the City of Milpitas. This listing shows only those programs where two or more of the comparable entities provide the class. A detailed listing is provided in Appendix C that shows the entire comparison and highlights classes that only one other entity offered.

This information is useful, as one tool, to evaluate new potential courses or programs that the City of Milpitas should consider in the future.

PROGRAM FEE ANALYSIS

RECREATION CLASSES (From Fall & Winter 2019 Activity Guide)	Fremont	Mountain View	Redwood City	San Jose
Chess Beginner (ages 5-13)	\$99 1 day/wk 1 hr class 7 classes	Not Offered	\$231 1 day/wk 1.33 hr class 9 classes	Not Offered
Chess Advanced (ages 5-13)	\$99 1 day/wk 1 hr class 7 classes	Not Offered		Not Offered
Math Olympiad (ages 6-8, 9-11)	\$449 1 day/wk 2.25 hr class 9 classes	Not Offered	\$180 1 day/wk 1 hr class 4 classes	Not Offered
Children's Little Theater (ages 4-6)	\$189 1 day/wk 1 hr class 9 classes	\$170 Res/\$213 1 day/wk .75 hr class 5 classes	\$330 1 day/wk 1.5 hr class 8 classes	Not Offered
Young Rembrandts: FUNdamental Drawing (ages 4-6)	\$129 1 day/wk 1 hr class 6 classes	Not Offered	Not Offered	\$118 1 day/wk 1 hr class 6 classes
Adult Ballet (ages 16+)	\$139 1 day/wk 1 hr class 10 classes	Not Offered	\$199 1 day/wk 1 hr class 11 classes	Not Offered
Adult Beginning Tap (ages 16+)	\$139 1 day/wk 1 hr class 10 classes	Not Offered	\$78 1 day/wk 1 hr class 6 classes	Not Offered
Zumba Dance Fusion (ages 18+)	\$69 1 day/wk .67 hr class 6 classes	Not Offered	\$126 1 day/wk 1 hr class 10 classes	\$43 Res/\$47 NR 1 day/wk 1 hr class 6 classes
Beginner Belly Dancing (ages 18+)	Not Offered	\$198 Res/\$248 NR 1 day/wk 1 hr class 12 classes	\$62 1 day/wk 1 hr class 7 classes	Not Offered
Karate for Kids (ages 7-12)	\$109 1 day/wk .5 hr class 10 classes	\$135 Res/\$169 NR .83 hr class 7 classes	98 2 days/wk .92 hr class 7 classes	Not Offered

PROGRAM FEE ANALYSIS

RECREATION CLASSES (From Fall & Winter 2019 Activity Guide)	Fremont	Mountain View	Redwood City	San Jose
Tae Kwon Do (ages 5-19)	Not Offered	\$125 Res/\$157 NR 2 days/wk 1.5 hr class 24 classes	\$162 2 days/wk 1 hr class 12 classes	Not Offered
Guitar (ages 6-16)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 13 classes	Not Offered	\$154 +\$10 material fee 1 day/wk .75 hr class 6 classes
Adult Guitar (ages 17+)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 12 classes	Not Offered	\$110 Res/\$114 NR 1 day/wk .75 hr class 7 classes
Ukulele for Fun! (ages 4+)	\$175 1 day/wk .75 hr class 6 classes	Not Offered	\$25 1 day/wk 2 hr class 1 class	\$154 +\$10 material fee 1 day/wk .75 hr class 6 classes
Violin Study (ages 4+)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 12 classes	Not Offered	Not Offered
Skateboarding Lessons - Beginning Level (ages 6-12)	\$169 1 day/wk .75 hr class 4 classes	Not Offered	\$131 1 day/wk 1 hr class 5 classes	\$171 Res/\$175 NR 1 day/wk 2.5 hr class 6 classes
Skateboarding Lessons - Intermediate Level (ages 6-12)	\$169 1 day/wk .75 hr class 4 classes	Not Offered		
Tennis: Red Ball (ages 5-6, 7-8)	\$79 1 day/wk 1 hr class 5 classes	Not Offered	\$92 1 day/wk .67 hr class 6 classes	\$125 1 day/wk 1 hr class 6 class
Tennis: Orange Ball (ages 9-10)	\$79 1 day/wk 1 hr class 5 classes	Not Offered		\$125 1 day/wk 1 hr class 6 class
Tennis: Fremont Tennis Academy (ages 11-17)	\$79 1 day/wk 1 hr class 5 classes	Not Offered		Not Offered
Tennis: Adults beginner (ages 18+)	\$75 1 day/wk 1 hr class 5 classes	Not Offered	\$92 1 day/wk 1 hr class 6 classes	Not Offered

PROGRAM FEE ANALYSIS

RECREATION CLASSES (From Fall & Winter 2019 Activity Guide)	Fremont	Mountain View	Redwood City	San Jose
Tennis: Adults Intermediate (ages 18+)	\$75 1 day/wk 1 hr class 5 classes	Not Offered		Not Offered

There are multiple opportunities, based on demand for classes seen in other communities, to explore the addition of additional programs within the City of Milpitas' portfolio of classes. Additional opportunities are likely to be identified as part of the larger Parks Master planning process once information becomes available from the community input phase and the project teams have developed recommended park and facility improvements.

RECOMMENDED FEE ADJUSTMENTS

Based upon the comparative assessment, it is recommended that fees for comparable recreation programs be adjusted to match the average of the comparative assessment unless there is specific information available that warrants maintaining a rate below market rate. At the present time the project team is not aware of any specific data that would warrant charging a below market rate. The detailed program assessment is included in Appendix B. For programs where market adjustments are not required, the City of Milpitas should consider implementing fee increases to cover cost of living increases to ensure that annual internal cost increases (personnel, contractual, utilities, etc.) do not impact the cost recovery of the department.

Based upon the market assessment, the following table summarizes the types of market adjustments that are warranted based upon the comparative assessment. Where no change is recommended for market adjustment, the City may still consider a small cost of living adjustment to account for increased operating costs year over year attributable to internal cost increases.

The assessment showed that of the programs reviewed, 55% warranted no change in fees based solely upon market competitiveness. The remaining 45% had market adjustments recommended with some being very minor but some being significantly below the market rate. At a minimum, a cost of living adjustment should be applied to each program to address internal cost increases year over year.

Program	Adjustment
Sleep Yoga	Increase from \$10/class to \$14 / class
Phonics Level 1/2	Increase from \$13/class to \$25 / class
Soccer 2: Skills and Scrimmage	Increase from \$15/class to \$16 / class
Drawing & Cartooning	Increase from \$17/class to \$19/class
Beginning Piano/Keyboard Lessons	Increase from \$18/class to \$30/class
Non-Resident Use of Soccer Field with Lights for 2 hour rental	Increase from \$180 to \$200

PROGRAM FEE ANALYSIS

Program	Adjustment
Line Dancing	Increase from \$2/class to \$3/class
Lego FUNGineering	Increase from \$22/class to \$40/class
Improv for Kids	Increase from \$23/class to \$40/class
Resident use of gymnasium for 3 hours – peak hours	Increase from \$260 to \$400
Winter Break Camp	Increase from \$4 / hour to \$9 /hour
Small picnic rental for Residents (<50, Saturday)	Increase from \$60 to \$90
Non-primetime 1 hour Adult Resident Tennis Court Rental	Increase from \$8 to \$15
Mommy/Daddy & Me Soccer Class	No change
Ballet Level 1	No change
Youth Basketball Elite	No change
Tai Chi Fitness 2	No change
Sports Center Drop in Sports Class	No change
Tot/Pre Soccer	No change
First Shots Basketball	No change
Tiny Stars Dance & Learn	No change
Tap & Ballet Combo Level 1	No change
Hip Hop & Break Dance	No change
Gymsters	No change
Satellites Tennis	No change
Volleyball Development Clinic	No change
Adult Beg/Int Tennis	No change
Adult Use, Artificial Turf (2 hour rental)	No change
Community Center Conference Room	No change

The assessment showed that of the programs reviewed, 55% warranted no change in fees based solely upon market competitiveness. The remaining 45% had market adjustments recommended with some being very minor but some being significantly below the market rate. At a minimum, a cost of living adjustment should be applied to each program to address internal cost increases year over year.

PROGRAM FEE ANALYSIS

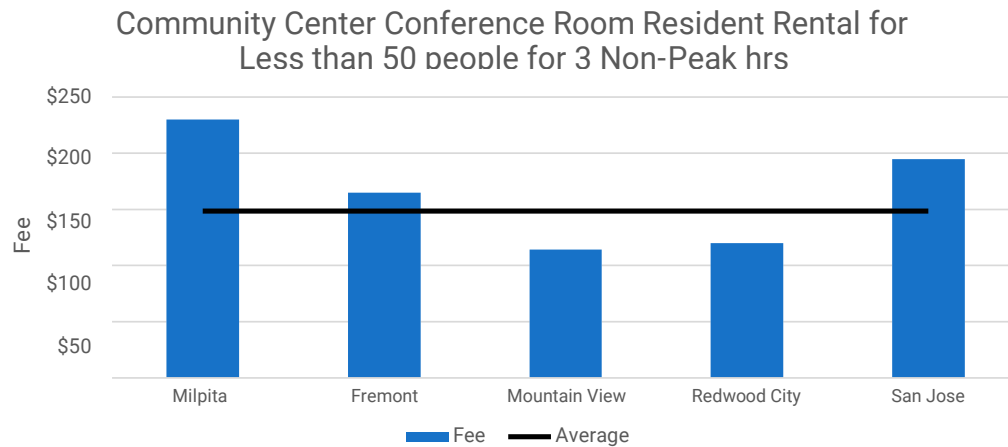
Appendix X – Detailed Fee Comparison by Program / Service Area

The following tables and graphs compare the City of Milpitas fees for selected programs and services (defined as those generally offered by multiple comparable agencies) to those charged by the comparative agencies. Where applicable, the fees are compared on both a per course and per hour basis to “equalize” programs (since many programs and classes had different number of classes or length of classes).

Adult Resident Use of Artificial Turf Field for Rec League Soccer Game (2 hr rental w/o lights)	Fee	Average	Notes	
Milpitas	\$ 300	\$ 148		
Fremont	\$ 136	\$ 148	\$136 for 2 hrs min fee	
Mountain View	\$ 144	\$ 148	Hourly	
Redwood City		\$ 148	n/a	
San Jose	\$ 165	\$ 148	App fee plus hourly	

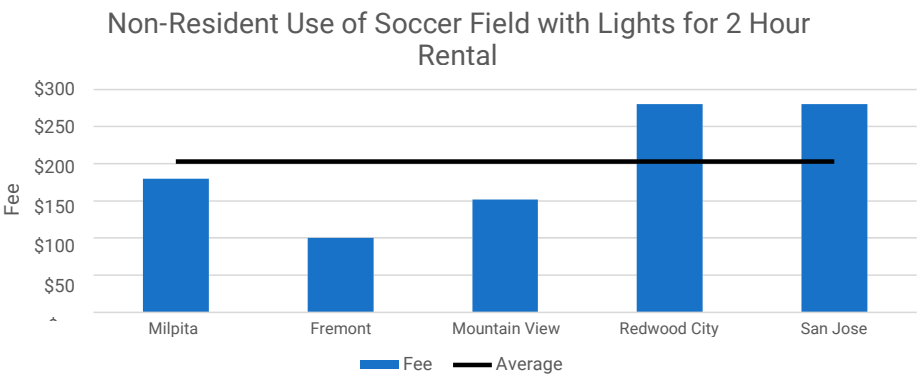
PROGRAM FEE ANALYSIS

Community Center Conference Room Resident Rental for Less than 50 people for 3 non-peak hrs	Fee	Average	Notes	
Milpitas	\$ 230	\$ 149	app fee plus hourly	
Fremont	\$ 165	\$ 149	small meeting room - hourly	
Mountain View	\$ 114	\$ 149	hourly not including deposit	
Redwood City	\$ 120	\$ 149	hourly not including deposit	
San Jose	\$ 195	\$ 149	app fee plus hourly	



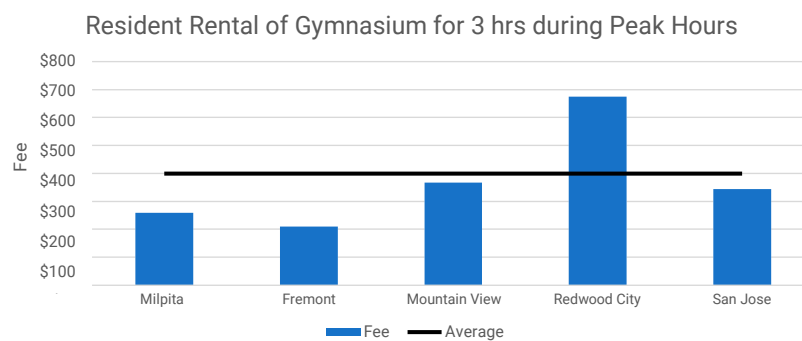
PROGRAM FEE ANALYSIS

Non-Resident Use of Soccer Field with Lights for 2 Hour Rental	Fee	Average	Notes		
Milpitas	\$ 180	\$ 203	app fee plus hourly		
Fremont	\$ 100	\$ 203	hourly		
Mountain View	\$ 152	\$ 203	hourly		
Redwood City	\$ 280	\$ 203	hourly for field and lights		
San Jose	\$ 280	\$ 203	app fee plus hourly for field and lights		



PROGRAM FEE ANALYSIS

Resident Rental of Gymnasium for 3 hrs during Peak Hours	Fee	Average	Notes		
Milpitas	\$ 260	\$ 399	App fee plus hourly		
Fremont	\$ 210	\$ 399	Hourly		
Mountain View	\$ 367	\$ 399	hourly+app fee		
Redwood City	\$ 675	\$ 399	Full gym hourly not including deposit		
San Jose	\$ 345	\$ 399	App fee plus hourly		

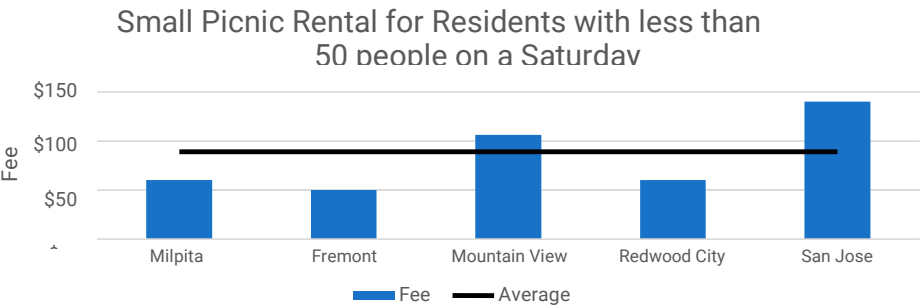


Local Comparatives:

School District – gym rental. Main gym is \$103 per hour (\$309 for three hours) or \$1,648 per day. Small gym is \$82.50 per hour (\$247.50 for three hours) or \$1,320 per day. These rates support the comparative with other municipalities that the City should increase the hourly rate for gymnasium rentals.

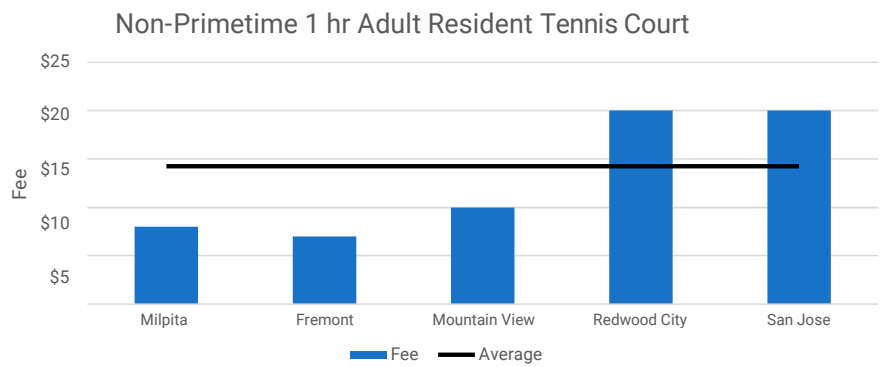
PROGRAM FEE ANALYSIS

Small Picnic Rental for Residents with less than 50 people on a Saturday	Fee	Average	Notes	
Milpitas	\$ 60	\$ 89	Daily rate	
Fremont	\$ 50	\$ 89	Rate for 2 tables, not-sheltered	
Mountain View	\$ 106	\$ 89	Capacity of 50	
Redwood City	\$ 60	\$ 89	rate for 3 tables	
San Jose	\$ 140	\$ 89	Daily weekend rate	



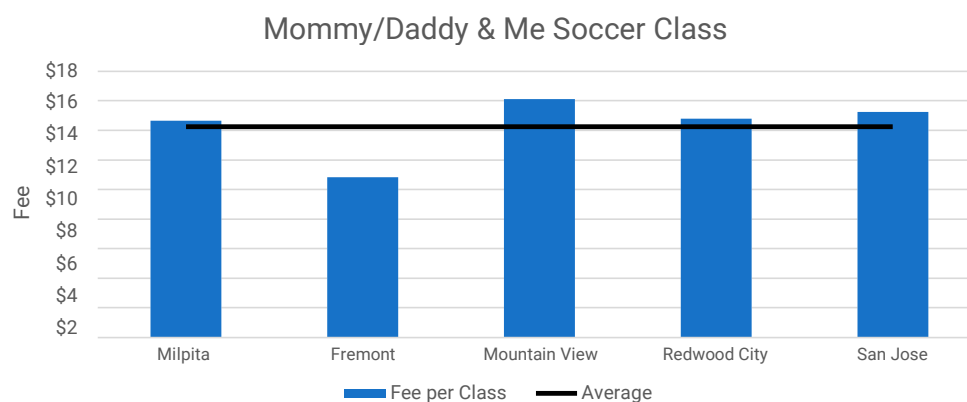
PROGRAM FEE ANALYSIS

Non-Primetime 1 hr Adult Resident Tennis Court Rental	Fee	Average	Notes		
Milpitas	\$ 8	\$ 14	Only for court use		
Fremont	\$ 7	\$ 14	Only for court use		
Mountain View	\$ 10	\$ 14	Court Use without light		
Redwood City	\$ 20	\$ 14	Only for court use		
San Jose	\$ 20	\$ 14	Only for court use		



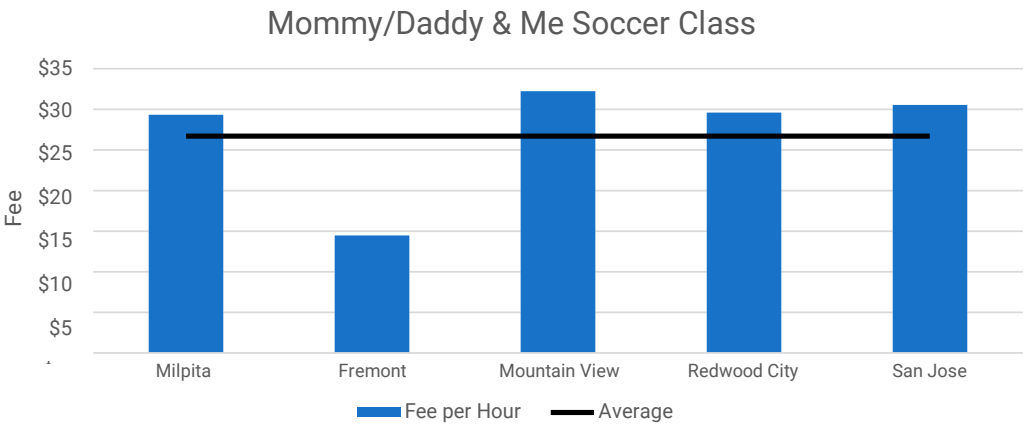
PROGRAM FEE ANALYSIS

Mommy/Daddy & Me Soccer Class	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 15	\$ 14	0.50	6.00	\$ 88
Fremont	\$ 11	\$ 14	0.75	6.00	\$ 65
Mountain View	\$ 16	\$ 14	0.50	8.00	\$ 129
Redwood City	\$ 15	\$ 14	0.50	5.00	\$ 74
San Jose	\$ 15	\$ 14	0.50	8.00	\$ 122



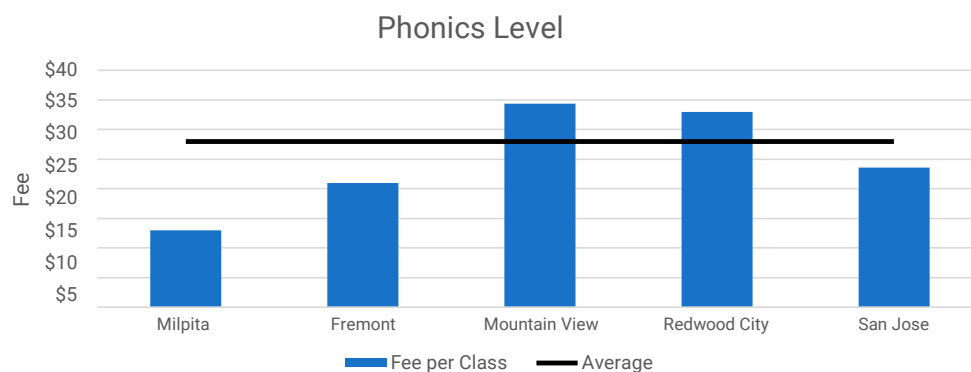
PROGRAM FEE ANALYSIS

Mommy/Daddy & Me Soccer Class	Fee per Hour	Average
Milpitas	\$ 29	\$ 27
Fremont	\$ 14	\$ 27
Mountain View	\$ 32	\$ 27
Redwood City	\$ 30	\$ 27
San Jose	\$ 31	\$ 27



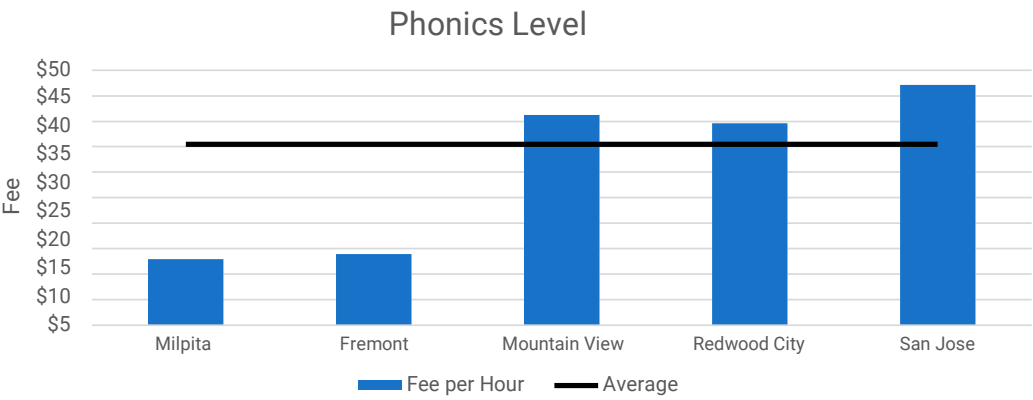
PROGRAM FEE ANALYSIS

Phonics Level 1/2	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 13	\$ 28	1.00	10.00	\$ 130
Fremont	\$ 21	\$ 28	1.50	9.00	\$ 189
Mountain View	\$ 34	\$ 28	0.83	6.00	\$ 206
Redwood City	\$ 33	\$ 28	0.83	6.00	\$ 198
San Jose	\$ 24	\$ 28	0.50	7.00	\$ 165



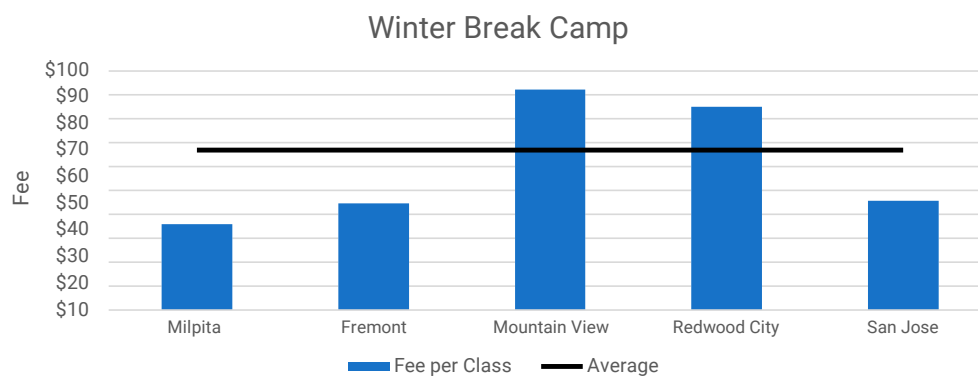
PROGRAM FEE ANALYSIS

Phonics Level 1/2	Fee per Hour	Average
Milpitas	\$ 13	\$ 35
Fremont	\$ 14	\$ 35
Mountain View	\$ 41	\$ 35
Redwood City	\$ 40	\$ 35
San Jose	\$ 47	\$ 35



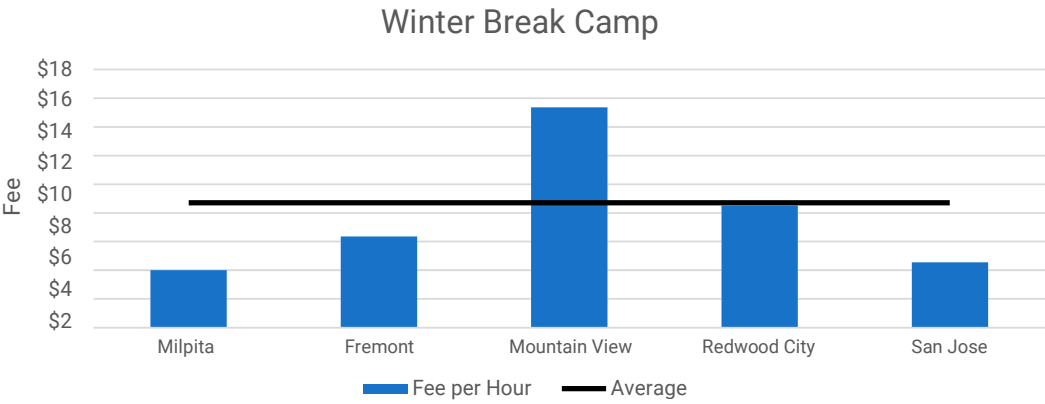
PROGRAM FEE ANALYSIS

Winter Break Camp	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 36	\$ 67	9.00	3.00	\$ 108
Fremont	\$ 45	\$ 67	7.00	2.00	\$ 89
Mountain View	\$ 92	\$ 67	6.00	4.00	\$ 369
Redwood City	\$ 85	\$ 67	10.00	5.00	\$ 425
San Jose	\$ 46	\$ 67	10.00	4.00	\$ 183



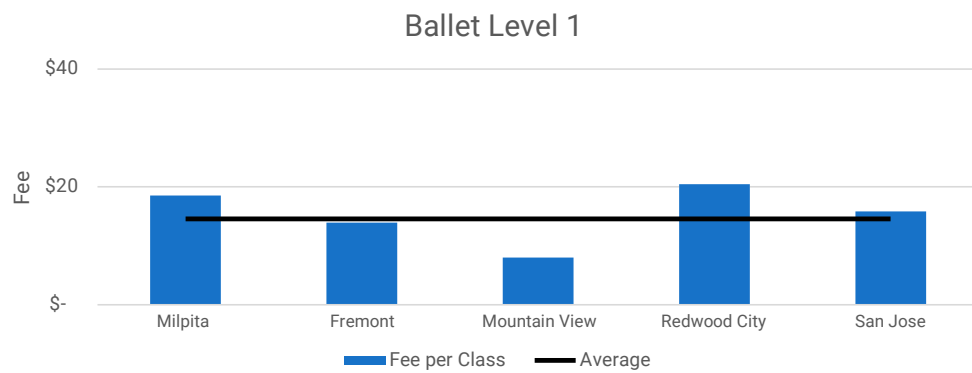
PROGRAM FEE ANALYSIS

Winter Break Camp	Fee per Hour	Average
Milpitas	\$ 4	\$ 9
Fremont	\$ 6	\$ 9
Mountain View	\$ 15	\$ 9
Redwood City	\$ 9	\$ 9
San Jose	\$ 5	\$ 9



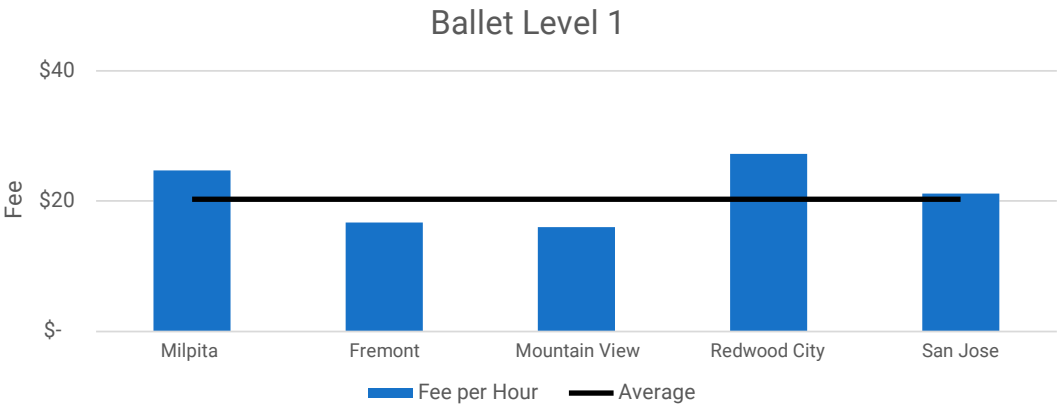
PROGRAM FEE ANALYSIS

Ballet Level 1	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 15	0.75	7.00	\$ 130
Fremont	\$ 14	\$ 15	0.83	9.00	\$ 125
Mountain View	\$ 8	\$ 15	0.50	8.00	\$ 64
Redwood City	\$ 20	\$ 15	0.75	11.00	\$ 225
San Jose	\$ 16	\$ 15	0.75	8.00	\$ 127



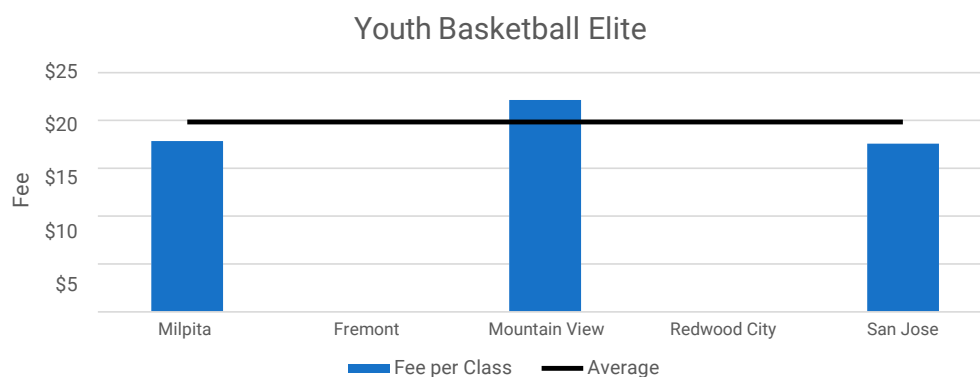
PROGRAM FEE ANALYSIS

Ballet Level 1	Fee per Hour	Average
Milpitas	\$ 25	\$ 20
Fremont	\$ 17	\$ 20
Mountain View	\$ 16	\$ 20
Redwood City	\$ 27	\$ 20
San Jose	\$ 21	\$ 20



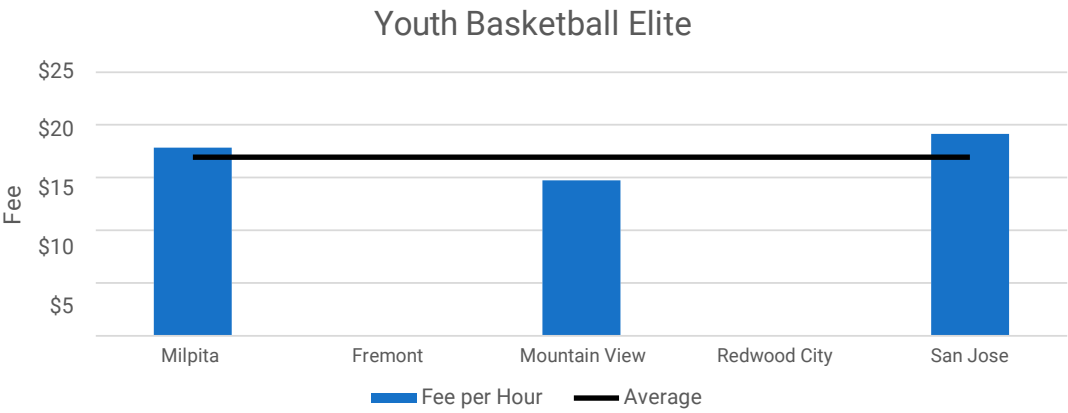
PROGRAM FEE ANALYSIS

Youth Basketball Elite	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 18	\$ 20	1.00	7.00	\$ 125
Fremont		\$ 20	n/a		
Mountain View	\$ 22	\$ 20	1.50	9.00	\$ 199
Redwood City		\$ 20	n/a		
San Jose	\$ 18	\$ 20	0.92	9.00	\$ 158



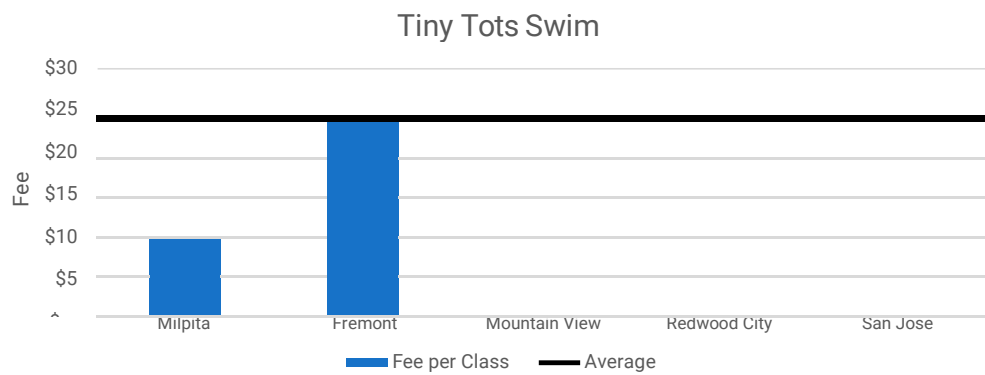
PROGRAM FEE ANALYSIS

Youth Basketball Elite	Fee per Hour	Average
Milpitas	\$ 18	\$ 17
Fremont		\$ 17
Mountain View	\$ 15	\$ 17
Redwood City		\$ 17
San Jose	\$ 19	\$ 17



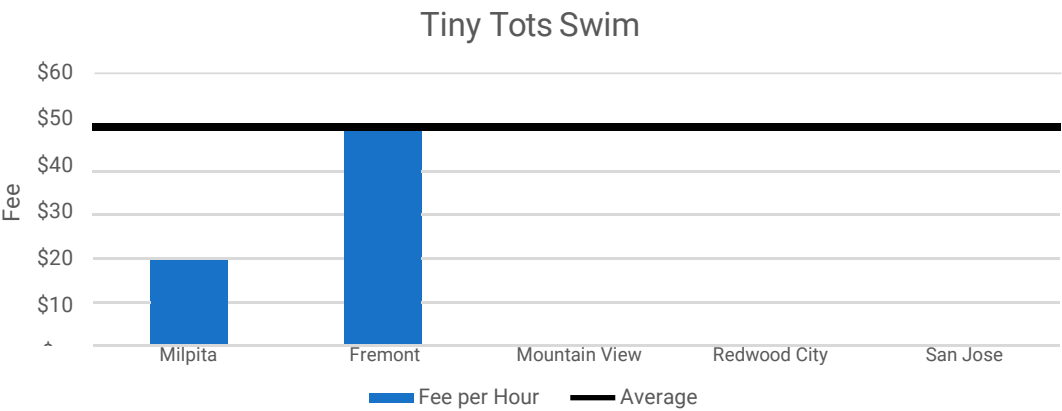
PROGRAM FEE ANALYSIS

Tiny Tots Swim	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 10	\$ 25	0.50	4.00	\$ 38
Fremont	\$ 25	\$ 25	0.50	10.00	\$ 250
Mountain View		\$ 25	n/a		
Redwood City		\$ 25	n/a		
San Jose		\$ 25	n/a		



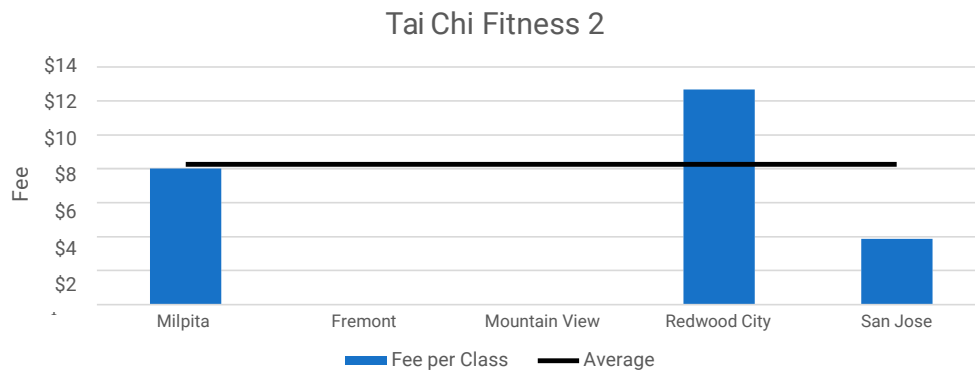
PROGRAM FEE ANALYSIS

Tiny Tots Swim	Fee per Hour	Average
Milpitas	\$ 19	\$ 50
Fremont	\$ 50	\$ 50
Mountain View		\$ 50
Redwood City		\$ 50
San Jose		\$ 50



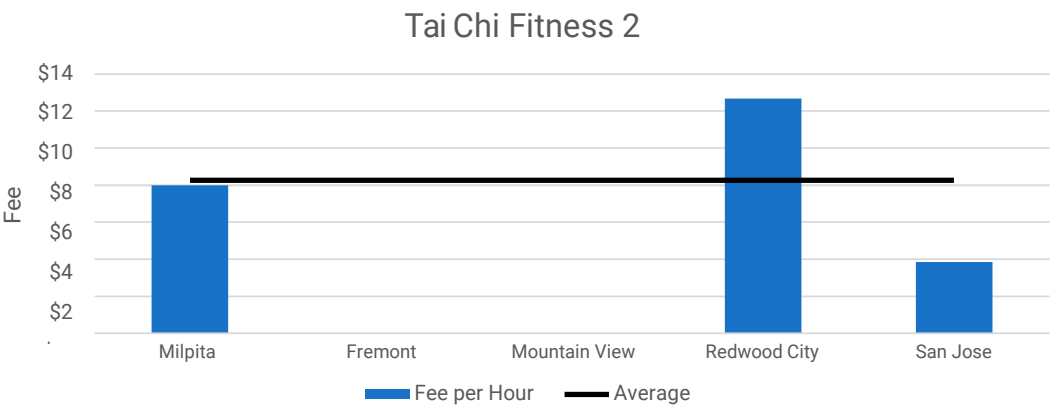
PROGRAM FEE ANALYSIS

Tai Chi Fitness 2	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 8	\$ 8	1.00	22.00	\$ 176
Fremont		\$ 8	n/a		
Mountain View		\$ 8	n/a		
Redwood City	\$ 13	\$ 8	1.00	9.00	\$ 114
San Jose	\$ 4	\$ 8	1.00	7.00	\$ 27



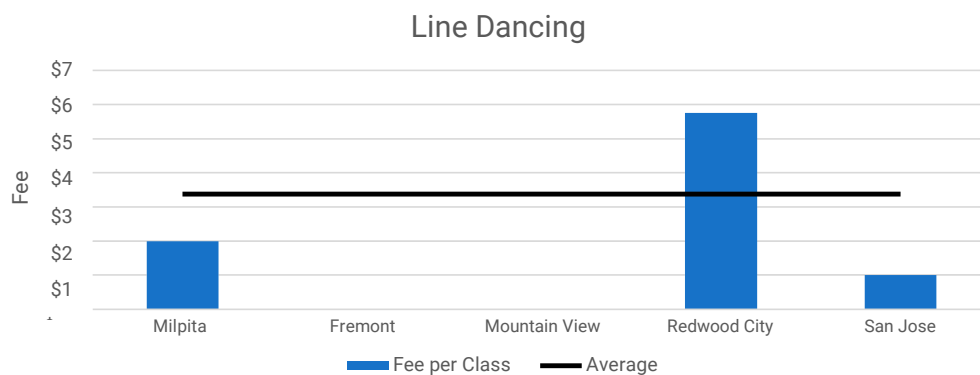
PROGRAM FEE ANALYSIS

Tai Chi Fitness 2	Fee per Hour	Average
Milpitas	\$ 8	\$ 8
Fremont		\$ 8
Mountain View		\$ 8
Redwood City	\$ 13	\$ 8
San Jose	\$ 4	\$ 8



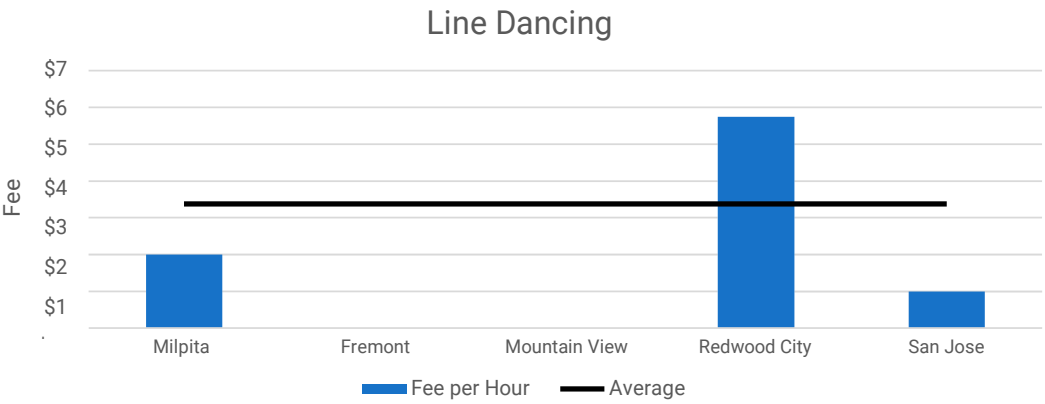
PROGRAM FEE ANALYSIS

Line Dancing	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 2	\$ 3	1.00	8.00	\$ 16
Fremont		\$ 3	n/a		
Mountain View		\$ 3	n/a		
Redwood City	\$ 6	\$ 3	1.00	8.00	\$ 46
San Jose	\$ 1	\$ 3	1.00	8.00	\$ 8



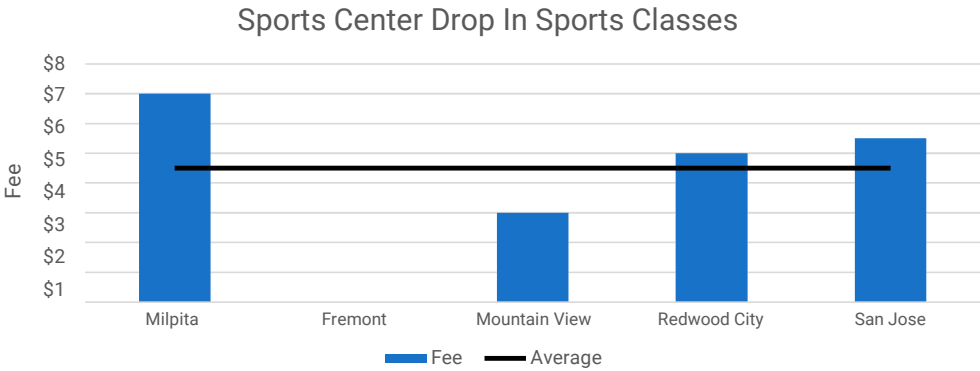
PROGRAM FEE ANALYSIS

Line Dancing	Fee per Hour	Average
Milpitas	\$ 2	\$ 3
Fremont		\$ 3
Mountain View		\$ 3
Redwood City	\$ 6	\$ 3
San Jose	\$ 1	\$ 3



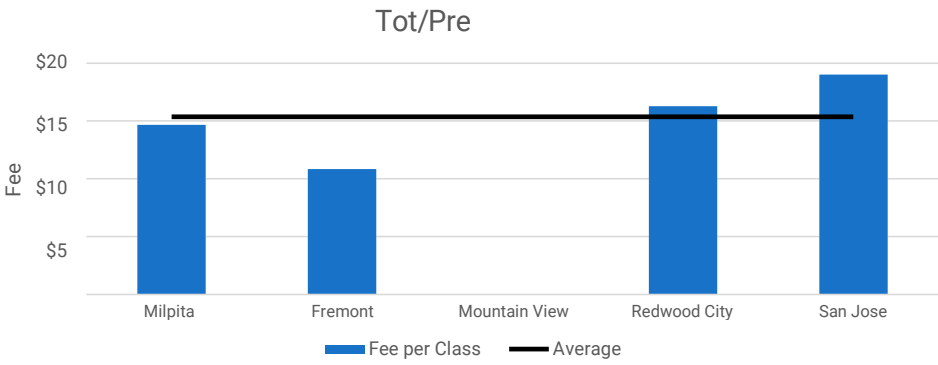
PROGRAM FEE ANALYSIS

Sports Center Drop in Sports Class	Fee	Average			
Milpitas	\$ 7	\$ 4.5			
Fremont		\$ 4.5	n/a		
Mountain View	\$ 3	\$ 4.5			
Redwood City	\$ 5	\$ 4.5	adult		
San Jose	\$ 5.5	\$ 4.5			



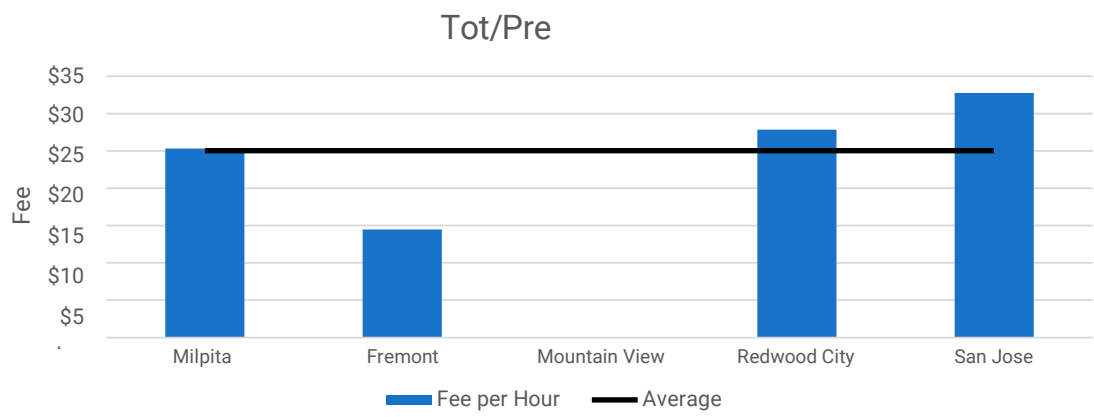
PROGRAM FEE ANALYSIS

Tot/Pre Soccer	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 15	\$ 15	0.58	6.00	\$ 88
Fremont	\$ 11	\$ 15	0.75	6.00	\$ 65
Mountain View		\$ 15	-	-	\$ -
Redwood City	\$ 16	\$ 15	0.58	8.00	\$ 130
San Jose	\$ 19	\$ 15	0.58	5.00	\$ 95



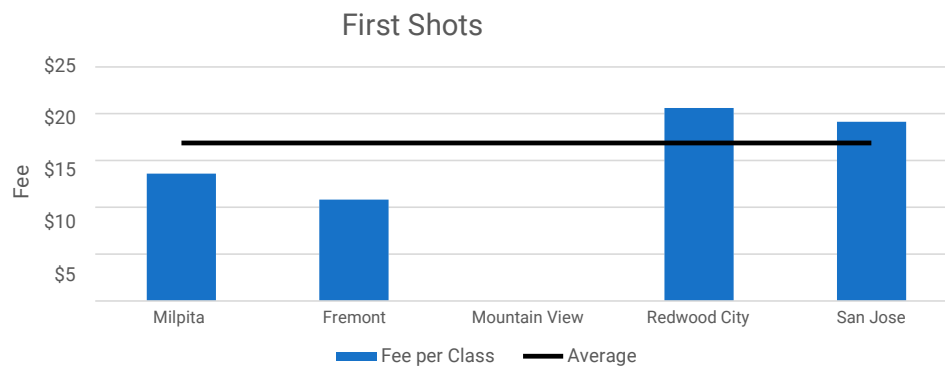
PROGRAM FEE ANALYSIS

Tot/Pre Soccer	Fee per Hour	Average
Milpitas	\$ 25	\$ 25
Fremont	\$ 14	\$ 25
Mountain View		\$ 25
Redwood City	\$ 28	\$ 25
San Jose	\$ 33	\$ 25



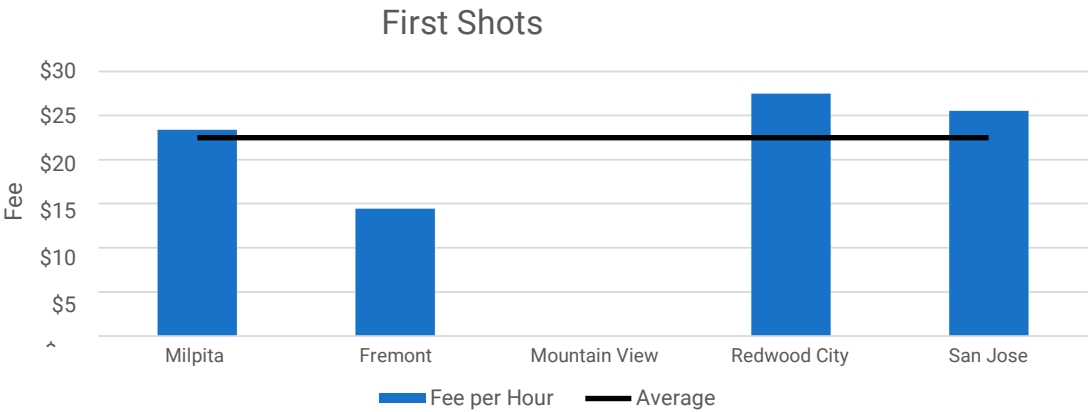
PROGRAM FEE ANALYSIS

First Shots Basketball	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 14	\$ 17	0.58	7.00	\$ 95
Fremont	\$ 11	\$ 17	0.75	6.00	\$ 65
Mountain View		\$ 17	-	-	\$ -
Redwood City	\$ 21	\$ 17	0.75	10.00	\$ 206
San Jose	\$ 19	\$ 17	0.75	6.00	\$ 115



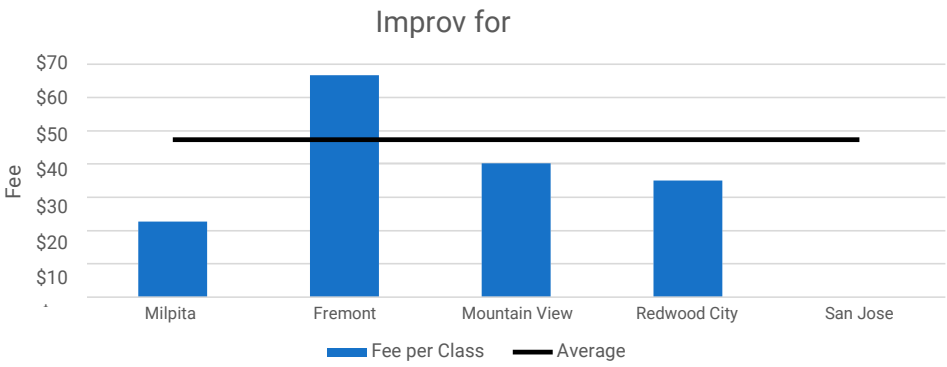
PROGRAM FEE ANALYSIS

First Shots Basketball	Fee per Hour	Average
Milpitas	\$ 23	\$ 22
Fremont	\$ 14	\$ 22
Mountain View		\$ 22
Redwood City	\$ 27	\$ 22
San Jose	\$ 26	\$ 22



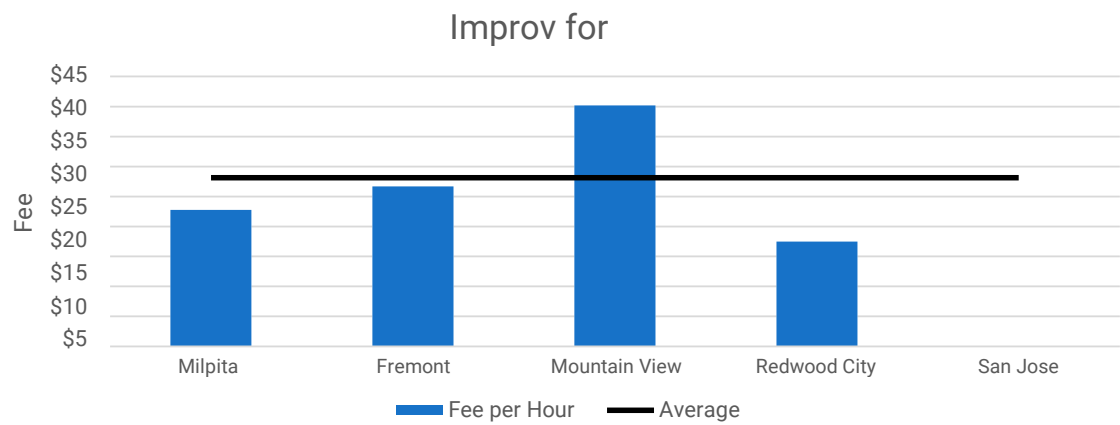
PROGRAM FEE ANALYSIS

Improv for Kids	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 23	\$ 47	1.00	7.00	\$ 159
Fremont	\$ 67	\$ 47	2.50	3.00	\$ 200
Mountain View	\$ 40	\$ 47	1.00	5.00	\$ 201
Redwood City	\$ 35	\$ 47	2.00	6.00	\$ 210
San Jose		\$ 47	-	-	\$ -



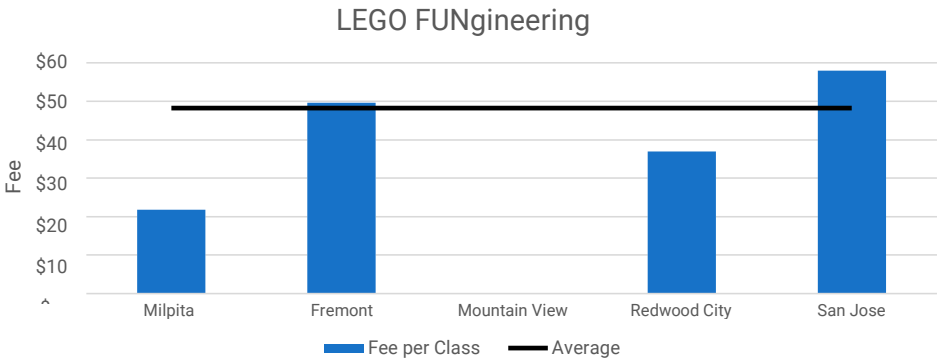
PROGRAM FEE ANALYSIS

Improv for Kids	Fee per Hour	Average
Milpitas	\$ 23	\$ 28
Fremont	\$ 27	\$ 28
Mountain View	\$ 40	\$ 28
Redwood City	\$ 18	\$ 28
San Jose		\$ 28



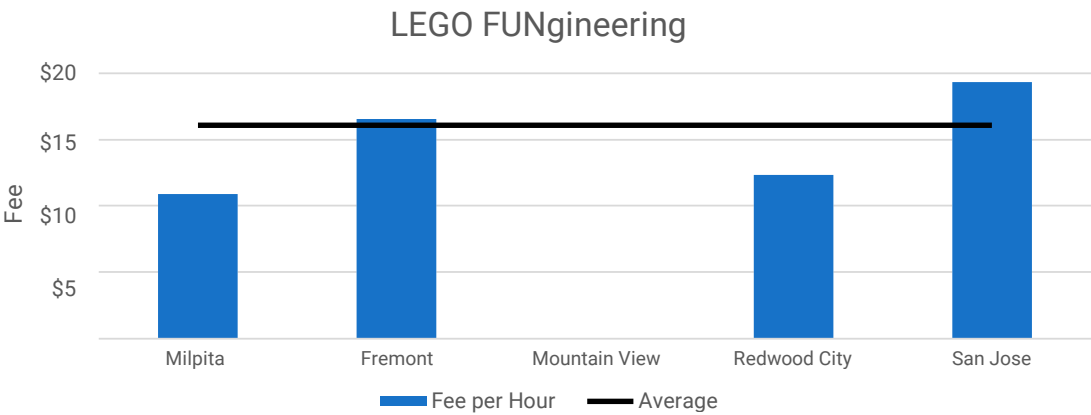
PROGRAM FEE ANALYSIS

LEGO FUNgineering	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 22	\$ 48	2.00	5.00	\$ 109
Fremont	\$ 50	\$ 48	3.00	3.00	\$ 149
Mountain View		\$ 48	-	-	\$ -
Redwood City	\$ 37	\$ 48	3.00	5.00	\$ 185
San Jose	\$ 58	\$ 48	3.00	1.00	\$ 58



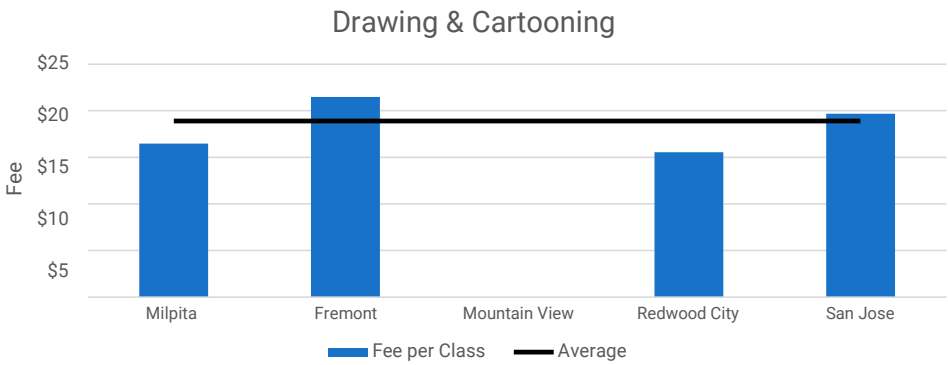
PROGRAM FEE ANALYSIS

LEGO FUNgineering	Fee per Hour	Average
Milpitas	\$ 11	\$ 16
Fremont	\$ 17	\$ 16
Mountain View		\$ 16
Redwood City	\$ 12	\$ 16
San Jose	\$ 19	\$ 16



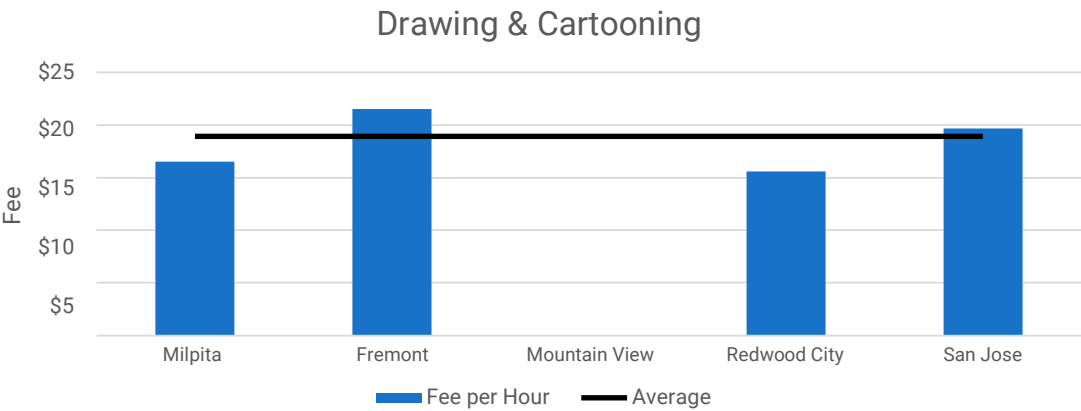
PROGRAM FEE ANALYSIS

Drawing & Cartooning	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 17	\$ 19	1.00	6.00	\$ 99
Fremont	\$ 22	\$ 19	1.00	6.00	\$ 129
Mountain View		\$ 19	-	-	\$ -
Redwood City	\$ 16	\$ 19	1.00	11.00	\$ 171
San Jose	\$ 20	\$ 19	1.00	6.00	\$ 118



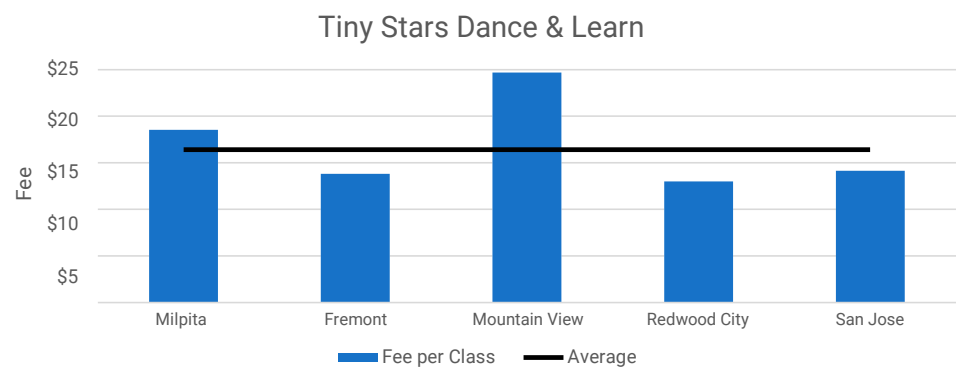
PROGRAM FEE ANALYSIS

Drawing & Cartooning	Fee per Hour	Average
Milpitas	\$ 17	\$ 19
Fremont	\$ 22	\$ 19
Mountain View		\$ 19
Redwood City	\$ 16	\$ 19
San Jose	\$ 20	\$ 19



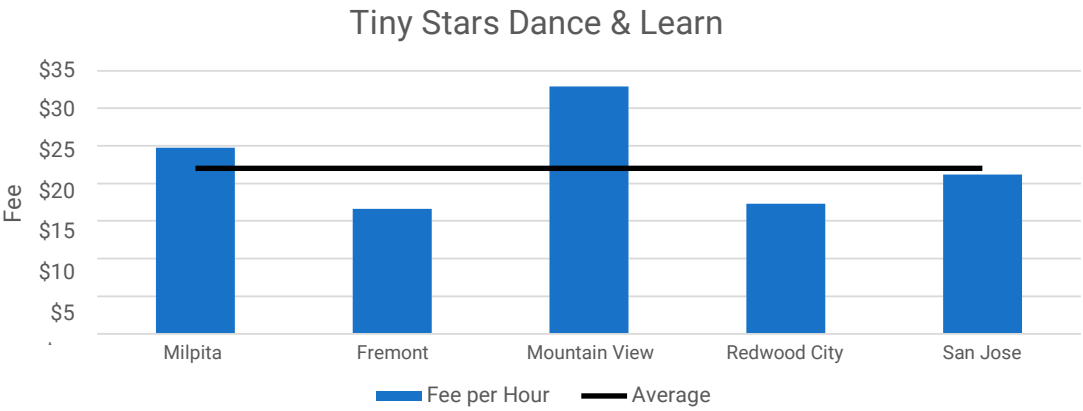
PROGRAM FEE ANALYSIS

Tiny Stars Dance & Learn	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 16	0.75	7.00	\$ 130
Fremont	\$ 14	\$ 16	0.83	5.00	\$ 69
Mountain View	\$ 25	\$ 16	0.75	10.00	\$ 247
Redwood City	\$ 13	\$ 16	0.75	6.00	\$ 78
San Jose	\$ 14	\$ 16	0.67	8.00	\$ 113



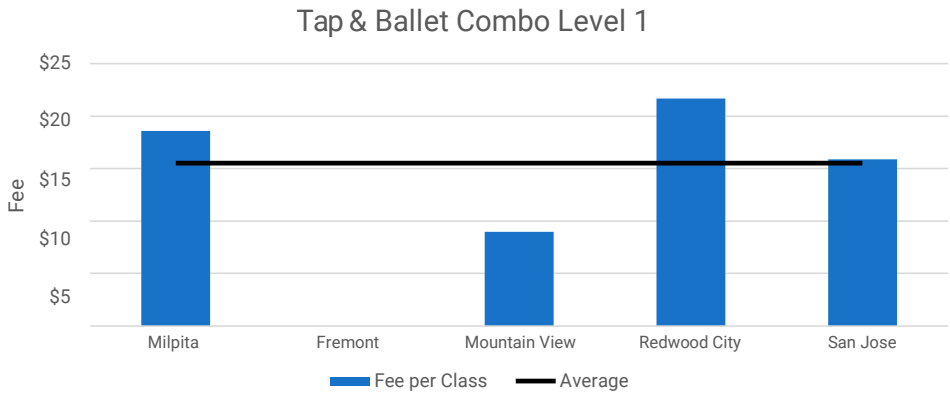
PROGRAM FEE ANALYSIS

Tiny Stars Dance & Learn	Fee per Hour	Average
Milpitas	\$ 25	\$ 22
Fremont	\$ 17	\$ 22
Mountain View	\$ 33	\$ 22
Redwood City	\$ 17	\$ 22
San Jose	\$ 21	\$ 22



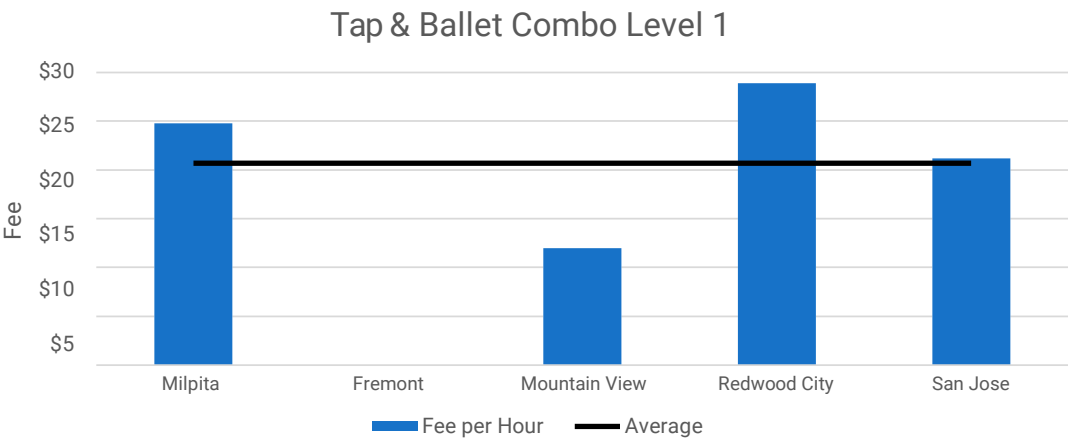
PROGRAM FEE ANALYSIS

Tap & Ballet Combo Level 1	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 16	0.75	7.00	\$ 130
Fremont		\$ 16	-	-	\$ -
Mountain View	\$ 9	\$ 16	0.75	8.00	\$ 72
Redwood City	\$ 22	\$ 16	0.75	9.00	\$ 195
San Jose	\$ 16	\$ 16	0.75	8.00	\$ 127



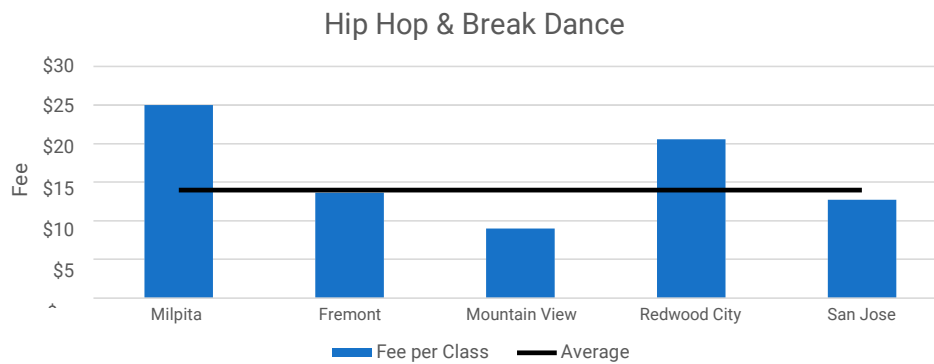
PROGRAM FEE ANALYSIS

Tap & Ballet Combo Level 1	Fee per Hour	Average
Milpitas	\$ 25	\$ 21
Fremont		\$ 21
Mountain View	\$ 12	\$ 21
Redwood City	\$ 29	\$ 21
San Jose	\$ 21	\$ 21



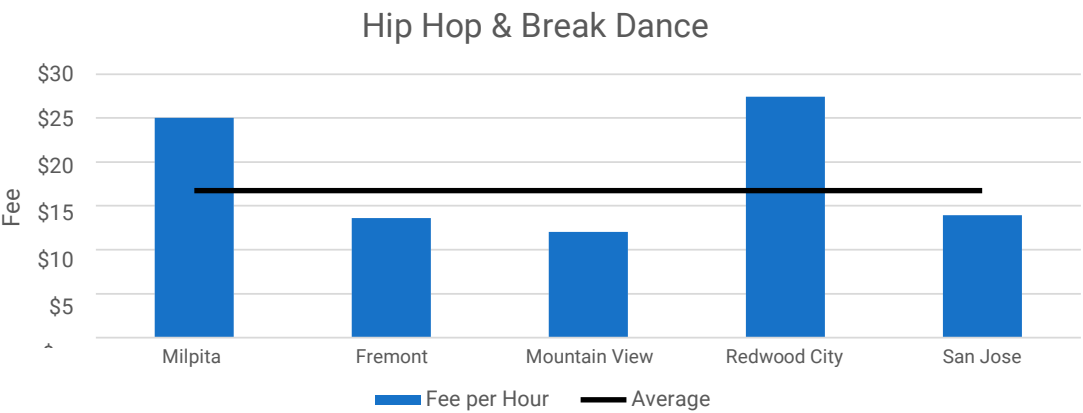
PROGRAM FEE ANALYSIS

Hip Hop & Break Dance	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 25	\$ 14	1.00	8.00	\$ 200
Fremont	\$ 14	\$ 14	1.00	8.00	\$ 109
Mountain View	\$ 9	\$ 14	0.75	8.00	\$ 72
Redwood City	\$ 21	\$ 14	0.75	9.00	\$ 185
San Jose	\$ 13	\$ 14	0.92	8.00	\$ 102



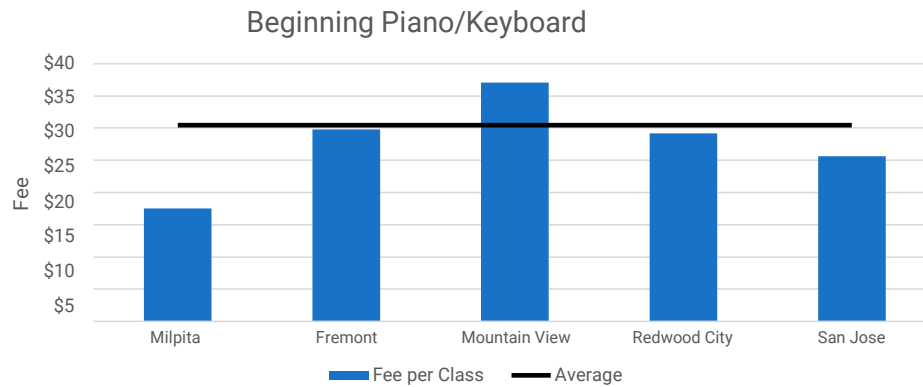
PROGRAM FEE ANALYSIS

Hip Hop & Break Dance	Fee per Hour	Average
Milpitas	\$ 25	\$ 17
Fremont	\$ 14	\$ 17
Mountain View	\$ 12	\$ 17
Redwood City	\$ 27	\$ 17
San Jose	\$ 14	\$ 17



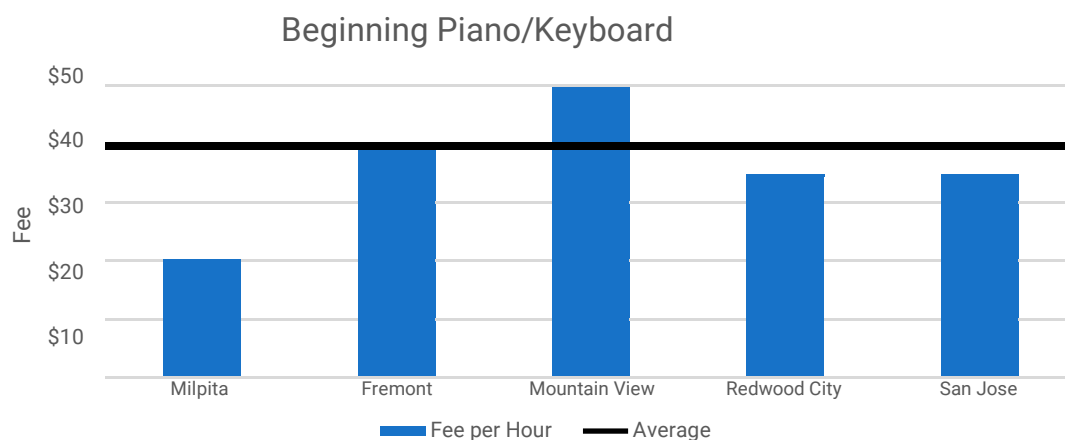
PROGRAM FEE ANALYSIS

Beginning Piano/Keyboard Lessons	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 18	\$ 30	0.83	12.00	\$ 210
Fremont	\$ 30	\$ 30	0.75	6.00	\$ 179
Mountain View	\$ 37	\$ 30	0.75	10.00	\$ 371
Redwood City	\$ 29	\$ 30	0.83	9.00	\$ 263
San Jose	\$ 26	\$ 30	0.75	6.00	\$ 154



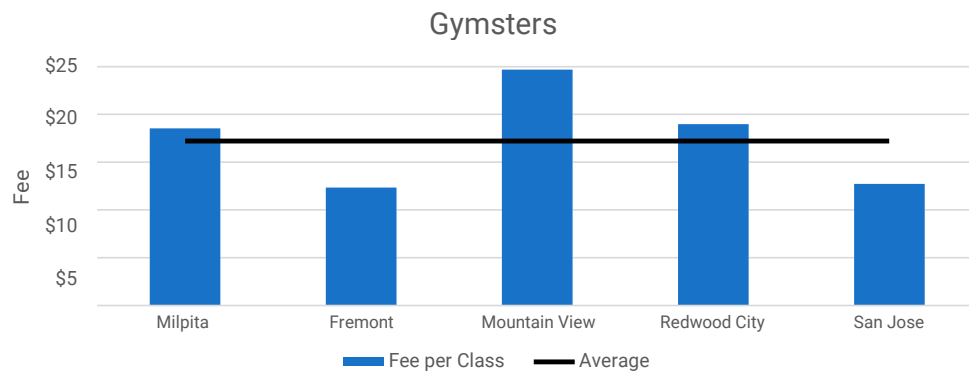
PROGRAM FEE ANALYSIS

Beginning Piano/Keyboard Lessons	Fee per Hour	Average
Milpitas	\$ 21	\$ 40
Fremont	\$ 40	\$ 40
Mountain View	\$ 49	\$ 40
Redwood City	\$ 35	\$ 40
San Jose	\$ 34	\$ 40



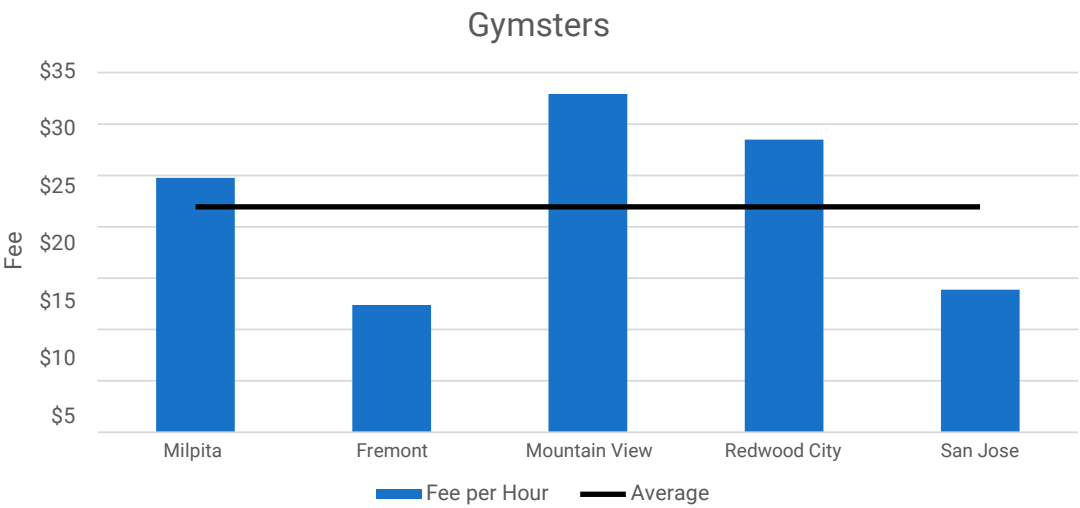
PROGRAM FEE ANALYSIS

Gymsters	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 17	0.75	7.00	\$ 130
Fremont	\$ 12	\$ 17	1.00	8.00	\$ 99
Mountain View	\$ 25	\$ 17	0.75	10.00	\$ 247
Redwood City	\$ 19	\$ 17	0.67	6.00	\$ 114
San Jose	\$ 13	\$ 17	0.92	8.00	\$ 102



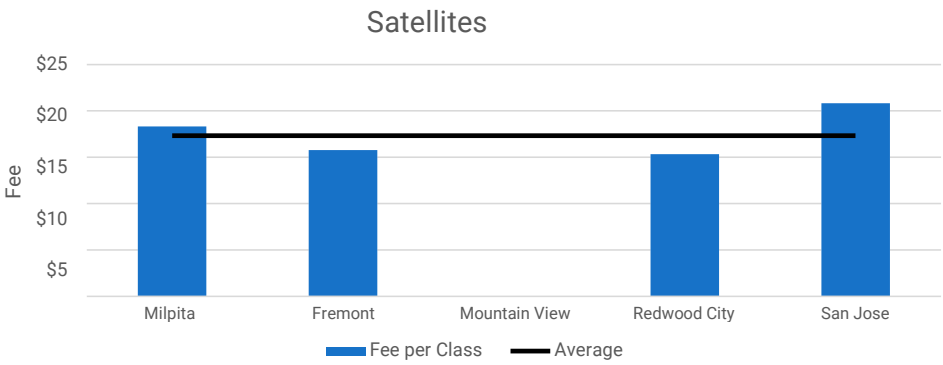
PROGRAM FEE ANALYSIS

Gymsters	Fee per Hour	Average
Milpitas	\$ 25	\$ 22
Fremont	\$ 12	\$ 22
Mountain View	\$ 33	\$ 22
Redwood City	\$ 29	\$ 22
San Jose	\$ 14	\$ 22



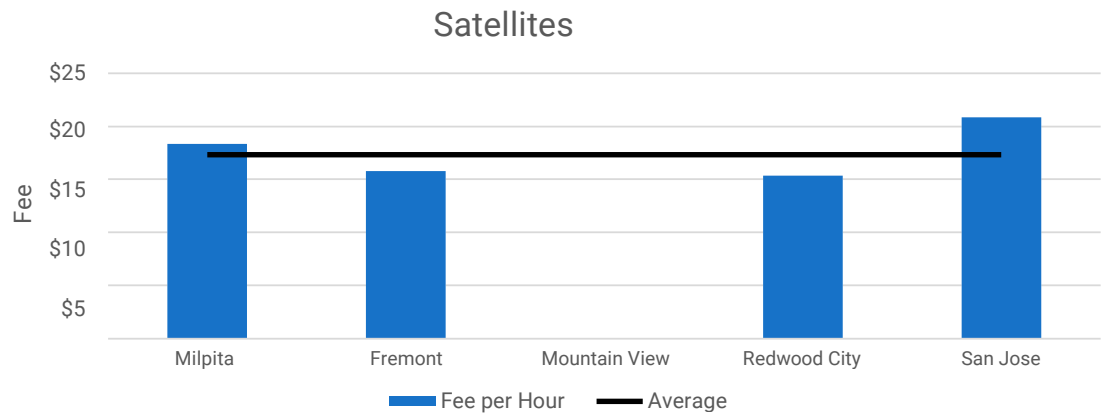
PROGRAM FEE ANALYSIS

Satellites Tennis	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 18	\$ 17	1.00	6.00	\$ 110
Fremont	\$ 16	\$ 17	1.00	5.00	\$ 79
Mountain View		\$ 17	-	-	\$ -
Redwood City	\$ 15	\$ 17	1.00	6.00	\$ 92
San Jose	\$ 21	\$ 17	1.00	6.00	\$ 125



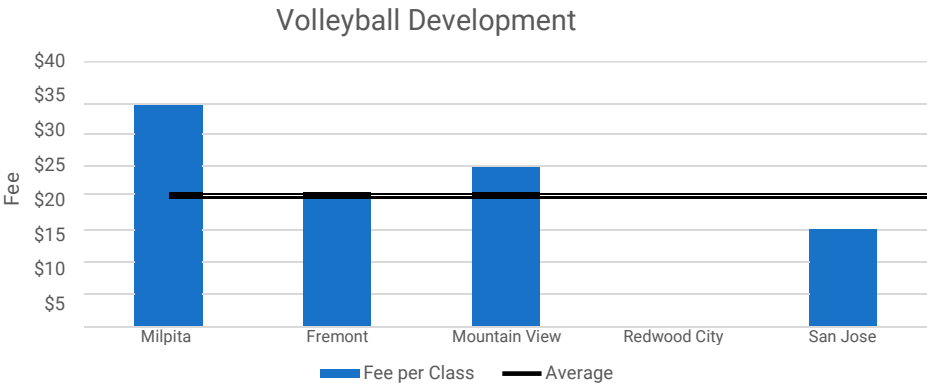
PROGRAM FEE ANALYSIS

Satellites Tennis	Fee per Hour	Average
Milpitas	\$ 18	\$ 17
Fremont	\$ 16	\$ 17
Mountain View		\$ 17
Redwood City	\$ 15	\$ 17
San Jose	\$ 21	\$ 17



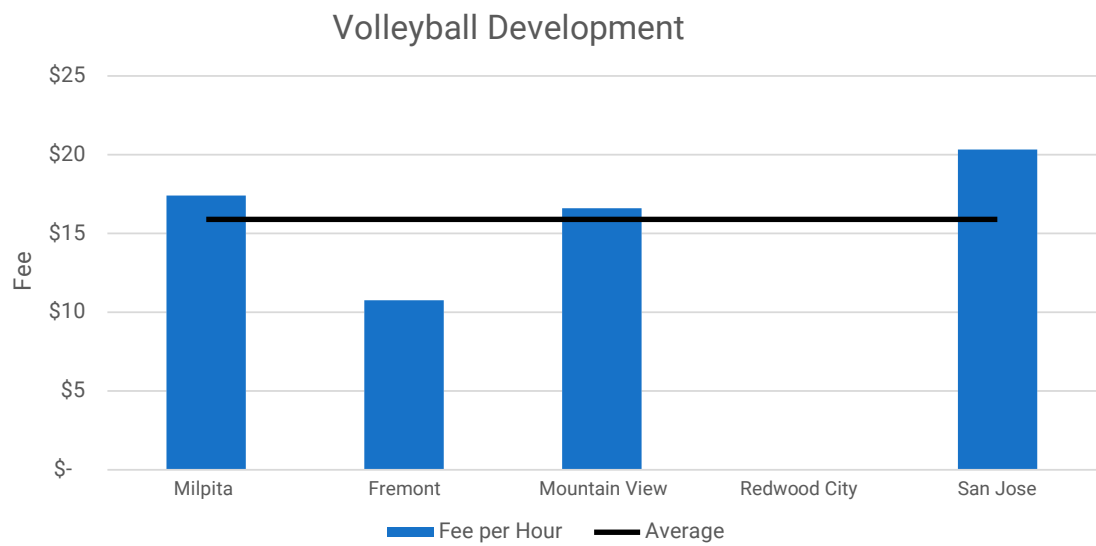
PROGRAM FEE ANALYSIS

Volleyball Development Clinic	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 35	\$ 21	2.00	6.00	\$ 209
Fremont	\$ 22	\$ 21	2.00	6.00	\$ 129
Mountain View	\$ 25	\$ 21	1.50	8.00	\$ 199
Redwood City		\$ 21	-	-	\$ -
San Jose	\$ 15	\$ 21	0.75	8.00	\$ 122



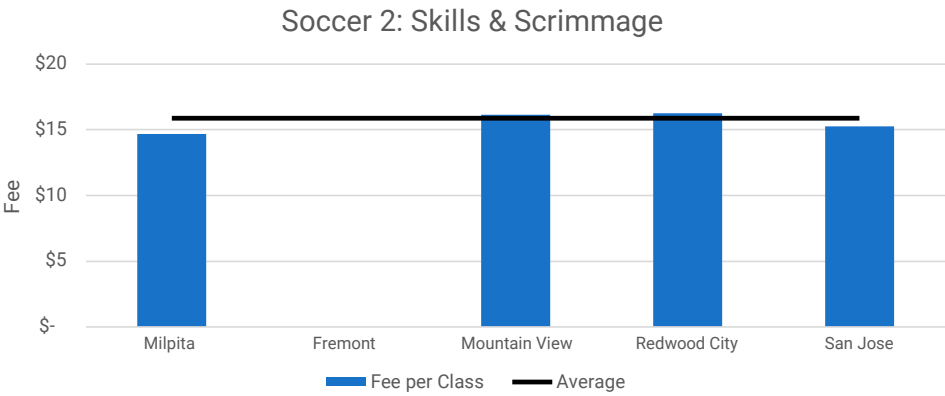
PROGRAM FEE ANALYSIS

Volleyball Development Clinic	Fee per Hour	Average
Milpitas	\$ 17	\$ 16
Fremont	\$ 11	\$ 16
Mountain View	\$ 17	\$ 16
Redwood City		\$ 16
San Jose	\$ 20	\$ 16



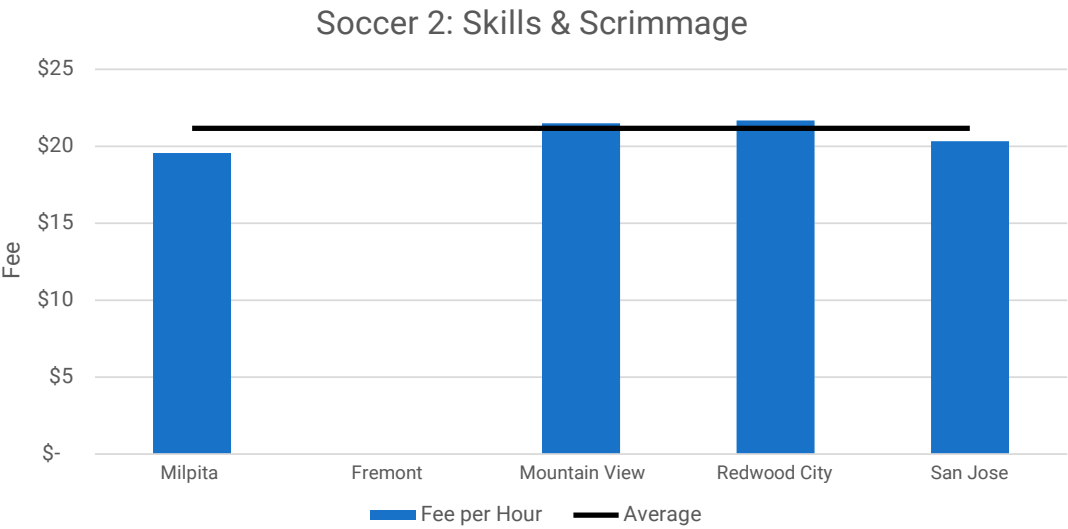
PROGRAM FEE ANALYSIS

Soccer 2: Skills & Scrimmage	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 15	\$ 16	0.75	6.00	\$ 88
Fremont		\$ 16	-	-	\$ -
Mountain View	\$ 16	\$ 16	0.75	8.00	\$ 129
Redwood City	\$ 16	\$ 16	0.75	8.00	\$ 130
San Jose	\$ 15	\$ 16	0.75	8.00	\$ 122



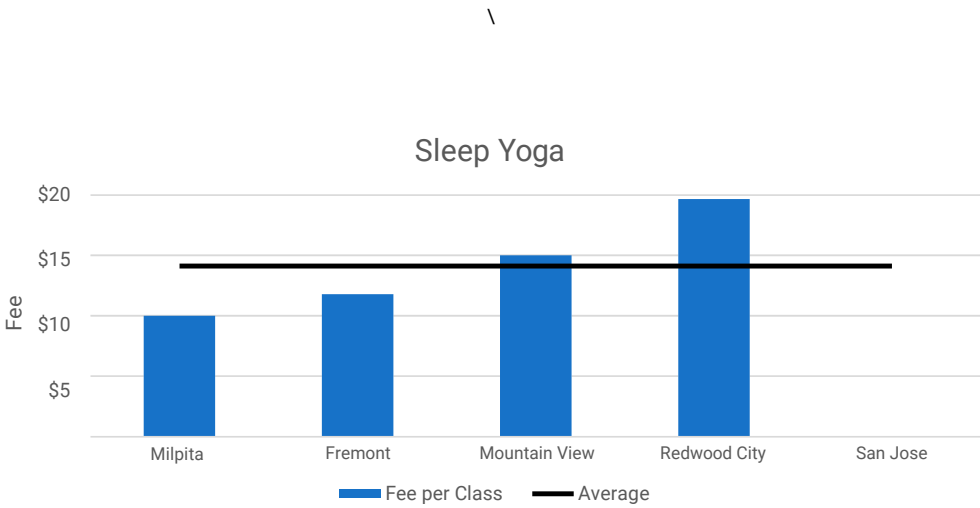
PROGRAM FEE ANALYSIS

Soccer 2: Skills & Scrimmage	Fee per Hour	Average
Milpitas	\$ 20	\$ 21
Fremont		\$ 21
Mountain View	\$ 22	\$ 21
Redwood City	\$ 22	\$ 21
San Jose	\$ 20	\$ 21



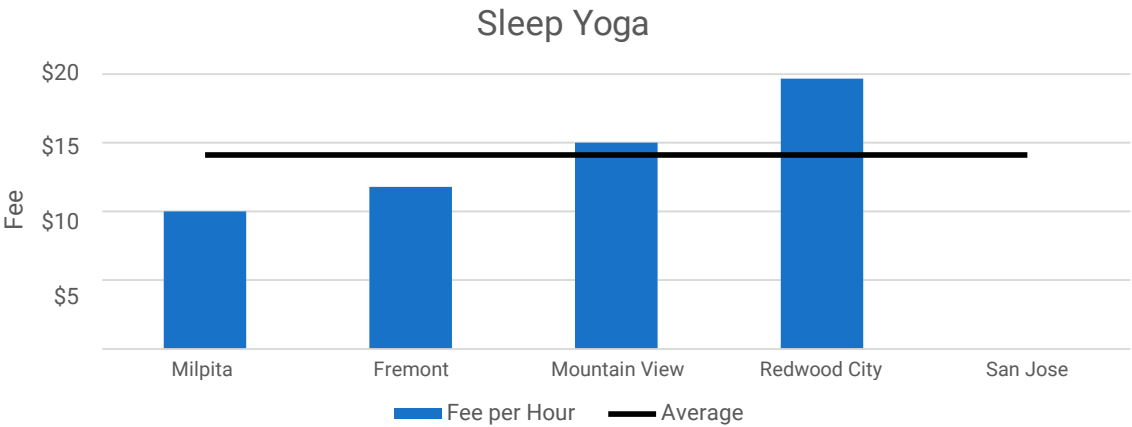
PROGRAM FEE ANALYSIS

Sleep Yoga	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 10	\$ 14	1.00	4.00	\$ 40
Fremont	\$ 12	\$ 14	1.00	5.00	\$ 59
Mountain View	\$ 15	\$ 14	1.00	10.00	\$ 150
Redwood City	\$ 20	\$ 14	1.00	9.00	\$ 177
San Jose		\$ 14	-	-	\$ -



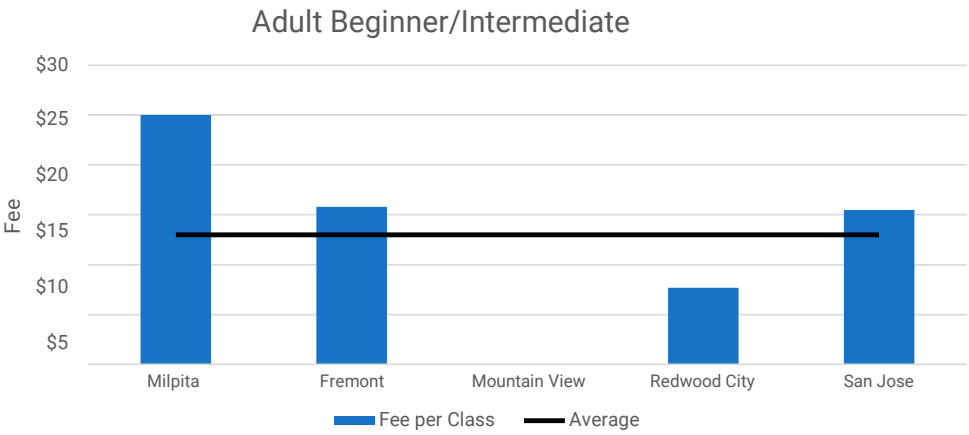
PROGRAM FEE ANALYSIS

Sleep Yoga	Fee per Hour	Average
Milpitas	\$ 10	\$ 14
Fremont	\$ 12	\$ 14
Mountain View	\$ 15	\$ 14
Redwood City	\$ 20	\$ 14
San Jose		\$ 14



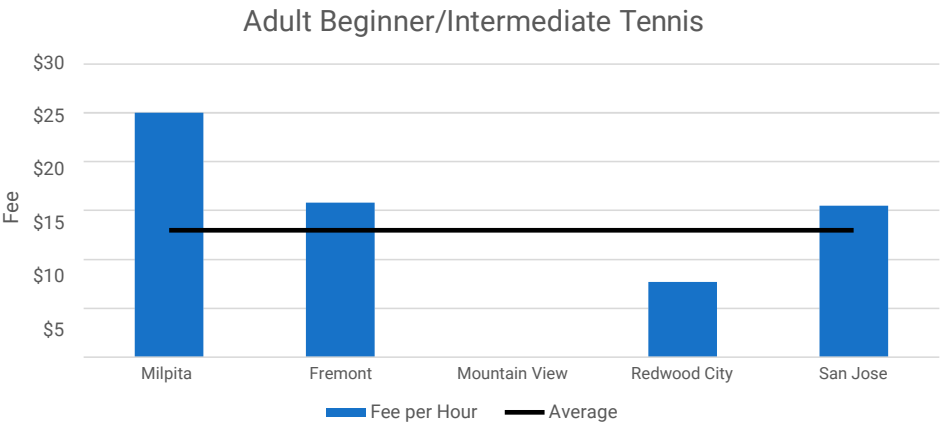
PROGRAM FEE ANALYSIS

Adult Beginner/Intermediate Tennis	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 25	\$ 13	1.00	8.00	\$ 200
Fremont	\$ 16	\$ 13	1.00	5.00	\$ 79
Mountain View		\$ 13	-	-	\$ -
Redwood City	\$ 8	\$ 13	1.00	6.00	\$ 46
San Jose	\$ 16	\$ 13	1.00	8.00	\$ 124



PROGRAM FEE ANALYSIS

Adult Beginner/Intermediate Tennis	Fee per Hour	Average
Milpitas	\$ 25	\$ 13
Fremont	\$ 16	\$ 13
Mountain View		\$ 13
Redwood City	\$ 8	\$ 13
San Jose	\$ 16	\$ 13





RECREATION VALUE SYSTEM

The following section contains the Recreational Value System Matrix, a City-developed tool to assess park amenities in the Milpitas Park and Recreation system. This matrix is intended to provide a method for quantifying current park offerings and prioritizing future improvements.

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RECREATIONAL VALUE SYSTEM (RVS)

To maximize the recreation opportunities for the Milpitas community, the City has developed a recreation experience matrix to guide existing and future park improvements. Using this measurement tool, all classification of parks are required to provide a diversity of active, contemplative and social gathering experiences.

ACTIVE EXPERIENCES

- Play sports or games: run, walk or bicycle; climb or mountain bike; other outdoor exercise
- Use trails, athletic fields, open spaces/lawns, sport courts, playgrounds, interactive elements

CONTEMPLATIVE EXPERIENCES

- Enjoy nature, read a book, or learn something; relax/meditate/reflect; escape chaos

- Use natural areas, community garden, eating, shade trees, small green spaces, public art, habitat/sensory gardens

SOCIAL GATHERING EXPERIENCES

- Festivals, concerts, outdoor movies, parades; visit farmers' markets, historic sites; meet friends, have a picnic, see neighbors
- Use plazas with seating, small sport courts, amphitheaters/stages, picnic tables, game areas, reservable picnic spaces, dog parks

Under this system, each park amenity is assigned a point value. Each park classification has a target range of required points in each experience category.

RECREATIONAL VALUE SYSTEM - REQUIRED POINTS					
PARK TYPE	ACTIVE	CONTEMPLATIVE	SOCIAL	SUPPORT FACILITIES	TOTAL
Community Park					
Neighborhood Park - Level 1					
Neighborhood Park - Level 2					
Special Use Park					
Urban Park					
Linear Park					

RECREATIONAL VALUE SYSTEM - CHECKLIST

A. ACTIVE USES

Sport Courts (*basketball, volleyball, tennis, pickleball, handball*)

2

Sport Fields (*soccer, baseball, softball, cricket, football*)

4

Interactive Water Feature (*pool, splash pad, water play*)

6

Playground

- *Large with parent seating*
- *Small with parent seating*
- *Destination/All-Abilities/Inclusive*

3

2

4

Teen Focused Area (*ping pong, climbing wall*)

2

Special Interest (*basketball, volleyball, tennis, pickleball, handball*)

- *Off-leash dog area*
- *Pump track/bike park*
- *Skate park*
- *Fitness stations/area*

2

4

4

2

TOTAL:

B. CONTEMPLATIVE USES

Loop Trail

1

Nature Area (*tree grove, pollinator garden*)

2

Community Garden

2

Open Multi-use Lawn

1

Drop-in Picnic Areas (5-10 tables)

1

Art Element/Fountain

1

Interpretive Signage System

1

TOTAL:

	Points Possible	Points Received
C. SOCIAL USES		
Large Amphitheater (>50 person capacity)	4	
Small Amphitheater (<50 person capacity)	2	
Plaza Area (15-50 person capacity)	2	
Seating Area (6-12 person capacity)	1	
Large Sheltered Group Picnic Area (>30 person capacity)	4	
Small Sheltered Group Picnic Area (<30 person capacity)	3	
Concession Facility	4	
Meeting Rooms	2	
Host Community Event (festival, farmers market)	4	
Host Neighborhood Event (festival, farmers market)	4	
TOTAL:		
D. SUPPORT FACILITIES		
Restrooms	6	
Small Parking Lot (<10 car capacity)	2	
Large Parking Lot (>10 car capacity)	4	
Event Power	2	
WIFI	1	
Connection to Trail(s)	2	
TOTAL:		
E. REQUIRED AMENITIES		
Bike Racks		
Drinking Fountain		
Security Lighting		
Benches/Seating		

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FACILITY CONDITION ASSESSMENT

The following section contains the Facility Condition Assessment, which was prepared by EMG for the City of Milpitas in 2018. The assessment includes all park restrooms and snack shacks in the City's park system.

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FACILITY CONDITION ASSESSMENT



FACILITY CONDITION ASSESSMENT



FACILITY CONDITION ASSESSMENT

Park Restrooms and Snack Shacks

Milpitas, California 95053

PREPARED BY:

EMG
10461 Mill Run Circle, Suite 1100
Owings Mills, Maryland 21117
800.733.0660
www.EMGcorp.com

EMG CONTACT:

Matthew Anderson
Program Manager
800.733.0660 x7613
mfanderson@emgcorp.com

EMG Project Number:

131644.18R000-017.017

Date of Report:

December 27, 2018

On Site Date:

September 23-24, 2018
and October 3-4, 2018

Prepared for:

City of Milpitas

1265 North Milpitas Boulevard
Milpitas, California 95035
Tony Ndah



engineering | environmental | capital planning | project management

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

1 Executive Summary

1.1 Property Summary and Assessment Details

General Information

Addresses	Dixon Landing Park Restroom: 1771 Milmont Drive Russel Middle School : 1500 Escuela Parkway, Milpitas Cardoza Park: 1356 Kennedy Drive, Milpitas Augustine Memorial Park: Cortex and Coelho, Milpitas Gill Memorial Park Restroom: 611 Paseo Refugio, Milpitas Jose Higuera Adobe: Wessex Place/North Park Victoria, Milpitas Starlight Park: 450 Rudyard Drive, Milpitas John McDermott Park: Alvarez Court / Abel, Milpitas Hall Memorial Park: 398 La Honda Drive, Milpitas Parc Metro Easts: Curtis Avenue, Milpitas Bob McGuire Park: Garden Street/South Milpitas Blvd. Pinewood Park : 298 Lonetree Court, Milpitas Alviso Adobe Park Restrooms: 2087 Alviso Adobe Court, Milpitas Foothill Park : 400 Roswell, Milpitas Murphy Park : 1588 Saratoga Drive, Milpitas Cerano Park : 751-823 Murphy Ranch Road, Milpitas Sinnott Park : 1501 Clearlake Avenue, Milpitas
Management Point of Contact	City of Milpitas, Mr. Tony Ndah 408.586.2602 phone tndah@ci.milpitas.ca.gov email
Property Type	Restroom and Snack Shacks
Number of Buildings	17
Date(s) of Visit	September 23 - 24, October 3 - 4, 2018
On-site Point of Contact (POC)	John McCarthy
Assessment & Report Prepared By	Kay van der Have & Adrian Reth

/

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Reviewed By

Kathleen Sullivan for
Matthew Anderson
Program Manager
manderson@emgcorp.com
800.733.0660 x7613

Building Name	Gross Square Footage	Built/Renovated
Dixon Landing Park Restroom	1200	1970/2012
Russell Middle School	800	1999
Cardoza Park	280	1960s
Augustine Memorial Park	280	1960s
Gill Memorial Park Restroom	240	1960s
Jose Higuera Adobe Park	500	1960s/2017
Starlight Park	280	1960s
John McDermott Park	280	2014
Hall Memorial Park	240	1800
Parc Metro East	280	2000s
Bob McGuire Park	240	2016
Pinewood Park	280	1960s
Alviso Adobe Park Restroom	500	2013
Foothill Park	280	1960s
Murphy Park	280	1960s
Cerano Park	600	2012
Sinnott Park	280	1960s
Total SF	6,840	



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Areas Observed

The interior spaces were observed in order to gain a clear understanding of the properties overall condition. Other areas accessed included the exterior of the property, and the accessible roofs.

Key Spaces Not Observed

Areas of note that were either inaccessible or not observed for other reasons are listed here:

- Russell Middle School, Roof, Lack of Ladder
- Mechanical Space, Bob McGuire. The mechanical space is in the adjoining community center, the community center was locked.



FACILITY CONDITION ASSESSMENT

1.2 Significant/Systemic Findings or Deficiencies

Historical Summary

Most of the restrooms appear to have been built in the 1960s. A few have been renovated in the past 10 years, but most appear to be very much as they were when originally built.

Architectural

Most of the restrooms have concrete masonry unit (CMU) wall construction and wood framed roof construction. Most of the CMU walls look good, two restrooms, Hall and Foothill, were noted to have significant vertical cracking. All the modified bituminous roofs are nearing the end of their lives and will need replacement within the next three years. Termite damage and or dry rot were seen in approximately half of the restrooms. Interior and exterior painting is budgeted and anticipated.

Mechanical, Electrical, Plumbing & Fire (MEPF)

Many distribution panels appear to be original, and replacement is recommended. Much of the plumbing also appears to be original, and appears to be in serviceable condition. Heat is supplied only in the Thomas Russel Middle School Restroom; no others are conditioned.

Site

The sites were not reviewed.

Recommended Additional Studies

Termite damage and/or dry rot were noted in several restrooms. A professional consultant must be retained to analyze the existing condition, provide recommendations and, if necessary, estimate the scope and cost of any required repairs. The cost of this study is included in the cost tables. A budgetary cost allowance to replace the roof structure is also included.

There is possible structural damage at Foothill Park. A professional engineer must be retained to analyze the existing condition, provide recommendations and, if necessary, estimate the scope and cost of any required repairs. The cost of this study is included in the cost tables. Due to the ambiguity of the required repair scope at the time of this assessment, the cost for any possible subsequent repairs is not included.

Many of the restrooms were identified as having major or moderate accessibility issues. EMG recommends a study be performed to take measurements, provide additional itemized details, research local requirements, and, if necessary, estimate the scope and cost of any required improvements. The cost of this study is included in the cost tables. Due to the lack of measurements and itemized findings at this point in time, the costs for any possible subsequent repairs or improvements are not currently included.

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

1.3 Facility Condition Index (FCI)

One of the major goals of the FCA is to calculate the FCI, which gives an indication of a building's overall condition. Two FCI ratios are calculated and presented, the Current Year and Ten-Year. The Current Year FCI is the ratio of Immediate Repair Costs to the building's Current Replacement Value. Similarly, the Ten-Year FCI is the ratio of anticipated Capital Reserve Needs over the next ten years to the Current Replacement Value.

FCI Ranges & Description

0 – 5%	In new or well-maintained condition, with little or no visual evidence of wear or other deficiencies.
5 – 10%	Subjected to wear but is still in a serviceable and functioning condition.
10 – 60%	Subjected to hard or long-term wear. Nearing the end of its useful or serviceable life.
60% and above	Has reached the end of its useful or serviceable life. Renewal is now necessary.

The graphs above and tables below represent summary-level findings for the FCA. The deficiencies identified in this assessment can be combined with potential new construction requirements to develop an overall strategy that can serve as the basis for a portfolio-wide capital improvement funding strategy. Key findings from the assessment include:



CHAPTER 7: APPENDIX

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Facility	Cost/SF	Total SF	Replacement Value	Current	3-Year	5-Year	10-Year
Park Restrooms - Snack Shacks	\$530	6,840	\$3,625,200	3.0%	7.0%	12.0%	19.0%
Park Restrooms - Snack Shacks / Alviso Adobe Park Restroom	\$530	500	\$265,000	0.0%	1.0%	3.0%	3.0%
Park Restrooms - Snack Shacks / Augustine Memorial Park	\$530	280	\$148,400	3.0%	8.0%	13.0%	30.0%
Park Restrooms - Snack Shacks / Bob McGuire Park	\$530	240	\$127,200	0.0%	0.0%	0.0%	15.0%
Park Restrooms - Snack Shacks / Cardoza Park	\$530	280	\$148,400	5.0%	10.0%	11.0%	18.0%
Park Restrooms - Snack Shacks / Cerano Park	\$530	600	\$318,000	0.0%	0.0%	1.0%	4.0%
Park Restrooms - Snack Shacks / Dixon Landing Park Restroom	\$530	1,200	\$636,000	0.0%	0.0%	1.0%	5.0%
Park Restrooms - Snack Shacks / Foothill Park	\$530	280	\$148,400	0.0%	5.0%	21.0%	25.0%
Park Restrooms - Snack Shacks / Gil Memorial Park Restroom	\$530	240	\$127,200	0.0%	8.0%	21.0%	38.0%
Park Restrooms - Snack Shacks / Hall Memorial Park	\$530	240	\$127,200	5.0%	16.0%	23.0%	24.0%
Park Restrooms - Snack Shacks / John McDermott Park	\$530	280	\$148,400	0.0%	0.0%	0.0%	0.0%
Park Restrooms - Snack Shacks / Jose Higuera Adobe	\$530	500	\$265,000	0.0%	0.0%	5.0%	13.0%
Park Restrooms - Snack Shacks / Murphy Park	\$530	280	\$148,400	0.0%	4.0%	12.0%	18.0%
Park Restrooms - Snack Shacks / Park Metro East	\$530	200	\$106,000	8.0%	8.0%	10.0%	21.0%
Park Restrooms - Snack Shacks / Pinewood Park	\$530	280	\$148,400	22.0%	25.0%	32.0%	42.0%
Park Restrooms - Snack Shacks / Sinnott Park Restroom	\$530	280	\$148,400	4.0%	14.0%	30.0%	36.0%
Park Restrooms - Snack Shacks / Starlight Park	\$530	280	\$148,400	0.0%	17.0%	27.0%	37.0%
Park Restrooms - Snack Shacks / Thomas Russell middle school	\$530	800	\$424,000	2.0%	12.0%	15.0%	28.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

1.4 Immediate Repairs

Immediate Repairs Report					emg	
11/12/2018						
Location Name	Cost Description	Quantity	Unit	Unit Cost	Subtotal	Deficiency Repair Estimate
Park Restrooms - Snack Shacks / Niviso Adobe Park Restroom	Fire Alarm System, Office Building, Install	800	SF	\$2.36	\$1,130	\$1,130
Park Restrooms - Snack Shacks / Augustine Memorial Park	Drinking Fountain, Vitreous China, Replace	1	EA	\$1,936.99	\$1,936.99	\$2,284
Park Restrooms - Snack Shacks / Augustine Memorial Park	Floor Drain, Replace	1	EA	\$406.91	\$407	\$479
Park Restrooms - Snack Shacks / Augustine Memorial Park	Distribution Panel, 100 AMP, Replace	1	EA	\$5,079.93	\$5,080	\$5,984
Park Restrooms - Snack Shacks / Augustine Memorial Park	ADA, Restroom, Hand Dryer, Modify	2	EA	\$850.00	\$1,700	\$2,003
Park Restrooms - Snack Shacks / Cardoza Park	Exterior Door, Steel, Replace	2	EA	\$956.12	\$1,900	\$2,238
Park Restrooms - Snack Shacks / Cardoza Park	Interior Floor Finish, Elastomeric Coating, Prep & Paint	240	SF	\$12.95	\$3,108	\$3,661
Park Restrooms - Snack Shacks / Cardoza Park	Distribution Panel, 100 AMP, Replace	1	EA	\$5,079.93	\$5,080	\$5,984
Park Restrooms - Snack Shacks / Cardoza Park	Receptacle, Ground Fault Circuit Interrupter (GFCI), 15-20 Amp, Replace	1	EA	\$88.88	\$89	\$101
Park Restrooms - Snack Shacks / Cardoza Park	ADA, Restroom, Hand Dryer, Modify	2	EA	\$850.00	\$1,700	\$2,003
Park Restrooms - Snack Shacks / Cerano Park	Fire Extinguisher, Replace	1	EA	\$356.54	\$357	\$420
Park Restrooms - Snack Shacks / Dixon Landing Park Restroom	Kitchen Counter, Ceramic Tile, Replace	18	LF	\$85.12	\$1,532	\$1,805
Park Restrooms - Snack Shacks / Gill Memorial Park Restroom	Interior Floor Finish, Epoxy Coating, Prep & Paint	220	SF	\$8.74	\$1,923	\$2,295
Park Restrooms - Snack Shacks / Gill Memorial Park Restroom	Receptacle, Ground Fault Circuit Interrupter (GFCI), 15-20 Amp, Replace	1	EA	\$88.88	\$89	\$101
Park Restrooms - Snack Shacks / Gill Memorial Park Restroom	Receptacle, Ground Fault Circuit Interrupter (GFCI), 15-20 Amp, Replace	1	EA	\$88.88	\$89	\$101
Park Restrooms - Snack Shacks / Hall Memorial Park	Interior Floor Finish, Epoxy Coating, Prep & Paint	240	SF	\$8.74	\$2,088	\$2,471
Park Restrooms - Snack Shacks / Hall Memorial Park	Distribution Panel, 100 AMP, Replace	1	EA	\$5,079.93	\$5,080	\$5,984
Park Restrooms - Snack Shacks / Hall Memorial Park	Distribution Panel, 225 AMP, Replace	1	EA	\$7,951.00	\$7,951	\$9,386
Park Restrooms - Snack Shacks / Park Metro East	Roof Structure, Pitched, Heavy Timber Framing, Replace	30	SF	\$31.32	\$940	\$1,137
Park Restrooms - Snack Shacks / Park Metro East	Exterior Wall, Painted Surface, 1-2 Stories, Prep & Paint	700	SF	\$2.87	\$2,009	\$2,387
Park Restrooms - Snack Shacks / Park Metro East	Exterior Door, Steel, Replace	1	EA	\$956.12	\$950	\$1,119
Park Restrooms - Snack Shacks / Park Metro East	Roof, Clay/Concrete Tile, Replace	310	SF	\$15.23	\$4,722	\$5,562
Park Restrooms - Snack Shacks / Park Metro East	Interior Wall Finish, Generic Surface, Prep & Paint	600	SF	\$1.45	\$1,150	\$1,366
Park Restrooms - Snack Shacks / Park Metro East	ADA, Restroom, Lavatory Pipe Wraps, Install	1	EA	\$80.00	\$80	\$94
Park Restrooms - Snack Shacks	Architect/Engineer, Building Envelope, Masonry, Evaluate/Report	1	EA	\$9,500.00	\$9,500	\$11,191
Park Restrooms - Snack Shacks	Licensed Inspector, Termite Investigation, Evaluate/Report	1	EA	\$7,000.00	\$7,000	\$8,246
Park Restrooms - Snack Shacks	ADA, Miscellaneous, Level III Study, Includes Measurements, Evaluate/Report	1	EA	\$15,000.00	\$15,000	\$17,870
Park Restrooms - Snack Shacks / Pinewood Park	Roof Structure, Pitched, Heavy Timber Framing, Replace	280	SF	\$31.32	\$8,770	\$10,331
Park Restrooms - Snack Shacks / Pinewood Park	Interior Floor Finish, Epoxy Coating, Prep & Paint	240	SF	\$8.74	\$2,088	\$2,471
Park Restrooms - Snack Shacks / Pinewood Park	Sink/Lavatory, Stainless Steel, Replace	2	EA	\$1,054.05	\$2,108	\$2,483
Park Restrooms - Snack Shacks / Pinewood Park	Hand Dryer, Restroom, Replace	2	EA	\$1,581.00	\$3,162	\$3,725
Park Restrooms - Snack Shacks / Pinewood Park	Fire Extinguisher, Replace	1	EA	\$356.54	\$357	\$420
Park Restrooms - Snack Shacks / Pinewood Park	Distribution Panel, 208 V, 120 V, 100 Amp, Replace	1	EA	\$5,079.93	\$5,080	\$5,984
Park Restrooms - Snack Shacks / Pinewood Park	Distribution Panel, 208 V, 120 V, 100 Amp, Replace	1	EA	\$5,079.93	\$5,080	\$5,984
Park Restrooms - Snack Shacks / Pinewood Park	Lighting System, Interior, Upgrade	280	SF	\$6.24	\$2,588	\$3,048
Park Restrooms - Snack Shacks / Sinnott Park Restroom	Roof Structure, Pitched, Heavy Timber Framing, Replace	50	SF	\$31.32	\$1,566	\$1,845
Park Restrooms - Snack Shacks / Sinnott Park Restroom	Interior Floor Finish, Elastomeric Coating, Prep & Paint	280	SF	\$12.95	\$3,626	\$4,271
Park Restrooms - Snack Shacks / Sinnott Park Restroom	ADA, Restroom, Hand Dryer, Modify	2	EA	\$850.00	\$1,700	\$2,003
Park Restrooms - Snack Shacks / Starlight Park	Hand Dryer, Restroom, Replace	2	EA	\$1,581.00	\$3,162	\$3,725
Park Restrooms - Snack Shacks / Starlight Park	Distribution Panel, 208 V, 120 V, 100 Amp, Replace	1	EA	\$5,079.93	\$5,080	\$5,984
Park Restrooms - Snack Shacks / Starlight Park	Receptacle, Ground Fault Circuit Interrupter (GFCI), 15-20 Amp, Replace	1	EA	\$88.88	\$89	\$101
Park Restrooms - Snack Shacks / Thomas Russell middle school	Exterior Wall, Fiber Cement Siding, 1-2 Stories, Replace	1200	SF	\$6.24	\$7,488	\$8,821
Park Restrooms - Snack Shacks / Thomas Russell middle school	Exterior Door, Steel, Replace	2	EA	\$956.12	\$1,900	\$2,238
Park Restrooms - Snack Shacks / Thomas Russell middle school	Interior Floor Finish, Vinyl Sheeting, Replace	500	SF	\$7.01	\$3,505	\$4,128
Park Restrooms - Snack Shacks / Thomas Russell middle school	Sink/Lavatory, Enamelled Steel, Replace	3	EA	\$618.02	\$1,854	\$2,177
Park Restrooms - Snack Shacks / Thomas Russell middle school	Receptacle, Ground Fault Circuit Interrupter (GFCI), 15-20 Amp, Replace	1	EA	\$88.88	\$89	\$101
Park Restrooms - Snack Shacks / Thomas Russell middle school	Commercial Kitchen, Refrigerator, 3-Door Reach-In, Replace	1	EA	\$5,804.00	\$5,804	\$6,837
Immediate Repairs Total						\$174,583

* Location Fields Indicated in Yellow

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

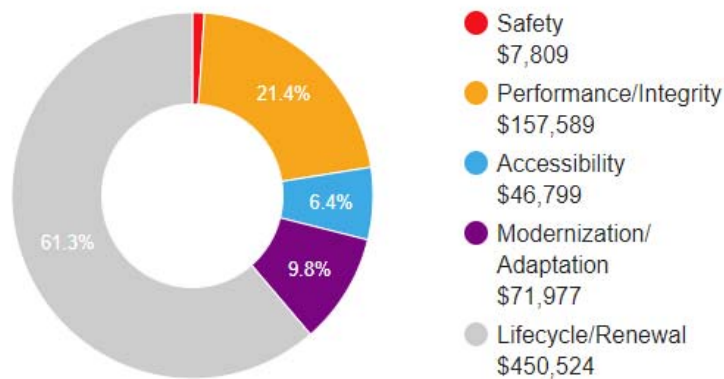
Plan Types

Each line item in the cost database is assigned a Plan Type, which is the primary reason or rationale for the recommended replacement, repair, or other corrective action. This is the “why” part of the equation. A cost or line item may commonly have more than one applicable Plan Type; however, only one Plan Type will be assigned based on the “best” fit, typically the one with the greatest significance.

Plan Type Descriptions

Safety	■ An observed or reported unsafe condition that if left unaddressed could result in an injury; a system or component that presents a potential liability risk.
Performance/Integrity	■ Component or system has failed, is almost failing, performs unreliably, does not perform as intended, and/or poses a risk to overall system stability.
Accessibility	■ Does not meet ADA, UFAS, and/or other handicap accessibility requirements.
Environmental	■ Improvements to air or water quality, including removal of hazardous materials from the building or site.
Retrofit/Adaptation	■ Components, systems, or spaces that are recommended for upgrades in in order to meet current standards, facility usage, or client/occupant needs.
Lifecycle/Renewal	■ Any component or system in which future repair or replacement is anticipated beyond the next several years or is of minimal substantial early-term consequence.

Plan Type Distribution (by Cost)



Ten year total: \$901,676



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

2 Dixon Landing Park Restroom Summary



Dixon Landing Park Restroom Information

Address	1771 Milmont Drive, Milpitas, California
Constructed/ Renovated	1970/2012
Building Size	1,200 SF
Number of Stories	One

<i>System</i>	<i>Description</i>	<i>Condition</i>
Structure	Masonry bearing walls on concrete slab	Fair
Façade	Exposed CMU with aluminum windows	Fair
Roof	Primary: Hip construction with metal finish	Fair
Interiors	Walls: Painted CMU Floors: Concrete Ceilings: Painted plywood	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting Electric water heater in snack shack No hot water in restrooms	Fair

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017
Dixon Landing Park Restroom Information		
HVAC	None	--
Fire Suppression	Fire extinguishers	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-8, CFL, incandescent Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	Commercial kitchen equipment	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	ADA items	
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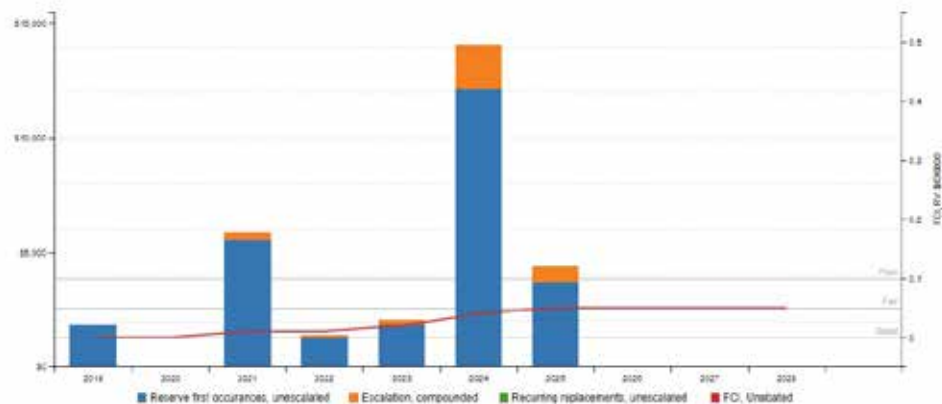
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks Dixon Landing Park Restroom

Replacement Value: \$ 535,000, Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	-	\$4,900	-	\$6,585	\$11,485
Roofing	-	-	\$9,145	-	\$48,289	\$57,434
Interiors	-	\$1,399	\$2,054	-	\$14,578	\$18,031
Plumbing	-	\$1,266	-	-	\$24,825	\$26,091
Fire Suppression	-	-	-	-	\$2,395	\$2,395
HVAC	-	\$3,950	-	-	\$5,309	\$9,259
Electrical	-	-	-	\$2,526	\$2,285	\$4,811
Equipment/Special	\$1,804	\$636	-	\$4,410	\$855	\$7,705
Landscaping	-	-	-	\$56,421	-	\$56,421
TOTALS	\$1,804	\$7,251	\$16,099	\$63,357	\$105,121	\$193,632

Dixon Landing Park Restroom Information Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒
Kitchens/Kitchenettes	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

3 Russell Middle School Summary



Russell Middle School Information		
Address	1500 Escuela Parkway, Milpitas, California	
Constructed/ Renovated	1999	
Building Size	800 SF	
Number of Stories	One	
System	Description	Condition
Structure	Portable restroom on T-footing	Fair
Façade	Painted hardboard with aluminum windows	Poor
Roof	Primary: Flat construction with metal finish	Fair
Interiors	Walls: Painted gypsum board & RFP Floors: Sheet vinyl Ceilings: ACT	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting Electric water heater No hot water in restrooms	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

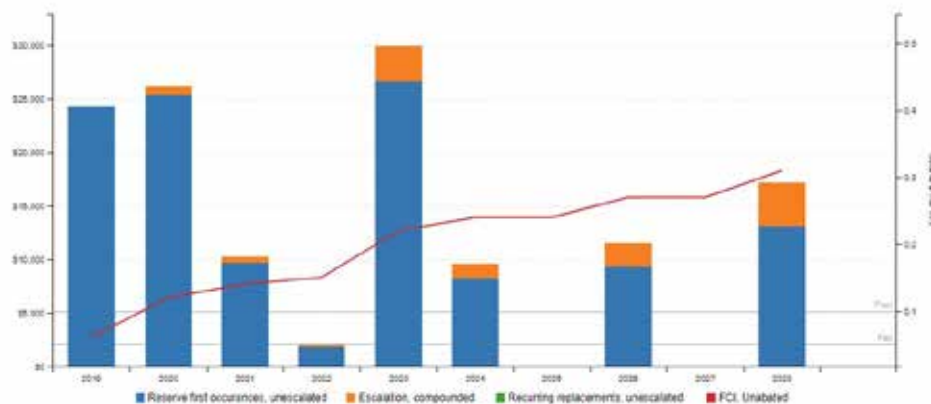
EMG PROJECT NO.: 131644.18R000-017.017

Russell Middle School Information

HVAC	No cooling, electric wall heaters	Fair
Fire Suppression	Wet-pipe sprinkler system; fire extinguishers	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-8, Emergency: None	Fair
Fire Alarm	Alarm panel, smoke detectors, alarms, strobes, pull stations	Fair
Equipment/Special	Commercial kitchen equipment	Fair
Site Pavement	Not reviewed	--
Site Development	Not Reviewed	--
Key Issues & Findings	Exterior hardboard siding is rotting, replacement recommended.	

FCI Analysis: Park Restrooms - Snack Shacks
Thomas Russell middle school

Replacement Value: \$ 424,000; Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	\$11,058	-	\$1,548	-	\$3,594	\$16,200
Roofing	-	-	-	-	-	-
Interiors	\$4,128	\$2,001	\$15,219	-	\$17,518	\$38,866
Plumbing	\$2,177	\$1,525	\$10,325	-	\$7,811	\$21,838
HVAC	-	-	\$4,191	-	\$11,488	\$15,679
Electrical	\$101	\$1,243	\$6,937	\$28,678	-	\$36,959
Fire Alarm & Comm	-	\$27,757	-	-	\$38,368	\$66,125
Equipment/Special	\$6,837	\$5,874	\$1,305	-	\$19,569	\$33,585
TOTALS	\$24,301	\$38,400	\$39,525	\$28,678	\$98,348	\$229,252

Russell Middle School Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒
Kitchens/Kitchenettes	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

4 Cardoza Park Summary



Cardoza Park Information

Address	1356 Kennedy Drive, Milpitas, California	
Constructed/ Renovated	1960s	
Building Size	280 SF	
Number of Stories	One	
<i>System</i>	<i>Description</i>	<i>Condition</i>
Structure	Concrete masonry unit structure on concrete slab with wood-framed roof	Good
Façade	Painted CMU with no windows	Good
Roof	Primary: Flat construction with modified bituminous finish	Fair
Interiors	Walls: CMU with skim coat Floors: Painted concrete Ceilings: Unfinished/exposed	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

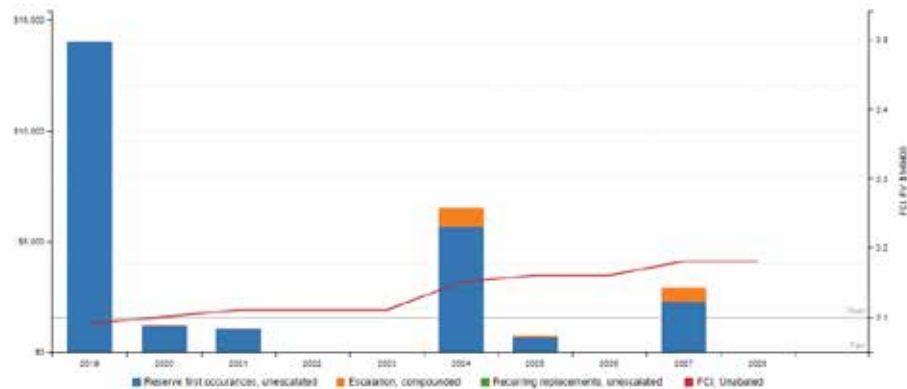
EMG PROJECT NO.: 131644.18R000-017.017

Cardoza Park Information

HVAC	None	--
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	ADA items	

FCI Analysis: Park Restrooms - Snack Shacks Cardoza Park

Replacement Value: \$ 1,68,400; Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	\$2,238	-	\$2,821	-	\$3,792	\$8,851
Roofing	-	-	\$3,685	-	-	\$3,685
Interiors	\$3,661	\$1,087	-	\$7,062	\$2,772	\$14,582
Plumbing	-	-	-	\$2,893	\$8,618	\$11,511
Electrical	\$6,085	-	-	-	\$3,246	\$9,331
Pavement	-	\$1,213	-	-	-	\$1,213
Site Development	-	-	-	-	-	-
Accessibility	\$2,002	-	-	-	-	\$2,002
TOTALS	\$13,986	\$2,300	\$6,506	\$9,955	\$18,428	\$51,175

Cardoza Park Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

5 Augustine Memorial Park Summary



Augustine Memorial Park Information		
Address	Cortex and Coelho, Milpitas, California	
Constructed/ Renovated	1960s	
Building Size	280 SF	
Number of Stories	One	
System	Description	Condition
Structure	Concrete masonry unit structure on concrete slab with wood-framed roof	Fair
Façade	Painted CMU with no windows	Fair
Roof	Primary: Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU Floors: Painted concrete Ceilings: Unfinished/exposed	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

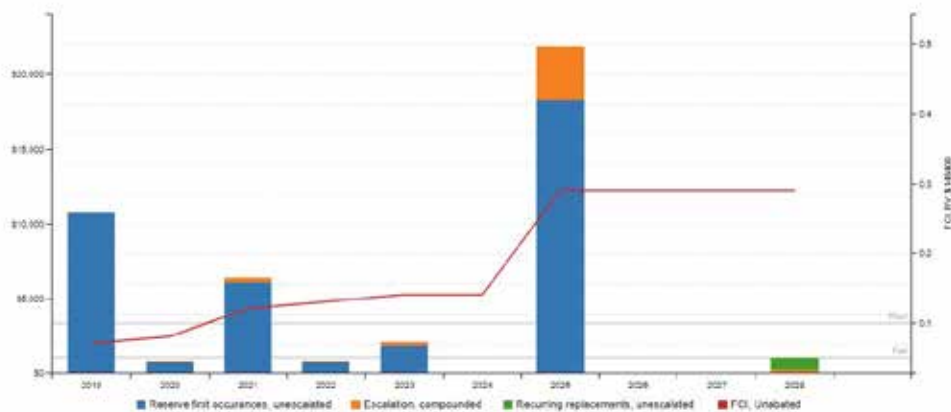
EMG PROJECT NO.: 131644.18R000-017.017

Augustine Memorial Park Information

HVAC	None	--
Fire Suppression	Fire extinguishers	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Aged distribution panels, Failed drinking fountain and floor drain, ADA items	

FCI Analysis: Park Restrooms - Snack Shacks
Augustine Memorial Park

Replacement Value: \$ 148,400, Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	\$1,255	-	\$1,336	\$13,040	\$15,631
Roofing	-	-	-	\$3,767	\$9,169	\$12,936
Interiors	-	\$6,789	-	\$1,003	\$6,478	\$14,270
Plumbing	\$2,763	-	-	-	\$6,995	\$9,758
Electrical	\$5,984	-	\$2,115	-	\$12,898	\$20,997
Equipment/Special	-	-	-	-	-	-
Site Development	-	-	-	-	-	-
Landscaping	-	-	-	\$16,709	-	\$16,709
Accessibility	\$2,002	-	-	-	-	\$2,002
TOTALS	\$10,749	\$8,044	\$2,115	\$22,815	\$48,580	\$92,303

Augustine Memorial Park Restroom Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

6 Gill Memorial Park Restroom Summary



Gill Memorial Park Restroom Information

Address	611 Paseo Refugio, Milpitas, California	
Constructed/ Renovated	1960s	
Building Size	240 SF	
Number of Stories	One	
System	<i>Description</i>	<i>Condition</i>
Structure	Masonry bearing walls on a slab with wood-framed roof	Fair
Façade	Painted CMU with no windows	Fair
Roof	Primary: Gable construction with clay/concrete tiles	Fair
Interiors	Walls: Painted CMU, unfinished Floors: Epoxy floor coating Ceilings: Painted underside of wood sheathing	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

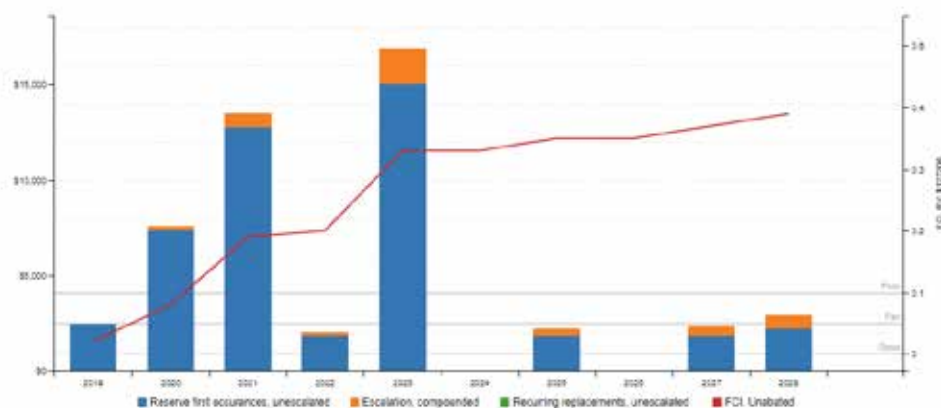
EMG PROJECT NO.: 131644.18R000-017.017

Gill Memorial Park Restroom Information

HVAC	None	--
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	The rafter tails have dry rot, the electric panel is aged, several receptacles should be waterproof & GFCI, ADA items	

FCI Analysis: Park Restrooms - Snack Shacks Gill Memorial Park Restroom

Replacement Value: \$ 127,200, Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Structure	-	\$7,599	-	-	-	\$7,599
Facade	-	\$2,031	-	\$2,920	\$2,730	\$7,681
Roofing	-	-	-	-	-	-
Interiors	\$2,265	\$1,674	-	\$4,374	\$5,296	\$13,609
Plumbing	-	-	-	-	\$8,124	\$8,124
Electrical	\$202	\$11,856	\$1,133	\$4,625	-	\$17,816
Site Development	-	-	-	-	\$1,246	\$1,246
Landscaping	-	-	\$15,750	-	\$24,538	\$40,288
TOTALS	\$2,467	\$23,160	\$16,883	\$11,919	\$41,934	\$96,363

Gill Memorial Park Restroom Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

7 Jose Higuera Adobe Summary



Jose Higuera Adobe Information		
Address	Wessex Place/ North Park Victoria, Milpitas, California	
Constructed/ Renovated	1960s / 2017	
Building Size	500 SF	
Number of Stories	One	
System	Description	Condition
Structure	Masonry bearing walls on a slab with wood-framed roof	Good
Façade	Concrete block with a skim coat and no windows	Good
Roof	Primary: Gable construction with clay/concrete tiles	Good
Interiors	Walls: Unfinished CMU Floors: Unfinished concrete Ceilings: Sealed/exposed	Good
Elevators	None	--
Plumbing	Copper supply and ABS waste & venting Electric water heater	Good

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

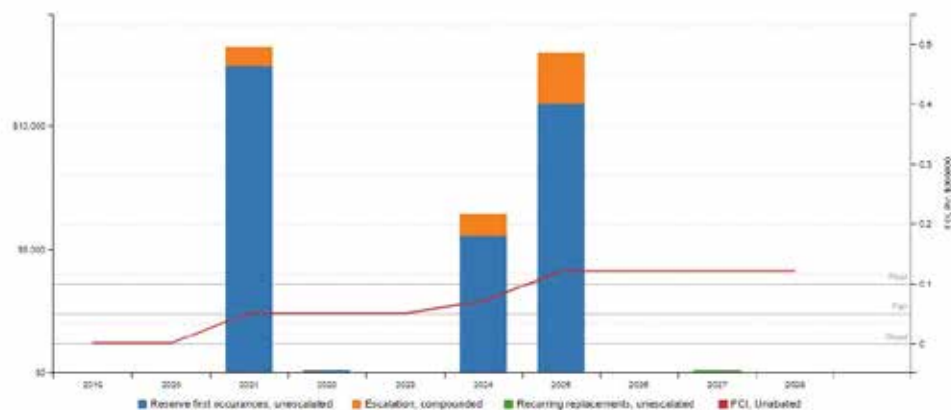
EMG PROJECT NO.: 131644.18R000-017.017

Jose Higuera Adobe Information

HVAC	None	--
Fire Suppression	Fire extinguishers	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	None	

FCI Analysis: Park Restrooms - Snack Shacks Jose Higuera Adobe

Replacement Value: \$ 268,000; Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	\$896	-	\$12,965	\$6,358	\$20,219
Roofing	-	-	-	-	-	-
Interiors	-	\$91	\$2,098	\$106	\$2,924	\$5,219
Plumbing	-	\$2,383	-	-	\$11,091	\$13,474
HVAC	-	-	\$4,317	-	\$5,801	\$10,118
Electrical	-	\$9,880	-	\$2,526	\$5,409	\$17,815
TOTALS	-	\$13,250	\$6,415	\$15,597	\$31,583	\$66,845

Jose Higuera Adobe Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

8 Starlight Park Summary



Starlight Park Information

Address	450 Rudyard Drive, Milpitas , California	
Constructed/ Renovated	1960s	
Building Size	280 SF	
Number of Stories	One	
<i>System</i>	<i>Description</i>	<i>Condition</i>
Structure	Concrete masonry unit structure on concrete slab with wood-framed roof	Fair
Façade	Painted CMU with no windows	Fair
Roof	Primary: Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU Floors: Epoxy on concrete Ceilings: Painted exposed wood	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Starlight Park Information

Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting	Fair
HVAC	None	--
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: CFL Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Termite damage	



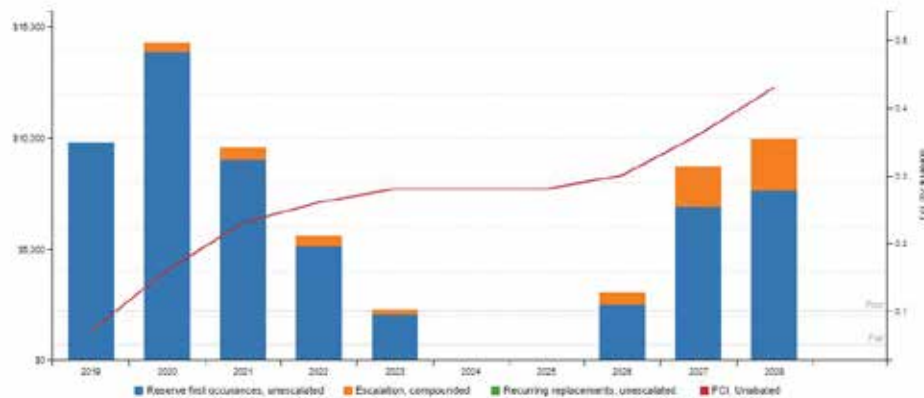
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks
Starlight Park

Replacement Value: \$ 146,400; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Structure	-	\$14,285	-	-	-	\$14,285
Facade	-	-	\$2,283	-	\$3,069	\$5,352
Roofing	-	\$4,284	-	-	-	\$4,284
Interiors	-	\$2,099	-	\$9,951	\$18,191	\$30,241
Plumbing	-	\$2,423	-	\$3,053	\$11,012	\$16,488
HVAC	\$3,724	-	-	\$5,004	-	\$8,728
Electrical	\$6,085	\$6,348	-	\$8,738	\$1,615	\$22,786
Site Development	-	-	-	-	\$1,424	\$1,424
TOTALS	\$9,809	\$29,439	\$2,283	\$26,746	\$35,311	\$103,588

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Starlight Park Restrooms Accessibility Issues

	Major Issues <i>(ADA study recommended)</i>	Moderate Issues <i>(ADA study recommended)</i>	Minor/No Issues
Public Use Restrooms	☐	☒	☐

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

9 Hall Memorial Park Summary



Hall Memorial Information

Address	389 La Honda; Milpitas, California	
Constructed/ Renovated	1960s	
Building Size	280 SF	
Number of Stories	One	
<i>System</i>	<i>Description</i>	<i>Condition</i>
Structure	Concrete block structure on concrete slab with wood framed roof	Fair
Façade	Painted CMU with no windows	Fair
Roof	Primary: Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU Floors: Epoxy Ceilings: Painted wood	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Hall Memorial Information

Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair
HVAC	None	--
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Possible structural settlement	



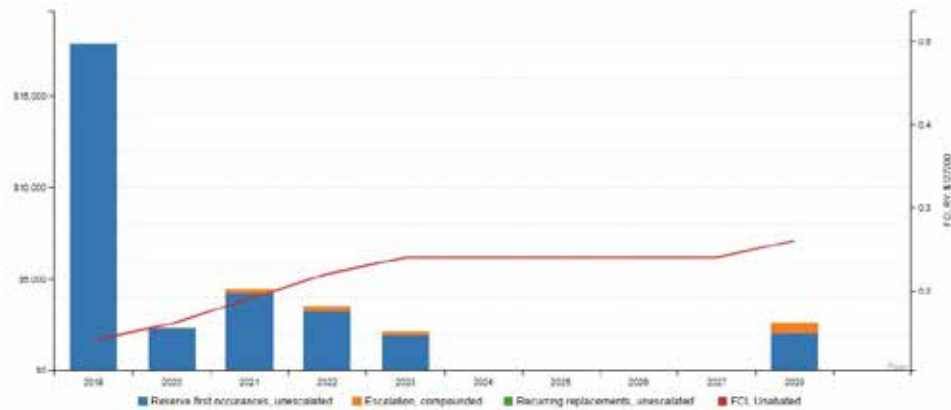
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks Hall
Memorial Park

Replacement Value: \$ 127,200; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	\$4,677	\$2,130	-	\$2,863	\$9,670
Roofing	-	\$3,473	-	-	-	\$3,473
Interiors	\$2,471	\$2,057	-	\$7,676	\$3,122	\$15,326
Plumbing	-	-	-	\$3,336	\$4,164	\$7,500
Electrical	\$15,350	-	-	-	-	\$15,350
Site Development	-	-	-	-	-	-
TOTALS	\$17,821	\$10,207	\$2,130	\$11,012	\$10,149	\$51,319

Hall Memorial Park Restroom Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

10 John McDermott Park Summary



John McDermott Park Information		
Address	Alvarez Court / Abel	
Constructed/ Renovated	2014	
Building Size	280 SF	
Number of Stories	One	
System	Description	Condition
Structure	Conventional metal stud structure on concrete slab	Good
Façade	Stucco with no windows	Good
Roof	Primary: Gable construction with clay/concrete tiles	Good
Interiors	Walls: FRP Floors: Unfinished concrete Ceilings: Sealed wood	Good

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

John McDermott Park Information

Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Good
HVAC	No mechanical HVAC	--
Fire Suppression	Fire extinguishers	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: CFL Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings		



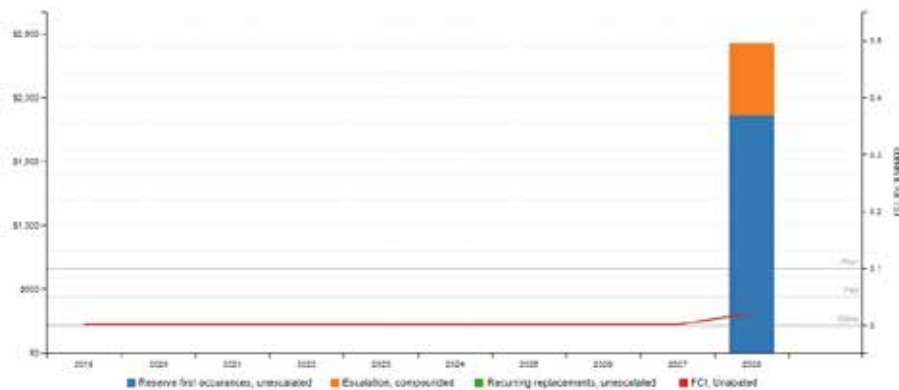
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks John McDermott Park

Replacement Value: \$ 140,400; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	-	-	\$2,425	\$3,259	\$5,684
Roofing	-	-	-	-	-	-
Interiors	-	-	-	-	\$17,977	\$17,977
Plumbing	-	-	-	-	\$7,623	\$7,623
Fire Suppression	-	-	-	\$564	-	\$564
Electrical	-	-	-	-	\$2,787	\$2,787
TOTALS	-	-	-	\$2,989	\$31,646	\$34,635

John McDermott Park Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

11 Parc Metro East Summary



Parc Metro East Information

Address	330 E Curtis Ave, Milpitas, California	
Constructed	2000s	
Building Size	280 SF	
Number of Stories	One	
System	Description	Condition
Structure	Conventional wood frame structure on concrete slab and wood-framed roof	Good
Façade	Stucco with no windows	Fair
Roof	Gable construction with clay/concrete tiles	Poor
Interiors	Walls: Painted CMU Floors: Unfinished Ceilings: Painted gypsum board	Fair
Elevators	None	--



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Parc Metro East Information

Plumbing	Copper supply and cast iron waste & venting No hot water	Fair
HVAC	Natural air ventilation	Fair
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-8, incandescent Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Minor stucco damage near trash cans, large decorative truss has fallen from the right side, the maintenance door is damaged and difficult to open, many roof tiles are damaged, fire extinguisher needs to be mounted, LED lighting upgrade recommended, missing mirror above sink, wrapping sink drains for ADA is recommended.	



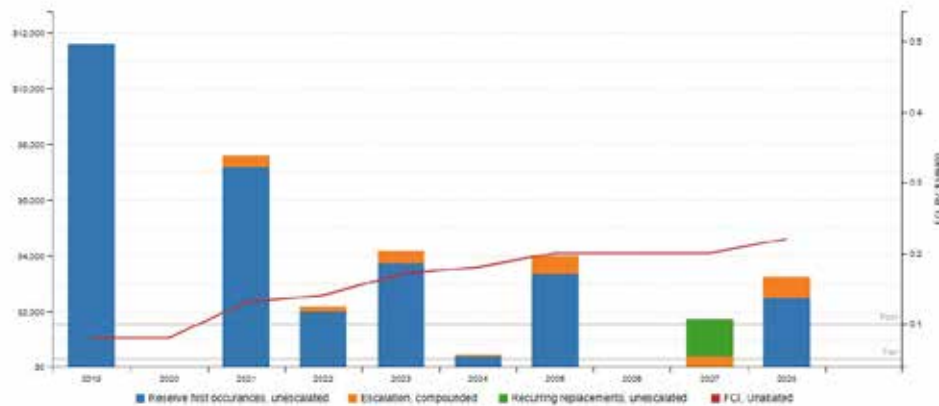
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks Park
Metro East

Replacement Value: \$ 148,400; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Structure	\$1,106	-	-	-	-	\$1,106
Facade	\$3,486	-	-	\$7,189	-	\$10,675
Roofing	\$5,562	-	-	-	-	\$5,562
Interiors	\$1,366	\$2,980	-	\$1,730	\$3,258	\$9,334
Plumbing	-	\$3,596	-	\$3,239	-	\$6,835
Fire Suppression	-	-	-	-	\$581	\$581
HVAC	-	-	\$4,191	-	\$5,632	\$9,823
Electrical	-	\$3,233	-	-	\$8,283	\$11,516
Fire Alarm & Comm	-	-	\$437	-	-	\$437
Accessibility	\$94	-	-	-	-	\$94
TOTALS	\$11,614	\$9,809	\$4,628	\$12,158	\$17,754	\$55,963

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Parc Metro East Accessibility Issues

	Major Issues <i>(ADA study recommended)</i>	Moderate Issues <i>(ADA study recommended)</i>	Minor/No Issues
Public Use Restrooms	☐	☐	☒

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

12 Bob McGuire Park Summary



Bob McGuire Park Information

Address	791 Garden St, Milpitas, CA	
Constructed	2016	
Building Size	240 SF	
Number of Stories	One	
System	Description	Condition
Structure	Conventional wood frame structure on concrete slab and wood-framed roofs	Good
Façade	Stucco with vinyl windows	Good
Roof	Gable construction with clay/concrete tiles	Good
Interiors	Walls: Painted gypsum board with ceramic tile wainscoting Floors: Stained concrete Ceilings: Painted gypsum board	Good
Elevators	None	--



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Bob McGuire Park Information

Plumbing	Copper supply and cast iron waste & venting Domestic water heating equipment was not reviewed	Good
HVAC	Not reviewed	--
Fire Suppression	Wet-pipe sprinkler system	Good
Electrical	Source & Distribution: Not reviewed Interior Lighting: LED Emergency: Not reviewed	Good
Fire Alarm	Smoke detectors, alarms, strobes, back-up emergency lights	Good
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Women's restroom has a hose coming through the ceiling and feeding into the sink, possibly a temporary condensate drain	



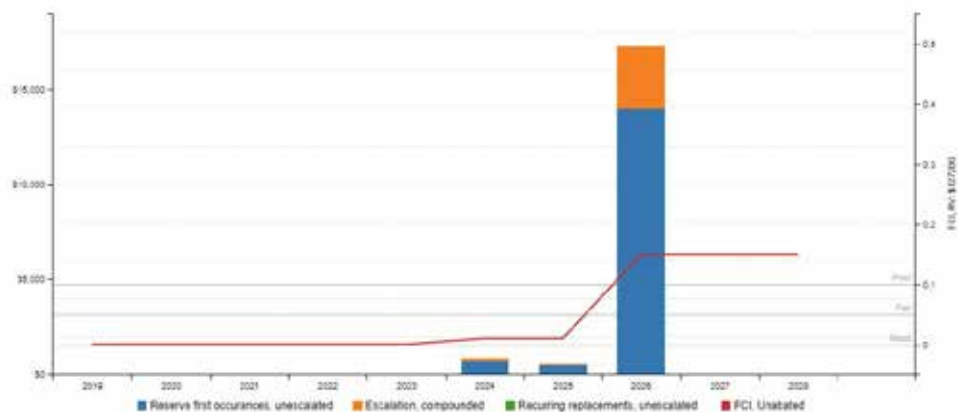
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks Bob McGuire Park

Replacement Value: \$ 127,200. Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	-	-	\$2,169	\$754	\$2,923
Roofing	-	-	-	-	-	-
Interiors	-	-	\$831	\$3,827	\$8,910	\$13,568
Plumbing	-	-	-	\$3,642	\$15,493	\$19,135
HVAC	-	-	-	\$4,580	\$6,155	\$10,735
Electrical	-	-	-	\$3,556	\$4,780	\$8,336
TOTALS	-	-	\$831	\$17,774	\$36,092	\$54,697

Bob McGuire Park Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

13 Pinewood Park Summary



Pinewood Park Information		
Address	Starlight Drive and Lonetree Court, Milpitas, California	
Constructed	1960s	
Building Size	280 SF	
Number of Stories	One	
System	Description	Condition
Structure	Masonry bearing walls on concrete slab	Good
Façade	Painted CMU with no windows	Fair
Roof	Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU with skim coat Floors: Epoxy paint Ceilings: Exposed, painted	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

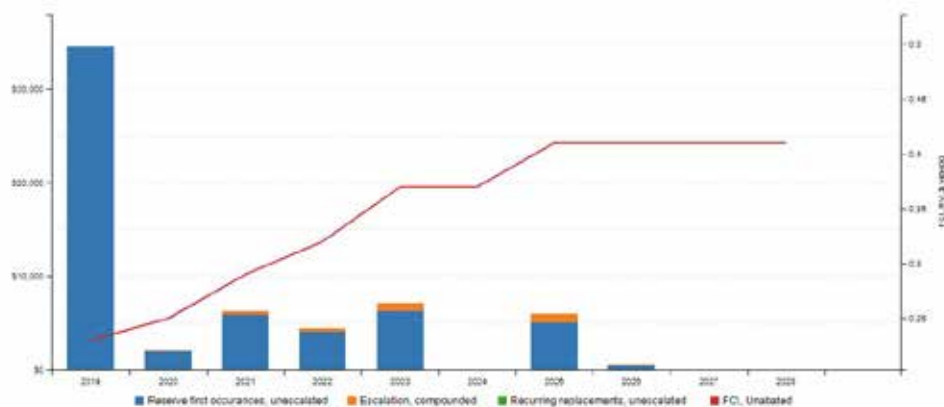
EMG PROJECT NO.: 131644.18R000-017.017

Pinewood Park Information

HVAC	None	Fair
Fire Suppression	Fire extinguisher	Missing
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12, incandescent Emergency: None	Poor
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Dry rot on roof beam tails, antiquated plumbing and electrical infrastructure, missing fire extinguisher, recommend replacement of sink faucets, replacement and relocation of hand driers and soap dispensers, sink drains need to be wrapped for ADA compliance.	

FCI Analysis: Park Restrooms - Snack Shacks
Pinewood Park

Replacement Value: \$ 148,400; Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Structure	\$10,330	-	-	-	-	\$10,330
Facade	-	\$2,586	\$2,518	-	\$3,476	\$8,580
Roofing	-	\$3,372	-	\$484	\$651	\$4,507
Interiors	\$2,471	\$3,255	-	\$5,041	\$3,121	\$13,888
Plumbing	\$2,483	\$3,616	-	-	\$2,111	\$8,210
Fire Suppression	\$420	-	-	-	\$654	\$1,074
HVAC	\$3,724	-	-	\$5,004	-	\$8,728
Electrical	\$15,016	-	-	\$12,737	-	\$27,753
Fire Alarm & Comm	-	-	\$424	-	\$651	\$1,085
Site Development	-	-	\$4,161	-	-	\$4,161
TOTALS	\$34,444	\$12,829	\$7,103	\$23,266	\$10,674	\$88,316

Pinewood Park Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

14 Alviso Adobe Park Restroom Summary



Alviso Adobe Park Restroom Information

Address	2087 Alviso Adobe Court, Milpitas, California 95053	
Constructed/ Renovated	2013	
Building Size	500 SF	
Number of Stories	1	
<i>System</i>	<i>Description</i>	<i>Condition</i>
Structure	Conventional wood frame structure on concrete slab	Good
Façade	Wood siding and no windows	Good
Roof	Primary: Gable construction with wood shingles	Good
Interiors	Walls: Painted Drywall Floors: Unfinished Ceilings: Painted Drywall	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Alviso Adobe Park Restroom Information

Elevators	None	--
Plumbing	Copper pipe supply and cast iron waste & venting No hot water	Good
HVAC	None	--
Fire Suppression	Fire extinguishers	Failed
Electrical	Source & Distribution: Fed from Water Tower building with copper wiring Interior Lighting: CFL	Good
Fire Alarm	None	--
Equipment/Special	None	--
Key Issues & Findings	Expired fire extinguisher and building lacks fire alarm system	



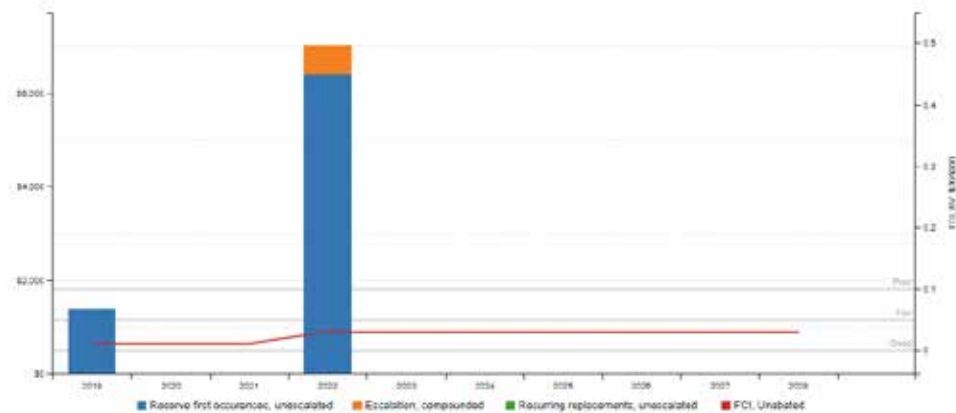
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks
Alviso Adobe Park Restroom

Replacement Value: \$ 265,000; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	\$2,955	-	-	\$9,687	\$12,642
Roofing	-	-	-	-	\$7,851	\$7,851
Interiors	-	\$2,425	-	-	\$6,964	\$9,389
Plumbing	-	\$1,618	-	-	\$13,372	\$14,990
Fire Alarm & Comm	\$1,389	-	-	-	-	\$1,389
TOTALS	\$1,389	\$6,998	-	-	\$37,874	\$46,261

Alviso Adobe Park Restroom Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

15 Foothill Park Summary



Foothill Park Information		
Address	400 Roswell Drive, Milpitas	
Constructed/ Renovated	1960s	
Building Size	280 SF	
Number of Stories	One	
System	Description	Condition
Structure	Concrete block (CMU) structure on concrete slab with wood-framed roof	Fair
Façade	Painted CMU with no windows	Fair
Roof	Primary: Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU Floors: Epoxy/Unfinished Ceilings: Painted wood	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Foothill Park Information

Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair
HVAC	None	--
Fire Suppression	Fire extinguishers	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Possible termite damage, possible structural damage (vertical crack in concrete block)	



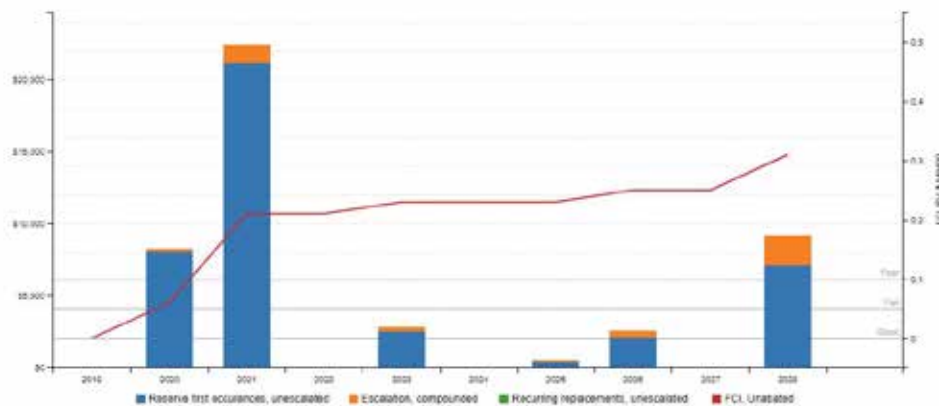
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks Foothill Park

Replacement Value: \$ 148,400; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	\$2,106	-	\$4,327	\$3,854	\$10,287
Roofing	-	\$3,372	-	-	-	\$3,372
Interiors	-	\$2,621	\$721	\$2,605	\$6,087	\$12,034
Plumbing	-	\$1,571	-	\$3,239	\$6,154	\$10,964
Fire Suppression	-	-	-	\$501	-	\$501
Electrical	-	\$6,163	\$2,115	\$1,642	\$11,579	\$21,499
Site Development	-	-	-	-	\$1,424	\$1,424
Landscaping	-	\$14,846	-	-	\$23,129	\$37,975
TOTALS	-	\$30,679	\$2,836	\$12,314	\$52,227	\$98,056

Foothill Park Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

16 Murphy Park Summary



Murphy Park Information		
Address	1588 Saratoga Drive, Milpitas, California	
Constructed/ Renovated	1960s	
Building Size	280 SF	
Number of Stories	One	
System	Description	Condition
Structure	Concrete block structure on concrete slab with wood framed roof	Fair
Façade	Painted CMU with no windows	Fair
Roof	Primary: Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU Floors: Epoxy Ceilings: Painted wood	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

Murphy Park Information

Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair
HVAC	None	--
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Rafter tails show dry rot and possibly termite damage	



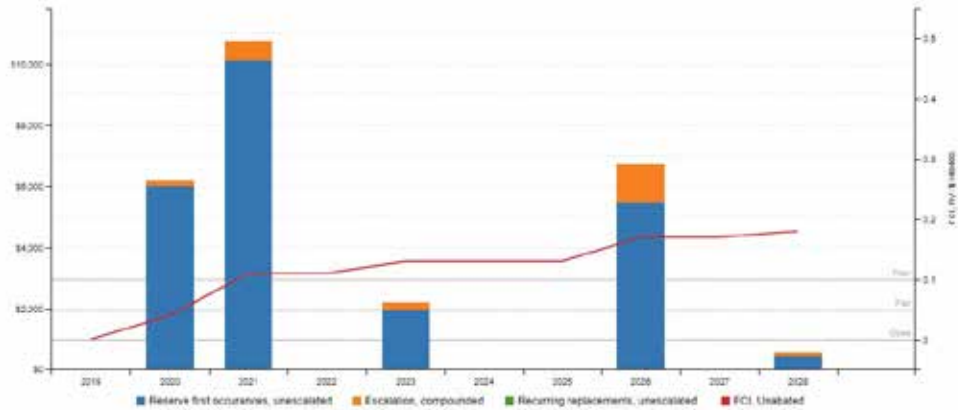
FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

FCI Analysis: Park Restrooms - Snack Shacks
Murphy Park

Replacement Value: \$ 146,800; Inflation rate: 3.0%



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	\$2,374	\$2,207	-	\$2,966	\$7,547
Roofing	-	-	-	-	\$5,202	\$5,202
Interiors	-	\$5,922	-	\$3,067	\$8,312	\$17,301
Plumbing	-	\$2,423	-	\$3,053	\$7,939	\$13,415
Fire Suppression	-	-	-	\$548	-	\$548
Electrical	-	\$6,163	-	\$2,312	\$1,142	\$9,617
Site Development	-	-	-	-	\$1,383	\$1,383
TOTALS	-	\$16,882	\$2,207	\$8,980	\$26,944	\$55,013

Murphy Park Accessibility Issues			
	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

17 Cerano Park Summary



Cerano Park Information		
Address	Murphy Ranch Road, Milpitas, California	
Constructed	2012, Estimated	
Building Size	600 SF	
Number of Stories	1	
System	Description	Condition
Structure	Conventional wood frame structure on concrete slab and wood-framed roof	Good
Façade	Stucco with steel vent windows	Good
Roof	Primary: Crossed hip construction with clay/concrete tiles	Good
Interiors	Walls: CMU, Unfinished Floors: Concrete, Unfinished Ceilings: Painted gypsum board	Good
Elevators	None	--

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

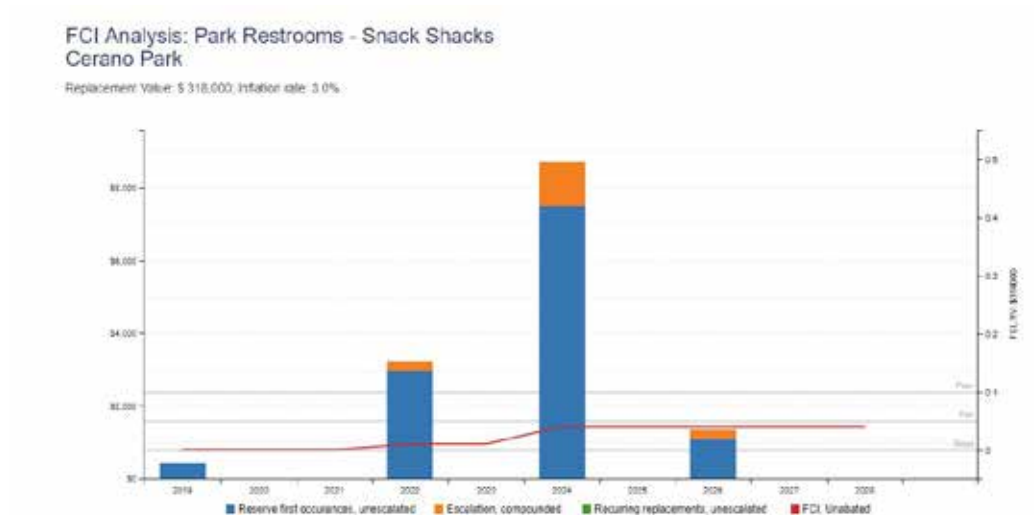
Cerano Park Information

Plumbing	Copper supply and cast iron waste & venting No hot water	Good
HVAC	None	Good
Fire Suppression	Fire extinguisher	Missing
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: LED, motion detectors Emergency: None	Good
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Missing fire extinguisher	

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017



System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Facade	-	-	\$3,135	-	\$13,739	\$16,874
Roofing	-	-	-	\$1,333	\$1,791	\$3,124
Interiors	-	-	\$1,239	-	\$4,605	\$5,844
Plumbing	-	\$3,236	-	-	\$14,432	\$17,668
Fire Suppression	\$420	-	-	-	\$654	\$1,074
HVAC	-	-	\$4,317	-	\$5,801	\$10,118
Electrical	-	-	-	-	\$10,828	\$10,828
TOTALS	\$420	\$3,236	\$8,691	\$1,333	\$51,850	\$65,530

Cerano Park Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☐	☒

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

18 Sinnott Park Restrooms Summary



Sinnott Park Restrooms Information

Address	1501 Clearlake Avenue, Milpitas	
Constructed/ Renovated	1960's	
Building Size	280 SF	
Number of Stories	One	
<i>System</i>	<i>Description</i>	<i>Condition</i>
Structure	Conventional wood frame structure on concrete slab and wood-framed roofs	Good
Façade	Painted CMU with no windows	Fair
Roof	Flat construction with modified bituminous finish	Fair
Interiors	Walls: Painted CMU with skim coat Floors: Epoxy paint Ceilings: Exposed, painted	Fair
Elevators	None	--
Plumbing	Copper supply and cast iron waste & venting No hot water	Fair

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

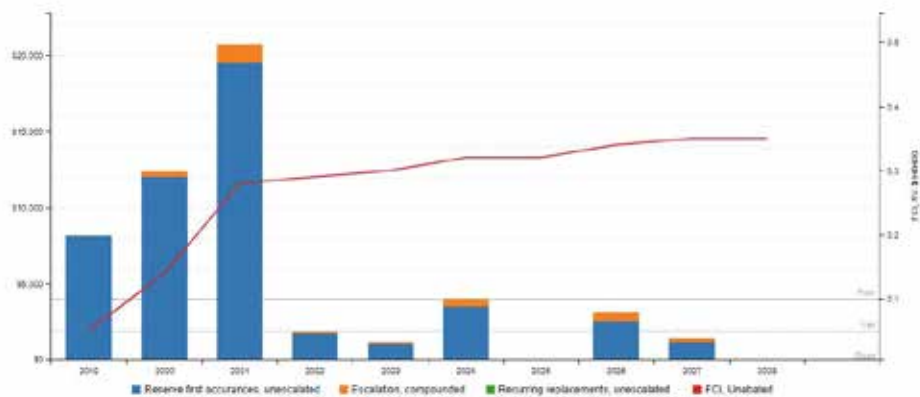
EMG PROJECT NO.: 131644.18R000-017.017

Sinnott Park Restrooms Information

HVAC	Natural air ventilation	Fair
Fire Suppression	Fire extinguisher	Fair
Electrical	Source & Distribution: Main panel with copper wiring Interior Lighting: T-12 Emergency: None	Fair
Fire Alarm	None	--
Equipment/Special	None	--
Site Pavement	Not reviewed	--
Site Development	Not reviewed	--
Key Issues & Findings	Antiquated plumbing and electrical infrastructure	

FCI Analysis: Park Restrooms - Snack Shacks Sinnott Park Restroom

Replacement Value: \$ 143,400; Inflation rate: 3.0%



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

System Expenditure Forecast

System	Immediate	Short Term (3 yr)	Near Term (5 yr)	Med Term (10 yr)	Long Term (20 yr)	TOTAL
Structure	\$1,844	-	-	-	-	\$1,844
Facade	-	-	\$3,135	\$1,417	\$4,214	\$8,766
Roofing	-	\$3,372	-	-	-	\$3,372
Interiors	\$4,271	\$1,866	\$867	\$5,739	\$8,443	\$21,186
Plumbing	-	\$2,423	-	\$3,053	\$7,939	\$13,415
Fire Suppression	-	-	-	-	\$581	\$581
Electrical	-	\$12,326	\$1,133	-	-	\$13,459
Site Development	-	-	-	-	-	-
Landscaping	-	\$14,846	-	-	\$23,129	\$37,975
Accessibility	\$2,002	-	-	-	-	\$2,002
TOTALS	\$8,117	\$34,833	\$5,135	\$10,209	\$44,306	\$102,600

Sinnott Park Restroom Accessibility Issues

	Major Issues (ADA study recommended)	Moderate Issues (ADA study recommended)	Minor/No Issues
Public Use Restrooms	☐	☒	☐

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

19 Opinions of Probable Costs

Cost estimates are attached throughout this report, with the Replacement Reserves in the appendix.

These estimates are based on Invoice or Bid Document/s provided either by the Owner/facility and construction costs developed by construction resources such as *R.S. Means*, *CBRE Whitestone*, and *Marshall & Swift*, EMG's experience with past costs for similar properties, city cost indexes, and assumptions regarding future economic conditions.

Opinions of probable costs should only be construed as preliminary, order of magnitude budgets. Actual costs most probably will vary from the consultant's opinions of probable costs depending on such matters as type and design of suggested remedy, quality of materials and installation, manufacturer and type of equipment or system selected, field conditions, whether a physical deficiency is repaired or replaced in whole, phasing or bundling of the work (if applicable), quality of contractor, quality of project management exercised, market conditions, use of subcontractors, and whether competitive pricing is solicited, etc. Certain opinions of probable costs cannot be developed within the scope of this guide without further study. Opinions of probable cost for further study should be included in the FCA.

19.1 Methodology

Based upon site observations, research, and judgment, along with referencing Expected Useful Life (EUL) tables from various industry sources, EMG opines as to when a system or component will most probably necessitate replacement. Accurate historical replacement records, if provided, are typically the best source of information. Exposure to the elements, initial quality and installation, extent of use, the quality and amount of preventive maintenance exercised, etc., are all factors that impact the effective age of a system or component. As a result, a system or component may have an effective age that is greater or less than its actual chronological age. The Remaining Useful Life (RUL) of a component or system equals the EUL less its *effective age*, whether explicitly or implicitly stated. Projections of Remaining Useful Life (RUL) are based on continued use of the Property similar to the reported past use. Significant changes in occupants and/or usage may affect the service life of some systems or components.

Where quantities could not be or were not derived from an actual construction document take-off or facility walk-through, and/or where systemic costs are more applicable or provide more intrinsic value, budgetary square foot and gross square foot costs are used. Estimated costs are based on professional judgment and the probable or actual extent of the observed defect, inclusive of the cost to design, procure, construct and manage the corrections.

19.2 Immediate Repairs

Immediate repairs are opinions of probable costs that require immediate action as a result of: (1) material existing or potential unsafe conditions, (2) failed or imminent failure of mission critical building systems or components, or (3) conditions that, if not addressed, have the potential to result in, or contribute to, critical element or system failure within one year or will most probably result in a significant escalation of its remedial cost.

19.3 Replacement Reserves

Replacement Reserves (more commonly referenced throughout AssetCALC as Lifecycle/Renewals) are for recurring probable renewals or expenditures, which are not classified as operation or maintenance expenses. The replacement reserves should be budgeted for in advance on an annual basis. Replacement Reserves are reasonably predictable both in terms of frequency and cost. However, Replacement Reserves may also include components or systems that have an indeterminable life but, nonetheless, have a potential for failure within an estimated time period.

Replacement Reserves generally exclude systems or components that are estimated to expire after the reserve term and are not considered material to the structural and mechanical integrity of the subject property. Furthermore, systems and components that are not deemed to have a material effect on the use of the Property are also excluded. Costs that are caused by acts of God, accidents, or other occurrences that are typically covered by insurance, rather than reserved for, are also excluded.

Replacement costs are solicited from ownership/property management, EMG's discussions with service companies, manufacturers' representatives, and previous experience in preparing such schedules for other similar facilities. Costs for work performed by the ownership's or property management's maintenance staff are also considered.

EMG's reserve methodology involves identification and quantification of those systems or components requiring capital reserve funds within the assessment period. The assessment period is defined as the effective age plus the reserve term. Additional information concerning system's or component's respective replacement costs (in today's dollars), typical expected useful lives, and remaining useful lives were estimated so that a funding schedule could be prepared. The Replacement Reserves Schedule presupposes that all required remedial work has been performed or that monies for remediation have been budgeted for items defined in the Immediate Repair Cost Estimate.



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

20 Purpose and Scope

20.1 Purpose

EMG was retained by the client to render an opinion as to the Property's current general physical condition on the day of the site visit.

Based on the observations, interviews and document review outlined below, this report identifies significant deferred maintenance issues, existing deficiencies, and material code violations of record, which affect the Property's use. Opinions are rendered as to its structural integrity, building system condition and the Property's overall condition. The report also notes building systems or components that have realized or exceeded their typical expected useful lives.

CONDITIONS:

The physical condition of building systems and related components are typically defined as being in one of five conditions: Excellent, Good, Fair, Poor, Failed or a combination thereof. For the purposes of this report, the following definitions are used:

Excellent	=	New or very close to new; component or system typically has been installed within the past year, sound and performing its function. Eventual repair or replacement will be required when the component or system either reaches the end of its useful life or fails in service.
Good	=	Satisfactory as-is. Component or system is sound and performing its function, typically within the first third of its lifecycle. However, it may show minor signs of normal wear and tear. Repair or replacement will be required when the component or system either reaches the end of its useful life or fails in service.
Fair	=	Showing signs of wear and use but still satisfactory as-is, typically near the median of its estimated useful life. Component or system is performing adequately at this time but may exhibit some signs of wear, deferred maintenance, or evidence of previous repairs. Repair or replacement will be required due to the component or system's condition and/or its estimated remaining useful life.
Poor	=	Component or system is significantly aged, flawed, functioning intermittently or unreliably; displays obvious signs of deferred maintenance; shows evidence of previous repair or workmanship not in compliance with commonly accepted standards; has become obsolete; or exhibits an inherent deficiency. The present condition could contribute to or cause the deterioration of contiguous elements or systems. Either full component replacement is needed or repairs are required to restore to good condition, prevent premature failure, and/or prolong useful life.
Failed	=	Component or system has ceased functioning or performing as intended. Replacement, repair, or other significant corrective action is recommended or required.
Not Applicable	=	Assigning a condition does not apply or make logical sense, most commonly due to the item in question not being present.

DEFINITION OF EXCEEDINGLY AGED:

A fairly common scenario encountered during the assessment process, and a frequent source of debate, occurs when classifying and describing "very old" systems or components that are still functioning adequately and do not appear in any way deficient. To help provide some additional intelligence on these items, such components will be tagged in the database as *Exceedingly Aged*. This designation will be reserved for systems or components that have aged well beyond their industry standard lifecycles (typically at least 15 years beyond and/or twice their EUL) but are not otherwise apparently deficient. In tandem with this designation, these items will be assigned an RUL not less than 2 but not greater than 1/3 of their standard EUL. As such the recommended replacement time for these components will reside outside the typical *Immediate Repair* window but will not be pushed 'irresponsibly' (too far) into the future.



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

20.2 Scope

The standard scope of the Facility Condition Assessment includes the following:

- Visit the Property to evaluate the general condition of the building and site improvements, review available construction documents in order to familiarize ourselves with, and be able to comment on, the in-place construction systems, life safety, mechanical, electrical, and plumbing systems, and the general built environment.
- Identify those components that are exhibiting deferred maintenance issues and provide cost estimates for Immediate Costs and Replacement Reserves based on observed conditions, maintenance history and industry standard useful life estimates. This will include the review of documented capital improvements completed within the last five-year period and work currently contracted for, if applicable.
- Provide a full description of the Property with descriptions of in-place systems and commentary on observed conditions.
- Provide a high-level categorical general statement regarding the subject Property's compliance to Title III of the Americans with Disabilities Act. This will not constitute a full ADA survey, but will help identify exposure to issues and the need for further review.
- Obtain background and historical information about the facility from a building engineer, property manager, maintenance staff, or other knowledgeable source. The preferred methodology is to have the client representative or building occupant complete a Pre-Survey Questionnaire (PSQ) in advance of the site visit. Common alternatives include a verbal interview just prior to or during the walk-through portion of the assessment.
- Review maintenance records and procedures with the in-place maintenance personnel.
- Observe a representative sample of the interior spaces/units, including vacant spaces/units, to gain a clear understanding of the property's overall condition. Other areas to be observed include the exterior of the property, the roofs, interior common areas, and the significant mechanical, electrical and elevator equipment rooms.
- Provide recommendations for additional studies, if required, with related budgetary information.
- Provide an Executive Summary at the beginning of this report, which highlights key findings and includes a Facility Condition Index as a basis for comparing the relative conditions of the buildings within the portfolio.

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

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21 ADA Accessibility

Generally, Title III of the Americans with Disabilities Act (ADA) prohibits discrimination by entities to access and use of "areas of public accommodations" and "commercial facilities" on the basis of disability. Regardless of its age, these areas and facilities must be maintained and operated to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Buildings completed and occupied after January 26, 1992 are required to comply fully with the ADAAG. Existing facilities constructed prior to this date are held to the lesser standard of compliance to the extent allowed by structural feasibility and the financial resources available. As an alternative, a reasonable accommodation pertaining to barrier removal must be made.

During the FCA, EMG performed a limited high-level accessibility review of the facility non-specific to any local regulations or codes. The scope of the visual observation was limited to those areas and categories set forth in the tables throughout this report. It is understood by the Client that the limited observations described herein do not comprise a full ADA Compliance Survey, and that such a survey is beyond the scope of EMG's undertaking. Only a representative sample of areas was observed and actual measurements were not taken to verify compliance.

It appears that the restrooms were built between 1960 and 2014. Some, though not all of the restrooms have been subsequently renovated. It is unknown if there have been complaints about accessibility issues or if there have been prior or pending litigation related to existing barriers or previously removed barriers.

An accessibility study has not been performed at the site. A comprehensive ADA Compliance Survey will reveal specific aspects of the property that are not in compliance. Since some areas or categories above were identified as having major or moderate associated issues, EMG recommends such a study be performed to take measurements, provide additional itemized details, research local requirements, and, if necessary, estimate the scope and cost of any required improvements. The cost of this study is included in the cost tables. Due to the lack of measurements and itemized findings at this point in time, the costs for any possible subsequent repairs or improvements are not currently included.

Removal of barriers to accessibility should be addressed from a liability standpoint in order to comply with federal law, but the barriers may or may not be building code violations. The Americans with Disabilities Act Accessibility Guidelines are part of the ADA federal civil rights law pertaining to the disabled and are not a construction code. State and local jurisdictions have adopted the ADA Guidelines or have adopted other standards for accessibility as part of their construction codes.



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

22 Certification

The City of Milpitas (the Client) retained EMG to perform this Facility Condition Assessment in connection with its continued operation of the following restrooms /snack shacks: Thomas Russel Middle School, Foothill Park, Starlight Park, Parc Metro East, Alviso Adobe Park, Jose Higuera Adobe Park, Pinewood Park, Cerano Park, Sinnott Park, Murphy Park, Cardoza Park, Gill Memorial Park, Dixon Landing Park, John McDermott Park, Bob McGuire Park, Augustine Memorial Park, Hall Memorial Park, all are in Milpitas, California, the "Property". It is our understanding that the primary interest of the Client is to locate and evaluate materials and building system defects that might significantly affect the value of the property and to determine if the present Property has conditions that will have a significant impact on its continued operations.

The conclusions and recommendations presented in this report are based on the brief review of the plans and records made available to our Project Manager during the site visit, interviews of available property management personnel and maintenance contractors familiar with the Property, appropriate inquiry of municipal authorities, our Project Manager's walk-through observations during the site visit, and our experience with similar properties.

No testing, exploratory probing, dismantling or operating of equipment or in-depth studies were performed unless specifically required under the *Purpose and Scope* section of this report. This assessment did not include engineering calculations to determine the adequacy of the Property's original design or existing systems. Although walk-through observations were performed, not all areas may have been observed (see Section 1 for specific details). There may be defects in the Property, which were in areas not observed or readily accessible, may not have been visible, or were not disclosed by management personnel when questioned. The report describes property conditions at the time that the observations and research were conducted.

This report has been prepared on behalf of and exclusively for the use of the Client for the purpose stated within the *Purpose and Scope* section of this report. The report, or any excerpt thereof, shall not be used by any party other than the Client or for any other purpose than that specifically stated in our agreement or within the *Purpose and Scope* section of this report without the express written consent of EMG.

Any reuse or distribution of this report without such consent shall be at the Client and the recipient's sole risk, without liability to EMG.

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

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23 Appendices

- Appendix A: Photographic Record
- Appendix B: Replacement Reserves



FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

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Appendix A: Photographic Record

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017	
	#1	DIXON LANDING	
	#2	DIXON LANDING	
	#3	DIXON LANDING	
	#4	DIXON LANDING KITCHEN COUNTER	
	#5	DIXON LANDING TOILET PARTITIONS,	
	#6	DIXON LANDING WATER HEATER, ELECTRIC	

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS

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#7

RUSSELL MIDDLE RESTROOM,
EXTERIOR



#8

RUSSELL MIDDLE, ROTTING
EXTERIOR SIDING



#9

RUSSELL MIDDLE RESTROOM
EXTERIOR STEEL DOOR



#10

RUSSELL MIDDLE RESTROOM
TOILET PARTITIONS



#11

RUSSELL MIDDLE RESTROOM,
HEATER



#12

RUSSELL MIDDLE RESTROOM,
WATER HEATER

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017	
	#13	RUSSELL SECONDARY TRANSFORMER	
	#14	RUSSELL MIDDLE RESTROOM, DISTRIBUTION PANEL, 208 Y, 120 V, 100 AMP	
	#15	CARDOZA, EXTERIOR	
	#16	CARDOZA ROOF, MODIFIED BITUMINOUS	
	#17	CARDOZA PARK RESTROOMS - HAND DRYER	
	#18	CARDOZA PARK RESTROOMS	
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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS

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#19 AUGUSTINE REAR ELEVATION



#20 AUGUSTINE PARK RESTROOM



#21 DETERIORATION AT AUGUSTINE



#22 AUGUSTINE, SINK



#23 AUGUSTINE DISTRIBUTION
PANEL, 208 Y, 120 V, 100 AMP,



#24 AUGUSTINE DRINKING
FOUNTAIN, DAMAGED

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS

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#25 AUGUSTINE PLUMBING



#26 AUGUSTINE LIGHT DIMMING
PANEL



#27 AUGUSTINE, GATES, METAL
TUBE



#28 GILL MEMORIAL PARK



#29 GILL, DAMAGED RAFTER TAILS



#30 GILL, FLOOR COVERING

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS

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#31 GILL, LIGHT DIMMING PANELS



#32 GILL, SWITCHBOARD



#33 JOSE HIGUERA FRONT ELEVATION



#34 JOSE HIGUERA INTERIOR WALL FINISH



#35 JOSE HIGUERA RESTROOM



#36 JOSE HIGUERA, CEILING

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017	
	#37	JOSE HIGUERA, EXTERIOR LIGHTING	
	#39	STARLIGHT PARK RESTROOM	
	#41	STARLIGHT	
		www.EMGcorp.com p 800.733.0660 	

FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017	
	#43	JOHN MCDERMOTT, EXTERIOR	
	#44	JOHN MCDERMOTT, SINK	
	#45	JOHN MCDERMOTT, DISTRIBUTION PANEL	
	#46	JOHN MCDERMOTT, INTERIOR LIGHTING	
	#47	HALL MEMORIAL, EXTERIOR	
	#48	HALL MEMORIAL EXTERIOR DOOR	
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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017	
	#49	HALL MEMORIAL PARK, FASCIA DAMAGE	
	#51	PARC METRO EAST, FRONT AND RIGHT ELEVATION	
	#53	PARC METRO EAST, MANY DAMAGED ROOF TILES	
	#50	HALL MEMORIAL, SINK/LAVATORY, STAINLESS STEEL	
	#52	METRO PARC EAST, LEFT AND REAR ELEVATION	
	#54	PARC METRO EAST, TANKLESS TOILET	
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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS		EMG PROJECT NO.: 131644.18R000-017.017	
	#55	BOB MCGUIRE PARK RESTROOM	
	#56	BOB MCGUIRE RESTROOM	
	#57	BOB MCGUIRE PARK TOILET PARTITIONS	
	#58	BOB MCGUIRE PARK, STAINED CONCRETE	
	#59	PINEWOOD PARK RESTROOM FRONT AND LEFT ELEVATION	
	#60	PINEWOOD, WATER FOUNTAIN	

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS

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#61 PINEWOOD SINK



#62 PINEWOOD EPOXY FLOOR
COATING DEGRADATION



#63 FOOTHILL PARK RESTROOM



#64 FOOTHILL PARK TOILET



#65 FOOTHILL PARK, STRUCTURAL
CRACK



#66 MURPHY PARK RESTROOM

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS - SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017



#67 MURPHY PARK ROOF



#68 CERANO PARK RESTROOM



#69 CERANO PARK REAR ELEVATION



#70 SINNOTT PARK RESTROOM



#71 SINNOTT PARK ROOF, MODIFIED BITUMINOUS



#72 SINNOTT DISTRIBUTION PANEL

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FACILITY CONDITION ASSESSMENT

PARK RESTROOMS AND SNACK SHACKS

EMG PROJECT NO.: 131644.18R000-017.017

**Appendix B:
Replacement Reserves**

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FACILITY CONDITION ASSESSMENT

1440

FACILITY CONDITION ASSESSMENT

Uniform Code/Location/Description	Cost Description	LifeSpan (Est.)	Age	RU	Quantity/Unit	Unit Cost	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	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FACILITY CONDITION ASSESSMENT

Unknown Condition		Cost Description		LifeSpan (EUE/AGE)		RUL		Quantity		Unit Cost		W/Markup Subtotal		2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039	3040	3041	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3052	3053	3054	3055	3056	3057	3058	3059	3060	3061	3062	3063	3064	3065	3066	3067	3068	3069	3070	3071	3072	3073	3074	3075	3076	3077	3078	3079	3080	3081	3082	3083	3084	3085	3086	3087	3088	3089	3090	3091	3092	3093	3094	3095	3096	3097	3098	3099	3100	3101	3102	3103	3104	3105	3106	3107	3108	3109	3110	3111	3112	3113	3114	3115	3116	3117	3118	3119	3120	3121	3122	3123	3124	3125	3126	3127	3128	3129	3130	3131	3132	3133	3134	3135	3136	3137	3138	3139	3140	3141	3142	3143	3144	3145	3146	3147	3148	3149	3150	3151	3152	3153	3154	3155	3156	3157	3158	3159	3160	3161	3162	3163	3164	3165	3166	3167	3168	3169	3170	3171	3172	3173	3174	3175	3176	3177	3178	3179	3180	3181	3182	3183	3184	3185	3186	3187	3188	3189	3190	3191	3192	3193	3194	3195	3196	3197	3198	3199	3200	3201	3202	3203	3204	3205	3206	3207	3208	3209	3210	3211	3212	3213	3214	3215	3216	3217	3218	3219	3220	3221	3222	3223	3224	3225	3226	3227	3228	3229	3230	3231	3232	3233	3234	3235	3236	3237	3238	3239	3240	3241	3242	3243	3244	3245	3246	3247	3248	3249	3250	3251	3252	3253	3254	3255	3256	3257	3258	3259	3260	3261	3262	3263	3264	3265	3266	3267	3268	3269	3270	3271	3272	3273	3274	3275	3276	3277	3278	3279	3280	3281	3282	3283	3284	3285	3286	3287	3288	3289	3290	3291	3292	3293	3294	3295	3296	3297	3298	3299	3300	3301	3302	3303	3304	3305	3306	3307	3308	3309	3310	3311	3312	3313	3314	3315	3316	3317	3318	3319	3320	3321	3322	3323	3324	3325	3326	3327	3328	3329	3330	3331	3332	3333	3334	3335	3336	3337	3338	3339	3340	3341	3342	3343	3344	3345	3346	3347	3348	3349	3350	3351	3352	3353	3354	3355	3356	3357	3358	3359	3360	3361	3362
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FACILITY CONDITION ASSESSMENT

Park Regions - Stock Shade - Hal Memorial Park		LifeSpan (E/L) Age		RUL		Unit Cost w/ Markup /Subtotal		2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039	3040	3041	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3052	3053	3054	3055	3056	3057	3058	3059	3060	3061	3062	3063	3064	3065	3066	3067	3068	3069	3070	3071	3072	3073	3074	3075	3076	3077	3078	3079	3080	3081	3082	3083	3084	3085	3086	3087	3088	3089	3090	3091	3092	3093	3094	3095	3096	3097	3098	3099	3100	3101	3102	3103	3104	3105	3106	3107	3108	3109	3110	3111	3112	3113	3114	3115	3116	3117	3118	3119	3120	3121	3122	3123	3124	3125	3126	3127	3128	3129	3130	3131	3132	3133	3134	3135	3136	3137	3138	3139	3140	3141	3142	3143	3144	3145	3146	3147	3148	3149	3150	3151	3152	3153	3154	3155	3156	3157	3158	3159	3160	3161	3162	3163	3164	3165	3166	3167	3168	3169	3170	3171	3172	3173	3174	3175	3176	3177	3178	3179	3180	3181	3182	3183	3184	3185	3186	3187	3188	3189	3190	3191	3192	3193	3194	3195	3196	3197	3198	3199	3200	3201	3202	3203	3204	3205	3206	3207	3208	3209	3210	3211	3212	3213	3214	3215	3216	3217	3218	3219	3220	3221	3222	3223	3224	3225	3226	3227	3228	3229	3230	3231	3232	3233	3234	3235	3236	3237	3238	3239	3240	3241	3242	3243	3244	3245	3246	3247	3248	3249	3250	3251	3252	3253	3254	3255	3256	3257	3258	3259	3260	3261	3262	3263	3264	3265	3266	3267	3268	3269	3270	3271	3272	3273	3274	3275	3276	3277	3278	3279	3280	3281	3282	3283	3284	3285	3286	3287	3288	3289	3290	3291	3292	3293	3294	3295	3296	3297	3298	3299	3300	3301	3302	3303	3304	3305	3306	3307	3308	3309	3310	3311	3312	3313	3314	3315	3316	3317	3318	3319	3320	3321	3322	3323	3324	3325	3326	3327	3328	3329	3330	3331	3332	3333	3334	3335	3336	3337	3338	3339	3340	3341	3342	3343	3344	3345	3346	3347	3348	3349	3350	3351	3352	3353	3354	3355	3356	3357	3358	3359	3360	3361	3362	3363	3364	3365	3366	3367	3368	336
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FACILITY CONDITION ASSESSMENT

Uniform Cost/Location DescriptionID		Cost Description		Lifespan (BLL/EAGE)		RUL		Quantity/ft		Unit Cost w/ Markup/Subtotal		2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	301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FACILITY CONDITION ASSESSMENT

Uniform Code Location/Description	ID	Cost Description	Lifespan (EUL/yr)	RUL	Quantity	Unit Cost	Warranty	Subtotal	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	30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FACILITY CONDITION ASSESSMENT

Uniform Code Location Description ID	Cost Description	LifeSpan (Yr)	Page	RUL	Quantity/Unit	Unit Cost	w/Markup Subtotal	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3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PUBLIC WORKS O&M COSTS

In this section you will find past work order costs for maintenance and operations for Milpitas parks. These values were used in determining the estimated costs of improvements outlined in the Goals and Recommendations and Implementation chapters.

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PUBLIC WORKS O&M COSTS

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PARKS PRICE TABLE

Name	Maintenance Services Price Per Month	Irrigation Price Per Month	Landscaping Per Month	Annual Lump Sum
Alviso Adobe	\$2,821.32	\$270.00	\$3,091.32	\$37,095.87
Augustine Memorial Park	\$ 3,354.45	\$ 341.26	\$ 3,695.71	\$44,348.51
Augustus Rathbone	\$1,434.60	\$11.38	\$1,445.98	\$17,351.76
Ben Rogers Park	\$4,654.03	\$485.23	\$5,139.26	\$61,671.15
Bob McGuire Park	\$5,440.97	\$287.48	\$5,728.45	\$68,741.40
Calaveras Ridge Park	\$1,279.70	\$ 0.00	\$1,279.70	\$15,356.35
Calle Oriente Mini-Park	\$228.93	\$19.90	\$248.83	\$2,986.00
Cardoza Park	\$ 6,540.88	\$ 568.77	\$ 7,109.66	\$ 85,315.89
Cerano Park	\$ 1,530.24	\$ 200.00	\$ 1,730.24	\$ 20,762.88
Creighton Park	\$ 2,603.00	\$ 284.38	\$ 2,887.38	\$ 34,648.59
Dixon Landing Park	\$ 6,407.75	\$ 625.65	\$ 7,033.40	\$ 84,400.81
Dog Park at Ed Levin (Milpitas Muni Code V-9-7.01)	\$ 1,026.92	\$ 89.30	\$ 1,116.22	\$ 13,394.66
Foothill Park	\$ 1,973.20	\$ 205.66	\$ 2,178.85	\$ 26,146.24

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PUBLIC WORKS O&M COSTS

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Gill Memorial Park	\$ 4,917.20	\$ 460.70	\$ 5,377.90	\$ 64,534.83
Hall Memorial Park	\$ 5,436.85	\$ 595.43	\$ 6,032.28	\$ 72,387.38
Hetch-Hetchy Linear Park	\$ 3,922.96	\$ 423.74	\$ 4,346.70	\$ 52,160.36
Hidden Lake Park	\$ 3,871.25	\$ 369.70	\$ 4,240.95	\$ 50,891.42
Higuera Adobe Park	\$ 3,597.48	\$ 309.98	\$ 3,907.45	\$ 46,889.45
Hillcrest Park	\$ 3,733.76	\$ 295.76	\$ 4,029.52	\$ 48,354.24
John McDermott Park	\$ 1,243.32	\$ 56.88	\$ 1,300.20	\$ 15,602.40
Jones Memorial Park	\$ 3,068.76	\$ 295.76	\$ 3,364.52	\$ 40,374.24
Milpitas Sports Center	\$ 9,975.00	\$ 1,156.31	\$ 11,131.31	\$ 133,575.74
Murphy Park	\$ 4,275.00	\$ 494.84	\$ 4,769.84	\$ 57,238.03
O'Toole Elms Park	\$ 3,465.89	\$ 59.90	\$ 3,525.79	\$ 42,309.48
Parc Metro East Park	\$ 4,289.40	\$ 123.33	\$ 4,412.73	\$ 52,952.76
Parc Metro Middle (Central) Park	\$ 1,935.02	\$ 34.73	\$ 1,969.75	\$ 23,637.00
Parc Metro West Park	\$ 2,200.41	\$ 58.67	\$ 2,259.08	\$ 27,108.96

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PUBLIC WORKS O&M COSTS

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Pecot Park	\$ 1,962.26	\$ 170.63	\$ 2,132.89	\$ 25,594.71
Pinewood Park	\$4,759.50	\$455.02	\$5,214.52	\$ 62,574.26
Robert E. Browne Park	\$ 3,224.65	\$ 280.40	\$ 3,505.05	\$ 42,060.64
Russel Middle School Softball Field	\$ 2,955.83	\$ 447.05	\$ 3,402.88	\$ 40,834.57
Sandalwood Park	\$ 2,289.31	\$ 199.07	\$ 2,488.38	\$ 29,860.59
Selwyn Park	\$ 163.52	\$ 14.22	\$ 177.75	\$ 2,132.94
Sinnott Park	\$ 2,090.00	\$ 267.32	\$ 2,357.32	\$ 28,287.85
Starlite Park	\$ 1,973.20	\$ 205.66	\$ 2,178.85	\$ 26,146.24
Strickroth Park	\$ 2,755.00	\$ 324.20	\$ 3,079.20	\$ 36,950.36
Tom Evatt Park	\$ 5,258.14	\$ 326.89	\$ 5,585.03	\$ 67,020.36

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PUBLIC WORKS O&M COSTS

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Future Park Pricing

Job Duties	Frequency	Unit of Measure	Cost Per unit of Measure
1) Mowing and edging	weekly	Square Foot	\$.04 per month
2) Weed control	twice annually and as needed	Square Foot	\$.01 per month
3) Mechanical weed control	as needed	Square Foot	\$.05 per month
4) Pruning shrubs and ground cover	Twice annually and as needed	Square Foot	\$.02 per month
5) Fertilizing and Aeration	2 to 4 times annually depending on the park or athletic field	Square Foot	\$.04 per month
6) Empty trash cans	twice weekly and as needed	Per Trash Can	\$17.33 per can per month
7) Remove trash & misc. debris from landscape	weekly and as needed	Square Foot	\$.01 per month
8) Inspect, adjust and repair irrigation system	weekly and as needed	Per Hour	\$75.00 per hour
9) Restroom service: opening, closing cleaning, repair and restocking	daily	Per Restroom	\$653.00 per month
10) Playground inspection reports per U.S. CPSC requirements	weekly	Per Structure	\$133.00 per structure
11) Playground inspection	weekly and as needed	Per Structure	\$257.00 per structure per inspection
12) Athletic field maintenance	daily/weekly	Square Foot	\$.05 per month
13) Parking lot cleaning	weekly and as needed	Square Foot	\$.01 per month
14) Vandalism reports	as needed	Per Location	\$737.00 per month all locations
15) Graffiti Maintenance	as needed	Square Foot	\$1.50 per sq ft of graffiti area
16) Herbicide application	seasonally	Square Foot	\$.01 per month
17) Clean and repair drinking fountains	as needed	Per Unit	\$485.00 per unit per repair/\$22.50 per unit for cleaning if clogged
18) General Park Maintenance	as needed	Square Foot	\$.01 per month
19) Tennis and basketball court cleaning	weekly	Square Foot	\$.01 per month
20) Dog park	twice weekly	Per Location	\$262.60 per service

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PUBLIC WORKS O&M COSTS

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On-Call Pricing

Labor Item No.	Description/Title	Regular Hourly Rate	Overtime Weekday Rate	Overtime Weekend Rate	Overtime Holiday Hourly Rate
	Crew Supervisor	\$85.00	\$127.50	\$127.50	\$170.00
	Crew Foreman	\$55.00	\$82.50	\$82.50	\$110.00
	Irrigation Technician	\$75.00	\$112.50	\$112.50	150.00
	Landscape Maintenance Laborer	\$45.00	\$67.50	\$67.50	\$90.00
	Mark-up percentage off Contractors verified invoice cost for materials	10%	10%	10%	10%
	Markup percentage for rented equipment	10%	10%	10%	10%

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CHAPTER 7: APPENDIX

PUBLIC WORKS O&M COSTS

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Future Park Pricing

Job Duties	Frequency	Unit of Measure	Cost Per unit of Measure
1) Mowing and edging	weekly	Square Foot	\$.04 per month
2) Weed control	twice annually and as needed	Square Foot	\$.01 per month
3) Mechanical weed control	as needed	Square Foot	\$.05 per month
4) Pruning shrubs and ground cover	Twice annually and as needed	Square Foot	\$.02 per month
5) Fertilizing and Aeration	2 to 4 times annually depending on the park or athletic field	Square Foot	\$.04 per month
6) Empty trash cans	twice weekly and as needed	Per Trash Can	\$17.33 per can per month
7) Remove trash & misc. debris from landscape	weekly and as needed	Square Foot	\$.01 per month
8) Inspect, adjust and repair irrigation system	weekly and as needed	Per Hour	\$75.00 per hour
9) Restroom service: opening, closing cleaning, repair and restocking	daily	Per Restroom	\$653.00 per month
10) Playground inspection reports per U.S. CPSC requirements	weekly	Per Structure	\$133.00 per structure
11) Playground inspection	weekly and as needed	Per Structure	\$257.00 per structure per inspection
12) Athletic field maintenance	daily/weekly	Square Foot	\$.05 per month
13) Parking lot cleaning	weekly and as needed	Square Foot	\$.01 per month
14) Vandalism reports	as needed	Per Location	\$737.00 per month all locations
15) Graffiti Maintenance	as needed	Square Foot	\$1.50 per sq ft of graffiti area
16) Herbicide application	seasonally	Square Foot	\$.01 per month
17) Clean and repair drinking fountains	as needed	Per Unit	\$485.00 per unit per repair/\$22.50 per unit for cleaning if clogged
18) General Park Maintenance	as needed	Square Foot	\$.01 per month
19) Tennis and basketball court cleaning	weekly	Square Foot	\$.01 per month
20) Dog park	twice weekly	Per Location	\$262.60 per service

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MILPITAS PLAYGROUND REHABILITATION PROJECT

This section includes the descriptions and statuses of playground rehabilitation projects at various Milpitas parks. This document was prepared by Redwood Engineering Construction in November 2020.

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MILPITAS PLAYGROUND REHABILITATION PROJECT

Redwood Engineering Construction

Milpitas Playground Rehabilitation Project

City of Milpitas

MONTHLY PROGRESS STATUS

Description	Project Status
STATUS OF PHASE 1 PARKS	
Phase 1 - Ben Rodgers Park	COMPLETED
Remove and dispose the existing sand and replace it with Engineered Wood Fiber (EWF) as described in the specifications and shown on the plans	COMPLETED
Remove and dispose the existing Little Tikes Composite Structure Equipment for 5-12 yrs. age group and replace it with a new Composite Structure Equipment with new and similar equipment	COMPLETED
a. Remove and dispose the following existing Ground Elements: Swings by Little Tikes Replace it with a new and similar equipment.	COMPLETED
b. Remove and dispose the following existing Ground Elements: Free Standing Climber by Gametime Replace it with a new and similar equipment.	COMPLETED
Change Order Work - Removal of New EWF and Replace with new Poured - In - Place Rubber surfacing in the six foot fall zone of the newly installed Climber and Composite Structure Equipment (Does not apply to Swings)	COMPLETED
Change Order Work - Purchase and Installation of new Daisy Rocker	COMPLETED
Site restoration and clean-up	COMPLETED
Phase 1 - Community Center Playground Area	COMPLETED
Remove and dispose the existing, Poured-in-Place (PIP) Synthetic Safety Surface and install new Poured-in-Place Synthetic Safety Surface as described in the specifications and shown on the plans	COMPLETED
Site restoration and clean-up	COMPLETED
Phase 1 - Foothill Park	COMPLETED, PENDING ASPHALT RESEAL
Remove and dispose the existing sand from the 5-12 yrs., and 2-5 yrs. playground areas and replace it with Engineered Wood Fiber (EWF) as described in the specifications and shown on the plans	COMPLETED
Remove and dispose the existing PIP, Poured-in-Place Synthetic Safety Surface from the two play areas, and install new PIP as described in the specifications and shown on the plans	COMPLETED
Remove and dispose the following existing Composite Structure Equipment from the 5-12 yrs. age group Replace the entire Composite Structure Equipment including complete installation at the same	COMPLETED
Remove and dispose the following existing Composite Structure Equipment from the 2- 5 yrs. old playground area: Replace the entire Composite Structure Equipment including complete installation at the same location	COMPLETED
Slurry Seal the access road to the play area per the specification	COMPLETED
Change Order Work - Removal of New EWF and Replace with new Poured - In - Place Rubber surfacing in the six foot fall zone of the newly installed Play Equipment	COMPLETED
Site restoration and clean-up	COMPLETED
Phase 1 - Oliver Jones Memorial Park	COMPLETED
Remove and dispose the existing sand from the 2-5 yrs. play area and it replace with Engineered Wood Fiber (EWF) per specification.	COMPLETED
Remove and dispose the existing Little Tikes Composite Structure Equipment for 2-5 yrs. age group and replace it with a new Composite Structure Equipment with new playground equipment	COMPLETED
Remove and dispose the existing Swings by Landscape Structures and replace it a new single bay of swings with 2-bucket style seats for 2-5 yrs. olds.	COMPLETED
Remove and dispose the existing sand from the 5-12 yrs. play area and it replace with Engineered Wood Fiber (EWF) per specification	COMPLETED
Remove and dispose the existing Little Tikes Composite Structure Equipment for 5-12 yrs. age group consisting and replace it with a new Composite Structure Equipment with the following:	COMPLETED
Change Order Work - Removal of New EWF and Replace with new Poured - In - Place Rubber surfacing in the six foot fall zone of the newly installed Climber and Composite Structure Equipment	COMPLETED
Site restoration and clean-up	COMPLETED

MILPITAS PLAYGROUND REHABILITATION PROJECT

Redwood Engineering Construction

Milpitas Playground Rehabilitation Project

City of Milpitas

MONTHLY PROGRESS STATUS

STATUS OF PHASE 2 PARKS	
Description	Project Status
Phase 2 - Calle Oriente Park	COMPLETED WEEK ENDING AUGUST 6, 2021
Repair the existing PIP, Poured-in-Place Synthetic Safety Surface as described in the specifications and shown on the plans. Color to match the existing PIP color.	COMPLETED
Roll Coat the entire existing PIP play area. Color to match the existing PIP color.	COMPLETED
Remove the Alligator Bench from Ground Equipment Area.	COMPLETED
Site restoration and clean-up	COMPLETED
Phase 2 - Cardoza Park	COMPLETED
Remove and dispose the following existing Adventure Playground System Composite Structure Equipment for 5-12 yrs. age group.	COMPLETED
Replace each of these with new equipment and install them at the same locations.	COMPLETED
After removal of the existing and installation of the new Composite Structure Equipment, repair the existing PIP surface for 5-12 yr. old and 2-5 yr. old play areas. Color of repaired surface to match the existing color.	COMPLETED
Roll coat the existing PIP surface for 5-12 yr. old and 2-5 yr. old play areas. Color of repaired surface to match the existing color.	COMPLETED
Site restoration and clean-up	COMPLETED
Phase 2 - Dixon Landing Park	COMPLETED
Remove and dispose the existing PIP, Poured-in-Place Synthetic Safety Surface, and replace it with new PIP, Poured-in-Place Synthetic Safety Surface as described in the specifications and shown on the plans	COMPLETED
Remove and dispose the existing sand and replace it with Engineered Wood Fiber (EWF) as described in the specifications and shown on the plans	COMPLETED
Change Order Work - Removal of New EWF and Replace with new Poured - In - Place Rubber surfacing in the six foot fall zone of the existing play equipment	COMPLETED
Site restoration and clean-up	COMPLETED
Phase 2 - Hillcrest Park	COMPLETED
Remove and dispose the existing Engineered Wood Fiber from the playground areas and replace it with new Engineered Wood Fiber (EWF) as described in the specifications and shown on the plans	COMPLETED
Remove and dispose the following existing Miracle Large Composite Structure Equipment from the 5-12 yrs. old playground area:	COMPLETED
Replace the entire Large Composite Structure Equipment including complete installation of equipment.	COMPLETED
Remove and dispose the following existing Small Composite Structure Equipment from the 2- 5 yrs. old playground area:	COMPLETED
replace the entire Small Composite Structure Equipment including complete installation of equipment.	COMPLETED
Change Order Work - Removal of New EWF and Replace with new Poured - In - Place Rubber surfacing in the six foot fall zone of the newly installed Play Equipment	COMPLETED
Site restoration and clean-up	COMPLETED
STATUS OF PHASE 3 PARKS	
Phase 3 - Augustine Memorial Park	TO BE SCHEDULED IN 2021, Pending Funding Availability
2-5 yrs. Play Area - Remove and dispose the existing sand and replace it with Engineered Wood Fiber (EWF).	TO BE SCHEDULED IN 2021
2-5 yrs. Play Area - Remove and dispose the existing Poured-in-Place (PIP), Synthetic Safety Surface from and install new PIP Surface as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
2-5 yrs. Play Area - Remove and dispose the existing 160 lf. of GI chain-link fence in 2-5 yr. play area, and replace it with a new vinyl coated steel chain-link fence per the specification and in compliant with ASTM 2049-11 (2017)	TO BE SCHEDULED IN 2021
5-12 yrs. Play Area - Remove and dispose the existing Poured-in-Place (PIP), Synthetic Safety Surface and install new PIP Surface as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
5-12 yrs. Play Area - Remove and dispose the existing Free Standing Slide and Sliding Pole and replace it with a new Free Standing Slide only.	TO BE SCHEDULED IN 2021
5-12 yrs. Play Area - Remove and dispose the existing Chin Up Bar from the Composite Structure area and replace it with a new free standing Chin Up Bar in another location of the play area that does not interfere with other fall zones.	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021
Phase 3 - Cerano Park	TO BE SCHEDULED IN 2021, Pending Funding Availability
Remove and dispose the existing PIP, Poured-in-Place Synthetic Safety Surface and install new PIP as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Remove and dispose the existing Net Climber from the 2-5 yr. old Composite Structure Equipment , and replace it with new sway net by Kompan	TO BE SCHEDULED IN 2021
Remove and dispose the existing Double Slide from the 2-5 yr. old Composite Structure Equipment , and replace it with new Double Plastic Slide by Kompan	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021

MILPITAS PLAYGROUND REHABILITATION PROJECT

Redwood Engineering Construction**Milpitas Playground Rehabilitation Project****City of Milpitas****MONTHLY PROGRESS STATUS**

Description	Project Status
Phase 3 - John McDermott Park	TO BE SCHEDULED IN 2021, Pending Funding Availability
Remove and dispose the existing Engineered Wood Fiber (EWF) from 5-12 yrs. (1160 SF), and 2-5 yrs. (500 SF) play areas and install new EWF as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Repair the damaged sections of the existing PIP surface and edges. Color of repaired surface to match the existing color.	TO BE SCHEDULED IN 2021
Roll coat the entire existing PIP surface. Color of surface to match the existing color	TO BE SCHEDULED IN 2021
Remove and dispose the existing Gametime Slide from the Composite Structure Equipment 5-12 yrs. play area, and replace it with a new Gametime Swerve Slide, or equal	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021
Phase 3 - O'Toole Elms Park	TO BE SCHEDULED IN 2021, Pending Funding Availability
2-5 yr. old play area: Repair the damaged sections of the existing Poured-in Place (PIP) Surface and the edges. and roll coat per specification. Color of repaired PIP to match the existing PIP.	TO BE SCHEDULED IN 2021
Roll coat the existing Poured-in Place (PIP) surface for the 2-5 yr. old and 5-12 yr. old play areas. Color to match the existing PIP surface	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021
Phase 3 - Pinewood Park	TO BE SCHEDULED IN 2021
Remove and dispose the existing Poured-in-Place (PIP) Surface from 2-5 yrs. old play area, and install new PIP, as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Remove and dispose the existing PIP, Poured-in-Place Synthetic Safety Surface from 5-12 yr. old play area and install new PIP, as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Remove and dispose the existing EWF from 2-5 yr. old play area and install new EWF, as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Remove and dispose the existing EWF from 5-12 yr. old play area and install new EWF, as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Remove and dispose the following existing Composite Structure Equipment from 5-12 old play area, and replace and install new structures	TO BE SCHEDULED IN 2021
Remove and dispose the following existing Composite Structure Equipment from 5-12 old play area, and replace and install new structures	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021
Phase 3 - Selewynne Park	TO BE SCHEDULED IN 2021, Pending Funding Availability
Remove and dispose a) Barriers and b) Tower Climber (Chimney Climber) from the existing Composite Structure Equipment and replace and install a new Barrier and a Tower Climber: Barrier	TO BE SCHEDULED IN 2021
Remove and dispose a) Barriers and b) Tower Climber (Chimney Climber) from the existing Composite Structure Equipment and replace and install a new Barrier and a Tower Climber: Tower Climber	TO BE SCHEDULED IN 2021
Repair the damaged sections of the existing PIP surface and edges. Color of repaired surface to match the existing color.	TO BE SCHEDULED IN 2021
Roll coat the entire existing PIP surface. Color of surface to match the existing color.	TO BE SCHEDULED IN 2021
Remove and dispose the existing sand and replace it with Engineered Wood Fiber as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021
Phase 3 - Tom Evatt Park	TO BE SCHEDULED IN 2021, Pending Funding Availability
Remove and dispose the existing, Poured-in-Place (PIP) Synthetic Safety Surface and install new Poured-in-Place Synthetic Safety Surface as described in the specifications and shown on the plans	TO BE SCHEDULED IN 2021
Remove and dispose the following play equipment from the Play Structure: a) Diagonal Saucer Rope Climber b) Rocking Seat West No replacements necessary	TO BE SCHEDULED IN 2021
Site restoration and clean-up	TO BE SCHEDULED IN 2021

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JOINT USE AGREEMENT (JUA) OPEN SPACE DOCUMENT

This section includes the Joint Use Agreement (JUA) for Open Space, between the City of Milpitas and Milpitas Unified School District (MUSD). This 10-year agreement was approved and authorized by the City Manager on June 21, 2021.

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JUA OPEN SPACE DOCUMENT



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute the Master Joint Use Agreement for Open Space with the Milpitas Unified School District
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	6/21/2021
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Approve and Authorize the City Manager to Execute the Master Open Space Joint Use Agreement with the Milpitas Unified School District

Background:

The City of Milpitas and the Milpitas Unified School District (MUSD) have a long-established history beginning in 1988 of agreed joint mutual use of each agency's open space, including but not limited to fields, parks, and courts. This type of partnership maximizes available outdoor spaces in benefit of Milpitas residents through the provision of quality outdoor learning, sports, recreation, physical education, and event spaces. Over the last 33 years, several iterations of joint use agreements have been implemented, adding and removing certain properties due to the addition of new public open spaces, new schools, changing community interests, and evolving programming and/or curriculum. The most recent joint use agreement for general open space was approved in 2015. Special area joint use agreements for the Russell Bobbysox fields and the McCandless Park/Mattos School were approved in 2010 and 2021 respectively.

In 2020, the MUSD requested an amendment to the Russell Bobby Sox Fields Joint Use Agreement, in anticipation for Bond Project work at the athletic fields at Russell Middle School. The planned renovation of the Russell Middle School site would result in the renovation of the field grounds which currently includes four (4) softball fields, a track, a multi-use field, and two (2) regulation softball fields, and the demolition of the snack shack. Project construction at the school site is starting in late June 2021.

At the August 4, 2020 City Council meeting, Council directed staff to find an alternative location for girls softball programs in Milpitas so that they could consider an amendment to the joint use agreement knowing an alternative location was identified. At the February 11, 2021 City Council meeting, City Council adopted the 2022-2026 Capital Improvement Program Plan which includes a new project for Softball Fields at Cardoza Park; however, a funding source still needs to be identified for this project with an estimated cost of \$5 million. Therefore, in the interim, the girls' softball program will continue at Dixon Landing Park.

Analysis:

In response to the Council direction received on August 4, 2020 and the extended amount of time since the last general open space joint use agreement was reviewed and approved, representatives from the City of Milpitas and MUSD began meeting in spring of 2021 to discuss the Master Joint Use Agreement (JUA) for Open Space. The purpose of this JUA is to memorialize the mutual use of each agency's open space, including but not limited to fields, parks, and courts. This type of partnership maximizes available outdoor spaces in benefit of Milpitas residents through the provision of quality outdoor learning, sports, recreation, physical education, and event spaces. There are over 277 acres and 48 open space City and District properties included in the Open Space JUA.

JUA OPEN SPACE DOCUMENT

The agreement terms reflect the current practice for use of each agency's open space. It is structured to provide general terms of access including coordination and scheduling to each agency's properties, with supporting exhibits for properties, as applicable, noting special uses outside of the Open Space JUA's general terms.

Agreement Term

The term of the agreement is approximately ten (10) years starting on the date of full execution until December 31, 2031. The JUA would continue from year to year unless terminated earlier by one or both of the agencies. Subject to the dispute resolution procedures outlined in the agreement, either party could terminate the agreement if 1) there was a breach in the agreement, and the alleged breaching agency could not fix the issue within ten (10) days, or 2) if unforeseen circumstances such as unfavorable financial conditions, unforeseen loss of revenue or funding, or an unforeseen need for the exclusive use of a facility or site. Termination for unforeseen circumstances requires a one (1) year written notice to the other party.

Access and Mutual Use

Per the agreement's general terms, each agency retains the priority use of their own properties. The MUSD would have use of City open space properties outside of any scheduled City programmed use or recreation programs, City staff classes, activities, exercises or functions, or previously permitted use by private parties or other agencies. The City would have use of MUSD open space when such use does not conflict with the MUSD's use, such as any time when school is not in session, which is typically the months of mid- August through early June after 4:00 PM for elementary schools and 6:30 PM for middle and high schools (including Summer School, which varies in location and hours depending on District student needs), on weekends, and after any scheduled MUSD special program use, or previously permitted use by private parties or other agencies.

Exhibits

For JUA properties that currently have special mutual uses, separate exhibits describe terms outside of the general agreement terms. These locations and their existing special uses are summarized below:

City Properties:

Cardoza Park Softball Field

- Captures existing Calaveras Hills Highschool use of Cardoza Park Softball field for school team sports and other student sports activities

Gill Park Softball Field

- Captures existing Calaveras Hills Highschool use of Gill Park Softball field for school team sports and other student sports activities
- Identified SFPUC Easement

Milpitas Sports Center Turf Fields

- Captures Calaveras Hills Highschool use of Milpitas Sports Center fields field for school team sports and other student sports activities
- Allows for after hours use of the fields for the annual Calaveras Hills Highschool Graduation ceremony, free of use fees

MUSD Properties:

Cesar Chavez Community Garden

- Captures existing Community Garden infrastructure as installed by the City
- Defines garden access hours and trail access hours
- Defines responsibility of City maintenance, and improvements to garden, trail and paved access roads, metered electric and utilities for field lighting and irrigation
- Identifies three (3) garden plots for Weller Elementary and Sunnyhills Preschool outdoor learning
- Identifies SFPUC Easement

Curtner Elementary School Field

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JUA OPEN SPACE DOCUMENT

- Captures existing youth soccer field use and City installed lighting and water utility infrastructure
- Defines maintenance on MUSD property by City
- Defines cost share through City maintenance, metered electric and utilities for field lighting and irrigation
- Identifies PG&E Easement

Rancho Middle School Trail Access Path

- Captures City improvement of a Trail access path on the property
- Defines public access hours to trail access path
- Defines maintenance and improvements of trail access path on MUSD property by City

Russell Middle School Softball Fields

- Captures MUSD-led changes to the existing JUA area
- Approves the demolition of the existing snack shack (City property) to allow for the new field renovations
- Commits City and MUSD staff to meet annually in 2022 and 2023 to monitor needed softball program field access and subsequently any future cost sharing discussions for the maintenance and utilities costs resulting from significant softball program use.

Other significant terms in the Open Space JUA's include the days and hours of use, ancillary fees, existing 3rd party easements on JUA properties (i.e. SFPUC), maintenance and repairs, site improvements, insurance, and agreement terminations and related notifications.

Next Steps:

Following the approval of the Open Space JUA, City and MUSD staff will continue discussions to incorporate the responsibility for maintenance and repair of existing pathways along parks and schools as a future amendment to the recommended Open Space JUA. Additionally, both agencies will convene to develop a Master Indoor Facilities JUA which will be brought back to City Council for approval by the end of the calendar year.

Fiscal Impact:

The Master JUA reflects the current relationship between the City and MUSD including responsibility for maintenance and operating costs for use of each other's open space facilities. Therefore, there is no fiscal impact associated with the approval of the Master Joint Use Agreement for Open Space with the Milpitas Unified School District.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA as this Agreement merely memorializes the existing arrangement between the parties. Further, this agreement does not allow for any new development but will allow for routine maintenance and repair of existing facilities which is exempt from CEQA pursuant to CEQA Guideline 15301.

Recommendation:

Approve and Authorize the City Manager to Execute the Master Joint Use Agreement for Open Space with the Milpitas Unified School District.

Attachments:

Draft Master Joint Use Agreement for Open Space

JUA OPEN SPACE DOCUMENT

JOINT USE AGREEMENT BETWEEN CITY OF MILPITAS AND MILPITAS UNIFIED SCHOOL DISTRICT FOR OPEN SPACE

This Joint Use Agreement (“Agreement”) is made and entered into this ____ day of _____, 2021 (“Effective Date”), by and between the City of Milpitas, a municipal corporation of the State of California (“City”) and the Milpitas Unified School District, a California public school district (“District”). City and District are sometimes referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, Education Code Section 10900, *et seq.*, of the State of California authorizes and empowers school districts and cities to “organize, promote, and conduct programs of community recreation;” to establish systems of playgrounds and recreation; and to acquire, improve, maintain, and operate recreation centers within or without the territorial limits of such districts; and

WHEREAS, City and District desire to establish a basis for the cooperative use of District open space and City open space; and

WHEREAS, it is in the community’s interest that the usage of open space of the City and District be maximized; and

WHEREAS, City is the owner of certain real properties identified in Section 2 of this Agreement, located in Milpitas, California (“City Sites”); and

WHEREAS, District is the owner of certain real properties identified in Section 3 of this Agreement, located in Milpitas, California (“District Sites”); and

WHEREAS, the Parties now wish to establish one comprehensive agreement, superseding all prior agreements executed from 1988 to 2016, that addresses the Parties’ respective access of each other’s open space for the community’s use; and

WHEREAS, in the interest of providing recreation programs to the community with the least possible expenditure of public funds, full cooperation between the City and District is both necessary and desirable.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the Parties agree as follows:

1. Term of Agreement. The Term of this Agreement shall be for approximately ten (10) years commencing on the Effective Date, and shall remain in effect until December 31, 2031, and shall continue from year to year unless terminated earlier pursuant to the termination provisions set forth in this Agreement.
2. Use of City Sites.
 - A. City Sites subject to this Agreement are:
 - i. General Use Areas (Exhibit C-1)

JUA OPEN SPACE DOCUMENT

ii. Specific Use Areas:

- Cardoza Park Softball Field (Exhibit C-2)
- Gill Park Softball Field (Exhibit C-3)
- Milpitas Sports Center Turf Fields (Exhibit C-4)

Other real property owned by the City not expressly identified in the Exhibits (“Other Property”) shall not be considered City Sites subject to the terms of this Agreement. Use of Other Property shall be subject to an amendment to this Agreement.

B. City’s Use. Unless otherwise specified in the Exhibits to this Agreement, the City’s use of the sports courts, paved surfaces, pools, sports turf areas, playgrounds, and parking lots (“City Facilities”) located on the City Sites for any purpose shall take precedence and priority over the District’s or any other person or entity’s use. “City’s Use” includes use of the City’s Facilities, without limitation:

- i. Use during any time when a scheduled recreation program is in session;
- ii. Use during any time that has been scheduled in advance by City staff for classes, activities, exercises, or functions; and
- iii. Use during any time when the City has permitted another person or entity to use the City Facilities for specific event(s) or activity(ies). District acknowledges and agrees that City may have existing, pre-scheduled use that cannot be re-scheduled to accommodate City’s use. In this event, District shall have second priority behind the existing and pre-scheduled use.

C. District’s Use. The District may use the City Facilities when such use does not conflict with the City’s use. District’s right of use shall be non-exclusive.

3. Use of District Sites.

A. District Sites subject to this Agreement are:

i. General Use Areas: (Exhibit D-1)

ii. Specific Use Areas:

- Cesar Chavez Community Garden (Exhibit D-2)
- Curtner Elementary School Field (Exhibit D-3)
- Rancho Middle School Trail Access Path (Exhibit D-4)
- Russell Middle School Softball Fields (Exhibit D-5)

Other real property owned by the District not expressly identified in the Exhibits (“Other Property”) shall not be considered District Sites subject to the terms of this Agreement. Use of Other Property shall be subject to an amendment to this Agreement.

B. District’s Use. Unless otherwise specified in the Exhibits to this Agreement, the District’s use of the sports courts, paved surfaces, pools, sports turf areas, playgrounds, and parking lots (“District Facilities”) located on the District Sites for any purpose shall take precedence and

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priority over the City's or any other person or entity's use. "District's Use" includes use of the District's Facilities, without limitation:

- i. Use during any time when school is in session, which is typically the months of mid-August through early June from 7:00 AM – 4:00 PM for Elementary School sites and 7:00 AM – 6:30 PM for Middle and High Schools sites, including Summer School, which varies in location and hours depending on District student needs;
- ii. Use during any time when school is not in session for special District-sponsored events;
- iii. Use during any time that has been scheduled in advance by the various school principals or other school officers for classes, activities, exercises, or functions; and
- iv. Use during any time when the District has permitted another person or entity to use the District Facilities for specific event(s) or activity(ies). City acknowledges and agrees that District may have existing, pre-scheduled use that cannot be re-scheduled to accommodate City's use. In this event, City shall have second priority behind the existing and pre-scheduled use.

C. City's Use. The City may use the District Facilities when such use does not conflict with the District's use. City's right of use shall be non-exclusive.

4. Use of Parties' Facilities.

A. Coordination Meetings. District and City shall establish a master schedule of facilities, dates, and times for the use of the District and City Facilities ("Master Schedule") at semi-annual coordination meetings. The first meeting shall occur on or before [August 31] of each year. The purpose of the first meeting shall be to coordinate the schedule for each Party's uses of the facilities for the District and City Sites and to avoid conflict between District, City, and third-party users, to resolve any issues concerning maintenance or renovation of the Facilities, and to address any of the Parties' concerns or issues arising under this Agreement. The Parties will also meet as needed to discuss any necessary repairs or maintenance issues, ongoing scheduling, and/or use issues associated with the Facilities.

B. Process to Request/Schedule Facility Use. The Parties shall follow the following process in scheduling use of the other Party's Facilities:

- i. City staff is responsible for scheduling City Facilities.
- ii. District staff is responsible for scheduling District Facilities.
- iii. All users are required to complete appropriate District or City permit forms, pay applicable fees, and meet insurance requirements set by the District and City in order to request use of District and/or City Facilities.
- iv. Non-City and non-District users will be scheduled based on remaining facility availability and on a "first come, first served" basis.
- v. Once each Party has developed a schedule for its own Facilities usage, designated staff from each Party will provide the other Party with the proposed schedule.

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- vi. Once the Parties agree to a Master Schedule, each Party's scheduled use of the Facilities shall receive priority over all other use, except as may be otherwise required by law or mutual written agreement of the Parties.

C. Facility Use - Unforeseen Occurrences

- i. Notwithstanding any other provision of this Agreement, in the event of unforeseen occurrences, including but not limited to, unscheduled maintenance or repair of City Facilities, weather conditions, or scheduling conflicts with respect to previously scheduled use of City Facilities, City shall have the right to free occasional use of District Facilities at City's discretion.
- ii. Notwithstanding other provision of this Agreement, in the event of unforeseen occurrences, including but not limited to, unscheduled maintenance or repair of District Facilities, weather conditions, or scheduling conflicts with respect to previously scheduled use of District Facilities, District shall have the right to free occasional use of City Facilities at the District's discretion.

D. Ancillary Fees.

- i. City shall pay an "Ancillary Fee" (Exhibit E) related to the direct costs to District for City's use of District Facilities. The direct costs shall include, but not be limited to, costs for District staff required to be present at the District Facilities during City's use. All users will be required to pay the fees for the District Facilities as outlined in Exhibit E. District will endeavor to provide an annual fee schedule for this Exhibit E by no later than May 31st of each year, if known. If not provided by June 30, the fee schedule from the previous year shall apply until an updated fee schedule is submitted.
- ii. District shall pay an "Ancillary Fee" related to the direct costs to City for District's use of City's Facilities. The direct costs shall include, but not be limited to, costs for City staff required to be present at the City Facilities during District's use. All users will be required to pay the fees for the City Facilities as outlined in Exhibit E. City will endeavor to provide an annual fee schedule for this Exhibit E by no later than May 31st of each year, if known. If not provided by June 30, the fee schedule from the previous year shall apply until an updated fee schedule is submitted.

E. Third Party Easements.

- i. The Parties recognize that there may be existing third party easements in, on, over, and throughout a particular District Site for the purpose of constructing, installing, or maintaining utilities and/or services for the benefit of the Site, or for other purposes reasonably related to the operation of the Site. District shall notify City of any conditions requiring a third party easement holder to perform construction, installation, maintenance or other services on the District Site or any portion thereof. If possible, such notification shall be provided at least seventy-two (72) hours in advance of the activities and/or services to be performed by the third party easement holder. The District will be responsible to ensure that the third party easement holder return the Site to its previous condition.

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- ii. The Parties recognize that there may be existing third party easements in, on, over, and throughout a particular City Site for the purpose of constructing, installing, or maintaining utilities and/or services for the benefit of the Site, or for other purposes reasonably related to the operation of the Site. City shall notify District of any conditions requiring a third party easement holder to perform construction, installation, maintenance or other services on the City Site or any portion thereof. If possible, such notification shall be provided at least seventy-two (72) hours in advance of the activities and/or services to be performed by the third party easement holder. The City will be responsible to ensure that the third party easement holder return the Site to its previous condition.
5. Maintenance.
- A. City Maintenance. Unless otherwise specified in the Exhibits to this Agreement, City agrees to provide, at its own cost and expense, any and all maintenance for the City Facilities. Maintenance to be provided by City shall be staffed by City personnel, be consistent with normal maintenance levels as applied to other comparable City Facilities and shall insure safe and healthful use. Maintenance to be provided by City shall also include payment by City, at its own cost and expense, any and all utility costs, including without limitation, electricity, water, and refuse removal costs.
 - B. District Maintenance. Unless otherwise specified in the Exhibits to this Agreement, District agrees to provide, at its own cost and expense, any and all maintenance for the District Facilities. Maintenance to be provided by District shall be staffed by District personnel, be consistent with normal maintenance levels as applied to other comparable District Facilities and shall insure safe and healthful use. Maintenance to be provided by District shall also include payment by District, at its own cost and expense, any and all utility costs, including without limitation, electricity, water, and refuse removal costs.
6. Custodial. Unless otherwise specified in the Exhibits to this Agreement, each Party agrees to provide, at its own cost and expense, any and all custodial services for their respective facilities for special, on-going uses of District or City Facilities. Each Party will return utilized space in a clean and useable manner after each use which includes the removal and proper disposal of trash. If either Party fails to adhere to the provisions of this Section, that Party may be charged applicable fees and billed directly as extra cost under this Agreement.
7. Repairs.
- A. District shall be responsible for the cost of repair and/or replacement of any damage to City Facilities, including fixtures and improvements with the City Facilities that are lost, damaged, or stolen during and/or as the result of District's use of City Facilities, normal wear and tear excepted. District shall promptly notify City upon District's actual knowledge of any loss or damage to the City Facilities of which the District becomes aware during and/or in conjunction with District's use of same.
 - B. City shall be responsible for the cost of repair and/or replacement of any damage to District Facilities, including fixtures and improvements that are lost, damaged, or stolen during and/or as the result of City's use of District's Facilities, normal wear and tear excepted. City shall promptly notify District upon City's actual knowledge of any loss or damage to the District's Facilities of which City becomes aware during and/or in conjunction with City's use of same.

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8. Site Development. Should the Parties agree to jointly fund and/or develop a facility, site-specific agreements would be developed to address details required for satisfactory design, construction, maintenance, repair, renovation, use, and other items which have not been anticipated in this Agreement. Once such sites are developed, a site specific exhibit will be added to this Agreement or an existing site specific exhibit amended, as applicable.

9. Improvements.

A. Existing Improvements.

- i. Each Party shall retain its existing ownership interest in and to its Sites and any improvement(s) existing thereon as of the Effective Date of this Agreement. No past, present, or future use of any of the Sites pursuant to this Agreement shall be interpreted as conveying any ownership or other property interests in any of the Sites.
- ii. In the event of sale, redevelopment, and/or reconstruction of a particular Site, the Party who owns the Site ("Owner") shall notify the Party who owns the improvement(s) existing thereon ("Improvement Owner") of its request to remove the improvement(s) at least six (6) months prior to the intended date of removal. The Owner shall provide payment to the Improvement Owner, if requested by the Improvement Owner, for the value of the improvement(s) requested to be removed. If the parties cannot agree on the value, the parties shall jointly select an independent, third-party appraiser who shall determine the value of the improvement requested to be removed. The appraised value of the improvement shall be the amount to be paid by the Owner to the Improvement Owner.
- iii. In the event the Improvement Owner chooses to vacate the Owner's site, the Improvement Owner shall provide at least six months notice prior to the intended date of vacating the site. The Improvement Owner shall be solely responsible to remove all improvements and return the site to a safe condition at the Improvement Owner's expense unless the Owner provides permission to vacate without removal of the improvement.

B. Additional Improvements. Either Party may make additional capital or non-capital improvements to any Site owned by the other Party, subject to a separate agreement by the Parties. The separate agreement shall address, at a minimum, responsibility for all costs associated with any improvements, responsibility for compliance with California Environmental Quality Act (CEQA), the Division of State Architects (DSA), the Department of Toxic Substances Control (DTSC), or the California Department of Education (CDE), and the terms of construction delivery including contracting with the architect and contractor. Once such improvements are developed, a site specific exhibit will be added to this Agreement or an existing site specific exhibit amended, as applicable.

10. Insurance.

Each Party shall maintain the following programs of insurance coverage:

- A. General Liability insurance with limits of not less than the following, and naming the other part as an additional insured:

General Aggregate:	\$2 million
Personal Injury:	\$1 million

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Each Occurrence: \$1 million

- B. Workers' Compensation and Employers Liability insurance providing workers' compensation benefits, as required by the State of California.
- C. The insurance coverage requirements in this Section shall be subject to review and adjustment to reflect coverage recommended by the parties' insurance advisors over the term of this Agreement. Any such adjustment shall be set forth in a written amendment to the Agreement signed by both Parties.

11. Indemnification.

- A. Indemnification of District. To the furthest extent permitted by California law, City shall protect, defend, indemnify, and hold harmless District and its officers, agents, representatives, consultants, employees, and volunteers ("District's Indemnified Parties") from any and all demands, liabilities, losses, damages, injury, claims, suits, and actions ("Claims against the City") of any kind, nature, or description, including, but not limited to, personal injury, death, property damage, and consultants' and/or attorneys' fees and costs, directly or indirectly arising out of, connecting with or resulting from the performance of the Agreement or from any activity, work, or thing done, permitted, or suffered by the City in conjunction with this Agreement except to the extent that the Claims against the City are not caused by the negligence or willful misconduct of the District's Indemnified Parties. The District shall have the right to accept or reject any legal representation that City proposes to defend the District's Indemnified Parties.
- B. Indemnification of City. To the furthest extent permitted by California law, District shall protect, defend, indemnify, and hold harmless City and its officers, agents, representatives, consultants, employees, and volunteers ("City's Indemnified Parties") from any and all demands, liabilities, losses, damages, injury, claims, suits, and actions ("Claims against the District") of any kind, nature, or description, including, but not limited to, personal injury, death, property damage, and consultants' and/or attorneys' fees and costs, directly or indirectly arising out of, connecting with or resulting from the performance of the Agreement or from any activity, work, or thing done, permitted, or suffered by the District in conjunction with this Agreement except to the extent that the Claims against the District are not caused by the negligence or willful misconduct of the City's Indemnified Parties. The City shall have the right to accept or reject any legal representation that District proposes to defend the City's Indemnified Parties.

- 12. Termination For Cause. Failure of a Party to comply with any provision of this Agreement and/or Exhibit to this Agreement shall constitute a breach. The Party alleging breach (the "Noticing Party") shall provide written notification to the other Party (the "Breaching Party") identifying the alleged breach. The Breaching Party shall have ten (10) business days ("Cure Period") to cure said breach. If the Breaching Party does not cure the breach within the Cure Period, the Noticing Party, may, pursuant to the dispute resolution process set forth in Section 14 of this Agreement, a) suspend its performance under this Agreement and if applicable, suspend the Breaching Party's use of the Site until the breach is cured, or b) terminate this Agreement without regard for any remaining term provided by this Agreement or early termination rights provided herein. Upon termination of this Agreement, all ongoing obligations of either Party shall also terminate.

- 13. Termination For Unforeseen Circumstances. Notwithstanding Section 12 of this Agreement, either Party may terminate this Agreement due to unforeseen circumstances upon one (1) year's written

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notice to the other Party. For purposes of this Section, “unforeseen circumstances” means unfavorable financial conditions of the noticing Party, either Party’s unforeseen loss of revenue or funding, or the noticing Party’s unforeseen need for the exclusive use of a facility or site.

14. Dispute Resolution. In the event of any dispute arising under the terms of this Agreement, the Parties shall follow the dispute resolution procedures below.

- A. Meet and Confer. The Parties shall meet and confer with the objective of resolving any dispute, controversy, or claim arising out of or relating to this Agreement (“Dispute”) within seventy-two (72) hours of the request of either Party.
- B. Non-binding Mediation. If, within seven (7) calendar days, or such longer period as may be agreed upon by the Parties, the Dispute cannot be resolved to the Parties’ mutual satisfaction, either Party may request that a non-binding mediation take place. In such mediation, representatives of the Parties with the authority to resolve the Dispute shall meet with a mutually agreed upon mediator. If the Parties are unable to agree upon a mediator, then either Party may request the American Arbitration Association to appoint a mediator. The mediator’s fee and expenses shall be paid one-half by each Party. Absent written agreement of the Parties to the contrary, the mediation process shall be completed or terminated within forty-five (45) days of the initial request for mediation.
- C. Arbitration. In the event that the Parties are unable to resolve the Dispute through non-binding mediation, if elected, the issues in dispute may, upon mutual election by the Parties, be submitted to arbitration pursuant to California Code of Civil Procedure Section 1280 *et seq.* Should the Parties agree to arbitration, the Parties may also choose to agree on whether such arbitration shall decide each and every dispute in accordance with the laws of the State of California, or whether such arbitration shall be non-binding in nature. Nothing herein shall limit the Parties’ rights to any formal judicial determination.

15. Superseding All Prior Agreements. This Agreement sets forth the entire understanding of the Parties relating to the joint use of each Party’s Facilities located on the District and City Sites, and supersedes all prior understandings relating to them, whether written or oral. There are no obligations, commitments, representations, or warranties relating to the facilities except those expressly set forth in this Agreement.

16. 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 of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035
Attn: City Manager

Milpitas Unified School District
1331 E. Calaveras Boulevard
Milpitas, CA 95035
Attn: Superintendent

and shall be effective upon receipt thereof.

17. General Provisions.

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- A. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.
- B. Incorporation of Recitals and Exhibits. The Recitals and Exhibits herein are deemed true and correct, are hereby incorporated into this Agreement as though fully set forth herein, and the Parties acknowledge and agree that they are bound by the same. In the event of any conflict between this Agreement and the Exhibits to this Agreement, the Exhibits shall govern.
- C. Force Majeure. Notwithstanding any other terms and conditions hereof, in the event that a party is materially unable to perform any of its obligations hereunder because of severe weather, natural disasters, epidemics, riots, wars, acts of terrorism, governmental action or other events of force majeure beyond the party's control, then such party shall, upon written notice to the other party hereof, be relieved from its performance of such obligations to the extent, and for the duration that such performance is prevented by such events; provided that such party shall at all times use its best efforts to resume such performance.
- D. Compliance with Law. Each Party agrees to comply with all federal, state and local laws, statutes, codes, ordinances, rules, regulations, policies and requirements (collectively, "Law") regarding their respective use of the Facilities under this Agreement. The Parties further agree that they shall not cause Facilities to be used, occupied, or improved under this Agreement in any manner or for any purpose that is in any way in violation of any Law. If any license, permit, or other governmental authorization is required for either Party's lawful use of the Facilities, such affected Party shall procure and maintain same to the extent required by Law. Each Party shall be solely and completely responsible for the safety of all persons and property associated with their respective use of the Facilities, and all materials, equipment, and supplies provided by such Party during said use shall fully conform to all applicable Law.
- E. No Assignment of Rights. No rights that District or City has under this Agreement may be assigned to any other person(s), entity, agency, or corporation without prior written approval of the other Party.
- F. Non-Discrimination. Neither Party shall employ any discriminatory practices in its performance hereunder, including its employment practices, on the basis of sex, race, color, religion, national origin, ancestry, age, sexual orientation, or physical or mental disability.
- G. Independent Contractor. This Agreement is by and between two independent entities and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association.
- H. 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.
- I. Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.

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- J. Approval and Amendment of Exhibits. Notwithstanding the provisions of Section 16.I, any addition to, amendment to, or termination of the Exhibits attached hereto shall take effect only after being approved by both Parties.
- K. Entry and Inspection. Each Party reserves, and shall always have the right, to enter upon the Party's respective sites at reasonable times for the purpose of viewing and ascertaining the condition of the sites.
- L. Third Party Beneficiaries. Nothing in this Agreement shall be construed to confer any rights upon any party not a signatory to this Agreement.
- M. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successor, and assigns.
- N. Waiver. The waiver by either Party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
- O. Counterparts. This Agreement may be signed in multiple counterparts, which, when taken together, shall constitute a single signed original, as though all Parties had signed the same Agreement.
- P. Captions. The captions contained in this Agreement are for convenience of reference only and shall not affect the interpretation of this Agreement.
- Q. Joint Preparation. This Agreement shall be deemed to have been prepared jointly by the Parties, and the usual rule that the provisions of a document are to be construed against the drafter shall not apply.

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SIGNATURE PAGE FOR JOINT USE AGREEMENT BETWEEN
CITY OF MILPITAS AND MILPITAS UNIFIED SCHOOL DISTRICT
FOR OPEN SPACE

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:

Renee Lorentzen, Recreation and Community
Services Director

MILPITAS UNIFIED SCHOOL DISTRICT

Cheryl Jordan, Superintendent

Date

DIR Registration Number (If Applicable)

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[EXHIBITS]

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CHAPTER 7: APPENDIX

JUA OPEN SPACE DOCUMENT

City of Milpitas General Use Areas		EXHIBIT: C-1	
Property Owner:	City of Milpitas		
Property Address:	NA		
Property Acreage:	181.28		

Park/Complex Name	Park Acreage
Alviso Adobe	2.26
Sunnyhills Augustine Memorial Park	6.2
Bob McGuire Park	3
Ben Rodgers Park	8.66
Calle Oriente Park	0.35
Cardoza Park	10.15
Cerano Park	1
Creighton Park	5
Dixon Landing Park	11.4
Foothill Park	3.98
Gill Memorial Park	8.16
Hall Memorial Park	9.91
Hidden Lake Park	6.57
Higuera Adobe Park	4.8
Hillcrest Park	5.08
John McDermott Park	0.94
Jones Memorial Park	4.93
McCandless Park **	4
Milpitas Sports Center Complex	24.4
Murphy Park	8.3
O'Toole Elms Park	1.63
Parc Metro East	2.06
Pecot Park	3
Pinewood Park	9.88
Robert E. Browne Park	4.93
Russell Fields JUA	8
Sandalwood Park	3.88
Selwyn Park	0.23
Sinnott Park	4.67
Skatepark	0.46
Starlite Park	3.44
Strickroth Park	4.87
Tom Evatt Park	4.42
Traverse Park Phase 1	0.72
Total	181.28

** Separate Joint Use Agreement

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Joint Use Area: Cardoza Park Softball Field		EXHIBIT: C.2	
Property Owner:	City of Milpitas	Other Agency Easements: None	
Property Address:	1525 Kennedy Dr.		
Property Acreage:	10.0 Acres		

Description of Area: The Cardoza Park Softball Field area includes one (1) softball field, bleacher seating and walking paths.
Hours of Use: The District may have use of the property during regular school hours until 3:00 PM, or as mutually agreed upon by the District and City.
Terms of Use: The District will shall have access to the site property for the majority use of Calaveras Hills High Physical Education program but not limited to and other student sports activities.
Cost Share: The District shall be solely responsible for all custodial staff costs, including costs related to area amenities (i.e., restrooms), for use of the property during non-regular business hours (after 5pm on weekdays and all day on weekends).

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Joint Use Area: Gill Park Softball Field		EXHIBIT: C.3	
Property Owner:	City of Milpitas	Other Agency Easements: SFPUC	
Property Address:	611 Paseo Refugio Dr.		
Property Acreage:	8.0 Acres		

Description of Area: The Gill Park Softball Field area includes one (1) softball field, bleacher seating and walking paths.
Hours of Use: The District may have use of the property during regular school hours until 3:00 PM, or as mutually agreed upon by the District and City.
Terms of Use: The District will shall have access to the site property for the majority use of Calaveras Hills High Physical Education program but not limited to any other student sports activities.
Cost Share: The District shall be solely responsible for all custodial staff costs, including costs related to area amenities (i.e., restrooms), for use of the property during non-regular business hours (after 5pm on weekdays and all day on weekends).

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Joint Use Area: Milpitas Sports Center Turf Fields		EXHIBIT: C.4	
Property Owner:	City of Milpitas	Other Agency Easements: None	
Property Address:	1325 E. Calaveras Blvd.		
Property Acreage:	5.0 Acres		

Description of Area: The Milpitas Sports Center Turf Fields area includes one (1) multi-use football and soccer field, one (1) multi-use soccer field, and two (2) volleyball courts, bleacher seating and walking paths.
Hours of Use: The District may have use of the property during regular school hours until 3:00 PM, or as mutually agreed upon by the District and City.
Terms of Use: 1. The District will shall have access to the site property for the majority use of Calaveras Hills High Physical Education program but not limited to and other student sports activities. 2. The District shall have access to the property for the Calaveras Hills High School Graduation ceremony, typically held on the first weekend in June.
Cost Share: Except for the Calaveras Hills High School Graduation ceremony, the District shall be solely responsible for all custodial staff costs, including costs related to area amenities (i.e., restrooms), for use of the property during non-regular business hours, after 5pm on weekdays and all day on weekends.

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Milpitas Unified School District General Use Areas		EXHIBIT: D-1	
Property Owner:	Milpitas Unified School District		
Property Address:	NA		
Property Acreage:	89.55		

SCHOOL NAME	OPEN SPACE ACREAGE
Burnett Elementary School	7.61
Curtner Elementary School	6.52
Mattos Elementary School **	6.7
Milpitas High School	18.37
Pomeroy Elementary School	3.71
Rancho Middle School	16.79
Randall Elementary School	5.99
Rose Elementary School	5.1
Russell Middle School	11.59
Sinnott Elementary School	4.06
Spangler Elementary School	3.55
Weller Elementary School	4.05
Zanker Elementary School	2.21
TOTAL	96.25

** ** Separate Joint Use Agreement

JUA OPEN SPACE DOCUMENT

Joint Use Area: Cesar Chavez Community Garden		EXHIBIT: D.2	
Property Owner:	Milpitas Unified School District	Other Agency Easements: SFPUC	
Property Address:	345 Boulder Street		
Property Acreage:	1.2 Acres		

Description of Area:

1. The Milpitas Cesar Chavez Community Garden is east of Weller Elementary School. The City improved the property by installing garden infrastructure including irrigation, utilities, perimeter fencing north of Sunnyhills Augustine Park.
2. The Hetch Hetchy Trail Access Path is approximately 600 feet long and runs north to south on the west side of the Cesar Chavez Community Garden. The Trail Access Path provides safe access to surrounding parks and Weller Elementary School.

Hours of Use:

1. The City shall have use of the Cesar Chavez Community Garden seven days a week, year-round, from 8:00 a.m. to sunset.
2. The Trail Access Path shall be available to the public, seven days a week, year-round, dawn to dusk.

Terms of Use:

1. Cesar Chavez Community Garden
 - a. City shall assume sole responsibility for the management and oversight of the property, in accordance with the terms of the Agreement, including but not limited to, all programs, events, and services related to the Cesar Chavez Community Garden.
 - b. Weller Elementary School and Sunnyhills Preschool shall be allotted three (3) garden plots for school educational purposes, with the third plot assigned as it becomes available.
 - c. Vehicular access to the identified property shall be restricted to delivery or pick-up of gardening equipment and supplies for gardeners, and for City maintenance purposes only. Vehicular access is restricted to Boyd St. Parking shall otherwise be off-site on Dixon Landing Road or other adjacent streets.
 - d. No power equipment such as rototillers will be allowed before 9:30 a.m. or after 6:00 p.m. daily.
2. Trail Access Path
 - a. The City shall maintain on District property a Trail Access path for residents to safely access the surrounding parks and Weller Elementary School.
 - b. Any District perimeter/safety fencing on the property shall not include the path area. The space between the path and said fencing shall be at least 12" to allow for maintenance and repair.

Maintenance & Improvements:

1. Cesar Chavez Community Garden
 - a. The City shall be responsible for all maintenance of the property, including the fencing around the garden.
 - b. No pesticides shall be used on the property due to State School Pesticide restrictions.
 - c. Any additions, modifications, or capital improvements to the property must be reviewed by the District Superintendent or his/her authorized representative for final approval prior to the commencement of any project.
 - d. The City shall be responsible for all maintenance of the City-installed paved access road at Boulder and Boyd Street, sidewalk entrance/exit to the garden.

2. Trail Access Path

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a. The City shall be responsible for all maintenance and any additions, modifications or capital improvements to the Trail Access Path, including the sidewalk and bollards at Dixon Landing Road.
Cost Share: 1. The cost of maintenance, utilities, and any additions, modifications or capital improvements to the property shall be the sole responsibility of the City. 2. If the District sells the property in which the Community Garden is on, the City, at its own cost and expense, shall remove the sewer line within three (3) months of City’s receipt of written request by the new owner.

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Joint Use Area: Curtner Elementary School Field		EXHIBIT: D.3	
Property Owner:	Milpitas Unified School District	Other Agency Easements: PG&E	
Property Address:	275 Redwood Dr.		
Property Acreage:	6.5 Acres		

Description of Area:

The Curtner Elementary School Field area consists of open space typically used for youth soccer. The field property line is adjacent to the City of Milpitas Hall Park and field. Infrastructure for field lighting and irrigation in the joint use area is located on both City and District property. (See Map Exhibit D.3.1)

Hours of Use:

The City may have use of the Curtner Elementary School Field per the master JUA.

Terms of Use:

1. Any school site perimeter/safety fencing shall be swing, retractable, or removable so as not to impede on the joint use area or Access Path.
2. The City and third-party users shall have restricted access to the property for equipment for the lining of fields for games played outside of District related events, programs, graduations, and ceremonies. City will inform District prior to lining the field.

Maintenance & Improvements:

1. The City shall be responsible for all field maintenance.
2. The City shall be responsible for all lighting and water utility maintenance and any additions, modifications or capital improvements to the field lighting and irrigation shall be the sole responsibility of the City.

Cost Share:

1. The City shall pay all utilities related to field lighting and irrigation.
2. The City shall pay the District for required custodial staff.

JUA OPEN SPACE DOCUMENT

Curtner Elementary School Field Joint Use Area

Exhibit D.3.1



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JUA OPEN SPACE DOCUMENT

Joint Use Area: Rancho Middle School Trail Access Path		EXHIBIT: D.4	
Property Owner:	Milpitas Unified School District	Other Agency Easements: None	
Property Address:	1915 Yellowstone Ave.		
Property Acreage:	17.0 Acres		

Description of Area(s):

1. The Rancho Middle School Trail Access Path is approximately 1,042 feet long and runs north to south at the farthest west end of the Rancho Middle School property. The Trail Access Path provides safe access to Sinnott Park, Bob Browne Park, and Murphy Park for the arterial streets opposite the path.

Hours of Use:

1. The Trail Access Path will be available to the public, seven days a week, year-round, dawn to dusk.

Terms of Use:

1. Trail Access Path
 - a. The City shall provide on the property a Trail Access Path for residents to safely access Sinnott Park, Bob Browne Park and Murphy Park.
 - b. Any District perimeter/safety fencing on the property will not include the path area. The space between the path and said fencing shall be at least 12" to allow for maintenance and repair.

Maintenance & Improvements:

1. Trail Access Path
 - a. The City shall be responsible for all maintenance of the Trail Access Path and any additions, modifications or capital improvements to the path, including the sidewalk and bollards, shall be the sole responsibility of the City.
 - b. The City shall maintain the space between the Trail Access Path and fencing.

Cost Share:

None

JUA OPEN SPACE DOCUMENT

Joint Use Area: Russell Middle School Softball Fields		EXHIBIT: D.5	
Property Owner:	Milpitas Unified School District	Other Agency Easements: SCVWD	
Property Address:	1500 Escuela Parkway		
Property Acreage:	11.5 Acres		

Description of Area:

Currently, the Russell Middle School site includes a City built structure (Snack Shack). The District is scheduled to begin reconstruction of the site in June 2021 to rehabilitate the Russell Middle School Athletic fields, which will consist of two (2) regulation softball fields.

Hours of Use:

The City may have use of the Russell Middle School Softball fields per the terms of this Agreement.

Terms of Use:

1. As of the Effective Date of this Agreement, the District shall be authorized to demolish the City built structure (Snack Shack), which the City has determined as having no value, at the District's expense consistent with the terms of the Agreement, and specifically Paragraph 9 thereof.
2. The City and District shall engage in discussions regarding the terms of use for the site by no later than June 2022 and shall resume discussions in 2023.
3. Should the City's use of this property be more significant than described in the Master JUA Section C. Facility Use – Unforeseen Occurrences, third party users will be referred to the District for direct field rental.

Cost Share:

The City and District shall engage in discussions regarding maintenance and utility costs for the site by no later than June 2022 and shall resume discussions in 2023.

JUA OPEN SPACE DOCUMENT

EXHIBIT E

City of Milpitas and Milpitas Unified School District
Master Joint Use Agreement For Open Space

Ancillary Fees

Milpitas Unified School District Ancillary Fee Schedule:

- Custodial Cost - \$58 - \$78.00/hour (Staff will be on duty for the duration of the event. Custodial clean up time is additional. Grounds staff require a minimum of three (3) hours a day when fields are in use.)

City of Milpitas Ancillary Fee Schedule:

- Custodial Cost - \$50-75.00/hour (Custodian staff will be on duty for the duration of the event. Custodial clean up time is additional; Custodial staff require a minimum three (3) hours a day when fields are in use..)

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CEQA DOCUMENTATION

This section includes the Initial Study prepared for the Milpitas Park & Recreation Master Plan Update in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines and the regulations & policies of the City of Milpitas. This document was prepared by David J. Powers & Associates in September 2021. The end of this section also includes the official Notice of Determination and final CEQA Document Declaration, both completed in October 2021.

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CEQA DOCUMENTATION



MILPITAS PARKS AND RECREATION MASTER PLAN UPDATE

455 East Calaveras Boulevard, Milpitas, CA 94087 | 408.586.3000 Phone | www.ci.milpitas.ca.gov

NEGATIVE DECLARATION

I. LOCATION OF THE PROJECT

The proposed Milpitas Park and Recreation Master Plan Update (Master Plan Update) consists of the 36 existing parks within the City of Milpitas. Regional and vicinity maps of the project area are shown on Figures 1 and 2, respectively.

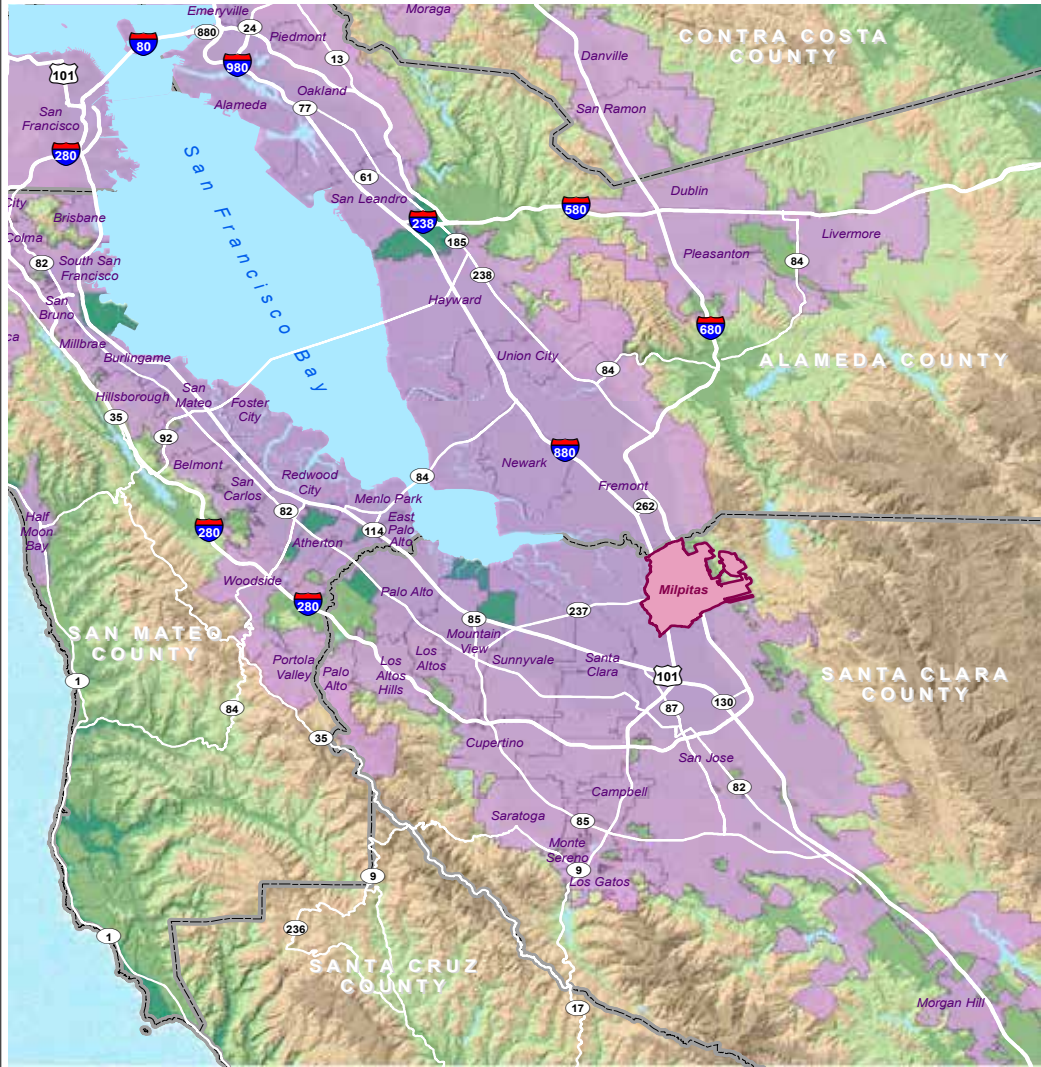
II. DESCRIPTION OF THE PROJECT

The Master Plan Update is a strategic document that analyzes each of the City's existing parks and identifies improvements to enhance the City's existing public parks and recreation system. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City. The location of these parks are shown on Figure 3.

III. FINDING

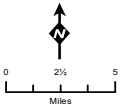
An Initial Study has been prepared by the City of Milpitas. With implementation of the Master Plan Update in accordance with applicable General Plan policies, the City's Municipal Code, local, state, and federal laws and regulations, the project is not anticipated to result in a significant impact.

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Legend

- County Boundary
- Incorporated Area
- City of Milpitas

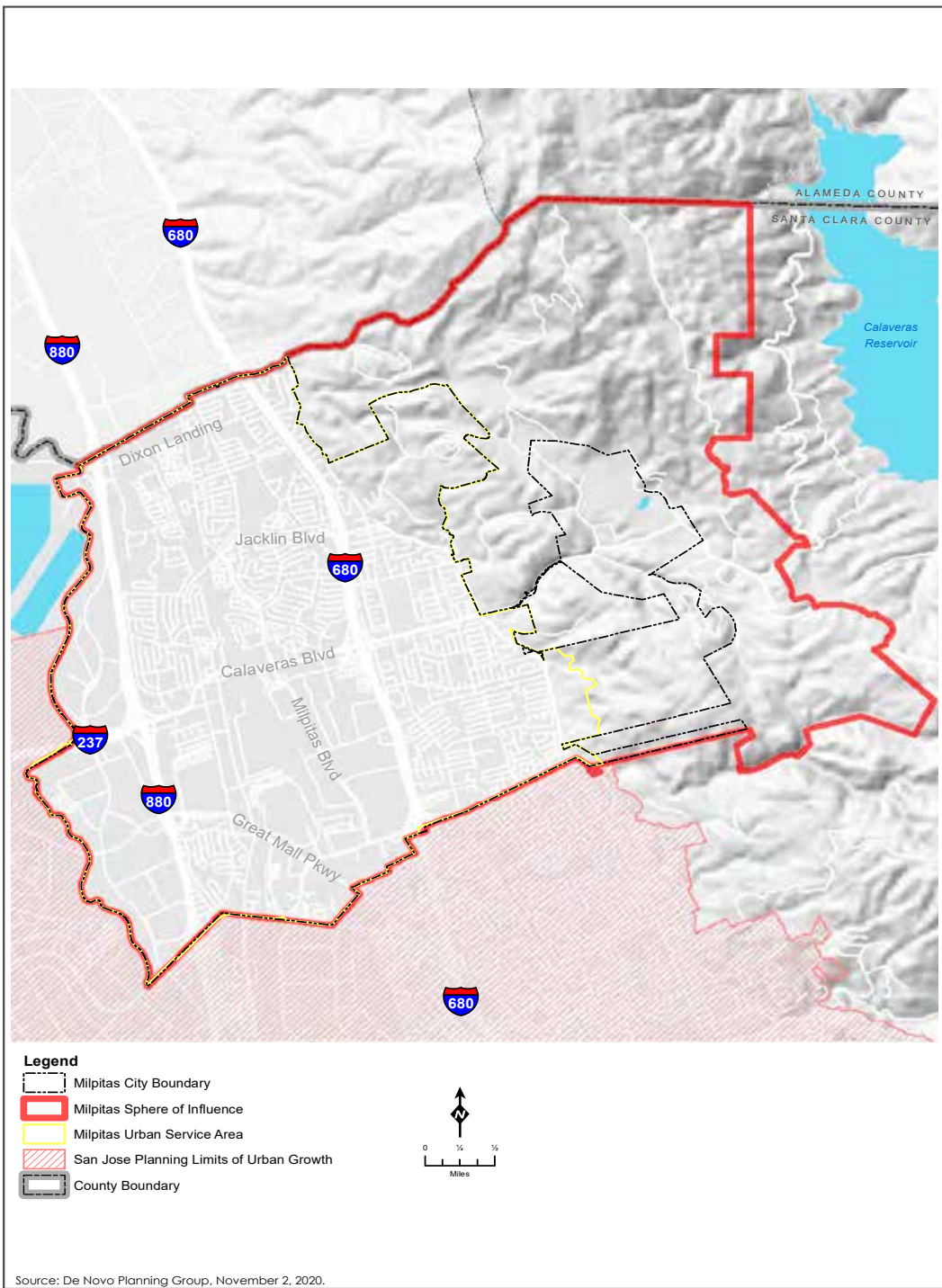


Source: De Novo Planning Group, November 2, 2020.

REGIONAL MAP

FIGURE 1

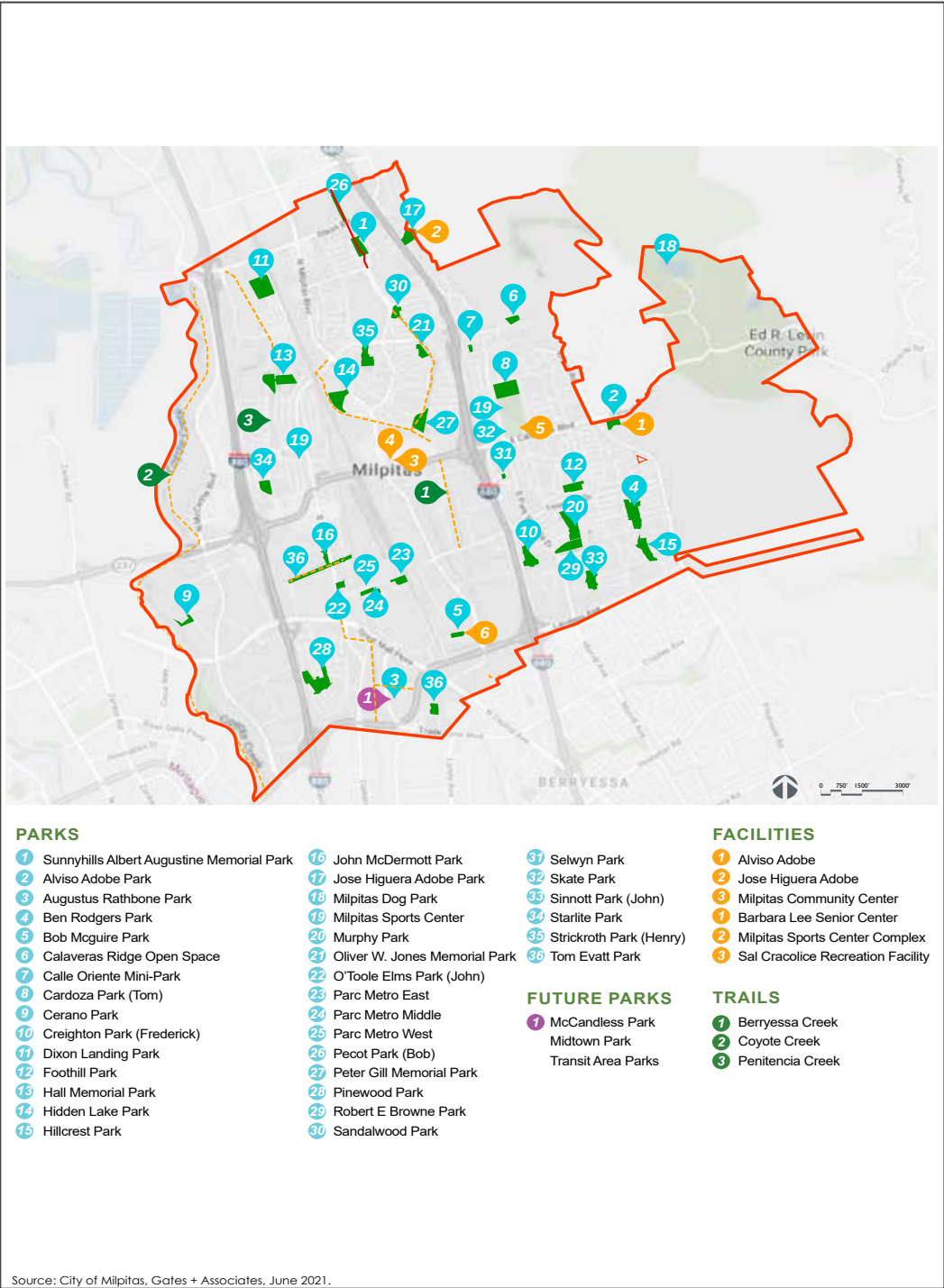
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VICINITY MAP

FIGURE 2

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EXISTING PARK LOCATIONS

FIGURE 3

CEQA DOCUMENTATION



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Appendix A: Existing/Proposed Site Plans and Site Improvements

Appendix B: City of Milpitas and Tamien Nation Meeting Minutes

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Milpitas, as the Lead Agency, has prepared this Initial Study for the Milpitas Park and Recreation Master Plan Update (Master Plan Update) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Milpitas, California. The Master Plan Update is analyzed at a programmatic level in this Initial Study.

The project proposes to update and make improvements to 34 of the 36 existing parks.¹ This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 MILPITAS PARKS & RECREATION MASTER PLAN

The City of Milpitas adopted a Park and Recreation Master Plan in 2009, which analyzed park conditions and provided recommended improvements to each of the City's 33 existing parks. The Master Plan Update is an update to the 2009 Milpitas Park and Recreation Master Plan.

1.3 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Ned Thomas, Planning Director
City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035
Phone: 408-586-3273
Email: nthomas@ci.milpitas.ca.gov

1.4 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Milpitas will consider the adoption of the Initial Study for the project at a regularly scheduled meeting. The City shall consider the Initial Study together with any comments received during the public review process. Upon adoption of the Initial Study, the City may proceed with project approval actions.

¹ No improvements have been proposed for Bob McGuire Park or Creighton Park. In addition, McCandless Park is currently under construction and was not included as part of the existing parks.

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1.5 NOTICE OF DETERMINATION

If the project is approved, the City of Milpitas will file a Notice of Determination (NOD), which will be available for public inspection at the County Clerk’s Office for 30 days. Filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

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SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Milpitas Parks and Recreation Master Plan Update

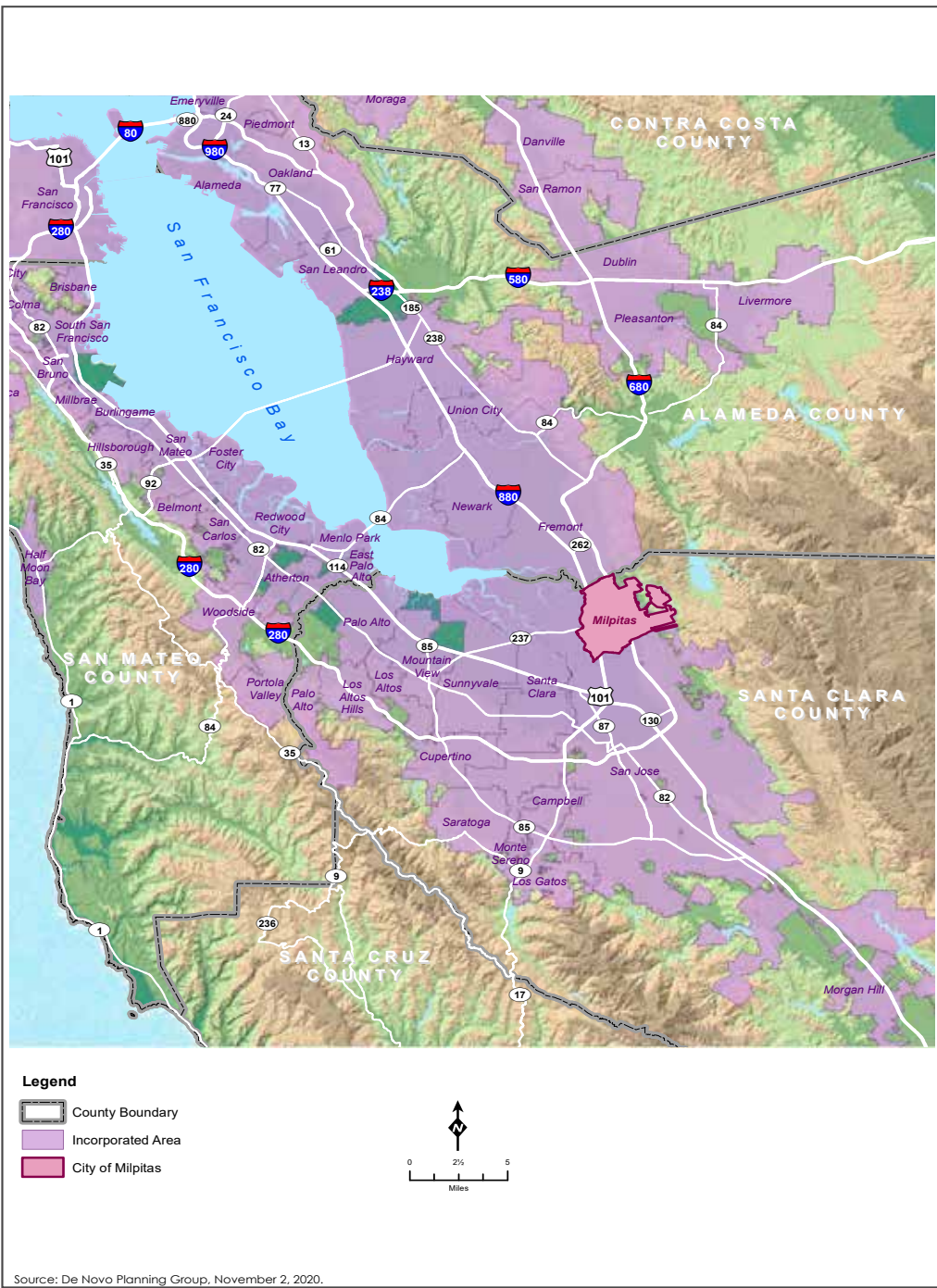
2.2 LEAD AGENCY CONTACT

Ned Thomas, Planning Director
City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035
Phone: 408-586-3273
Email: nthomas@ci.milpitas.ca.gov

2.3 PROJECT LOCATION

The location of the proposed Master Plan Update consists of the 36 existing parks within the City of Milpitas. A regional map of the project area is shown on Figure 2.3-1 and a vicinity map of the existing park locations within the City is shown on Figure 2.3-2.

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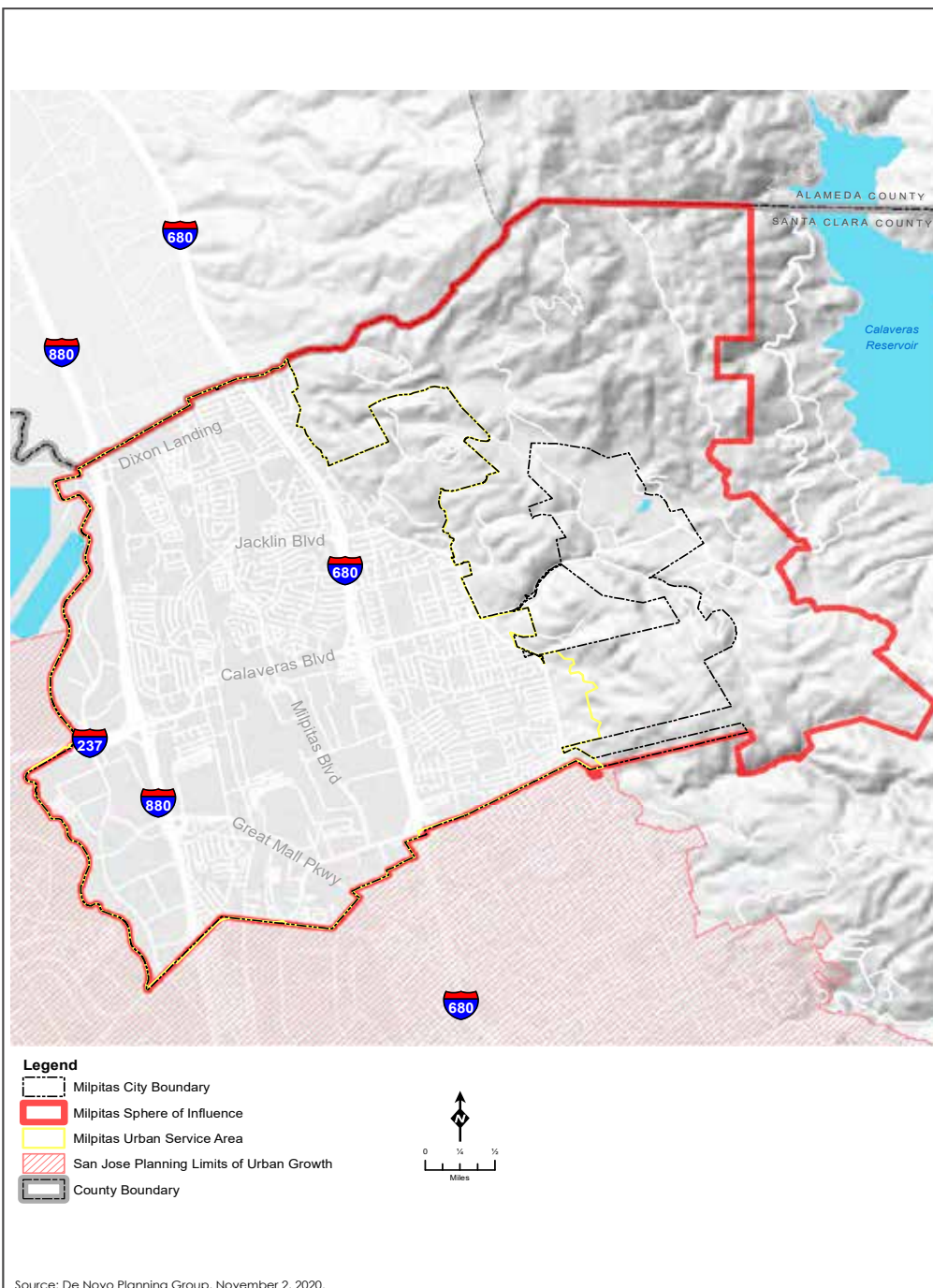
REGIONAL MAP

FIGURE 2.3-1

Milpitas Parks and Recreation Master Plan Update
City of Milpitas

Initial Study
September 2021

CEQA DOCUMENTATION



VICINITY MAP

FIGURE 2.3-2

Milpitas Parks and Recreation Master Plan Update
City of Milpitas

7

Initial Study
September 2021

CEQA DOCUMENTATION

SECTION 3.0 PROJECT DESCRIPTION

There are 36 existing public parks and one park currently under construction within the City of Milpitas. The locations of these parks are shown on Figure 3.0-1. The Master Plan Update is a strategic document that analyzes each of the City's existing parks and identifies improvements to enhance the City's existing public parks and recreation system. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City. A brief description of the recommended improvements at each park is provided below. The existing and proposed site plans for each park along with a detailed list of the planned improvements are provided in Appendix A.

Alviso Adobe Park is a 2.3-acre special purpose park facility located at 2087 Alviso Adobe Court. The park was constructed in 1837 after the City acquired the property in 1996 and has been renovated four times with the last renovation occurring in 2013. The City is currently renovating the interior of the adobe buildings which will open to the public as an educational museum in 2022.

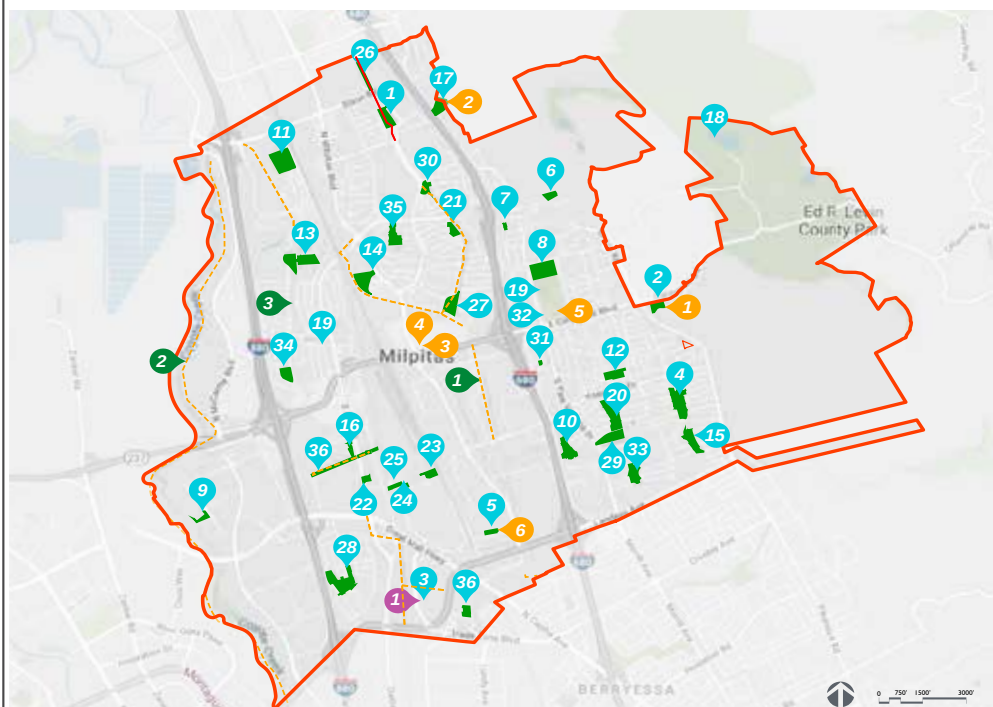
Alviso Adobe Park contains several historic buildings and artifacts from the historic Alviso Adobe ranch. The park is built around the Jose Maria Alviso residence. The northern end of the site features small picnic areas with tables. Distributed through the planting areas are historic artifacts from the days of the Adobe's habitation, with interpretive educational signage. An educational art piece is located at the center of the park. There is a public restroom and drinking fountain at the entrance. Well-maintained trash enclosures and dog stations are located throughout the park. Planned improvements would include landscape maintenance, clearing pathways of moss, and refurbishing the restrooms.

Augustus Rathbone Park is a 0.7-acre neighborhood park located at Expedition Lane and Jubilee Drive. The park was constructed in 2017. Existing amenities include shaded picnic areas with accessible seating, a playground, and an open lawn. Planned improvements include ongoing maintenance work.²

Ben Rodgers Park is an 8.6-acre community park located at Grand Teton Drive off Sequoia Drive. The northern section of the park was constructed in 1970 while the southern section of the park was constructed in 1989. The playground was renovated in 2020. The park consists of several picnic areas, open lawns, and a play area. The northern and southern portions of the park were constructed at different times and have different furnishings and pathway styles. On the north side, the park is primarily an open field that is utilized as an informal baseball pitch. A picnic area with picnic tables and barbeques is located near the entrance. The south side consists of asphalt paths providing connections to picnic and seating areas. Planned improvements include repairing the entry sign and all park rules signs, replacing a bike rack, replacing and updating the picnic areas, adding restrooms, paving gravel trails and adding pedestrian lighting, replacing backstop at baseball field, replacing all benches, standardizing lighting, replacing all park rules signs, implementing right-of-way improvements, and landscape maintenance.

² Additional improvements may occur at Augustus Rathbone Park. These improvements would be identified and evaluated as part of the Milpitas Metro Specific Plan.

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PARKS

- | | | |
|---|----------------------------------|----------------------------|
| 1 Sunnyhills Albert Augustine Memorial Park | 16 John McDermott Park | 31 Selwyn Park |
| 2 Alviso Adobe Park | 17 Jose Higuera Adobe Park | 32 Skate Park |
| 3 Augustus Rathbone Park | 18 Milpitas Dog Park | 33 Sinnott Park (John) |
| 4 Ben Rodgers Park | 19 Milpitas Sports Center | 34 Starlite Park |
| 5 Bob McGuire Park | 20 Murphy Park | 35 Strickroth Park (Henry) |
| 6 Calaveras Ridge Open Space | 21 Oliver W. Jones Memorial Park | 36 Tom Evatt Park |
| 7 Calle Oriente Mini-Park | 22 O'Toole Elms Park (John) | |
| 8 Cardoza Park (Tom) | 23 Parc Metro East | |
| 9 Cerano Park | 24 Parc Metro Middle | |
| 10 Creighton Park (Frederick) | 25 Parc Metro West | |
| 11 Dixon Landing Park | 26 Pecot Park (Bob) | |
| 12 Foothill Park | 27 Peter Gill Memorial Park | |
| 13 Hall Memorial Park | 28 Pinewood Park | |
| 14 Hidden Lake Park | 29 Robert E Browne Park | |
| 15 Hillcrest Park | 30 Sandalwood Park | |

FACILITIES

- | |
|-------------------------------------|
| 1 Alviso Adobe |
| 2 Jose Higuera Adobe |
| 3 Milpitas Community Center |
| 4 Barbara Lee Senior Center |
| 5 Milpitas Sports Center Complex |
| 6 Sal Cracolice Recreation Facility |

FUTURE PARKS

- | |
|--------------------|
| 1 McCandless Park |
| Midtown Park |
| Transit Area Parks |

TRAILS

- | |
|--------------------|
| 1 Berryessa Creek |
| 2 Coyote Creek |
| 3 Penitencia Creek |

Source: City of Milpitas, Gates + Associates, June 2021.

EXISTING PARK LOCATIONS

FIGURE 3.0-1

CEQA DOCUMENTATION

Bob McGuire Park is a 3.0-acre neighborhood park located at 791 Garden Street. The park was constructed in 2015 with the multi-family housing development. The park consists of four tennis courts, two playgrounds, a covered amphitheater, and access to the Sal Cracolice Recreation Facility. No planned improvements to Bob McGuire Park are recommended in the Master Plan Update.

Calaveras Ridge Park is a 1.8-acre open space park located at Calaveras Ridge Drive. Planned improvements include adding a granite path with pedestrian lighting, adding an overlook with picnic tables and telescopes, barbecues, and educational astronomy signage, adding benches along walkways, and adding public art and drought tolerant native planting at the entrance.

Calle Oriente Mini Park is a 0.4-acre urban park located along Calle Oriente Street. The park was constructed in 1978 and was renovated in 2010. The northern end of the park has a half basketball court and a small lawn area while the southern end of the park has a picnic and play area. Planned improvements include replacing the shade sail fabric around the picnic area, replacing the swing set, replanting all landscaped areas with drought-tolerant California native planting, repairing irrigation system, and landscape maintenance.

Cardoza Park is a 10.2-acre community park located along Kennedy Drive. The park was constructed in 1973 and the park's western end was renovated in 2009 with new playgrounds and picnic areas. The play areas on the western portion were updated in 2020 with new playground surfacing and play structure equipment. A baseball field is centrally located on the park. The western portion contains two play structures, small picnic areas, an open space area with a public art program, and a parking lot. The eastern portion contains three picnic areas with tables and barbecues and a parking lot. The eastern portion will be redeveloped as part of the Milpitas Sports Center Master Plan, which was approved by the City in 2000.

The Master Plan Update includes two site improvement options for Cardoza Park (Option A and Option B). Option A would replace the existing baseball field with three new softball fields, adding community event space, repaving and adding decomposed granite paths, ensuring ADA access to the Milpitas Sports Center Complex, resurfacing and restriping the east parking lot, adding an entrance sign at the east parking lot, updating the picnic areas, landscape maintenance, and refurbishing the restrooms. Option B would replace the existing baseball field with four new softball fields, adding community event space, repaving and adding decomposed granite paths, ensuring ADA access to the Milpitas Sports Center Complex, resurfacing and restriping the east parking lot, updating the picnic areas, landscape maintenance, and refurbishing the restrooms.

Cerano Park is a 2.0-acre neighborhood park that was constructed in 2013 and is located adjacent to the Cerano residential development and tech campuses along Murphy Ranch Road. The east portion of the park is within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this portion of the park require a permit from the San Francisco Public Utilities Commission (SFPUC). The park consists of a tennis court, half basketball court, playground, picnic area, and a concessions and restroom facility. Planned improvements include adding a sand volleyball court and net, updating the play areas, replacing existing barbecues with group barbecues, landscape maintenance, graffiti removal, lawn reseeding, refurbishing the restrooms, and repair poured in place surfacing.

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Creighton Park is a 5.0-acre neighborhood park located at Olympic Drive, west of South Park Victoria Street. The park consists of a playground, picnic areas, fitness course stations, and lawn areas. The park was constructed in 1989 and was completely renovated in 2020. No planned improvements to Creighton Park are recommended in the Mater Plan Update.

Dixon Landing Park is a 11.4-acre community park located at Milmont Drive off Dixon Landing Road. The park is bounded by residences on three sides and railroad tracks to the east. The park has two small baseball fields, a full-size baseball field, a cricket pitch, three tennis courts, a basketball court and a concessions and restroom facility. The park was constructed in 1989 and play areas were renovated in 2020. Planned improvements include updating the fields for multi-use play, formalizing the cricket pitch, removing hazardous trees, updating the picnic areas, adding benches, adjusting the fence line at the main softball field, updating the parking lot, adding trees along the western edge, implementing right-of-way improvements, replacing the drinking fountain, landscape maintenance, and refurbishing the restroom and concession facility.

Foothill Park is a 4.0-acre community park adjacent to Alexander Rose Elementary School and along Roswell Drive. The park was constructed in 1967 and the play area was renovated in 2020. The park consists of a picnic and play area. Planned improvements include paving the existing picnic area with concrete, adding a new picnic area, paving central area, replacing the benches, dog stations gravel path, replacing the pedestrian lighting, mulching bare planting areas, adding a dog waste station, implementing right-of-way improvements, and refurbishing the restroom.

Hall Memorial Park is a 9.9-acre neighborhood park located along La Honda Drive and adjacent to Curtner Elementary School. Lower Penitencia Creek Channel bisects the park. The eastern side of the park contains two playgrounds, four tennis courts, picnic areas, a restroom, and a soccer field that is shared with the Curter Elementary School. A pedestrian bridge over the Lower Penitencia Creek Channel provides access to the western side of the park, which consists of open space with picnic tables and benches. The park was constructed in 1979 and last renovated in 2007 (pathway improvements). Planned improvements include replacing the bleachers, player benches, and goals at the existing soccer field, expanding the picnic areas, replacing all benches and tables at playground and tennis courts, updating the parking lot, replacing playground and sand surfacing, replacing the playground chain link fence, resurfacing the tennis courts, replacing the ball-wall, painting pickleball court lines, replacing gravel paths with concrete, repaving asphalt paths, refurbishing restroom, replacing the east entry sign, adding shade structures over benches, replacing pedestrian lighting, adding a wood observation deck, replanting entry areas, reseeding turf area, implementing right-of-way improvements, and landscape maintenance.

Hidden Lake Park is a 6.6-acre neighborhood park located on North Milpitas Boulevard. The park includes a large stormwater retention basin surrounded by a path that connects to the Berryessa Creek Trail. The stormwater retention basin captures runoff from the surrounding area before releasing it into the Berryessa Creek. There are picnic areas and seating located around the perimeter of the path. The park was constructed in 1984 and last renovated in 1987. Planned improvements include repairing/repaving the asphalt path and parking lot, updating the picnic areas, adding a restroom, adding benches, adding interactive exhibits and educational signs, adding pedestrian lighting along path, adding distance markers for joggers, bringing stairs up to current code, repainting ornamental fence, replace current fishing pier and exploring boat activity programming, planting trees along walking path, landscape maintenance, repairing the parking lot, and conducting tree survey.

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Hillcrest Park is a 5.1-acre neighborhood park located at Fieldcrest Drive off Crescent Terrace. The park consists of a small play area and group picnic area. The park was constructed in 1989 and last renovated in 2020 (playground). Planned improvements include updating picnic areas, replacing benches, replacing missing park hours sign, replace drinking fountain, implementing right-of-way improvements, adding fitness stations, chess/checkers picnic game tables, additional benches, dog stations, concrete seating areas, and restrooms, and landscape maintenance.

John McDermott Park is a 0.9-acre urban park that was constructed in 2007 as part of the Terra Serana development. The park consists of a lawn area, a children's play area, picnic tables, and a restroom. Planned improvements include replacing an existing picnic table with an ADA accessible table, updating the play areas, removing bollards, adding a fenced dog area, and landscape maintenance.

Jose Higuera Adobe Park is a 4.8-acre neighborhood park located along Wessex Place. The park was constructed in 1980 and is built around the historic Jose Higuera Adobe. Historical exhibits are displayed in the adobe and around the park for visitors. The park was last renovated in 2017 and includes picnic areas, barbecues, and a play area. Planned improvements include adding a chain link fence and gates and landscape maintenance.

McCandless Park is a 4.0-acre neighborhood park located along McCandless Drive that is currently under construction. The all-abilities park would include joint-use park areas for the City and Mabel Mattos Elementary School, sports fields, picnic areas, play structures, dog parks, walking trails, and restrooms. The park would also include a new pedestrian bridge of East Penitencia Creek channel and a potable water well. No planned improvements to McCandless Park are recommended in the Master Plan Update.

Milpitas Dog Park is a 1.6-acre special-use park constructed in 2004 and is located within Ed Levin County Park. This park is part of a joint-use agreement with the Santa Clara County Parks Department. The dog park is divided into a large dog area, a small dog area, and a fenced in entrance area. Planned improvements include replacing all informational and regulatory signage at the park entry and updating ADA parking to ADA code.

Milpitas Sports Center Complex, approximately 20.3 acres in size, is located at 1325 East Calaveras Boulevard. The sports center complex is currently comprised of one full-size baseball field, four practice baseball fields, a soccer/football field, a practice soccer field, a skatepark, and a restrooms/concessions/storage building. The concession building was constructed in 2020. Planned improvements include paving all decomposed granite paths, installing a new storm drainage system, bringing stairs to Cardoza park up to code, refurbishing player benches, replacing aging bleachers and scoreboards and entry plaza benches, replacing chain link fencing, removing and replacing all hazardous trees, and landscape maintenance.

Murphy Park is an 8.3-acre neighborhood park that was constructed in 1969 and is located immediately adjacent to Merryhill Elementary School. Residential neighborhoods surround the park on all sides. The park is currently developed with picnic and play areas. The northern side of the park is an open turf field used for soccer and other recreation activities. The asphalt paths and parking lot were resurfaced in 2017/2018. Planned improvements include paving picnic areas with granite paving, adding an outdoor community event space, replacing the play area pedestrian lighting, park

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entry sign, and dog waste station, updating/adding picnic areas, repaving asphalt areas, updating the parking lot, replacing workout equipment, refurbishing the restrooms, implementing right-of-way improvements, and landscape maintenance.

Oliver W. Jones Memorial Park is a 4.9-acre neighborhood park located along Jacklin Road off North Hillview Drive. The park was constructed in 1973 and was last renovated in 2020. The park consists of open lawn areas, two play areas, and walking paths. Planned improvements include adding picnic areas and a single stall restroom, paving gravel paths, replacing benches and pedestrian lighting, constructing a hangout space and bouldering wall, installing ADA curb ramps, and landscape maintenance.

O'Toole Elms Park is a 1.6-acre neighborhood park located between South Abel Street and South Main Street. The park is located adjacent to the Milpitas Fire Department and multi-family development. The park was constructed in 2007 and last renovated in 2009 and consists of play areas, picnic areas, and message kiosks. Planned improvements include repairing playground equipment and surfaces, replacing kiosks, replacing pedestrian pavers with stamped concrete, updating the parking lot, and landscape maintenance.

Parc Metro Central is a 0.6-acre urban park located along Metropolitan Drive and Comet Drive. The park was constructed in 2003 along with Parc Metro East and West as part of the Midtown Redevelopment. The park consists of a large open lawn area, seating areas, and play areas. Planned improvements include constructing hang out space, removing and replacing play areas, replacing benches, replacing drinking fountains, repainting metal fencing, and landscape maintenance.

Parc Metro East is a 2.1-acre urban park located at the end of the East Curtis Avenue cul-del-sac. Parc Metro East has a seating area, play area, and restroom. Planned improvements include replacing play areas, picnic tables, barbecues, and benches, updating concrete paths, replanting entry planters, repair drainage issues, refurbishing the restroom, conduct tree survey to identify hazardous trees, and landscape maintenance.

Parc Metro West is a 1.0-acre urban park located at East Curtis Avenue and Comet Drive. The park has benches and chess tables and a large play structure. Planned improvements include repairing the play areas, replacing the picnic tables, bike rack, park rules signage, and benches, repainting ornamental fencing, and landscape maintenance.

Pecot Park is a 3.0-acre linear neighborhood park located along Dixon Road and Conway Street. The park was constructed in 1997 and consists of a linear walking path with a bench and landscaping. Planned improvements include replacing the bench, repairing the asphalt path, landscape maintenance, replanting all landscaped areas with drought-tolerant California native planting, implementing right-of-way improvements, and reseeding turf areas.

Peter Gill Memorial Park is an 8.2-acre community park located at Santa Rita Drive and Paseo Refugio Road. The park was constructed in 1978 and last renovated in 1987. The park is surrounded by residential neighborhoods, and consists of a full-size baseball field, three tennis courts, a basketball court, a handball court, picnic areas, and workout equipment. Planned improvements include updating the softball field, replacing play areas, updating picnic areas, updating the parking lot, adding a fenced dog area, replacing fitness equipment, benches, and bike rack, resurfacing the

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handball court, refurbishing the restroom, implementing right-of-way improvements, and landscape maintenance.

Pinewood Park is a 9.9-acre neighborhood park located at Lonetree Court and Starlite Drive. The park was constructed in 1966 and last renovated in 2019 (tennis courts). Pinewood Park is located adjacent to Pearl Zanker Elementary School and residences. The eastern side of the park consists of two playgrounds, a basketball court, and tennis courts. A turf lawn is located at the center of the park. The western side of the park consists of a play area, a pump station and well, and picnic areas. Planned improvements include replacing basketball backboards, repairing playground equipment and poured in place surfacing, landscape maintenance, conducting tree survey to identify hazardous trees, and refurbishing the restroom.

Robert E. Browne Park is a 4.9-acre neighborhood park located along Yellowstone Avenue. The park was constructed in 1965 and last renovated in 2019 (tennis courts). The park consists of tennis courts, seating areas, and a passive use lawn area with a perimeter walking/workout station trail. Planned improvements include adding an entrance plaza with seating, adding picnic areas, replacing benches and drinking fountain, repairing tennis court fencing and netting, adding a community garden, adding a single stall restroom, replacing fitness equipment, repaving asphalt paths with concrete, adding two full-size basketball courts, adding pedestrian lighting, updating concrete paths, removing graffiti, implementing right-of-way improvements, conducting tree survey to identify hazardous trees, and landscape maintenance.

Sandalwood Park is a 3.9-acre neighborhood park located along Escuela Parkway and Russell Lane. The park was constructed in 1977 and consist of play equipment, horseshoe pits, seating, and picnic areas. The redesign of Sandalwood Park was approved by the City in 2019 and construction drawings were completed by Gates + Associates in 2021. The planned improvements are on hold pending future funding. Planned improvements include adding a play area, fitness stations, picnic area with shade structures, restroom, asphalt pathways, and pedestrian lighting, converting the existing horseshoe pits into a basketball court, replacing all benches, drinking fountains, picnic tables, bike racks, and landscape maintenance.

Selwyn Park is a 0.2-acre urban park located along Selwyn Drive and Dempsy Street. The park was constructed in 1968 and last renovated in 2003 (playground), and consists of a playground, picnic area, and half basketball court. Planned improvements include adding picnic areas, replacing the play area, benches, fencing, dog station, and park rules sign, replanting all landscaped areas with drought-tolerant California native planting, repairing irrigation system, and landscape maintenance.

Sinnot Park is a 4.7-acre neighborhood park located between Clear Lake Avenue and Tahoe Drive. The park was constructed in 1970 and consists of a restroom, a play area, picnic areas, and a sand volleyball court. Planned improvements include adding a community garden, pickleball courts, dog stations, and signage, replacing the play area, fitness equipment, drinking fountains, pedestrian lighting, wayfinding signage, and all gravel paths with concrete paths, replacing benches, bike rack, dog waste station, and swing set, implementing right-of-way improvements, updating the picnic area, conducting tree survey to remove hazardous trees, refurbishing the restroom, and landscape maintenance.

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Starlight Park is a 3.4-acre neighborhood park located along North Abbott Avenue and Rudyard Drive. The park was constructed in 1963 and is divided into two main areas. The northern side consists of a play area and restroom while the picnic area is located to the south. A lawn and horseshoe pit are located at the center of the park. Planned improvements including adding a pump track and pedestrian lighting, replacing the play area, benches, bike rack, park rules signage, and gravel paths with concrete paths, updating the picnic area, refurbishing the restroom, conducting tree survey to remove hazardous trees, removing the horseshoe pits, replanting all landscaped areas with drought-tolerant California native planting, and landscape maintenance.

Strickroth Park is a 4.9-acre neighborhood park located along Martil Way and Gemma Drive. The park was constructed in 1974 and includes a picnic area, two playgrounds, and a turf field. Planned improvements include adding a cricket pitch, parking lot, pedestrian lighting, and restroom, replacing the play area, benches, and asphalt paths with concrete paths, updating the picnic area, refurbishing hill tunnel play feature, improve drainage areas, replanting all landscaped areas with drought-tolerant California native planting, repairing irrigation system, implementing right-of-way improvements, replacing bike rack, park rules signage, dog waste station, drinking fountain, and metal fencing at play area, conducting tree survey to remove hazardous trees, and landscape maintenance.

Tom Evatt Park is a 4.4-acre neighborhood park that extends from Hammond Way to the east to Thompson Court to the west. The eastern end of the park consists of tennis courts, two half basketball courts, two bocce ball courts, a playground, and a picnic area. The park is within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this portion of the park require a permit from the SFPUC. Planned improvements include updating the play area, replanting and replacing sod in the butterfly garden, replacing benches, picnic tables, and pedestrian pavers with patterned stamped concrete, removing graffiti, replacing entry signage, removing graffiti, refurbishing the bocce ball courts, and landscape maintenance.

Sunnyhills Albert Augustine Jr. Park is a 6.2-acre neighborhood park located at Conway Street and Coelho Street. The park was constructed in 1963 and the playgrounds were renovated in 2002. The park is bounded by residential neighborhoods to the east and west and Joseph Weller Elementary School and the Milpitas Community Garden to the north. The park consists of picnic areas, two playgrounds, and large open lawn areas. Planned improvements include adding an outdoor community event space and 20-car parking lot, removing and replacing play areas, benches, pedestrian lighting, signage, dog waste station, and decomposed granite paths with concrete paths, refurbishing restrooms, adding six fitness stations and a dog area, right-of-way improvements, and landscape maintenance.

The planned improvements for each of the existing parks are summarized on the following page in Table 2.3-1.

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Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																						
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt	
New nine-inch concrete path												x									x									x						x		
Replant butterfly garden and replace sod																																					x	
Add concession facility								x		x																												
Add wood structure													x																									
Remove hazardous trees										x									x																			
Replace bike rack		x																								x		x										
Refurbish bocce ball courts or hill tunnel																									x			x								x		x
Add or reskin cricket pitch										x																										x		
Add pickleball court																																	x					
Replace drinking fountain										x			x											x						x	x					x		
Replace steps or stairs													x						x																			

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Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																					
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt
Replace scoreboards																				x																	
Repair boat dock														x																							
Add shade structure												x	x	x																							
Add basketball courts																														x	x						
Repaint metal fence														x											x	x											
Entrance node																														x							
Pave areas with granite paving																					x																
Add new trees										x				x							x																
Replace ball-wall													x																								
Add community garden																														x			x				
Add or replace dog station												x									x											x	x			x	x
Add fenced dog area																x												x								x	
Right of Way Improvements ³		x									x	x	x		x	x											x	x		x				x	x		

³ Right of Way Improvements include installing/removing/replacing ADA curb ramps at park entrances, accessibility signage, bollards, crosswalk striping, and/or sidewalk, curb and gutter repairs as needed.

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Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																						
Improvements																																						
	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt	
	Add ADA-accessible table and/or ramps, where necessary		x				x	x			x					x				x		x					x				x							
	Add or replace fitness stations														x					x								x				x				x		
	Add or replace signage ⁴			x		x		x			x		x		x				x		x					x					x		x	x	x	x		
	Remove, update, repairing, or replace play area								x					x		x					x		x	x	x	x		x	x			x	x	x	x			
	Install new storm drainage system or repair drainage issues																			x					x										x			
	Add community event space or hangout space							x	x				x		x						x	x				x										x		
	Clear pathways	x																																				
	Update ADA parking																			x																		
Landscape maintenance ⁵	x	x	x		x	x	x	x	x		x	x	x	x	x	x				x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		

⁴ Includes park rules, entry, park hour, wayfinding or accessibility signage.

⁵ Includes reseeding lawn areas, replenishing mulch, and planting drought tolerant plants.

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Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																						
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt	
	Add or update field(s) ⁶			x			x	x			x	x																x							x			
	Replace surfacing at playgrounds												x																									
	Add sand volleyball court								x																													
	Resurface rubber safety surfacing								x																													
	Resurface courts ⁷													x														x										
	Replace barbecues						x	x	x															x														
	New nine-inch asphalt path			x																																		
	Repair/repave/replace/adding asphalt path													x	x						x											x						
	Add chess/checkers picnic game tables															x																						
Add observation deck												x																										
Add or update picnic area		x					x	x		x	x	x	x	x							x	x		x		x		x		x	x	x	x	x	x			

⁶ Includes softball, soccer, and baseball fields.
⁷ Courts could include tennis or handball courts.

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Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																					
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Simnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt
Add pump track																																					
Remove horseshoe pit(s)																																					
Replace basketball hoops																																					
Add or refurbish restroom(s)	x	x					x	x	x		x	x	x	x	x						x	x		x													
Add public art					x																																
Add or replace fencing					x								x				x			x											x				x		
Construct overlook area					x																																
Add nine-inch decomposed granite path					x																																
Pave decomposed paths with concrete paths							x	x												x																	
Add interactive exhibits														x																							
Replace bleachers																				x																	
Add or replace benches		x		x							x			x	x					x				x	x	x	x	x		x	x	x	x	x	x	x	x

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Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																					
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Eyatt
	Replace shade sail fabric					x																															
	Replace swing set					x																															
	Add, repair, or update parking lot ⁸				x		x	x			x		x	x							x		x												x	x	
	Remove graffiti								x																					x							x
	Adjust field fence line										x																										
	Replace or repave existing paths with concrete paths											x																		x			x	x			
	Add or update concrete paths											x										x								x							
	Add distance markers for joggers														x																						
	Add, replace, and/or update pedestrian lighting			x		x							x	x	x							x	x								x	x			x	x	x
	Add bouldering wall																					x															
	Replace kiosk																					x		x													

⁸ Includes resurfacing and restriping parking lot.

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Table 2.3-1: Existing Parks and Proposed Site Improvements	
Parks	
Improvements	Alviso Adobe Augustus Rathbone Ben Rodgers Bob McGuire Calaveras Ridge Calle Oriente Cardoza (Option A) Cardoza (Option B) Cerano Creighton Dixon Landing Foothill Hall Memorial Hidden Lake Hillcrest John McDermott Jose Higuera Adobe McCandless Milpitas (Dog Park) Milpitas Sports Center Complex Murphy Oliver W. Jones Memorial O'Toole Elms Parc Metro East Parc Metro Central Parc Metro West Pecot Peter Gill Memorial Pinewood Robert E. Browne Sandalswood Selwyn Sinnott Starlight Strickroth Sunnyhills Albert Augustine Tom Eyatt
Replace pedestrian pavers with concrete	x

Milpitas Parks and Recreation Master Plan Update
City of Milpitas

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Initial Study
September 2021

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SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section.

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4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in Milpitas.

Local

Milpitas General Plan

Hillsides, ridges, visually significant vegetation, and other elements are crucial in shaping the City's scenic identity. Additionally, major entryways to the City including southbound Interstate 880 (I-880) at Dixon Landing Road. The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics and are applicable to the Master Plan Update.

General Plan Policies - Aesthetics	
CD 3-1	Strengthen the positive qualities of the City's neighborhoods, districts, and centers.
CD 3-2	Support the development and preservation of unique neighborhoods, districts, and centers that exhibit a special sense of place and quality of design
CD 3-3	Ensure that new development and redevelopment reinforces desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns.
CD 3-4	Strengthen the identity of individual neighborhoods, districts, and centers through the use of entry monuments, flags, street signs, themed streets, natural features, landscaping, and lighting.

4.1.1.2 *Existing Conditions*

Scenic Views

The City of Milpitas is located between Mission Hills to the east and baylands to the west. Mission Hills and Monument Peak form a distinctive scenic backdrop to the City and are important to community identity and character. Mount Diablo, located outside the Milpitas planning area⁹, is also considered as a prominent landmark.

⁹ The planning area is defined as the entire area within the sphere of influence (SOI) which includes City limits and the urban growth boundary.

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The foothills and the Coyote Creek corridor provide the City of Milpitas with a scenic backdrop and visual reference points. Per the City of Milpitas General Plan, scenic resources include hillsides, ridges, visually significant vegetation, and other elements that are critical in shaping the City's scenic identity. Additionally, major entryways to the City (e.g., southbound I-880 at Dixon Landing Road) are considered important to the City's identity.

Scenic Highways and Corridors

There are no officially designated State Scenic Highways in the vicinity of the City of Milpitas. The nearest officially designated State Scenic Highway is I-680 from Mission Boulevard in Fremont to Bernal Avenue near Pleasanton, located over six miles northeast of the City.¹⁰

Light and Glare

Sources of light and glare are abundant in the urban environment of the City of Milpitas, including but not limited to streetlights, vehicular headlights, internal/external building lights, security lights, and reflective building surfaces and windows. Areas of open space and along creeks typically have lower levels of ambient nighttime lighting and daytime glare.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ¹¹ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

¹⁰ California Department of Transportation. *California State Scenic Highway Systems Map*. Accessed June 11, 2021. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>.

¹¹ Public views are those that are experienced from publicly accessible vantage points.

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Impact AES-1: The project would not have a substantial adverse effect on a scenic vista.
(Less than Significant Impact)

The Master Plan Update identifies improvements to the City's existing public parks. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City. The planned improvements to existing City parks would not substantially change the hillsides, ridges, visually significant vegetation, and other elements that are critical in shaping the City's scenic identity. Therefore, implementation of the planned park improvements recommended in the Master Plan Update would not result in a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The nearest State Scenic Highway, I-680 from Mission Boulevard in Fremont to Bernal Avenue near Pleasanton, is located more than six miles northeast of the City. The proposed park improvements would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a State Scenic Highway. **(No Impact)**

Impact AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project would not conflict with applicable zoning and other regulations governing scenic quality.
(Less than Significant Impact)

The planned improvements to existing City parks (e.g., replacement of play areas and picnic areas, adding community event space and refurbishing existing restroom buildings, etc.) recommended in the Master Plan Update would enhance the existing visual character and public views of each park. Future implementation of the planned improvements would be required to comply with the City's General Plan and Design Guidelines and the policies, guidelines, and actions recommended in the Master Plan Update. As a result, implementation of the planned park improvements recommended in the Master Plan Update would not substantially degrade the existing visual character or quality of the City. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

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The planned improvements to existing City parks recommended in the Master Plan Update with the potential to increase light and glare include adding field lighting and adding and/or replacing pedestrian lighting. Each of the individual park projects would go through a design review process and would be reviewed for compliance with the City’s Design Guidelines and Plan Review Checklist and other applicable codes, policies, and regulations. As recommended in the Master Plan Update, light levels and the direction of lighting should maximize safety yet minimize light pollution in the surrounding neighborhood. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not create substantial light or glare that would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

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4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.¹²

4.2.1.2 *Existing Conditions*

Per the City’s General Plan, there are no areas in the City designated for agricultural use nor are there any agricultural lands identified by the California Department of Conservation’s Farmland Mapping and Monitoring Program within the City. The City’s existing public parks do not support agricultural uses or forest land.

¹² Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

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4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Note: 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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

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

There are no agricultural lands within the City of Milpitas. All lands within the Milpitas city limits are identified as Urban and Built-up Land by the California Department of Conservation.¹³ The Master Plan Update identifies improvements to the City's existing public parks, which are currently

¹³ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.2-2.

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developed with park uses. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

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

The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks are not under Williamson Act contract or zoned for agricultural use. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

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

There are no forest lands or timberlands located in the City of Milpitas.¹⁴ The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks are not zoned and do not support forest land or timberland. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not conflict with existing zoning or cause rezoning of forest land or timberland, or timberland zoned for timberland production. **(No Impact)**

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

There are no forest lands or timberlands located in the City of Milpitas.¹⁵ The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks do not support forestland. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

There are no forest lands or farmland within the City. The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks do not support forestland or farmland. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not result in impacts to agricultural or forest resources. **(No Impact)**

¹⁴ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.2-2.

¹⁵ Ibid.

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4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁶ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
O ₃	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

¹⁶ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

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PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁷ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels

¹⁷ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed May 27, 2021. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

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of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁸

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

¹⁸ Bay Area Air Quality Management District. *Final 2017 Clean Air Plan*. April 19, 2017. Accessed May 27, 2021. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

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Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the Master Plan Update.

General Plan Policies - Air Quality	
CON 7-4	Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
CON 7-5	Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
CON 7-7	Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
CON 7-8	Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.

4.3.1.3 Existing Conditions

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O₃, NO₂, and PM₁₀ and PM_{2.5}.¹⁹ These pollutants are considered criteria pollutants by the U.S. Environmental Protection Agency (U.S. EPA) and CARB as they can result in health effects such as respiratory impairment and heart/lung disease symptoms. Table 4.3-2 shows violations of state and federal standards at the monitoring station in downtown San José (the nearest monitoring station to the City) during the 2017-2019 period (the most recent years for which data is available).

Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
SAN JOSÉ STATION				
Ozone	State 1-hour	3	0	1
	Federal 8-hour	4	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0

¹⁹ PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

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Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
Nitrogen Dioxide	State 1-hour	0	0	0
PM ₁₀	Federal 24-hour	0	0	0
	State 24-hour	6	4	4
PM _{2.5}	Federal 24-hour	6	15	0

Source: Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed May 27, 2021. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries>.

"Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level O₃ and PM_{2.5}, nor does it meet state standards for PM₁₀. The Bay Area is considered in attainment or unclassified for all other pollutants.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

BAAQMD is responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD's most recently adopted plan is the 2017 CAP. The Master Plan Update recommends improvements to existing City parks. In accordance with General Plan Policies CON 7-4, 7-5, 7-7, and 7-8, all future park improvement projects under the Master Plan Update would be required to adhere to BAAQMD requirements, mitigate local and cumulative air quality impacts, comply with regional, state, and federal standards and programs for control of all airborne pollutants, and consider TAC health risks. Therefore, implementation of the

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Master Plan Update would not conflict with or obstruct implementation the 2017 CAP. **(Less Than Significant Impact)**

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

The General Plan Land Use, Community Design, and Conservation Elements contain policies and actions to reduce criteria pollutant emissions, odors, health risks, and other emissions. Per the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The Master Plan Update recommends improvements to existing City parks. In accordance with General Plan Policies CON 7-4, 7-5, 7-7, and 7-8, all future park improvement projects under the Master Plan Update would be required to adhere to BAAQMD requirements, mitigate local and cumulative air quality impacts, and comply with regional, state, and federal standards and programs for control of all airborne pollutants. Therefore, implementation of the Master Plan Update would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

The Master Plan Update identifies improvements to the City's existing public parks, most of which are located adjacent to sensitive receptors (e.g., residences and schools). Construction activities associated with future implementation of the Master Plan Update could expose sensitive receptors to temporary dust and TAC emissions due to ground disturbance and operation of diesel construction equipment. At the time of implementation, each individual park project would be required to comply with the applicable General Plan policies and programs as well as applicable BAAQMD rules and regulations to control dust and minimize sensitive receptor exposure to TAC and PM_{2.5} concentrations. **(Less than Significant Impact)**

Impact AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

Construction activities associated with future implementation of the Master Plan Update could generate localized emissions of diesel exhaust. While the odor of the emissions may be noticeable from time to time by adjacent receptors, the odor would be localized and temporary and is not likely to affect a substantial number of people. **(Less than Significant Impact)**

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4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.²⁰ Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

²⁰ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed May 27, 2021. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

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Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Local

Tree Removal Ordinance

The Tree Maintenance and Protection Ordinance of the City of Milpitas (Milpitas Municipal Code, Chapter 2) serve to preserve all trees and plantings on City property, when feasible, and all protected plantings of significant size, age, and/or benefit to the community at large. Protected trees include:

- All trees which have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed residential property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed commercial or industrial property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required; or
- Any tree existing at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on a vacant, undeveloped, or underdeveloped property; or
- All heritage trees or groves of trees as defined in Section X-2-2.10 of the City's Municipal Code.

A tree removal permit is required from the City of Milpitas for the removal of any street tree, protected tree, or heritage planting.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources and are applicable to the Master Plan Update.

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General Plan Policies – Biological Resources	
CON 2-1	Conserve existing native trees and vegetation where possible and integrate regionally native trees and plant species into development and infrastructure projects where appropriate.
CON 2-3	Avoid removal of large, mature trees that provide wildlife habitat, visual screening, or contribute to the visual quality of the environment through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations. Replacement trees for high-quality mature trees should generally be of like kind, and provide for comparable habitat functionality, where appropriate site conditions exist.

4.4.1.2 Existing Conditions

Wildlife Habitat Classification

According to the California Wildlife Habitat Relationship System, there are 14 wildlife habitat classifications cover types within the City of Milpitas. These include: AGS - Annual Grassland, BOW - Blue Oak Woodland, COW - Coastal Oak Woodland, VOW - Valley Oak Woodland, CSC - Coastal Scrub, CRP - Cropland, IGR - Irrigated Grain Crops, DGR - Dryland Grain Crops, VIN - Vineyard, FEW - Fresh Emergent Wetland, LAC - Lacustrine, MHW - Montane Hardwood, VRI - Valley Foothill Riparian, and URB - Urban (refer to page 3.4-3 of the City's General Plan for more information).²¹

Special-Status Plant Species

Refer to Figure 4.4-1 for a map of special-status species that have been identified as being present or potentially present within one-mile of the City.

Special-Status Animal Species

A total of 55 special-status animal species (e.g., five amphibians, 23 birds, two fish, 10 invertebrates, 11 mammals, and four reptiles) were identified within the City. Refer to Figure 4.4-1 for a map of special-status species that have been identified as being present or potentially present within one-mile of the City.

Sensitive Natural Communities

There are no sensitive natural communities located within the City of Milpitas. The nearest sensitive natural community is the Northern Coastal Salt Marsh habitat located one mile northwest of the City.²²

²¹ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.4-3.

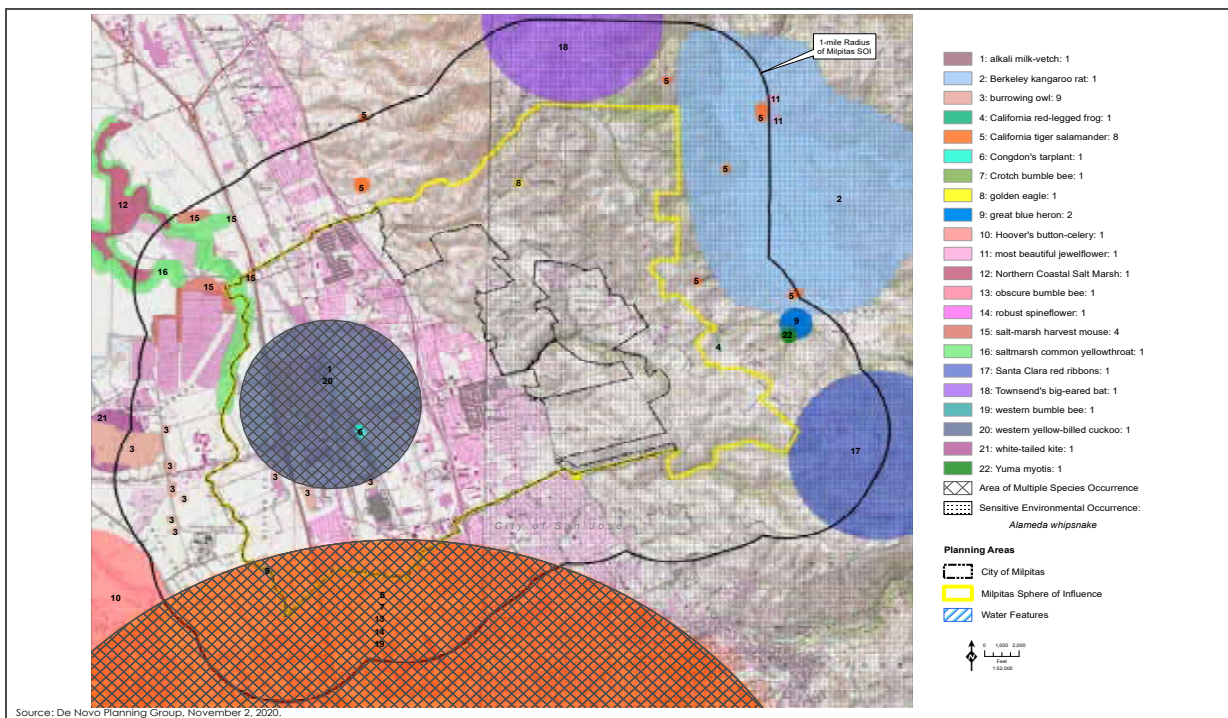
²² City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.4-19.

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Milpitas Parks and Recreation Master Plan Update
City of Milpitas

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Initial Study
September 2021



SPECIAL-STATUS SPECIES WITHIN 1-MILE OF MIPITAS

FIGURE 4.4-1

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4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact)**

The Master Plan Update identifies improvements to the City's existing public parks within existing developed areas where no special-status plant or animal species are expected to be present. Existing hazardous trees within the parks would be removed as part of future planned improvements could provide nesting and/or foraging habitat for migratory birds including raptors. Migratory birds, like nesting raptors, are protected under the MBTA and CDFW Code Sections 3503, 3503.5, and 3800.

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The CDFW defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. All recommended park improvements would be required to conform to applicable General Plan policies and federal, state, and local regulations to avoid impacts to migratory birds. Therefore, construction of the recommended park improvements would have a less than significant impact to nesting birds and raptors. **(Less than Significant Impact)**

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

The nearest sensitive natural community is the Northern Coastal Salt Marsh habitat, which is located one mile northwest of the City and, as a result, the recommended improvements to existing parks would not result in a substantial adverse effect on any sensitive natural community.

While not documented as a sensitive natural community, streams, rivers, wet meadows, and vernal pools are of high concern as they provide unique aquatic habitat for many special-status plants, birds, invertebrates, and amphibians. The City of Milpitas contains numerous aquatic habitats that qualify as sensitive habitat including: Arroyo de los Coches Creek, Berryessa Creek, Coyote Creek; Calera Creek; Ford Creek; Lower Penitencia Creek; Piedmont Creek; Wrigley Creek; Wrigley-Ford Creek; and Tularcitos Creek. The Master Plan Update identifies improvements to the City’s existing public parks within existing developed areas and, as a result, would not impact sensitive habitats. Nevertheless, all individual park projects would be required to implement all applicable General Plan policies and comply with applicable federal, state, and local regulations to avoid impacts to sensitive habitats. As a result, implementation of the proposed project would result in a less than significant impact. **(Less than Significant Impact)**

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

Based on the City’s General Plan, there are wetlands located northwest of the planning area adjacent to Coyote Creek and north of Penitencia Creek adjacent to Interstate 880 (I-880). The Master Plan Update identifies improvements to the City’s existing public parks within existing developed areas and, as a result, would not impact wetlands. Furthermore, all individual park projects would be required to implement applicable General Plan policies and comply with applicable federal, state, and local regulations to avoid or minimize impacts to protected wetlands. As a result, the proposed project would not have a substantial adverse effect on wetland habitat. **(Less than Significant Impact)**

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Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

The planned improvements to existing parks identified in the Master Plan Update would not substantially modify the existing parks or increase use compared to existing conditions and, therefore, would not interfere substantially with wildlife movement of any native resident or migratory fish or wildlife species. All future park improvements completed under the Master Plan Update would be subject to site-specific review and, as a result, implementation of the planned improvements to existing parks would result in a less than significant impact on wildlife corridors. **(Less than Significant Impact)**

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

Based on Chapter 2 of the City's Municipal Code, a tree removal permit is required from the City for removal of any street tree, protected tree, or heritage planting on private property. Any trees removed as part of the planned improvements to the Master Plan Update would be required to comply with the City's General Plan policies, as well as the Municipal Code. Therefore, implementation of the planned improvements to existing parks recommended in the Master Plan Update would result in a less than significant impact on the City's tree preservation policy or ordinance. **(Less than Significant Impact)**

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

While the City is not located within the Santa Clara Valley Habitat Plan (Habitat Plan) area, the land within the City's sphere of influence (SOI) is within the Habitat Plan permit area and within the expanded study/permit area for Burrowing Owl Conservation. Consistent with the City's General Plan, all applicable park projects would be required to comply with the HCP. Specifically, General Plan Action CON 3a requires new development, long-range planning projects, and other projects to comply with the requirements of the Habitat Plan to ensure that potentially significant impacts to special-status species and sensitive resources are adequately addressed. Therefore, implementation of the planned improvements to existing parks recommended in the Master Plan Update would not conflict with the provisions of the Habitat Plan or National Community Conservation Plan. **(Less than Significant Impact)**

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4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

CEQA DOCUMENTATION

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the Master Plan Update.

General Plan Policies – Cultural Resources	
CON 4-1	Review proposed developments and work in conjunction with the California Historical Resources Information System, Northwest Information Center at Sonoma State University, to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
CON 4-2	If found during construction, ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
CON 4-3	Work with Native American representatives to identify and appropriately address, through avoidance or mitigation, impacts to Native American cultural resources and sacred sites during the development review process
CON 4-4	Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18 and AB 52, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.
CON 5-1	Protect significant historic resources and use these resources to promote a sense of place and history in Milpitas through implementation of the Milpitas Cultural Resources Preservation Program (Municipal Code, Title XI, Chapter 4), the Conceptual Historic Resources Master Plan, the conservation and preservation of the City's historical collection at the Milpitas Community Museum, and other applicable codes, regulations, and area plans.

CEQA DOCUMENTATION

4.5.1.2 Existing Conditions**Prehistoric Subsurface Resources**

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe was established.

Post-Mission Period to Mid-20th Century

The town of Milpitas began in the mid-1800's. Prior to 1856, the lands were used for agricultural purposes. By 1880s, the town of Milpitas' population had increased to 200 people and the railroad line was extended through the region in 1869. By 1922, the town's population increased to 800 and the Western Pacific rail line was also completed. By 1953, Ford Motor Company purchased a 160-acre tract in the City which was planned for automobile assembly. Due to the increase in jobs, the town of Milpitas was incorporated in 1954.

Historical and Archaeological Resources

Areas within the City may contain known historical or unknown historical and archaeological resources which have not yet identified.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

CEQA DOCUMENTATION

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

A substantial adverse change in the significance of an historic resource is defined in Section 15064.5 (b)(1) of the CEQA Guidelines as the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

Jose Maria Alviso Adobe and Jose Higuera Adobe are located in Alviso Adobe and Jose Higuera Parks, respectively. Both adobes are identified as historic resources in the City, county, and state’s inventory. Additionally, O’Toole Elms park is located along the alignment of the O’Toole estate driveway (at 701 South Abel Street) which has been identified as a historic resource in the City, county, and state’s inventory. The planned improvements to Alviso Adobe Park, Jose Higuera Park, and O’Toole Elms Park recommended in the Master Plan Update include landscape maintenance, repairing ADA parking access and playground equipment, refurbishing the restrooms, replacing pedestrian pavers with stamped concrete, updating the parking lot, and/or adding a chain link fence and gates. The planned improvements would not demolish, modify, relocate, or otherwise alter the adobes or the 701 South Abel Street property or substantially modify the existing parks within which they are located. For these reasons, implementation of the planned park improvements recommended in the Master Plan update would have a less than significant impact on historic resources or structures. **(Less than Significant Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

The planned park improvements recommended in the Master Plan Update would require minor excavation, grading, and other ground disturbing activities at most of the existing parks. Although unlikely, demolition and excavation of individual parks could damage as yet unrecorded subsurface resources. All individual park improvement projects would be evaluated for conformance with regulatory regulations and laws (e.g., Public Resources Code Sections 5097 and 5097.98) and General Plan Policies (e.g., CON 4-1, 4-2, and 4-3), to minimize or avoid impacts to unknown subsurface cultural resources. General Plan Action CON 4a requires a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource. Additionally, all park improvement projects would be required to comply with General Plan Action CON 4b in the event cultural resources or human remains are discovered during ground-disturbing activity. Therefore, implementation of the planned improvements to existing parks recommended in the Master Plan Update would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

CEQA DOCUMENTATION

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

The planned park improvements recommended in the Master Plan Update would require minor excavation, grading, and other ground disturbing activities at most of the existing parks. The planned improvements would affect previously disturbed areas within existing developed parks and, therefore, it is unlikely human remains would be encountered. All park improvement projects would be required to comply with the California Native American Historical, Cultural, and Sacred Sites Act which requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified. As mentioned previously, all individual park improvement projects would be required to comply with all applicable federal, state, and local regulations related to the discovery of human remains. The planned park improvements recommended in the Master Plan Update would have a less than significant impact on human remains, including those interred outside of dedicated cemeteries. **(Less Than Significant Impact)**

CEQA DOCUMENTATION

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.²³

²³ International Code Council. "2019 California Administrative Code, Title 24, Part 1 with Jan 2020 Errata." Accessed May 27, 2021. <https://codes.iccsafe.org/content/CAC2019P2/preface>.

CEQA DOCUMENTATION

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.²⁴

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the Master Plan Update.

General Plan Policies - Energy	
CIR-2.1	Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
PROS 1-15	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/ or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.
CON 1-2	Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
CON 1-3	Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible.
CON 1-9	Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds,

²⁴ California Air Resources Board. "Advanced Clean Cars Summary." Accessed May 27, 2021. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

CEQA DOCUMENTATION

General Plan Policies - Energy	
	landscaping, sunscreens, building orientations, and material choices that reduce energy use.
USC 5-3	Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,880 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data was available.²⁵ Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,440 trillion Btu) for residential uses, 19 percent (1,510 trillion Btu) for commercial uses, 24 percent (1,851 trillion Btu) for industrial uses, and 39 percent (3,078 trillion Btu) for transportation.²⁶ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.²⁷

Pacific Gas and Electric Company (PG&E) is the City of Milpitas's energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2019, natural gas facilities provided 29 percent of PG&E's electricity delivered to customers; nuclear plants provided 44 percent; and large hydroelectric facilities provided 27 percent.²⁸

Natural Gas

PG&E also provides natural gas services within Milpitas. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.²⁹ In 2019, residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 27 percent, the industrial sector used 36 percent, and other uses used four percent.³⁰ Transportation accounted for one percent

²⁵ United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed May 27, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁶ Ibid.

²⁷ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed May 27, 2021. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

²⁸ Pacific Gas and Electric Company. "Exploring Clean Energy Solutions." Accessed May 27, 2021. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy.

²⁹ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed May 27, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

³⁰ United States Energy Information Administration. "Natural Gas." Accessed May 27, 2021. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcua_sca_a.htm.

CEQA DOCUMENTATION

of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.³¹

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.³² The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.³³ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{34,35}

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

Construction

The planned improvements (e.g., pathways, play features, and event space) recommended in the Master Plan Update would require relatively minor earthwork, demolition, and construction activities. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of

³¹ California Energy Commission. "Natural Gas Consumption by County." Accessed May 27, 2021. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

³² California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 27, 2021. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

³³ United States Environmental Protection Agency. "The 2019 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2020. Accessed May 27, 2021. <https://nepis.epa.gov/Exec/QueryPDF.cgi?Dockey=P1010U68.pdf>.

³⁴ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 27, 2021. <http://www.afdc.energy.gov/laws/eisa>.

³⁵ Public Law 110-140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 27, 2021. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

CEQA DOCUMENTATION

the added expense associated with renting the equipment, as well as maintenance and fuel. Furthermore, the existing parks are located near existing supplies and labor, thereby, reducing the amount of energy used to transport supplies and construction workers to the site. For these reasons, construction of the planned improvements recommended in the Master Plan Update would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Operational

Planned improvements such as the installation of new pedestrian lighting and construction of new bathrooms would incrementally increase energy demand while planned improvements such as replacing existing lighting and refurbishing existing bathrooms with energy and water efficient fixtures which would incrementally decrease energy demand. Planned improvements for existing parks would also include replacing dead or dying plants with drought-tolerant plants which would reduce water use for landscaping. Each individual park would be required to comply with CALGreen requirements and all applicable federal, state, and local regulations related to energy and water use. For these reasons, operation of the planned improvements recommended in the Master Plan Update would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Less than Significant Impact)
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Construction and operation of the planned improvements recommended in the Master Plan Update would be required to comply with the following:

- Title 24 and CALGreen requirements
- City’s Climate Action Plan measures, policies, and actions
- All applicable federal, state, and local regulations related to energy usage

Therefore, implementation of the Master Plan Update would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

CEQA DOCUMENTATION

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

CEQA DOCUMENTATION

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to geologic and seismic hazards and are applicable to the Master Plan Update.

General Plan Policies – Geology and Soils	
SA 1-1	Require development to reduce risks to life and property associated with earthquakes, liquefaction, erosion, landslides, and unstable soil conditions.
SA 1-2	Ensure that all new development and construction is in conformance with all applicable building standards related to geologic and seismic safety.
SA 1-3	Require geotechnical investigations to be completed prior to approval of any public safety or other critical facilities, in order to ensure that these facilities are constructed in a way that mitigates site-specific seismic and/or geologic hazards.
SA 1-4	Development in areas subject to unstable soil and/or geologic conditions shall be reviewed by qualified engineers and or geologists prior to development in order to ensure the safety and stability of all new construction.
SA 1-5	Require an erosion and sediment control plan prepared by a civil engineer, or other professional who is qualified to prepare such a plan, as part of any grading permit application for new development. The erosion and sediment control plan shall delineate measures to appropriately and effectively minimize soil erosion and sedimentation.
SA 1-6	All structures and building foundations requiring a building permit located within areas containing expansive soils, or other soils conditions which, if not corrected, would lead to structural defects, or unsafe conditions, shall be reviewed by a qualified engineer, who shall recommend corrective actions as appropriate to remedy onsite soil conditions.
SA 1-7	All structures and additions requiring a building permit shall be designed and engineered to comply with the most current version of the California Code of Regulations (CCR), Title 24.

CEQA DOCUMENTATION

4.7.1.2 *Existing Conditions*

Regional Geology

The City of Milpitas is located in the Santa Clara Valley, a relatively flat alluvial basin bounded by the Diablo Mountain Range to the east and the Santa Cruz Mountains to the west.

On-Site Geologic Conditions

Topography and Soils

There are 30 different soil types located within the planning area which are shown in Figure 4.7-1 below.

Groundwater

The planning area lies within the Santa Clara Groundwater Basin, which extends from the southern edge of San Francisco Bay through the Coyote Valley.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the U.S. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in a northwesterly direction. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking is expected to occur in the City during a major earthquake. The Hayward Fault Zone, an Alquist-Priolo Earthquake Fault Zone, is located within the City. In addition, there are two known active or potentially active faults in the planning area which include the Arroyo Aguague Fault and the Hayward Fault.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The liquefaction potential within the City of Milpitas ranges from very low to very high.

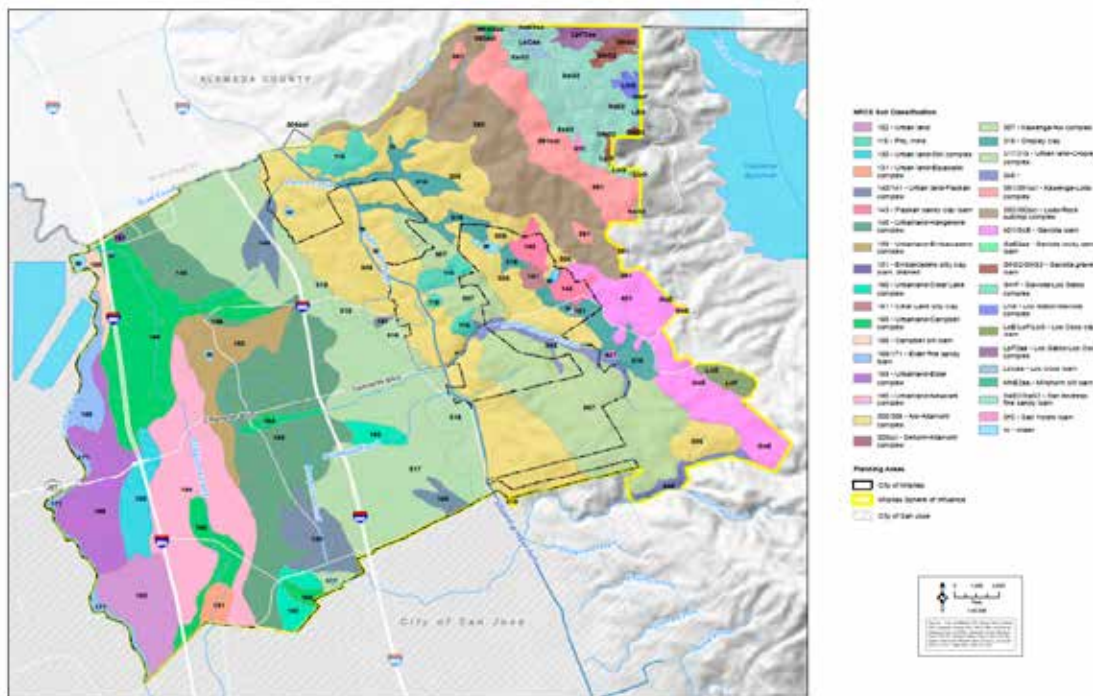
Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Per the General Plan, the area most prone to lateral spreading are the hillsides to the east.

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. The project area is relatively flat; therefore, the probability of landslides occurring at the site during a seismic event is low.

CEQA DOCUMENTATION



U.S. NATURAL RESOURCE CONSERVATION SERVICE SOILS

FIGURE 4.7-1

CEQA DOCUMENTATION

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations of the City have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface (bgs), have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) 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?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

CEQA DOCUMENTATION

On December 17, 2015, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project unless the project could exacerbate the existing environmental hazards or risks. The proposed project would not exacerbate existing geology and soil conditions in the project area; therefore, the proposed project would not result in geology and soils impacts, except for potential erosion and paleontological resource impacts. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. The City has, therefore, included planning considerations relating to these policies and regulations for information only.

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.
(Less than Significant Impact)

Portions of the City are located within an Alquist-Priolo Earthquake Fault Zone and there are two known active or potentially active faults in the area. As a result, the City could experience strong ground shaking during a seismic event, and there is the potential for lateral spreading and landslides along the hillsides. All park improvement projects would be required to conform to applicable General Plan policies and federal, state, and local regulations to reduce potential impacts associated with a seismic event, including rupture of an earthquake fault, seismic ground shaking, liquefaction, and landslides. Therefore, implementation of the Master Plan Update would not exacerbate existing seismic conditions. **(Less than Significant Impact)**

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.
(Less than Significant Impact)

Construction of the planned park improvements recommended in the Master Plan Update would require minor excavation, grading, and other ground disturbing activities that could increase soil erosion. All ground-disturbing activities completed under the Master Plan Update would be required to comply with all applicable City regulatory programs pertaining to construction-related erosion including the City’s NPDES General Construction Permit, urban runoff policies, and the Municipal Code. Additionally, all park improvement projects would be required to comply with applicable General Plan policies and the City’s Municipal Code as discussed in Section 4.10, Hydrology and Water Quality. All ground disturbing activities completed under the Master Plan Update would be required to comply with General Plan Policy SA 1-5 which requires new development to prepare an erosion and sediment control plan to minimize soil erosion and sedimentation. Therefore, future park improvements under the Master Plan Update in conformance with existing regulations and the General Plan would not result in substantial soil erosion or the loss of topsoil. **(Less Than Significant Impact)**

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Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

The planning area has very low to very high liquefaction potential and the area most prone to lateral spreading are the hillsides located east. All park improvement project would be required to use standard engineering and seismic safety design techniques during project construction. Additionally, each park would be constructed in conformance with a site-specific geotechnical investigation. As a result, future park improvement projects would not be located on a geologic unit or soil that is unstable or would become unstable as a result of the Master Plan Update. **(Less Than Significant Impact)**

Impact GEO-4: The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

As mentioned previously, the City of Milpitas has a low to very high expansion potential and very strong ground shaking during an earthquake. As discussed in Impact GEO-1, all park improvement projects would be required to comply with the CBC to address soil instability. Therefore, implementation of the planned improvements under the Master Plan Update would not result in a significant geology hazards impact. **(Less than Significant Impact)**

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The proposed improvements to existing parks and future parks would not require the use of septic tanks or alternative wastewater disposal systems and wastewater would be discharged into the existing public sanitary sewer system. Therefore, none of the existing and planned parks would require soils capable of supporting the use of septic tanks. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

While park improvements would include grading and excavation activities, it could be reasonably assumed that substantial excavation would not be required. Furthermore, all planned park improvement projects (that would require excavation) would be required to conform to applicable General Plan policies and federal, state, and local regulations to avoid and reduce construction-related paleontological resources impacts. As mentioned in General Plan Action CON 4b, if historic or prehistoric archaeological artifacts or unique paleontological resources are discovered during ground-disturbing activities, all work within 100 feet of the discovery shall stop and the Planning Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist or historian for appropriate protection and preservation measures. Therefore,

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implementation of the Master Plan Update would have a less than significant paleontological resources impact. **(Less than Significant Impact)**

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4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

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In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂E (MMTCo₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCo₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Climate Action Plan

In 2013, the City of Milpitas prepared and adopted a Climate Action Plan to reduce community-wide GHG emissions. In addition to reducing GHG emissions, the Climate Action Plan provides guidance for adapting to anticipated effects of climate change. The Climate Action Plan looks at five key sectors (energy use, vehicle miles, waste production, water usage, and off-road activities) and

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incorporates best practices to produce a blueprint for achieving GHG emissions reduction in Milpitas and compliance with AB 32 and SB 375. The CAP is currently being updated.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG emissions and are applicable to the Master Plan Update. Additional policies have been adopted to reduce energy use (and thus emissions from fuel use). Refer to *Sections 4.3 Air Quality*, *4.6 Energy*, and *4.17 Transportation* for these policies.

General Plan Policies – Greenhouse Gas Emissions	
CD 11-2	Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities
CON 1-1	Ensure that new development is consistent with the energy objectives and targets identified by the City's Climate Action Plan (CAP).
CON 1-2	Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
CON 1-9	Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
CON 7-4	Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
CON 7-5	Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
CON 7-7	Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
CON 7-13	Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
CIR 4-5	Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers.
CIR-6.9	Maximize efficient maintenance of transportation infrastructure of all modes, such as coordinating roadway paving or striping projects to include maintenance of pedestrian and bicycle infrastructure.

4.8.1.3 Existing Conditions

GHG emissions from existing parks are generated by vehicles traveling to and from the parks and lighting associated with the parks.

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4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

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

Construction Emissions

Construction activities associated with future implementation of the Master Plan Update could generate GHG emissions from the operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the park. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. GHG emissions during construction of the planned park improvements would be temporary and would be subject to the City's Climate Action Plan and BAAQMD). Specifically, the City's Climate Action Plan Measure 12.2 encourages projects to comply with BAAQMD BMPs to reduce GHG emissions during construction by use of alternative fueled vehicles, use of local recycled materials, and recycling of construction or demolition materials. For these reasons, construction activities associated with future implementation of the Master Plan Update would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less Than Significant Impact)**

Operation

The Master Plan Update identifies improvements to existing parks serving the local community, thereby, reducing the need for residents to travel to recreational facilities outside the City. Planned improvements at each individual park would be required to comply with CALGreen requirements and all applicable federal, state, and local regulations related to energy and water conservation. For these reasons, operation of the planned improvements recommended in the Master Plan Update would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less Than Significant Impact)**

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

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2017 Clean Air Plan

The Master Plan Update identifies improvements to existing parks serving the City of Milpitas consistent with applicable General Plan goals and policies and General Plan growth assumptions, upon which the 2017 CAP is based. As discussed below, the Master Plan Update is also consistent with the City’s Climate Action Plan. The planned improvements would reduce the need (and associated GHG emissions) for residents to travel to recreational facilities outside the City. For these reasons, the Master Plan Update is consistent with the 2017 CAP. **(Less than Significant Impact)**

2013 Climate Action Plan

In 2013, the City of Milpitas prepared and adopted a Climate Action Plan to reduce community-wide GHG emissions. Consistent with the General Plan, Measure 7.1 of the City’s Climate Action Plan is to expand the City’s park and open space system. The proposed Master Plan Update is specifically consistent with this measure and, therefore, is consistent with the Climate Action Plan. Furthermore, implementation of the planned improvements recommended in the Master Plan Update would be required to comply with all applicable federal, state, and local regulations for reducing GHG emissions. For these reasons, the Master Plan Update is consistent with the City of Milpitas Climate Action Plan. **(Less than Significant Impact)**

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4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Setting

4.9.1.1 Regulatory Framework

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but

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not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.³⁶

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.³⁷

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).³⁸

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint (LBP).

³⁶ United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed September 14, 2020. <https://www.epa.gov/superfund/superfund-cercla-overview>.

³⁷ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed September 14, 2020. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

³⁸ California Environmental Protection Agency. "Cortese List Data Resources." Accessed October 6, 2020. <https://calepa.ca.gov/sitecleanup/corteselist/>.

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California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the Master Plan Update.

General Plan Policies - Hazards and Hazardous Materials	
SA-5.1	Require hazardous waste generated within Milpitas to be disposed of in a safe manner, consistent with all applicable local, state, and federal laws.
SA-5.2	Hazardous materials shall be stored in a safe manner, consistent with all applicable local, state, and federal laws.
SA-5.4	Use the environmental review process to comment on Hazardous Waste Transportation, Storage and Disposal (TSD) Facilities proposed in the Milpitas Planning Area and throughout the County to request a risk assessment and ensure that potentially significant, widespread, and long-term impacts on public health and safety of these facilities are identified and mitigated, as such impacts do not respect jurisdictional boundaries.
SA-5.5	As feasible, minimize the use of toxic cleaning supplies and products in civic facilities, and minimize the City's use of pesticides, herbicides and fertilizers during landscaping and outdoor municipal operations.

4.9.1.2 Existing Conditions

Identified Hazardous Facilities

Based on the General Plan FEIR, there are 62 locations within the City that are listed in the Envirostor Database. Table 4.9-1 below provides a summary of the facilities listed in the database.

Table 4.9-1: Identified Facilities in Envirostor Database		
Name	Location	Status
Corrective Action Sites		
Great Western Chemical Co	945 Ames Avenue	Refer to RWQCB
The Sherwin Williams Company	805 Sinclair Frontage Road	Inactive -Needs Evaluation
Evaluation/Investigation Sites		

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Table 4.9-1: Identified Facilities in Envirostor Database

Name	Location	Status
Chevron Service Station/Bulk Plant	198 Winsor Avenue	Refer to 1248 Local Agency
Kaiser Experimental Lab	1600 South Main Street	Refer to 1248 Local Agency
KOMAG 4	275 South Hillview Drive	No Further Action
Mony Property	1980 Tarob Court	No Further Action
The Apton	230 North Main Street	Refer to 1248 Local Agency
Non-Operating Sites		
Great Western Chemical Co	945 Ames Ave	Closed
Ionization Research CO DBA Ecosolutions	1823 Houret Court	Closed
The Sherwin Williams Company	805 Sinclair Frontage Road	Protective Filer
School Cleanup/School Investigation		
Mabel Mattos Elementary School	1750 McCandless Drive	Active – School Cleanup
Centre Pointe Drive	APN 086-33-102 and -103	Inactive – Withdrawn (School Investigation)
McCandless Additional Parcels for School Site	Houret Drive and Houret Court	Inactive – Withdrawn (School Investigation)
State Response		
Cook Paint And Varnish Company	201 Sinclair Frontage Road	Certified
Exide Corporation	700 Montague Expressway	Certified
Stonegate Development	1260 Dempsey Road	Certified O&M - Land Use Restrictions Only
Target Masters West	122 Minnis Circle	Active
Tiered Permits		
Akashic Memories Corp., Milpitas	304 Turquoise Street	No Further Action
Aptos Corp., Centre Pointe Drive	1557 Centre Pointe Drive	Refer to RWQCB
California Micro Devices Corp	215 Topaz Street	No Further Action
CBR Circuits, Inc.	116 Minnis Circle	Inactive - Needs Evaluation
Cordova Printed Circuits, Inc	1648 Watson Court	Inactive - Needs Evaluation
DiSC Stampers LLC	1003 Montague Court	Inactive - Needs Evaluation
DiSC Stampers LLC	1103 Montague Court	Inactive - Needs Evaluation
Dynamic Circuits, Inc.	1831 Tarob Court	Inactive - Needs Evaluation
Great Western Chemical Co. – Milpitas	945 Ames Avenue	Inactive - Needs Evaluation
Headway Technologies, Inc.	497 So Hillview Drive	Inactive - Needs Evaluation
Integrated Packaging Assembly Corp.	1503 Gladding Court	No Further Action
International Microcircuits, Inc.	525 Los Coches Street	Inactive - Needs Evaluation
Intersil Corporation	1996 Tarob Court	Inactive - Needs Evaluation
Komag, Inc. #1	591 Yosemite Drive	Inactive - Needs Evaluation
Kovio, Inc.	233 South Hillview Drive	Inactive - Needs Evaluation

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Table 4.9-1: Identified Facilities in Envirostor Database

Name	Location	Status
Kullicke & Soffa Industries, Inc.	1504 McCarthy Boulevard	Inactive - Needs Evaluation
Lenthor Engrg., Inc.	1506 Gladding Court	Inactive - Needs Evaluation
Linear Technology Corp.	1630 McCarthy Boulevard	Inactive - Needs Evaluation
Linear Technology Corporation, Hillview Facility	275 South Hillview Drive	Inactive - Needs Evaluation
Lite-On, Inc.	720 South Hillview Drive	Inactive - Needs Evaluation
Lockheed Martin Fairchild System	1801 McCarthy Boulevard	Inactive - Needs Evaluation
LSI Logic Corp.	1601 McCarthy Boulevard	Inactive - Needs Evaluation
Mektec Corp	1740 McCandless Drive	Inactive - Needs Evaluation
North American Transformer/SPX Corporation	1200 Piper Drive	Refer to Other Agency
NTA Industries, Inc.	398 Railroad Court	Inactive - Needs Evaluation
Ontrak Systems, Inc.	77 W. Montague Expressway	Inactive - Needs Evaluation
PCB Engrg., Inc	1478 Gladding Court	Inactive - Needs Evaluation
Photonics California, Inc.	1913 Tarob Court	Inactive - Needs Evaluation
Quartz International, Inc.	1181 Cadillac Court	Inactive - Needs Evaluation
Read-Rite Corp. – Milpitas	345 Los Coches Street	No Further Action
Saint-Gobain Quartz	1181 Cadillac Court	Inactive - Needs Evaluation
Seagate Technology, Inc.	311 Turquoise Street	Inactive - Needs Evaluation
Sensym, Inc. – Milpitas	1804 McCarthy Boulevard	Inactive - Needs Evaluation
Silicon Microstructures, Inc.	1701 McCarthy Boulevard	Inactive - Needs Evaluation
Silicon Valley Electro-Plating Corp.	1486 Gladding Court	Inactive - Needs Evaluation
Sipex Corporation	233 South Hillview Drive	Inactive - Needs Evaluation
South Valley Circuits, Inc.	1603 Watson Court	Inactive - Needs Evaluation
StorMedia, Inc.	690 Gibraltar Drive	Refer to Other Agency
That Corporation Integrated Systems	495 Fairview Way	Inactive - Needs Evaluation
U-Tech media USA, LLC	1103 Montague Court	Inactive - Needs Evaluation
WJ Communications, Inc.	1530 McCarthy Boulevard	Inactive - Needs Evaluation
Xicor, Inc.	851 Buckeye Court	Inactive - Needs Evaluation
Voluntary Cleanup		
Former Stormedia Facility	690 Gibraltar Drive	No Further Action
Handcraft Tile	1696 South Main Street	Certified
McCarthy Ranch	McCarthy Boulevard and Ranch Drive	No Further Action

Cortese List

None of the existing City parks are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.³⁹

³⁹ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.8-5.

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Leaking Underground Storage Tanks

There are 95 locations that are listed in the GeoTracker database for leaking underground storage tanks (LUST). Of the 95 sites, 93 sites have completed the LUST cleanup and case has been closed. One site at 36 Winsor Street is open for site assessment and the other site at 97 South Abbott Avenue has an open case for verification monitoring.

Water Board Program Cleanup Sites

There are a total of 49 sites in the City that are listed in the GeoTracker database for Water Board Cleanup Sites. A total of 23 sites have undergone cleanup and case has been closed. The remaining 26 sites in the City with open cases are listed in the table below.

Table 4.9-2: Identified Water Board Cleanup Sites	
Open – Assessment and Interim Remedial Action	
Integral Communities	1350 McCandless Dr
Siena by Landsea Development	600 Amalfi Loop
Toll Brothers Tarob 3 Development	551 Lundy Place
Murco Property	312 South Main Street
Milpitas Station	1425 South Milpitas Boulevard
Open – Inactive Case	
Fox Hollow - Park Victoria Site	Park Victoria & Fox Hollow
O'Donnell Investment Partners	Wrigley Way X Vista Way
Milpitas City	1265 North Milpitas Boulevard
Open – Eligible For Closure	
Victorian Square Cleaners	1285 East Calaveras Boulevard
Open – Remediation	
Ford Cleaners	1822 Milmont Drive
1 Hanson Court	1 Hanson Court
Former Viking Freight System, Inc.	355 Sango Court
Former Dynamic Circuits	1350 South Park Victoria Drive
Palazzo at Montague Village Townhouses	1200 Piper Drive
North American Transformer	1200 Piper Drive
Open – Site Assessment	
Summerhill Apartments Centre Pointe	1646 Centre Pointe Drive
Summerhill Building A	1646 Centre Pointe Drive
Summerhill Building A	1646 Centre Pointe Drive
Centre Pointe Business Park	1463-1589 Centre Pointe Drive
Jones Chemical	985 Montague Expressway
Prudential Overall Supply	1429 Milpitas Boulevard N
Eastside San Ramon Partners LLC	260 S Main Street
450 Montague	450 Montague Expressway
Open – Verification Monitoring	
Parktown Plaza Shopping Center	1350 South Park Victoria Drive

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Naturally Occurring Asbestos

Areas in the City of Milpitas have been known to contain Naturally Occurring Asbestos (NOA) at concentrations in excess of established regulatory levels. Risks to human health are primarily associated with inhaling asbestos fibers which become airborne during soil disturbance.

Airport Hazards

The nearest airport is the Norman Y. Mineta San José International Airport, which is located approximately two miles south of the City of Milpitas. According to the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan, the City of Milpitas is not located within an airport safety zone.

Wildfire Hazards

The City of Milpitas is not located in a Very High Fire Severity zone.⁴⁰

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐

⁴⁰ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.8-17.

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Construction, operation, and maintenance of the park improvements recommended in the Master Plan Update would not result in hazardous materials routinely being transported, used, or disposed of in quantities that would result in a significant hazard to the public. Construction activities would use hazardous materials, including fuels, oils, solvents, paints, and other building materials. Similar to existing conditions, operation and maintenance of the planned park improvements may include the use of maintenance and landscaping chemicals in small quantities. During construction and operation, all hazardous material use and storage would be required to comply with federal, state, and local requirements. For these reasons, the limited use and storage of hazardous materials during construction and operation under the Master Plan Update would not pose a significant risk to the public or environment. **(Less than Significant Impact)**

Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Construction

Construction of the planned improvements recommended in the Master Plan Update are not expected to encounter hazardous materials because they would occur at existing developed parks and require relatively minor excavation and grading activities. Construction would use hazardous materials, including fuels, oils, solvents, paints, and other building materials. These materials would be stored and used in relatively small quantities, in compliance with local and state safety requirements. Additionally, all park improvement projects would be required to comply with General Plan Action SA-5a which requires that applications for discretionary development projects provide detailed information regarding the potential for hazardous materials on the site and, if warranted, identify and require mitigation measures to reduce exposure to hazardous materials to acceptable levels. All individual park projects would be required to implement all applicable General Plan policies and comply with applicable federal, state (e.g., Title 14 of the California Code of Regulations), and local regulations reduce potential hazardous materials impacts to adjacent uses. For these reasons,

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construction would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Operation

Similar to existing conditions, operation and maintenance of the planned park improvements may include the use of maintenance and landscaping chemicals in small quantities. During operation, all hazardous material use and storage would be required to comply with federal, state, and local requirements. Such use as part of the project operation would not cause a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

A total of 18 parks are located within one-quarter mile of an existing or proposed school which include Foothill Park, Hall Memorial Park, McCandless Park, Murphy Park, Pecot Park, Pinewood Park, Robert E. Browne Park, Sinnott Park, Starlite Park, Cardoza Park, Milpitas Sports Center, Ben Rodgers Park, Sunnyhills Albert Augustine Memorial Park, Jose Higuera Adobe Park, Strickroth Park, Sandalwood Park, Evergreen Park, and Hillcrest Park. As mentioned previously, operation and maintenance of the planned park improvements would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. All hazardous materials would be handled in accordance with federal, state, and local requirements, which would limit the potential for a project to expose nearby uses, including schools, to hazardous emissions or an accidental release. Therefore, the proposed planned improvements recommended in the Master Plan Update would not present a risk to any nearby school. **(Less than Significant Impact)**

Impact HAZ-4: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The planned improvements recommended in the Master Plan Update would occur at existing developed parks. None of the existing parks within the City are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the planned improvements recommended in the Master Plan Update would not create a significant hazard to the public and/or environment. **(Less than Significant Impact)**

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

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The Norman Y. Mineta San José International Airport is located approximately two miles south of the City. As mentioned previously, the City is not located within the Norman Y. Mineta San José International Airport CLUP-defined safety zone. Therefore, the planned improvements recommended in the Master Plan Update would not result in a substantial safety hazard for people residing or working in any of the project areas. **(Less than Significant Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The planned improvements recommended in the Master Plan Update would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies identified in the City's General Plan. For these reasons, the planned park improvements would not physically interfere with an adopted emergency response or evacuation plans. **(Less than Significant Impact)**

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

While the City of Milpitas is not categorized as being in a Very High Fire Severity zone by CalFire, the hillside areas located east of the City are designated as High and Moderate Fire Severity zones by CalFire. Consistent with the General Plan, all planned improvements recommended in the Master Plan Update would be constructed and maintained in accordance with federal, state, and local wildland fire hazards requirements. For these reasons, the planned park improvements would not expose people or structures to risk from wildland fires. **(Less than Significant Impact)**

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4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The City is within the jurisdiction of the San Francisco Bay RWQCB.

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

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discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3.

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁴¹ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Local

City of Milpitas Stormwater Regulations

To comply with Provision C.3 of the MRP, projects are required to submit a Stormwater Management Plan (SWMP) with building plans, to be reviewed and approved by the City of Milpitas's Public Works Department. The SWMP must be prepared under the direction of and certified by a licensed and qualified professional, which includes civil engineers, architects, or landscape architects. Conditions of approval for development projects include the installation and maintenance of Best Management Practices (BMPs) for site design and stormwater treatment, which must be designed per approved numeric sizing criteria.

⁴¹ MRP Number CAS612008

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City of Milpitas Municipal Code

Chapter 15 of the City's Municipal Code includes regulations to minimize public and private losses due to flood hazard areas of the City being subject to inundation. Chapter 16 of the City's Municipal Code ensures consistency with federal and state law requirements related to stormwater and urban runoff pollution control.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the Master Plan Update.

General Plan Policies - Hydrology and Water Quality	
SA 2-3	Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.
SA 2-5	Unless otherwise mitigated, require new structures to be located outside of the 100- year floodplain. All new development within an identified Flood Hazard Area shall be built according to Federal Emergency Management Agency standards and comply with the provisions for flood hazard reduction criteria (Milpitas Municipal Code Section XI-15-5).
UCS 1-2	Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
UCS 1-3	Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City's existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
UCS 4-2	Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
UCS 4-3	Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impact
UCS 4-4	Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.

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General Plan Policies - Hydrology and Water Quality	
UCS 4-6	Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.
UCS 4-14	Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code).
UCS 4-15	Minimize the use of pesticides that may affect water quality.

4.10.1.2 Existing Conditions**Storm Drainage and Water Quality**

Stormwater runoff from the City is collected in a system of 77 miles of storm drains ranging from three- to 96-inches in diameter along the City's waterways that ultimately drain to the San Francisco Bay. Within the City, Coyote Creek is listed on the Section 303(d) list of impaired water.

Flooding

Based on the City's General Plan, areas prone to flooding include Calera Creek, Los Coches Creek, Lower Penitencia Creek, Berryessa Creek, Wrigley Creek, Ford Creek, and Coyote Creek. The City contains areas subject to flooding during the 100- and 500-year storm events as well as areas of undetermined flood hazard.

Dam Failure

The City is located within the Anderson Dam, Coyote Dam, and Sandy Wool Lake Dam failure inundation hazard zones.⁴²

Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay while a tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. The City of Milpitas is not located within a tsunami and seiche hazard area.⁴³

Groundwater

The planning area lies within the Santa Clara Groundwater Basin which extends from the southern edge of San Francisco Bay through the Coyote Valley. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

⁴² City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.9-8.

⁴³ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.6-16.

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4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction of the planned park improvements recommended in the Master Plan Update would involve excavation and grading activities at individual parks. Construction activities have the potential to result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All future development under the Master Plan Update

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would be required to comply with the NPDES Construction General Permit and/or the Municipal Regional Stormwater NPDES Permit as applicable and described above in Section 4.10.1.1, Regulatory Framework. In addition, in conformance with General Plan Policy UCS 4-14, all future construction activities under the Master Plan Update shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. Future construction activities in conformance with existing regulations and the General Plan would not result in water quality impacts. **(Less than Significant Impact)**

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

Per the General Plan, there are no groundwater recharge ponds/facilities or instream recharge areas exist within the City. The Master Plan Update identifies improvements to existing parks. The relatively minor excavation and grading activities necessary to implement the planned improvements are not expected to encounter groundwater or otherwise substantially interfere with groundwater recharge such that groundwater management would be impeded. **(Less than Significant Impact)**

Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

The planned park improvements recommended in the Master Plan Update would increase impervious surfaces in the City compared to existing conditions by constructing community event and hangout space, parking lots, restrooms, new softball fields, sand volleyball courts, pickleball courts, a pump track, and replacing granite walking paths with new wide concrete paths. All future development under the Master Plan Update would be required to comply with the NPDES Construction General Permit and/or the Municipal Regional Stormwater NPDES Permit as applicable and described above in Section 4.10.1.1, Regulatory Framework. In addition, in conformance with General Plan Policy SA 2-3 and during the development review process, each individual park project would be required to demonstrate how: 1) storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility, and 2) project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding. Future park improvements under the Master Plan Update in conformance with existing regulations and the General Plan would not substantially alter the existing drainage patterns, result in flooding on- or off-site, create runoff water which would exceed the capacity of existing or planned stormwater drainage

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systems, generate substantial additional sources of polluted runoff, or impede or redirect flood flows. **(Less than Significant Impact)**

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

The City of Milpitas is not located within a tsunami and seiche hazard area, but portions of the City are located within a 100-year flood zone. The Master Plan Update identifies improvements to existing developed parks. Compared to existing conditions (i.e., existing developed parks), the planned park improvements would not increase the risk of pollutant release due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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

All future development under the Master Plan Update would be required to comply with the NPDES Construction General Permit and/or the Municipal Regional Stormwater NPDES Permit, as applicable, and shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable in conformance with General Plan Policy UCS 4-14. The planned improvements would not require groundwater pumping or excavation below the groundwater table. For these reasons, the planned park improvements recommended in the Master Plan update would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

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4.11 LAND USE AND PLANNING**4.11.1 Environmental Setting****4.11.1.1 *Regulatory Framework*****Local**City of Milpitas Zoning Ordinance

The Zoning Ordinance serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards. The Zoning Ordinance divides the City of Milpitas into zoning districts to guide future land uses.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to land use and are applicable to the project.

General Plan Policies - Land Use	
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.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☐	☒
2) 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?	☐	☐	☐	☒

Impact LU-1: The project would not physically divide an established community. **(No Impact)**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The Master Plan Update, which

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identifies improvements to existing parks, would not physically divide an established community.
(No Impact)

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(No Impact)**

As described within the individual sections of this document, the park improvements recommended in the Master Plan Update would be implemented in accordance with existing plans, policies, and regulations and, therefore, would not result in a significant impact. For example, as discussed in Section 4.10, Hydrology and Water Quality, implementation of the recommended improvements in conformance with existing water quality regulations and General Plan policies would not result in hydrology and water quality impacts. **(No Impact)**

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4.12 MINERAL RESOURCES**4.12.1 Environmental Setting****4.12.1.1 *Regulatory Framework*****Surface Mining and Reclamation Act**

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

There are no designated mineral resource areas within the City of Milpitas.⁴⁴

4.12.1.3 *Impact Discussion*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

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

There are no mineral resources located within the City of Milpitas; therefore, the planned park improvements recommended in the Master Plan update would not result in impacts to known mineral resources. **(No Impact)**

⁴⁴ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.11-2.

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

There are no known mineral resources located within City limits; therefore, the planned park improvements recommended in the Master Plan update would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

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4.13 NOISE**4.13.1 Environmental Setting****4.13.1.1 *Background Information*****Noise**

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁴⁵ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.13.1.2 *Regulatory Framework***State****California Building Standards Code**

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn} /CNEL in any habitable room. Exterior windows must have a

⁴⁵ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

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minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

Transportation and Construction Guidance Manual

In 2013, the California Department of Transportation published a Transportation and Construction Guidance Manual. The Manual developed a synthesis of various vibration criteria to assess the damage potential for representative categories of structures and effects upon people.

The guideline criteria is summarized in Table 4.13-1 below which include seven categories. The first two categories (Categories 1 and 2) address human perceptibility of vibration only. The five remaining categories (Categories 3 through 7) address human perceptibility and potential for damage to buildings described as extremely fragile historic buildings, ruins, ancient monuments; fragile buildings; historic and some old buildings; older residential structures; new residential structures; and modern industrial/commercial buildings. Most, if not all, buildings in the downtown area would fall into Categories 5 through 7.

The goal in establishing vibration limits is to mitigate potential vibration impacts associated with demolition and construction activities to a less-than-significant level by establishing safe limits to protect structures from potential damage and to minimize vibration impacts on people and businesses.

Table 4.13-1: Construction Vibration Threshold Criteria

Category	Continuous PPV at affected building (inch/sec)	Human Reaction	Effect on Buildings
1	0.01	Barely perceptible	No effect
2	0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
3	0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
4	0.1	Strongly perceptible	Threshold at which there is a risk of cosmetic damage to fragile buildings with no risk of cosmetic damage to most buildings
5	0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings
6	0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential structures

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Table 4.13-1: Construction Vibration Threshold Criteria

Category	Continuous PPV at affected building (inch/sec)	Human Reaction	Effect on Buildings
7	0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to new residential and modern commercial/industrial structures
Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.			

LocalMilpitas General Plan

The City's General Plan includes noise compatibility guidelines for various land uses (refer to Table 3.12-8 from the City's General Plan). In addition, the following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the Master Plan Update.

General Plan Policies – Noise and Vibration

N 1-1	Consider the noise compatibility of existing and future development when making land use planning decisions. Require development and infrastructure projects to be consistent with the land use compatibility standards contained in Tables N-1 and N-2 to ensure acceptable noise exposure levels for existing and future development.
N 1-2	Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials.
N 1-8	Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).
N 1-9	Implement a range of traffic control measures, including but not limited to, light timing, asphalt alternatives (such as rubberized asphalt), and speed reduction measures to reduce roadway noise.

4.13.1.3 Existing Conditions

The existing noise environment in the City results primarily from vehicular traffic and railroad operation. Examples of fixed noise sources in the City include parking lots, loading docks, parks, schools, and mechanical equipment (e.g., HVAC, exhaust fans, etc.).

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4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

Temporary Construction Noise

Construction activities generate considerable amounts of noise, especially during earthmoving activities when heavy equipment is used. Construction of the park improvements recommended in the Master Plan Update would temporarily increase ambient noise levels. Construction noise impacts depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and sensitive receptors. The highest noise levels would be generated during demolition and grading activities. In accordance with General Plan Policy N 1-8, construction activities would be required to implement standard best practices to reduce noise exposure to adjacent sensitive receptors. Therefore, construction of the recommended park improvements would not generate a substantial temporary increase in ambient noise levels. **(Less than Significant Impact)**

Permanent Noise

The Master Plan Update recommends improvements to existing City parks. The improvements range from maintenance of existing park landscaping to the addition of new park amenities such as outdoor community event space and sports fields. The Master Plan Update does not identify or recommend construction of new parks within the City; the operation of which could result in a substantial ambient noise level increase. Operation of all recommended park improvements would be required to

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conform to the City's noise standards and applicable General Plan policies. This includes, but is not limited to General Plan Policy N 1-1, which requires development and infrastructure projects to be consistent with the General Plan land use compatibility standards. For these reasons, operation of the recommended park improvements in the Master Plan Update would not generate a substantial permanent increase in ambient noise levels. **(Less than Significant Impact)**

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

The improvements (e.g., pathways, play features, sport fields, and event space) recommended in the Master Plan Update would require relatively minor demolition and construction activities. Construction techniques and equipment that causes excessive vibration, such as pile driving and vibratory rollers, would not be used. Operation of the park improvements would not generate groundborne vibration or noise levels. For these reasons, implementation of the Master Plan Update would not generate excessive groundborne vibration or noise levels. **(Less than Significant Impact)**

Impact NOI-3: The project is located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Norman Y. Mineta San José International Airport is located approximately two miles south of the City. The City is not within the 60 dBA CNEL contour line of the Norman Y. Mineta San José International Airport.⁴⁶ Therefore, implementation of the Master Plan Update would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

⁴⁶ Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan for Norman Y Mineta San José International Airport*. November 16, 2016.

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4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁴⁷ The City of Milpitas Housing Element and related land use policies were last updated in 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

4.14.1.2 *Existing Conditions*

The population of Milpitas was estimated to be approximately 77,961 in January 2020 and is expected to increase to 103,970 by 2040.^{48,49}

⁴⁷ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements." Accessed April 13, 2021. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁴⁸ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020." Accessed April 13, 2021. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.

⁴⁹ Association Of Bay Area Governments And Metropolitan Transportation Commission. "Projections 2040: Forecasts for Population, Household and Employment for the Nine County San Francisco Bay Area Region." 2017. Accessed April 13, 2021. <http://projections.planbayarea.org/data>.

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4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(No Impact)**

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not result in the construction of new residences or businesses or extension of roads or other infrastructure. For these reasons, the Master Plan Update would not induce substantial unplanned population growth in the City. **(No Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not displace people or housing. **(No Impact)**

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4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan also identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Milpitas Trails Master Plan

The Trails Master Plan, adopted in 1997, describes and maps the trail corridors recommended for inclusion in the General Plan. The Trails Master Plan categorizes the City's trails into four groups: Regional Trails, City Trails, Neighborhood Trails, and On-Street Connectors. The Trails Master Plan also makes several recommendations to facilitate the implementation of the Plan, including: adoption of the Milpitas Trails Master Plan Report, incorporation of the findings into the Circulation Element of the General Plan and associated environmental clearance documents, include top priority trail projects in the Capital Improvement Program, develop a Berryessa Creek Trail funding strategy to identify external grant fund sources, and pursue external grant funds identified in the funding strategy. The goals of the plan are to:

- Identify potential trail routes for commuter and recreational use which integrate with and provide benefit to the creek corridors, schools, businesses, parks and local citizens.
- Provide staging areas and use existing facilities for such staging areas whenever possible.
- Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians, bicycles and joggers.
- Respect the property rights of adjacent landowners and be good neighbors.
- Preserve and restore the natural environment of the creek corridors.
- Coordinate, cooperate and involve all stakeholders along the trail corridors including schools, parks, businesses, agencies, trail users, citizens and adjacent neighbors to maximize public involvement, support and ownership of the trails.
- Provide alternative transportation routes.
- Establish the character and usage for the trails.
- Provide solutions that maximize the technical, recreational, aesthetic and land use potential for the trail network.
- Prepare a long range development plan for the trail network, consistent with a regional trail concept that considers both active and passive recreation.

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Milpitas Park and Recreation Master Plan

The City adopted the Milpitas Park and Recreation Master Plan in 2009 which analyzed existing park conditions and recommended improvements to each of the City's 33 parks.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public facilities and services and are applicable to the Master Plan Update.

General Plan Policies - Public Facilities and Services	
PROS 1-1	Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
PROS 1-2	Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
PROS 1-3	Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the Midtown Specific Plan Area and Transit Area Specific Plan Area. Within these Specific Plan Areas, achieve and maintain the parks standards and ratios specified in the specific plan, with an emphasis on publicly-accessible spaces and facilities.
PROS 1-7	Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
PROS 1-8	Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community
PROS 1-9	Prioritize funding and City resources to improve the condition, maintenance, and upkeep of existing City parks and recreational facilities.
PROS 1-12	Encourage and support the expansion of an integrated trail network that connects users to neighboring local and regional trail systems and to community amenities such as schools, open space areas, park and recreation facilities, commercial and job centers and residential areas to encourage both recreational and utilitarian travel.
PROS 1-15	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.

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4.15.1.2 Existing Conditions

Fire Protection Services

Fire protection services in the City are provided by the Milpitas Fire Department. The Milpitas Fire Department currently operates four fire stations. The City's goal is a response time of four minutes or less for all urban service areas.

Police Protection Services

Police protection services for the City are provided by the Milpitas Police Department. The Milpitas Police Department currently operates one police station. The City's goal for response time for in-progress emergency calls is three minutes.

Schools

The City of Milpitas is served by the Milpitas Unified School District (MUSD). MUSD is comprised of 10 elementary schools, two middle schools, and two high schools.

Parks/Recreation

Parks, trails, and recreational facilities are managed by the City's Recreation and Community Services Department and maintained by the Public Works Department. The City of Milpitas categorizes each park into seven categories: Community Parks, Neighborhood Parks, Special-use Parks, Urban Parks, Linear Parks, Regional Parks and Private Recreation Facilities.

Library

The Milpitas Public Library is the only public library in the City.

4.15.2 Impact Discussion

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☐	☒
4) Parks?	☐	☐	☐	☒
5) Other Public Facilities?	☐	☐	☐	☒

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Impact PS-1: The project would not 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 fire protection services. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing parks, which are currently served by the Milpitas Fire Department. Prior to implementation, the park improvements would be reviewed by the Milpitas Fire Department to ensure appropriate safety features are incorporated to reduce fire hazards. Many of the recommended improvements (e.g., bathrooms and stairs built to current code, removal of tree hazards, improved walkways, and pedestrian lighting) would reduce demand upon Milpitas Fire Department fire protection and emergency services. For these reasons, implementation of the Master Plan Update would not require construction of new fire facilities. **(Less than Significant Impact)**

Impact PS-2: The project would not 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 police protection services. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing parks, which are currently served by the Milpitas Police Department. Prior to implementation, the park improvements would be reviewed by the Milpitas Police Department to ensure design does not promote criminal activity. Many of the recommended improvements (e.g., pedestrian lighting and maintained landscaping) could help reduce criminal activity. For these reasons, implementation of the Master Plan Update would not require construction of new police facilities. **(Less than Significant Impact)**

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

The Master Plan Update recommends improvements to existing parks. Unlike new housing, park improvements do not generate new students. Therefore, the Master Plan Update would not require construction of new school facilities. **(No Impact)**

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

Implementation of the Master Plan Update would improve the City’s existing parks. The Master Plan Update would not require construction of new park facilities. **(No Impact)**

Impact PS-5: The project would not 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 other public facilities. **(No Impact)**

Implementation of the Master Plan Update would improve the City’s existing parks. Park improvements would not increase demand upon other public facilities, such as libraries and community centers. The Master Plan Update would not require construction of other public facilities. **(No Impact)**

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4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Milpitas Development Impact Fee Program

The City of Milpitas Development Impact Fee Program (refer to Chapter 4 of the City's Municipal Code) charges development impact fees to pay for the City's future construction of facilities or to reimburse the City for listed facilities construction by the City with funds advanced by the City from other sources.

Milpitas Bikeways Master Plan

The Bikeways Master Plan provides a broad vision, strategies, and actions for the improvements of bicycling in Milpitas. The Master Plan categorizes the City's bikeways into three groups: Bike Paths, Bike Lanes, and Bike Routes. The Bikeways Master Plan includes:

- Goals, objectives, and benchmarks for bicycling
- A review of existing bicycling conditions
- Descriptions of Relevant Local and Regional Plans and Policies related to Bicycling
- An analysis of bicycling needs
- Recommended Bicycling Projects, Cost Estimates, and Priorities for implementation
- Recommended Bicycling Programs
- Funding Sources for Bicycle Projects and Programs
- Design Guidelines with best practices for implementing bikeways

Trail, Pedestrian, and Bicycle Master Plan

The Trail, Pedestrian, and Bicycle Master Plan (formerly known as Trails Master Plan) was adopted in 1997 which describes and maps the trail corridors recommended for inclusion in the General Plan. This plan is currently being updated and expected to be completed in 2021.

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Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to recreation and are applicable to the Master Plan Update.

General Plan Policies - Recreation	
PROS 1-1	Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
PROS 1-2	Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
PROS 1-3	Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the Midtown Specific Plan Area and Transit Area Specific Plan Area. Within these Specific Plan Areas, achieve and maintain the parks standards and ratios specified in the specific plan, with an emphasis on publicly-accessible spaces and facilities.
PROS 1-1	Park land acreage dedications and/or equivalent in-lieu fees shall be required for new development in accordance with the following standards: - For areas outside of a Specific Plan, require land dedication or in lieu fees equivalent to the 5 acre/1,000 resident standard, but allow credit for private recreation space for up to 2 acres/1,000 residents for private open space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City's Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code). - For areas within a Specific Plan, require land dedication or in-lieu fees equivalent to the park land standard established in the relevant Specific Plan, allowing credit for private recreation space for up to 1.5 acres/1,000 residents for private recreation space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City's Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
PROS 1-7	Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
PROS 1-8	Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community.
PROS 1-10	Require publicly-accessible parks and recreational facilities that are owned and operated by homeowner's associates (HOAs) and special assessment districts to be maintained in a safe and aesthetically-pleasing manner.
PROS 1-13	Require new development to provide direct pedestrian connections, such as sidewalks, trails, wayfinding measures and other rights-of-way and infrastructure improvements to the existing and planned network of parks and trails wherever feasible.

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General Plan Policies - Recreation	
PROS 1-15	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.

4.16.1.2 Existing Conditions

Parks, trails, and recreational facilities in the City are managed by the Recreation and Community Services Department and maintained by the Public Works Department. The City park system currently consists of over 36 parks, several miles of trails, and six community service buildings.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(No Impact)**

Unlike residential development, which can result in or accelerate physical deterioration of existing recreational facilities due to increased use, the Master Plan Update would improve and offset physical deterioration the City's existing parks. **(No Impact)**

Impact REC-2: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(No Impact)**

Unlike residential development, which can include or require the construction of recreational facilities to offset the demand upon existing parks generated by the residential development, the Master Plan Update would improve existing parks and reduce the need to construct or expand recreational facilities. **(No Impact)**

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4.17 TRANSPORTATION
4.17.1 Environmental Setting
4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor’s Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project’s VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Congestion Management Program

MTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county’s share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. MTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

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Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the Master Plan Update.

General Plan Policies – Transportation	
CIR 4-5	Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers
CIR 4-10	Work and promote an active lifestyle that encourages walking, bicycling, and utilizing the trail network to support public health while reducing greenhouse gas emissions and other air pollutants.

4.17.1.2 Existing Conditions

Roadway Network

Federal Highways

Caltrans operates and maintains two federal highways that passes through Milpitas.

Interstate 680 (I-680) is a primary route that connects the City of San José to Interstate 80 (I-80). It has at least three lanes per direction through Milpitas. A high-occupancy toll lane is present in the southbound direction for most of I-680 in Milpitas.

Interstate 880 (I-880) is a primary route that connects the City of San José to I-80 through the Cities of Milpitas, Fremont, Hayward, and Oakland. I-880 has at least four lanes (one high-occupancy vehicle [HOV] and three general purpose) per direction through Milpitas.

State Highways

Caltrans operates and maintains one state highway that passes through Milpitas.

State Route 237 (SR 237) runs through Milpitas and connects I-680 to I-880 then continues to US 101 in Mountain View. Between I-680 to I-880, SR 237 is a six-lane arterial street.

County Expressways

Santa Clara County operates and maintains one expressway that passes through Milpitas.

Montague Expressway is a major east-west route in Santa Clara County that connects US-101 and San Tomas Expressway to McCarthy Boulevard, I-880, Great Mall Parkway/East Capitol Avenue, and I-680 in Milpitas.

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Local Arterial Streets

Abel Street is an arterial that connects North Milpitas Avenue, West Calaveras Boulevard/SR-237, the Great Mall Parkway, and South Main Street. It turns into Jacklin Road east of North Milpitas Avenue.

Dixon Landing Road is an arterial in northern Milpitas that connects North McCarthy Boulevard and I-880 to North Milpitas Boulevard and the surrounding neighborhoods.

East Capitol Avenue is an arterial in southern Milpitas between the Montague Expressway and Milpitas-San José city limit. It turns into the Great Mall Parkway west of the Montague Expressway, and into North Capitol Avenue east of Milpitas.

East Tasman Drive is an arterial that extends west from I-880 and connects with McCarthy Road and continuing through Santa Clara and Sunnyvale. It becomes the Great Mall Parkway east of I-880.

Great Mall Parkway is a major east-west arterial that connects I-880 to South Abel Street, South Main Street, the Montague Expressway, and the Great Mall. It turns into East Tasman Drive west of I-880, and into East Capitol Avenue east of the Montague Expressway.

Jacklin Road is an arterial that connects I-680 to North Park Victoria Drive, Escuela Parkway, and North Milpitas Boulevard. It turns into North Abel Street west of North Milpitas Boulevard.

McCarthy Boulevard is an arterial on the west side of the City that connects Montague Expressway to East Tasman Avenue/Great Mall Parkway, West Calaveras/SR-237, and Dixon Landing Road.

Milpitas Boulevard is a north-south arterial that bisects both I-880 and I-680. It connects the Montague Expressway to Yosemite Drive, East Calaveras Street/SR-237, Escuela Parkway, Jacklin Road, and Dixon Landing.

Park Victoria Drive is a north-south arterial between Landess Road and Jacklin Road, and a collector north of Jacklin Road.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

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

The Master Plan Update recommends improvements to and within the boundaries of existing parks. Implementation of the Master Plan Update would not result in the expansion of existing parks or construction of new parks. Recommended improvements (e.g., pedestrian lighting and pavement replacement) would improve circulation within the existing parks. For these reasons, the Master Plan Update would not conflict with a program, plan, ordinance, or policy addressing the circulation system. **(Less than Significant Impact)**

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

CEQA Guidelines Section 15064.3, subdivision (a) indicates that a land use project would have a less than significant impact if the vehicle miles traveled (VMT) in the project area are expected to be less than that of existing conditions. The Master Plan Update is not a residential, commercial, and/or office land use project that could increase vehicle miles traveled. The Master Plan Update recommends improvements to and within the boundaries of existing parks. Implementation of the Master Plan Update would not result in the expansion of existing parks or construction of new parks. The recommended park improvements are intended to serve City of Milpitas residents and would reduce the need (and associated VMT) for residents to travel to recreational facilities outside the City. For these reasons, the Master Plan Update would not result in a significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). **(Less than Significant Impact)**

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

The Master Plan Update recommends improvements to and within the boundaries of existing parks. The park improvements do not include new driveways or other features that could result in a transportation hazard. **(Less than Significant Impact)**

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Impact TRN-4: The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The recommended park improvements in the Master Plan Update would be designed and constructed in accordance with applicable building and fire codes and, therefore, would not result in inadequate emergency access. **(Less than Significant Impact)**

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4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

Per the General Plan, no specific resources have been identified through consultation with affiliated Native American tribes. Unknown tribal cultural resources, however, could be present within the City.

On June 14, 2021, Tamien Nation sent a written request for notification of projects citywide to the City of Milpitas. The City of Milpitas notified Tamien Nation of the project on July 7, 2021 per the representative's request.

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4.18.2

Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Assembly Bill 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. On June 14, 2021, Tamien Nation sent a written request for notification of projects citywide to the City of Milpitas. The City of Milpitas notified Tamien Nation of the project on July 7, 2021, per the representative's request. On August 19, 2021, the City of Milpitas received a formal request for tribal consultation for the proposed Milpitas Parks and Recreation Master Plan Update.

A formal consultation with the City of Milpitas and the Tamien Nation representative occurred on August 26, 2021, which concluded the same day (refer to Appendix B for the meeting minutes). No tribal resources at the existing City parks were identified during consultation. It was agreed that no

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further action is required from the City in response to the letter dated August 19, 2021, and at the time of site-specific analysis, the City will notify Tamien Nation and follow the AB 52 process.

Although unlikely due to the developed landscape and prior ground disturbance at the existing parks, it is possible that unknown tribal cultural resources may be present and could be adversely affected during implementation of the Master Plan Update. Future park projects under the Master Plan Update would be required to comply with applicable regulations (e.g., AB 52) and City policies, ordinances, and permitting procedures related to cultural resources, including General Plan Policies CON 4-3 and 4-4. Therefore, implementation of the Master Plan Update would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in state or local listings. **(Less than Significant Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

As discussed above, there are no known tribal resources within the City and it is unlikely that unknown tribal cultural resources would be adversely affected during implementation of the Master Plan Update. Future park projects under the Master Plan Update in accordance with applicable regulations (e.g., AB 52) and City policies, ordinances, and applicable permitting procedures related to cultural resources, including General Plan Policies CON 4-3 and 4-4, would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

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4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 Regulatory Framework

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new

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construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants

Local

City of Milpitas Storm Drain Master Plan

The City's 2013 Storm Drain Master Plan identifies the capital improvements needed to maintain recommended levels of protection against storm water runoff, and the need for a revenue stream that will allow the necessary capital improvements to be made, and the storm drain system kept in working order into the future. The Master Plan contains drainage standards, summarizes the major drainage facilities in the area, evaluates the storm drain collection system and pump stations, analyzes storm drain impacts from new development, identifies capital improvements, outlines the operations, maintenance, and replacement methods, and identifies funding requirements.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the Master Plan Update.

General Plan Policies – Utilities & Service Systems	
USC 4-2	Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
USC 4-3	Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impacts.
USC 4-4	Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.
USC 4-5	Applicable projects shall control peak flows and duration of runoff to prevent accelerated erosion of downstream watercourses.
USC 4-6	Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments

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General Plan Policies – Utilities & Service Systems	
USC 4-7	Encourage dual-use detention basins for parks, ball fields, and other appropriate uses.
USC 4-8	Coordinate directly with the Santa Clara Valley Water District to incorporate recreational trails and parkway vegetation design into open stormwater facilities and creek corridors to the greatest extent feasible.
USC 4-10	Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and trees, and maintain natural drainage patterns
USC 4-12	Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.
USC 4-14	Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code).
USC 4-15	Minimize the use of pesticides that may affect water quality.
USC 5-2	Implement and enforce the provisions of the City’s Source Reduction and Recycling Program and update the program as necessary to meet or exceed the State waste diversion requirements.
USC 5-3	Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.

4.19.1.2 Existing Conditions

Water Supply

Water service is provided to the City of Milpitas by two water suppliers, San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (Valley Water). Approximately two-thirds of the City’s potable water is from SFPUC and the remaining one-third is from Valley Water. In recent years, the City has purchased approximately 1,700 million gallons per year from SFPUC. The City’s agreement with SFPUC provides the City with the right to purchase up to 9.23 million gallons per day (mgd) of treated potable water unless SFPUC has a water shortage. On an annual basis, the available SFPUC supply would be approximately 3.4 million gallons per year.

The City has a three-year contracted delivery schedule with Valley Water. In 2016-2017, the City requested a 119 million gallon water delivery. The City’s monthly “supply guarantee” is at least 15 percent of the annual schedule for that year, meaning that in any month, the City can purchase up to 15 percent of the year’s total delivery schedule water.

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Wastewater Services

Wastewater from the City of Milpitas is treated at the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons of wastewater per day (mgd).⁵⁰ The City's total contracted peak week flow capacity at the plant is 14.25 mgd.

Storm Drainage

Stormwater runoff is collected in a system of storm drain pipelines ranging from three-inches to 96-inches in diameter and totaling nearly 77 miles in length with outfalls and pumping stations along the City's major waterways that ultimately drain to the San Francisco Bay. Milpitas owns and operates 13 storm water pumping stations, but the Santa Clara Valley Water District manages most of the natural and urbanized waterways into which the City discharges stormwater.

Solid Waste

Republic Services (formerly Allied Waste) provides solid waste and recycling collection services for the City of Milpitas. Waste from the City is hauled to the Newby Island Sanitary Landfill (NISL). The estimated closure date for NISL is 2041.⁵¹ The City has an annual disposal allocation for 395,000 tons per year. As of April 2021, NISL had approximately 13.7 million cubic yards of capacity remaining.⁵²

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

⁵⁰ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.15-15.

⁵¹ North, Daniel. General Manager, Republic Services. Personal Communication. April 19, 2021.

⁵² Ibid.

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not result in the construction of new parks or expand existing parks. The recommended park improvements do not include and would not require the relocation or construction of new or expanded water, wastewater, stormwater, electric, natural gas, or telecommunications utilities. **(Less than Significant Impact)**

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

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not result in the construction of new parks or expand existing parks, which could increase water demand. Water usage associated with the recommended improvements would be that used for landscape irrigation and to operate drinking fountain and restrooms. As identified in the Master Plan Update and consistent with General Plan Policy PROS 1-15, the recommended improvements would be designed to minimize water use. Native and/or drought-resistant vegetation would be used for landscaping and the new and refurbished restrooms would include water-conserving fixtures in accordance with the current building code. Updating existing restrooms with water-conserving fixtures would reduce water demand compared to existing conditions. For these reasons, implementation of the Master Plan Update would not result in insufficient water supplies. **(Less than Significant Impact)**

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

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The new restrooms at Ben Rodgers Park, Hidden Lake Park, Hillcrest Park, and Strickroth Park recommended in the Master Plan Update would generate wastewater. While there may be an increase in wastewater generation, it is not expected to exceed the existing wastewater capacity. Furthermore, individual projects under the Master Plan Update would be required to comply with applicable General Plan policies and actions ensuring adequate wastewater treatment and conveyance infrastructure is available to serve the park improvements. **(Less than Significant Impact)**

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing City parks. As a result, implementation of the Master Plan Update would create a new source of solid waste, such as a new parks or expanded park. While the recommended park improvements could incrementally increase solid waste generation, all recommended improvements would be required to comply with applicable General Plan policies and state and local requirements related to solid waste, construction waste diversion, and recycling. As described in Section 4.19.1.2, Existing Conditions, NISL had approximately 13.7 million cubic yards of capacity remaining in April 2021, and the City's projected increase in solid waste generation from General Plan buildout is within the permitted capacity of the NISL.⁵³ For these reasons, the incremental increase in solid waste from implementation of the Master Plan Update would not exceed state or local standards or the capacity of local infrastructure or impair attainment of local waste reduction goals. **(Less than Significant Impact)**

Impact UTL-5: The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant)**

As described above, all park improvements recommended in the Master Plan Update would be required to comply with applicable General Plan policies and state and local requirements related to solid waste, construction waste diversion, and recycling. **(Less than Significant)**

⁵³ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.15-36.

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4.20 WILDFIRE
4.20.1 Environmental Setting
4.20.1.1 Regulatory Framework

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California’s building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

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California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

City of Milpitas Municipal Code

Chapter 300 of the City's Municipal Code includes the adoption of the 2019 California Fire Code and the adoption of additional amendments. Chapter 300 requires compliance with the California Fire Code. The California Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Milpitas.

4.20.1.2 Existing Conditions

The City of Milpitas is not located in a Very High Fire Severity zone.⁵⁴

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

⁵⁴ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.8-17.

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐
The City is classified as very high fire hazard severity zones. The hillsides located east of the City are designated as High and Moderate Fire Severity zones by CAL FIRE. Consistent with the General Plan, all planned improvements recommended in the Master Plan Update would be constructed and maintained in accordance with federal, state, and local wildland fire hazards requirements. Therefore, implementation of the Master Plan Update would not expose people or structures to risk from wildland fires (Less than Significant Impact)				
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4.21

MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact)**

As discussed in Sections 4.1 through 4.20 of this Initial Study, implementation of the Master Plan Update in accordance with the General Plan and local, state, and federal laws and regulations would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact)**

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact)**

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Under Section 15065(a)(3) of the CEQA Guidelines, a Lead Agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

As discussed in Sections 4.1 through 4.20 of this Initial Study, implementation of the Master Plan Update in compliance with the General Plan and local, state, and federal laws and regulations would avoid or reduce impacts to less than significant. Compliance with the General Plan and existing local, state, and federal laws and regulations would also reduce contributions to cumulative impacts to a level that is not cumulatively considerable. **(Less than Significant Impact)**

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a Lead Agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the Master Plan Update in compliance with the General Plan and existing local, state, and federal laws and regulations would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact)**

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SECTION 5.0 REFERENCES

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

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Milpitas

Ned Thomas, *Planning Director*
Renee Lorentzen, *Recreation and Community Services Director*
Steven Erickson, *Engineering Director*
Rozalynne Thompson, *Project Manager*

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners

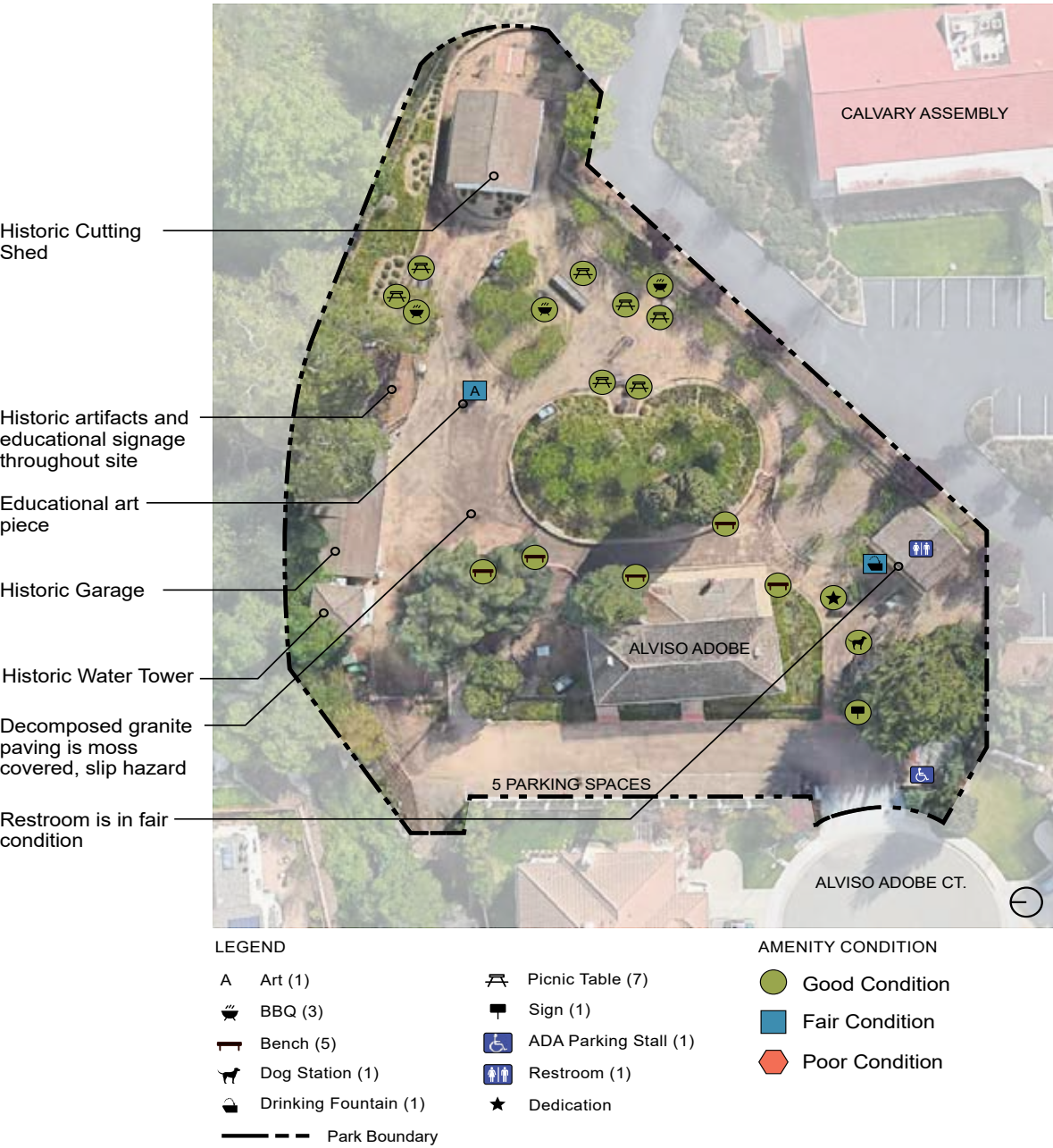
Demetri Loukas, *Principal Project Manager*
Fiona Phung, *Project Manager*
Ryan Osako, *Graphic Artist*

CEQA DOCUMENTATION

Appendix A: Existing/Proposed Site Plans and Site Improvements

CEQA DOCUMENTATION

ALVISO ADOBE PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

ALVISO ADOBE PARK SITE IMPROVEMENTS

Currently there are no major improvements recommended for this park, only short term repair and maintenance work is required.

- Clear pathways of moss.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Ensure that pathways are clear of moss annually or as needed.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.

CEQA DOCUMENTATION

AUGUSTUS RATHBONE PARK
EXISTING SITE PLAN

Turf is sparse in areas
Low mulch at planting areas



LEGEND

- | | |
|---------------|--------------------|
| A Art (1) | Picnic Table (4) |
| Bench (4) | Play Structure (2) |
| Bike Rack (1) | Sign (1) |
| Park Boundary | |

AMENITY CONDITION

- | |
|----------------|
| Good Condition |
| Fair Condition |
| Poor Condition |

CEQA DOCUMENTATION

AUGUSTUS RATHBONE PARK
SITE IMPROVEMENTS

Currently there are no major improvements recommended for this park, only ongoing maintenance work is required.

CEQA DOCUMENTATION

BEN RODGERS PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

BEN RODGERS PARK PROPOSED SITE PLAN



CEQA DOCUMENTATION

BEN RODGERS PARK
SITE IMPROVEMENTS

Short Term Improvement

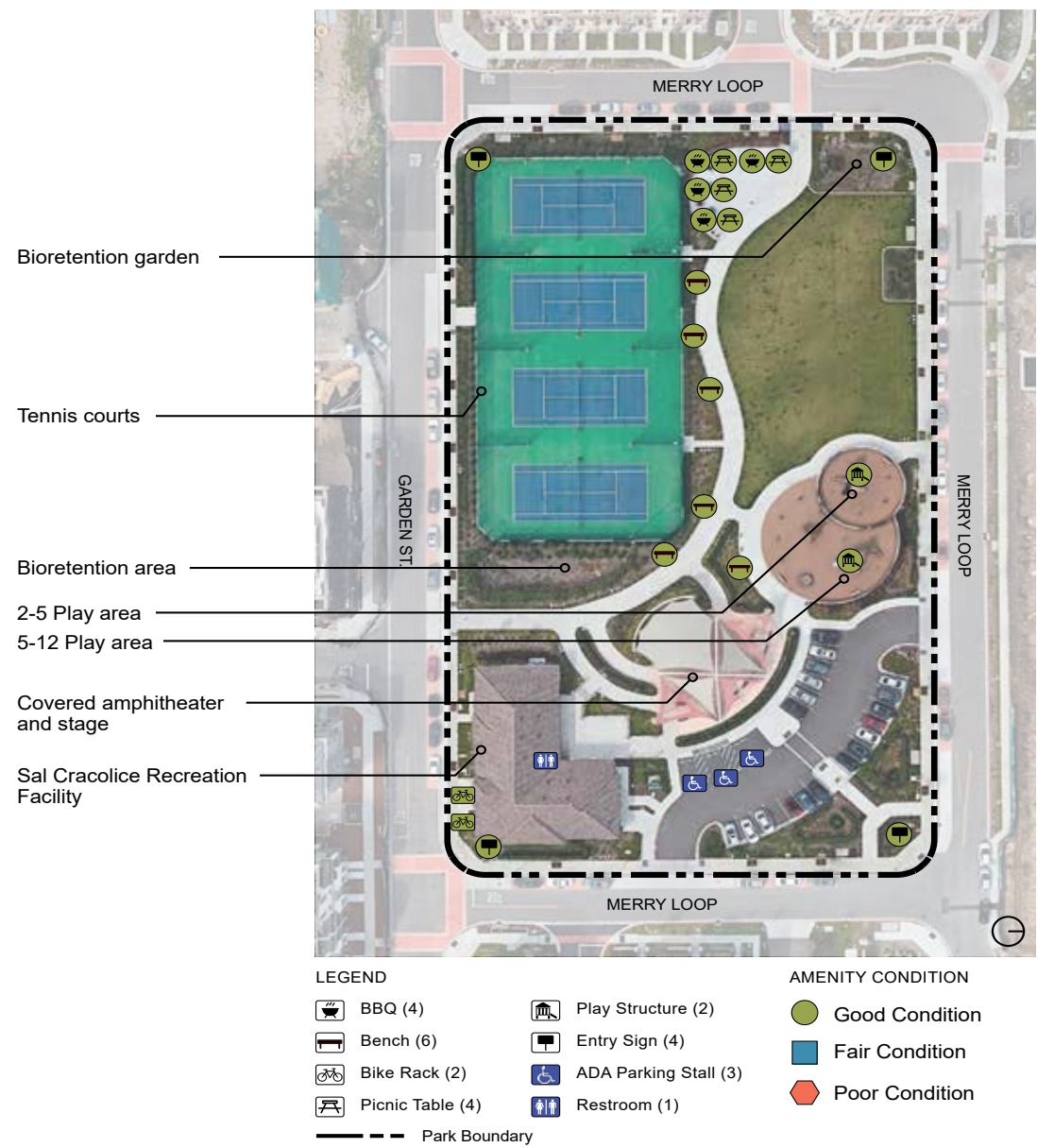
- Repair entry sign.
- Replace all park rules signs.
- Replace bike rack.
- Picnic Areas: Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update Picnic Areas: Pave picnic areas with concrete. Provide one trash/recycle receptacle per picnic area and one ash receptacle for every two barbecues or at least one per picnic area. Add shade structures where existing tree canopies do not provide shade.
- Add group picnic area adjacent to play area. Provide ADA accessible tables, trash/recycle receptacles, group barbecues, prep tables, ash receptacles and shade structures. Pave with concrete.
- Add restroom adjacent to picnic area and baseball and soccer field.
- Replace backstop at baseball field, add two player benches.
- Pave gravel trails at north of site with 9' wide asphalt paths
- Replace pedestrian lighting on both north and south areas of the park, standardize fixtures.
- Right of Way Improvement: Installation of ADA curb ramps at all public entrances, accessibility signage, and sidewalk, curb and gutter repairs, and sidewalk expansion as necessary.

CEQA DOCUMENTATION

BOB MCGUIRE PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

BOB MCGUIRE PARK
SITE IMPROVEMENTS

No improvements are proposed at the time of this document.

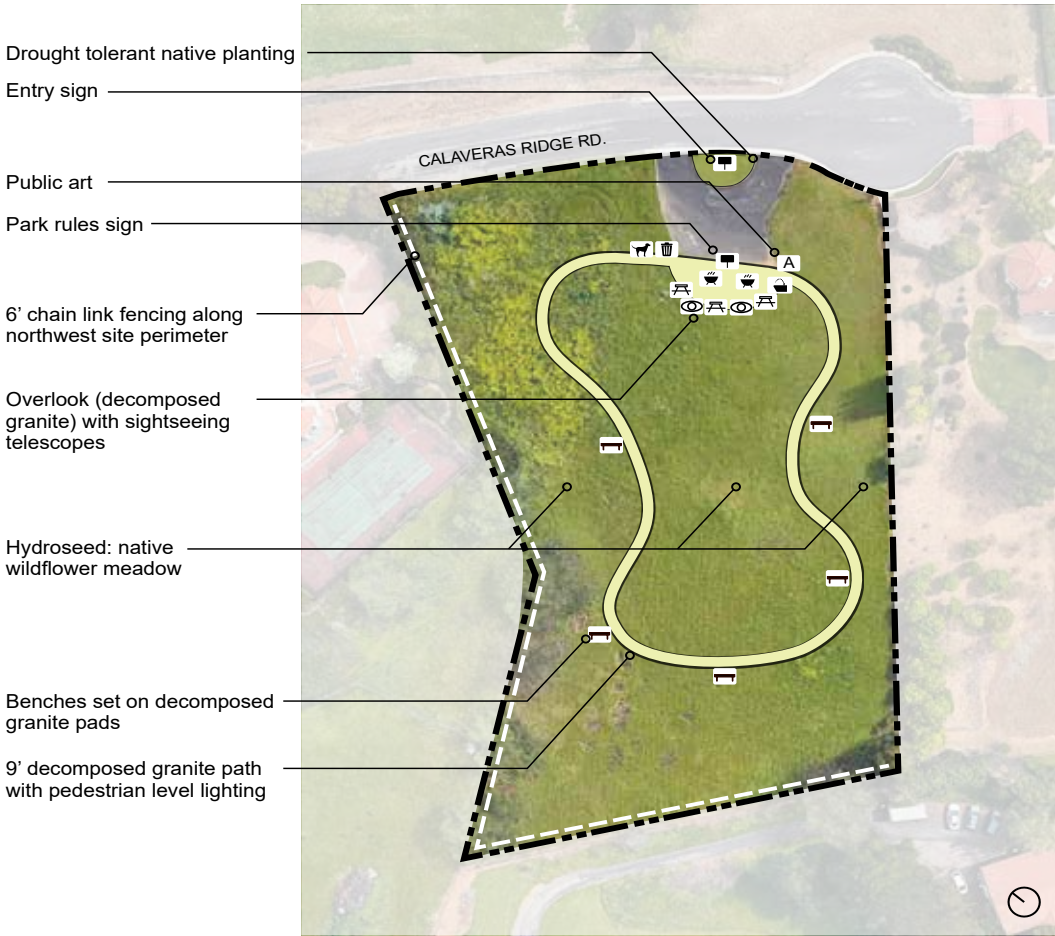
CEQA DOCUMENTATION

CALAVERAS RIDGE PARK EXISTING SITE PLAN



CEQA DOCUMENTATION

CALAVERAS RIDGE PARK
PROPOSED SITE PLAN



LEGEND

Picnic Table (3)	Trash/Recycle Receptacle (1)	Public Art (1)
Bench (5)	BBQ (2)	Sign (2)
Dog Station (1)	Drinking Fountain (1)	Sightseeing Telescope (2)
Park Boundary		

CEQA DOCUMENTATION

CALAVERAS RIDGE PARK
SITE IMPROVEMENTS

Short Term Improvement

- No short term repairs and upgrades are recommended

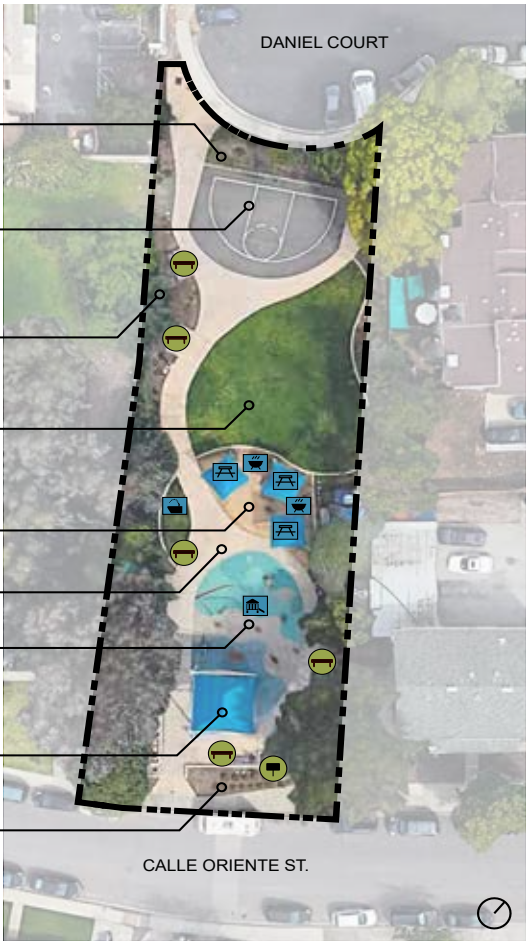
Long Term Improvement

- Add 9' decomposed granite path.
- Add pedestrian level lighting that will not interfere with stargazing.
- Add decomposed granite overlook with picnic tables, barbeques and educational astronomy signage.
- Add benches along pathway. Place on decomposed granite pads to ensure accessibility.
- Add telescopes at overlook for observing the planets and the moon.
- Add public art at entrance.
- Slurry seal and stripe parking lot to designate ADA accessible space.
- Add drought tolerant native planting at entrance area and associated irrigation.
- Hydroseed site with native wildflower meadow mix.

CEQA DOCUMENTATION

CALLE ORIENTE PARK
EXISTING SITE PLAN

- No planting at park entrance
- Half size basketball court in good condition
- Sparse vegetation at all perimeter planting areas
- Passive use lawn
- Decomposed granite surfacing at picnic area
- Sparse vegetation at park entrance
- Safety surfacing at play equipment is failing. Play structure is in fair condition. Swing set is broken.
- Shade structure over play equipment
- Sparse vegetation at park entrance



LEGEND		AMENITY CONDITION	
	BBQ (2)		Good Condition
	Bench (5)		Fair Condition
	Drinking Fountain (1)		Poor Condition
	Picnic Table (3)		
	Play Structure (1)		
	Entry Sign (1)		
	Park Boundary		

CEQA DOCUMENTATION

CALL ORIENTE PARK
SITE IMPROVEMENTS

Short Term Improvement

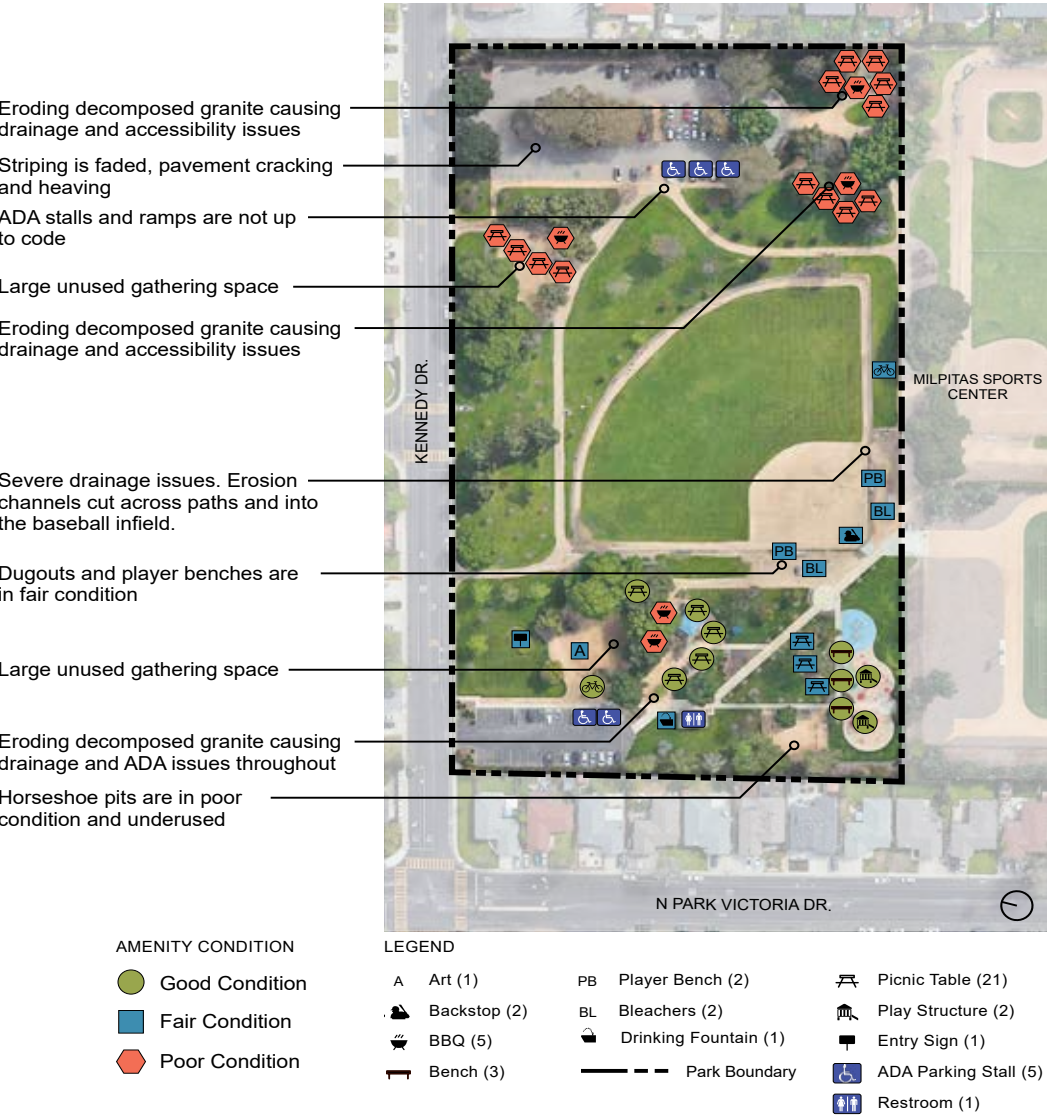
- Replace shade sail fabric on picnic area shade structures.
- Replace swing set.
- Landscape and Irrigation: Replant all landscaped areas with drought-tolerant California native planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Repair irrigation system. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge turf areas weekly.

Long Term Improvement

No long term improvements or additions are proposed at the time of this document.

CEQA DOCUMENTATION

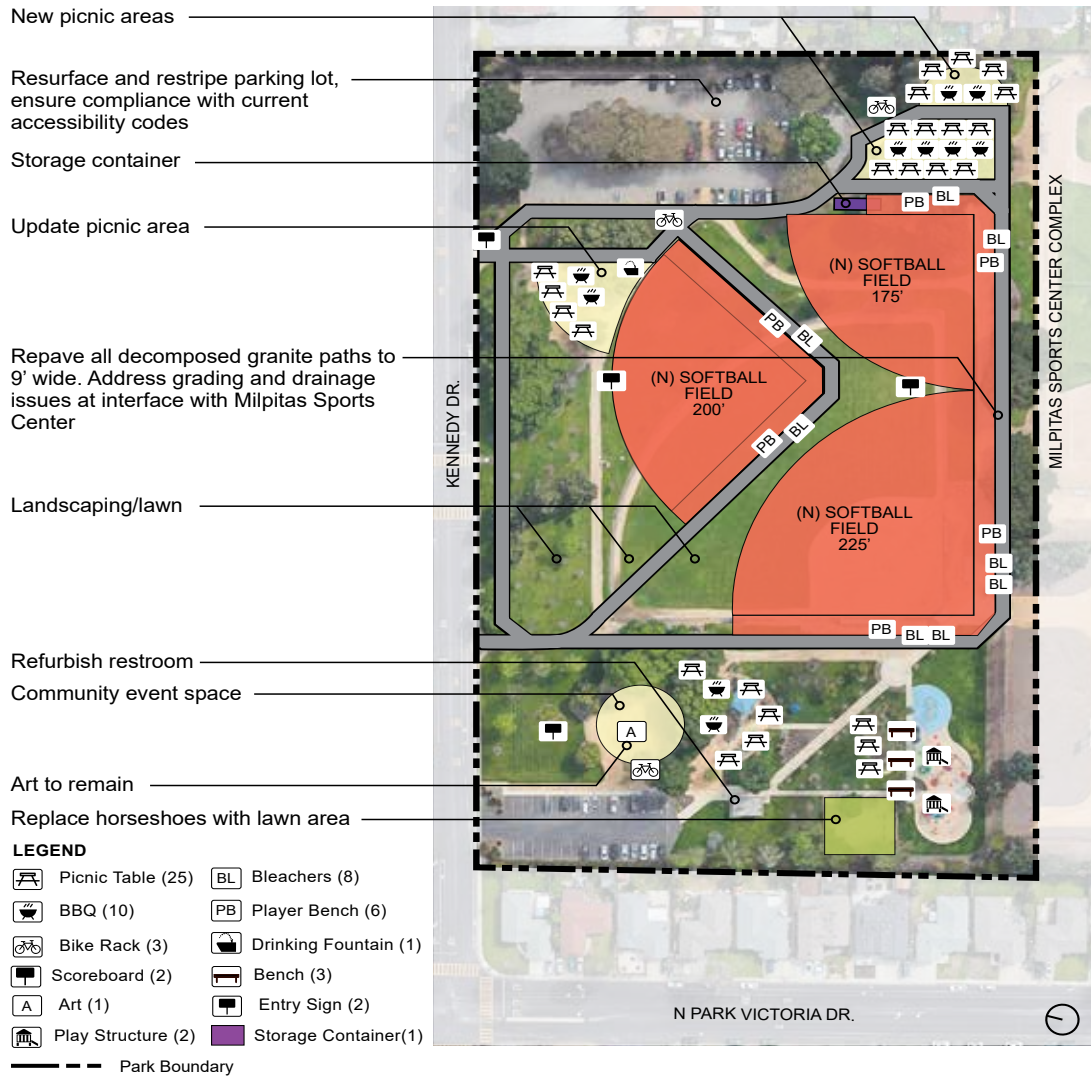
CARDOZA PARK (TOM)
EXISTING SITE PLAN



CEQA DOCUMENTATION

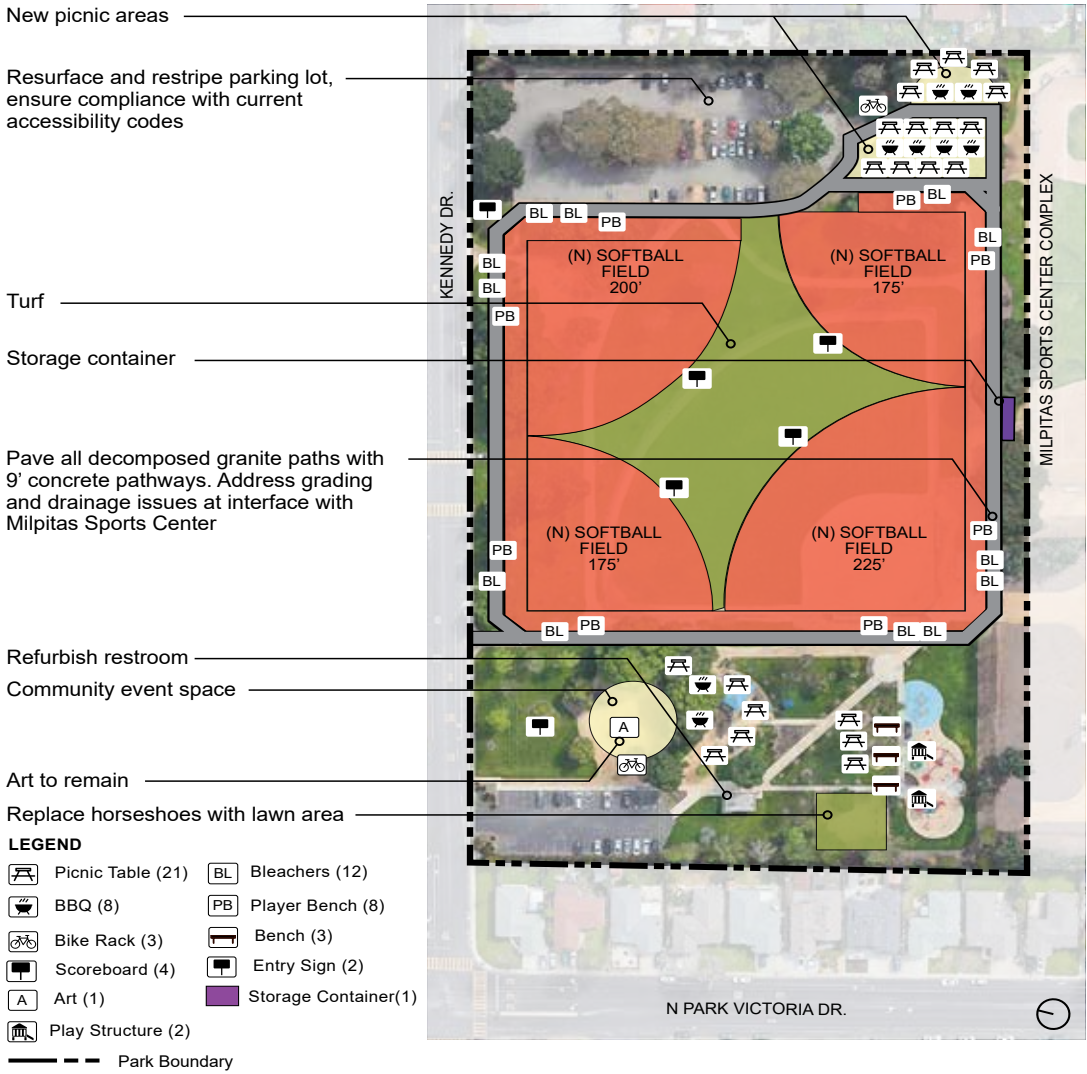
CARDOZA PARK (TOM)

PROPOSED SITE PLAN - THREE FIELD OPTION



CEQA DOCUMENTATION

CARDOZA PARK (TOM)
PROPOSED SITE PLAN - FOUR FIELD OPTION



CEQA DOCUMENTATION

CARDOZA PARK (TOM)

SITE IMPROVEMENTS - THREE FIELD OPTION

Short Term Improvement

- Replace all existing picnic tables and barbeques in the east portion of the site, provide ADA accessible models.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Parking Lot Repairs & ADA Stall Improvements: Resurface and restripe east parking lot. Ensure compliance with current accessibility codes. \$50,000 allowance.
- Repair decomposed granite pathways; \$50,000 allowance.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Continue weed control, pruning and fertilization quarterly or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement - Phase 1

Field Improvements

- Softball Fields: Three new softball fields sized per plan. Each field shall include backstops, shaded dugouts and bleachers, lighting and perimeter fencing. One double sided and one single scoreboard to be provided.
- Add decomposed granite path to provide access to 200' softball field.
- Add storage container.

Long Term Improvement - Phase 2

Picnic Area & Parking Lot Improvements

- Add Picnic Areas: Concrete picnic areas with ADA accessible tables and one trash/recycle and ash receptacle per picnic area.
- Community Event Space: Community plaza area with perimeter seatwalls, concrete paving and shade structures to be used for city events, farmers markets, food trucks, etc.
- Repave all decomposed granite paths to 9'. Address grading and drainage issues at interface with Milpitas Sports Center.
- Ensure ADA access at all slopes to Milpitas Sports Center Complex property, and add ramps where necessary.
- Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.
- Add entrance sign at east parking lot

CEQA DOCUMENTATION

CARDOZA PARK (TOM)

SITE IMPROVEMENTS - FOUR FIELD OPTION

Short Term Improvement

- Replace all existing picnic tables and barbeques in the east portion of the site, provide ADA accessible models.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Parking Lot Repairs & ADA Stall Improvements: Resurface and restripe east parking lot. Ensure compliance with current accessibility codes. \$50,000 allowance.
- Repair decomposed granite pathways; \$50,000 allowance.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Continue weed control, pruning and fertilization quarterly or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement - Phase 1

Field Improvements

- Softball Fields: Four new softball fields sized per plan. Each field shall include backstops, shaded dugouts and bleachers, lighting and perimeter fencing. One scoreboard per field.
- Add decomposed granite path to provide access to 200' softball field.
- Add storage container.

Long Term Improvement - Phase 2

Picnic Area & Parking Lot Improvements

- Add Picnic Areas: Concrete picnic areas with ADA accessible tables and one trash/recycle and ash receptacle per picnic area.
- Community Event Space: Community plaza area with perimeter seatwalls, concrete paving and shade structures to be used for city events, farmers markets, food trucks, etc.
- Repave all decomposed granite paths to 9'. Address grading and drainage issues at interface with Milpitas Sports Center.
- Ensure ADA access at all slopes to Milpitas Sports Center Complex property, and add ramps where necessary.
- Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.

CEQA DOCUMENTATION

CERANO PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

CERANO PARK
PROPOSED SITE PLAN

- Replace concrete barbecues
- Remove graffiti at picnic area, prune vines at trellis
- Reseed lawn
- Update play areas
- Add sand volleyball court



LEGEND

- | | | |
|---------------|-----------------------|-----------------------|
| BBQ (2) | Drinking Fountain (1) | ADA Parking Stall (1) |
| Bench (8) | Picnic Table (4) | Restroom (1) |
| Bike Rack (1) | Entry Sign (1) | Play Structure (2) |
| Park Boundary | | |

CEQA DOCUMENTATION

CERANO PARK
SITE IMPROVEMENTS

Short Term Improvement

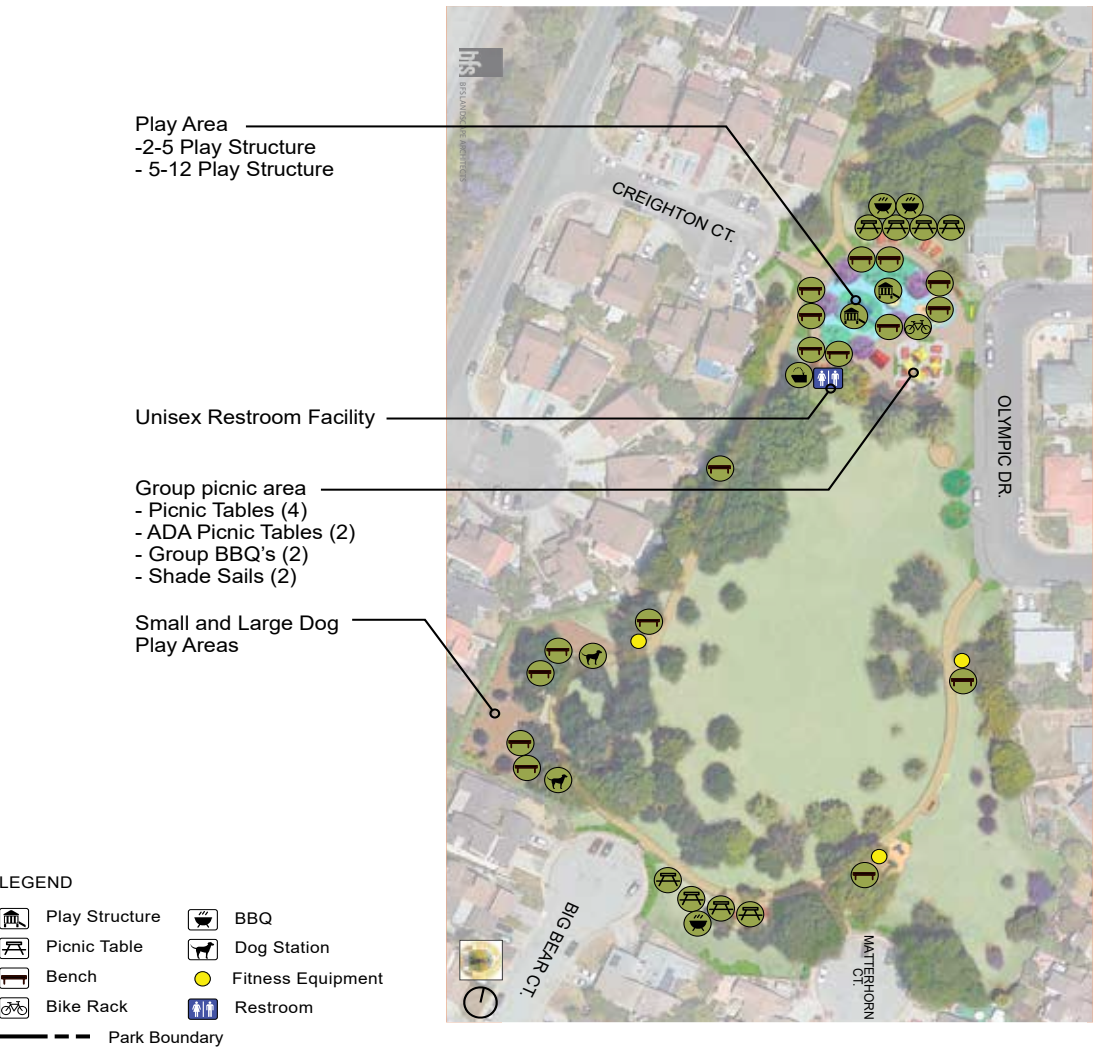
- Update Play Areas: Replace poured in place surfacing, replace net climber and double slide at age 2-5 play structure with new equipment from Kompan.
- Remove and replace existing barbeques with group barbeques similar to Pinewood Park.
- Clean graffiti from trellis columns and stone tables.
- Landscape Maintenance: Prune vines at trellis. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Reseed lawn where necessary.
- Restroom and Snack Shack: Refurbish and conduct ADA study per Facility Condition Assessment.

Long Term Improvement

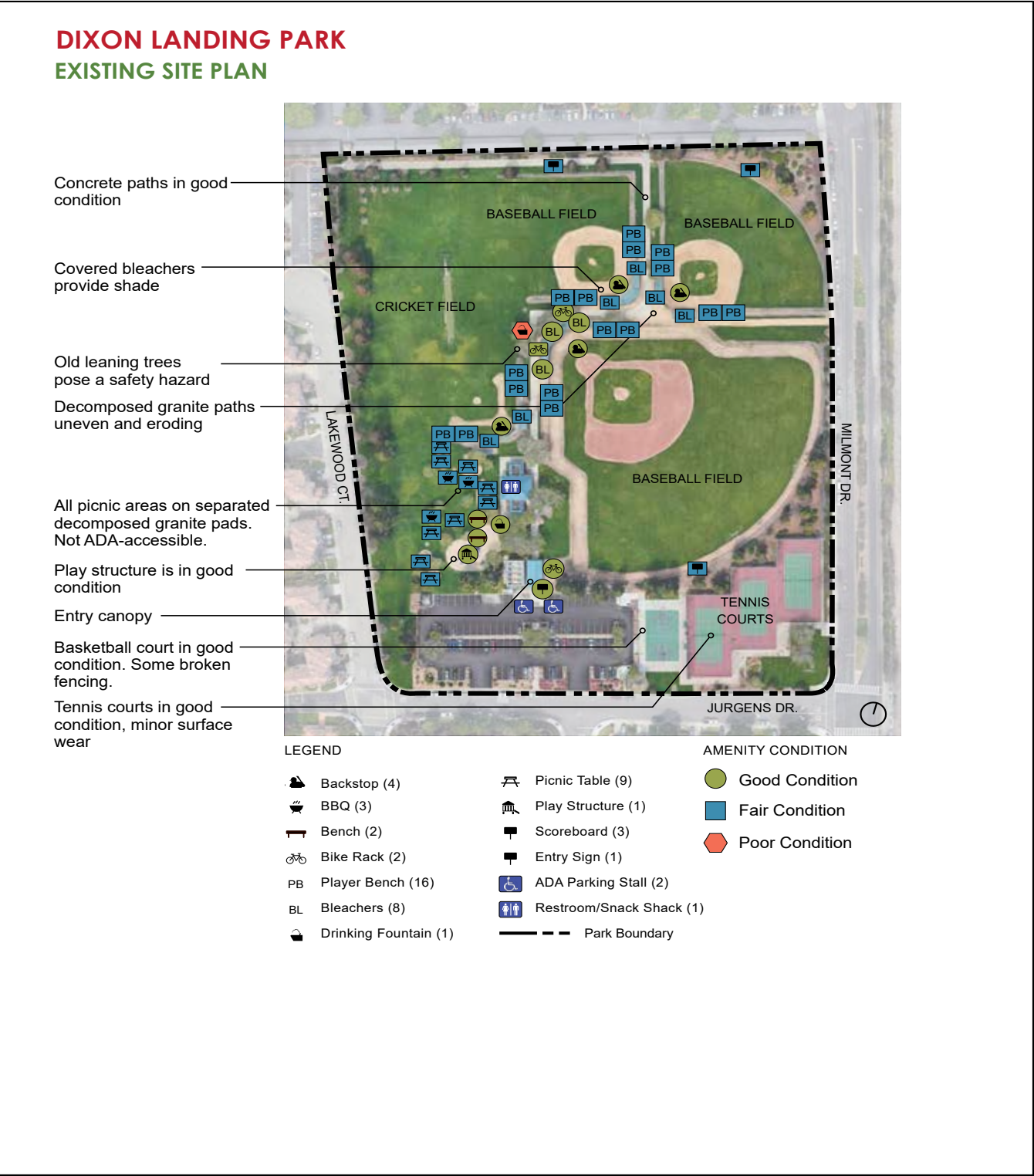
- Add sand volleyball court and net.

CEQA DOCUMENTATION

CREIGHTON PARK (FREDERICK)
EXISTING SITE PLAN



CEQA DOCUMENTATION



CEQA DOCUMENTATION

DIXON LANDING PARK
PROPOSED SITE PLAN

Update fields for
multi-use play
Relocate cricket pitch

Remove hazardous trees

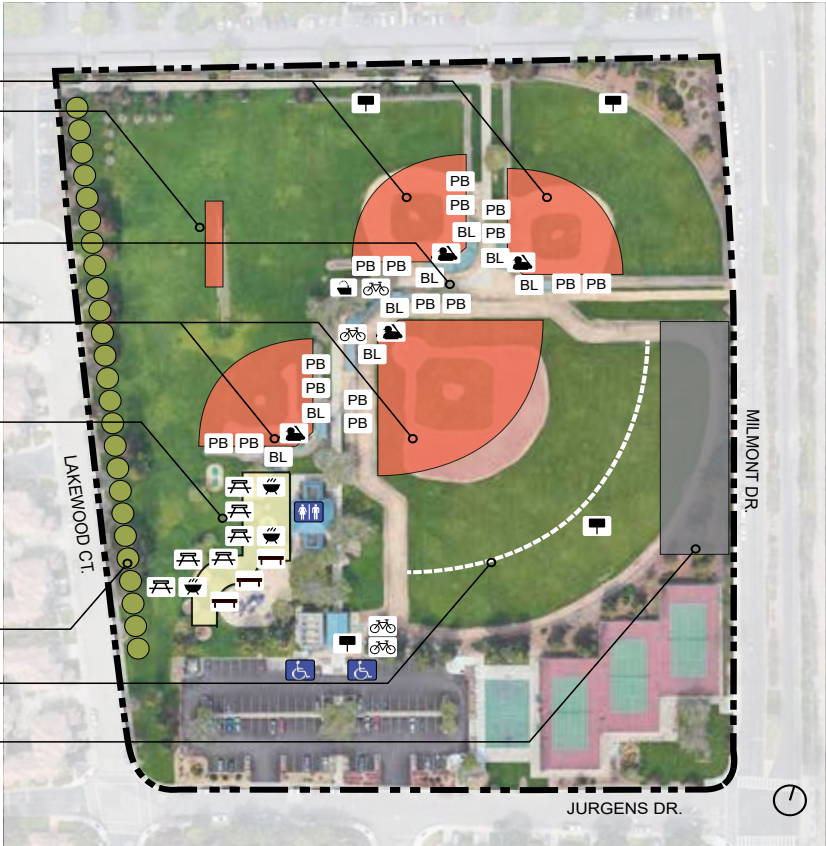
Update fields for
multi-use play

Update picnic areas

Evergreen screen trees

New 265' fenceline

Add parking lot
(40) spaces



LEGEND

Backstop (4)	Drinking Fountain (1)	ADA Parking Stall (2)
BBQ (3)	Picnic Table (9)	Restroom/Snack Shack (1)
Bench (2)	Play Structure (1)	Evergreen Screen Tree (TBD)
Bike Rack (4)	Scoreboard (3)	
Player Bench (16)	Entry Sign (1)	
Bleachers (8)	Park Boundary	

CEQA DOCUMENTATION

DIXON LANDING PARK
SITE IMPROVEMENTS

Dixon Landing Park will be the interim home for PAL softball until field upgrades at Cardoza Park are completed.

Short Term Improvement

- Remove hazardous trees at baseball fields.
- Replace drinking fountain
- Restroom and Snack Shack: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update fields for multi-use play: Re-skin infields, remove turf and pitcher’s mound at infield. Replace shade fabric at dugouts where necessary.
- Formalize cricket pitch: Reskin cricket pitch and add striping. Adjust location to maximize outfield area.
- Update picnic areas: Replace all picnic tables and barbecues with current Milpitas standard. Pave picnic areas with concrete. Provide three trash/ recycle receptacles and three ash receptacles. Add shade structures where existing tree canopies do not provide shade.
- Add benches and companion seating at play areas.
- Adjust fenceline at main softball field to 265’.
- Add 40-space parking lot along Milmont St.
- Add evergreen screening trees along the western edge to buffer noise and light from the nearby residences
- Right of Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

CEQA DOCUMENTATION

FOOTHILL PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

FOOTHILL PARK PROPOSED SITE PLAN



CEQA DOCUMENTATION

FOOTHILL PARK
SITE IMPROVEMENTS

Short Term Improvement

- Replace all existing picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Add ash receptacles at picnic area.
- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Add dog waste station
- Refurbish Restroom Building: Refurbish and conduct ADA study per Facility Condition Assessment.
- Mulch bare planting areas. Weed, prune and fertilize all planted areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Pave existing picnic area with concrete, add ADA accessible drinking fountain and trash receptacle.
- New picnic area: New concrete picnic area with shade structure. Provide one trash/recycle receptacle and one ash receptacle.
- Pave central area between picnic and playground to be used as community event space. Add shade structure.
- Replace gravel path with 9' wide concrete path. Address drainage issues at path.
- Pedestrian lighting replacement.
- Landscape Replant bare landscape areas with drought tolerant California natives, repair or replace irrigation system as necessary. Replace irrigation controller.
- Right of Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, driveway approaches with bollards, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

CEQA DOCUMENTATION

HALL MEMORIAL PARK EXISTING SITE PLAN



CEQA DOCUMENTATION

HALL MEMORIAL PARK
PROPOSED SITE PLAN

Expand picnic area
- Picnic tables (8)
- Barbecues (4)
- Trash/recycle (2)
- Ash receptacle (2)

Replant entry planter

Replace entry sign

Replace chain link fence

New 9' concrete paths

Replant entry planter

Replace play structures

Update parking lot

Resurface courts

Refurbish restroom

Replace ball-wall

Reseed lawn

Add shade structures
over benches

Add observation deck w/
interpretive signage

Replace observation deck,
add interpretive signage

Replant banks of lagoon



LEGEND

	Picnic Table (13)		Bench (10)
	BBQ (7)		Dog Station (1)
	Bike Rack (2)		Drinking Fountain (2)
	Play Structure (1)		Interpretive Signage (6)
	Entry Sign (2)		Restroom (1)
Park Boundary			

CEQA DOCUMENTATION

HALL MEMORIAL PARK SITE IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace existing wood observation deck, add interpretive signage and ensure ADA accessibility from adjacent paths.
- Resurface tennis courts and replace windscreen fabric.
- Refurbish Restroom Building: Interior floor refinish and repaint. Fix electrical issues and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Expand east picnic area: Replace all picnic tables and barbecues with current Milpitas standard and pave picnic areas with concrete. Provide eight picnic tables (at least two accessible), four barbecues, two trash/recycle receptacles and two ash receptacles.
- Update parking lot: Grind and overlay, bring parking lot up to current accessibility codes.
- Replace play structure and sand surfacing with new equipment, poured in place surfacing and engineered wood fiber. Replace chain link fencing at playgrounds with 42" high black vinyl-coated chain link fencing.
- Replace bleachers, goals and player benches at soccer field
- Replace ball-wall.
- Replace east entry sign with City of Milpitas standard.
- Paint pickleball court lines on existing tennis courts.
- Replace gravel paths with 9' wide concrete path. Ensure proper drainage.
- Repave asphalt paths adjacent to tennis courts with concrete paths.
- Add shade structures over benches at lagoon.
- Replace pedestrian lighting.
- Add wood observation deck with interpretive signage at north lagoon.

CEQA DOCUMENTATION

HALL MEMORIAL PARK **SITE IMPROVEMENTS (CONT.)**

Long Term Improvement (Cont.)

- Replant entry areas with California Native drought tolerant planting. Adjust or repair irrigation as needed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards.
- Replant banks of the lagoon with California Native drought tolerant planting. Plant with the intention of bank stabilization and erosion control. Repair/replace irrigation system as needed.
- Reseed turf area by lagoon.
- Right of Way Improvement: Including but not limited to: installation of ADA curb ramps, accessibility signage, driveway approaches with bollards, crosswalk striping, sidewalk and curb and gutter repairs, sidewalk expansion, etc.

CEQA DOCUMENTATION



CEQA DOCUMENTATION

HIDDEN LAKE PARK
PROPOSED SITE PLAN



CEQA DOCUMENTATION

HIDDEN LAKE PARK
SITE IMPROVEMENTS

Short Term Improvement

- Repair parking lot: Grind and overlay parking lot, restripe and add ADA accessible stalls, signage and curb ramps.
- Repair asphalt path: Patch and repair accessibility trip hazards and drainage issues. Repair riprap where necessary.
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard.
- Replace current fishing pier and explore boat activity programming, i.e. paddle boats, kayaks, canoes.
- Replace stairs at overlook, bring up to current code
- Repaint ornamental metal fence
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Conduct tree survey to identify potentially hazardous trees.

Long Term Improvement

- Repave asphalt path
- Update picnic areas: Pave picnic area, provide one trash/recycle and one ash receptacle at entrance picnic area.
- Add restroom at entrance of park.
- Add benches, interpretive signage and wooden shade trellis at overlook.
- Add interactive exhibits and educational signage providing information on local ecology and storm water management.
- Add pedestrian lighting along path.
- Add distance markers for joggers.
- Bring stairs at overlook up to current code.
- Add trees along walking path.
- Replant planting areas at entrance to park.

CEQA DOCUMENTATION

HILLCREST PARK
EXISTING SITE PLAN

Walking loop path in good condition

Play area, renovated in 2020

Walking loop path in good condition



LEGEND		AMENITY CONDITION
BBQ (9)	Play Structure (1)	Good Condition
Bench (5)	Art (1)	Fair Condition
Picnic Table (9)	Drinking Fountain	Poor Condition
Park Boundary		

CEQA DOCUMENTATION

HILLCREST PARK PROPOSED SITE PLAN

Hangout space

Art to remain

Add workout stations (8)

Update picnic areas

New restroom

Replace entry sign park
hours panel



LEGEND

Picnic Table (7)

BBQ (5)

Dog Station (2)

Art (1)

Bike Rack (1)

Play Structure (1)

Drinking Fountain (1)

Bench (10)

Entry Sign (1)

Fitness Station (8)

Restroom (1)

Park Boundary

CEQA DOCUMENTATION

HILLCREST PARK
SITE IMPROVEMENTS

Short Term Improvement

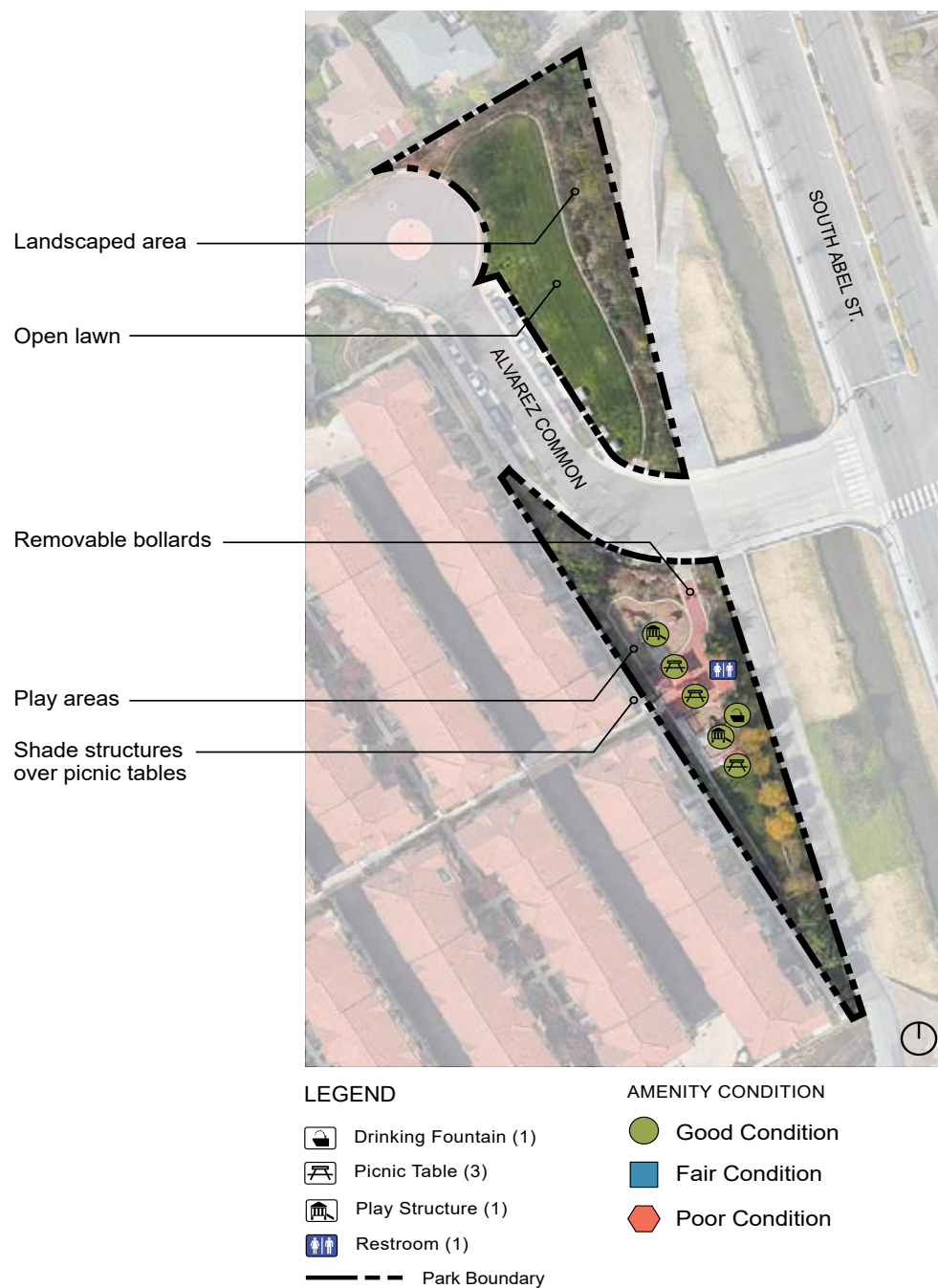
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace bench to the east of the play area, protect in place south benches
- Replace missing park hours sign
- Replace drinking fountain
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Pave picnic areas with concrete, add trash/recycle receptacles. Add shade structures where existing tree canopies do not provide shade.
- Add additional benches along the walking path
- Replace pedestrian lighting
- Add eight fitness stations along main walking path loop.
- Add chess/checkers picnic game tables at central picnic areas.
- Hangout space: Add concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Add restroom.
- Add dog stations
- Replace landscape planting, repair and replace irrigation as needed, replace irrigation controller
- Right of Way Improvements: Install ADA curb ramps with bollards at all entries of the park

CEQA DOCUMENTATION

JOHN MCDERMOTT PARK EXISTING SITE PLAN



CEQA DOCUMENTATION

JOHN MCDERMOTT PARK
PROPOSED SITE PLAN

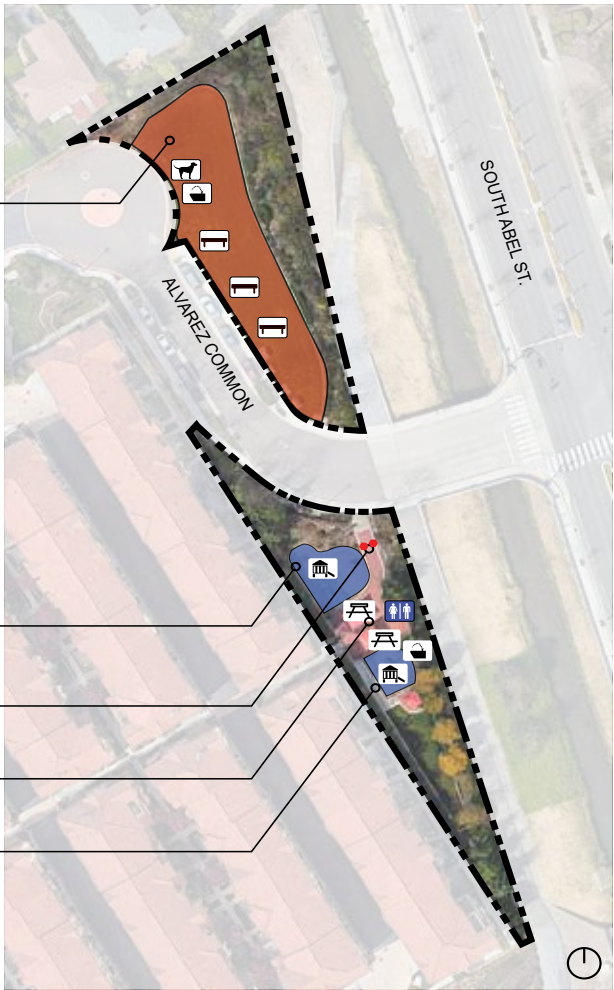
Fenced dog area

Update playground

Remove/replace bollards

Add ADA-accessible table

Replace play equipment and
surfacing, provide ADA accessible
elements



LEGEND

- | | |
|-----------------------|-----------------------|
| Picnic Table (2) | Play Structure (2) |
| Bench (3) | Dog Station (1) |
| Drinking Fountain (2) | Removable bollard (2) |
| Park Boundary | Restroom (1) |

CEQA DOCUMENTATION

JOHN MCDERMOTT PARK
SITE IMPROVEMENTS

Short Term Improvement

- Update play areas: Replace play slide in kind, replace safety surfacing and engineered wood fiber.
- Replace one existing picnic table with an ADA accessible model.
- Remove bollards at entry and replace with Milpitas City standards.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add fenced, off-leash dog area with fenced dog entry area, signage, drinking fountain with pet bowl and a dog station. Repair surrounding planting and irrigation as needed.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.

CEQA DOCUMENTATION

JOSE HIGUERA ADOBE PARK
EXISTING SITE PLAN

Group picnic area
-Table (7)
-ADA Table (1)
-Group Barbeque (2)
-Shade Trellis (1)

Historic Caretakers Cabin
Jose Higuera Adobe building

Passive/active use lawn
Perimeter path

Picnic areas

Playground

Entrance sign and walk



LEGEND

- BBQ (7)
- Bench (8)
- Bike Rack (1)
- Drinking Fountain (1)

- Picnic Table (14)
- Play Structure (1)
- Entry Sign (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

CEQA DOCUMENTATION

JOSE HIGUERA ADOBE PARK
SITE IMPROVEMENTS

Short Term Improvement

- Add 4’ chainlink fence and gates at reservable picnic areas
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- No long term improvements are recommended at the time of this document.

CEQA DOCUMENTATION

MCCANDLESS PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

MCCANDLESS PARK PROPOSED CONCEPT PLAN



CEQA DOCUMENTATION

MCCANDLESS PARK

SITE IMPROVEMENTS

This park is currently under development per the above plan. No improvements are proposed at the time of this document.

CEQA DOCUMENTATION



CEQA DOCUMENTATION

MILPITAS DOG PARK
SITE IMPROVEMENTS

Short Term Improvement

- Replace all park entry, informational and rules signage at entry. Ensure rules signage is updated to the current ordinance at time of replacement.
- Update ADA Parking stall: Ensure ADA stall meets all ADA codes as is feasible given site slope constraints. Ensure striping is clear and dimensioned correctly, ensure all applicable signage is provided and is legible.

Long Term Improvement

- No long term improvements are recommended at the time of this document.

Extensive erosion & drainage issues

Hazardous trees along
east property line

New restroom

Aging pine trees pose a safety hazard

Extensive erosion & drainage issues

Restroom and snack shack

Chain link fencing is in —
poor condition overgrown
with vines

Fencing & perimeter walls in disrepair

Poplars in outfield are in decline

Plaza pavement —
cracking and heaving



- Bench (6)
- Bike Rack (2)
- PB Player Bench (10)
- BL Bleachers (16)
- ADA Parking Stall

-  Drinking Fountain (4)
-  Scoreboard (3)
-  Chain Link Fencing
-  Restroom
-  Park Boundary

 Good Condition
 Fair Condition
 Poor Condition

CEQA DOCUMENTATION

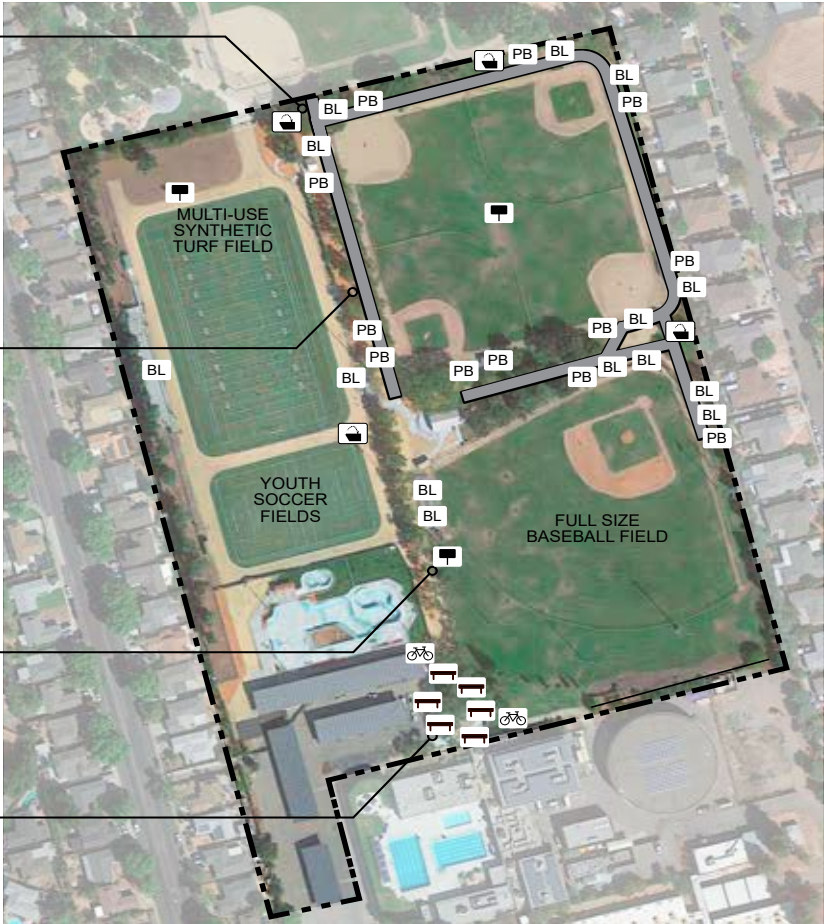
MILPITAS SPORTS CENTER COMPLEX
PROPOSED SITE PLAN

Bring stairs to Cardoza
Park up to current code

Bring stairs to Cardoza
Park up to current code

Replace Scoreboards

Replace benches at entry
plaza



LEGEND

Bench (6)	Drinking Fountain (4)	ADA Parking Stall
Bike Rack (2)	Scoreboard (3)	Restroom
Player Bench (10)	Chain Link Fencing	
Bleachers (16)	Park Boundary	

CEQA DOCUMENTATION

MILPITAS SPORTS CENTER COMPLEX
SITE IMPROVEMENTS

Short Term Improvement

- Replace access stairs to Cardoza park with concrete steps and an ADA accessible ramp. Connect to new concrete paths.
- Remove and replace all hazardous trees along eastern residential property line.
- Improvement pathway and ramps for accessibility.
- Repair perimeter fencing and walls.

Long Term Improvement

- Pave all existing decomposed granite paths with 9' concrete paths
- Address drainage issues by installing new storm drain system
- Refurbish player benches. Repaint and remove rust, replace boards where necessary.
- Replace benches at entry plaza
- Replace aging bleachers.
- Replace all site furnishing
- Replace chainlink fencing between Multi-Use Synthetic and Baseball Fields
- Replace all scoreboards.
- Landscape maintenance and improvements: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.

A comprehensive site improvement plan will be part of a future Sports Center Master Plan done by others.

CEQA DOCUMENTATION

MURPHY PARK
EXISTING SITE PLAN

- Bike path
- Soccer field
- Par course stations in disrepair
- Trees along soccer field are crowded and of varying species
- Landscape berm
- Play area with sand surfacing
- Memorial bench
- Drainage issues at restroom
- Non-standard entry sign
- Memorial bench
- Picnic area, no ADA access
- Parking lot, no ADA parking spaces



LEGEND		AMENITY CONDITION
A	Art (1)	● Good Condition
BBQ	BBQ (3)	■ Fair Condition
Bench	Bench (9)	⬡ Poor Condition
Dog Station	Dog Station (1)	
— — —	Park Boundary	
🏃	Fitness Station (7)	
🪴	Picnic Table (6)	
🏖️	Play Structure (1)	
🚻	Restroom (1)	

CEQA DOCUMENTATION

MURPHY PARK PROPOSED SITE PLAN



LEGEND

Picnic Table (11)	Dog Station (1)	Play Structure (1)
BBQ (4)	Bike Rack (2)	Entry Sign (1)
Bench (7)	Fitness Station (7)	Restroom
Art (1)	Park Boundary	

CEQA DOCUMENTATION

MURPHY PARK
SITE IMPROVEMENTS

Short Term Improvement

- Update picnic areas: Replace all picnic tables and barbeques with current Milpitas standard, and provide two ash receptacles.
- Replace all existing benches other than memorial benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace all workout equipment, place on poured in place pads.
- Replace dog waste station at turf field.
- Replace existing entry sign with current Milpitas standard sign.
- Repave asphalt at restroom to address drainage issues.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.

Long Term Improvement

- Pave picnic areas with decomposed granite paving and provide two trash/recycle receptacles.
- Community event space: Paved plaza area with perimeter seating and overhead shade structure. Use adjacent lawn as overflow seating and event space.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Include integrated shade structures.
- Update and expand parking lot: Resurface and re-stripe existing lot, bring parking lot up to current accessibility codes. Expand lot to the north, add an additional 18 stalls and tie into new pathways.
- Add additional picnic area adjacent to expanded parking lot with ADA accessible tables barbeques, ash receptacles and new circulation to tie into existing park paths.
- Replace pedestrian lighting.
- Replace park entry sign.
- Improve drainage and irrigation at soccer field, replace turf as necessary.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.
- Right of Way Improvement: Including but not limited to: installation of ADA curb ramps, accessibility signage, driveway approaches with bollards, crosswalk striping, sidewalk and curb and gutter repairs, sidewalk expansion, etc.

CEQA DOCUMENTATION



CEQA DOCUMENTATION

OLIVER W. JONES MEMORIAL PARK
PROPOSED SITE PLAN



CEQA DOCUMENTATION

OLIVER W. JONES MEMORIAL PARK
SITE IMPROVEMENTS

Short Term Improvement

- Update picnic areas: Replace all picnic tables and barbeques with current Milpitas standard, and provide two ash receptacles.
- Replace all existing benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add picnic area: Replace all picnic tables and barbeques with current Milpitas standard, and provide trash/recycle and ash receptacles. Add overhead shade structures and pave picnic areas with concrete.
- Add a single stall restroom
- Add Hangout Space: Concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Add bouldering wall: Prefabricated bouldering wall with safety surfacing and safety/regulatory signage.
- Pave all gravel and decomposed granite paths with concrete.
- Replace pedestrian lighting.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed.
- Right of Way Improvement: Install ADA curb ramp at east side of park.

CEQA DOCUMENTATION

O'TOOLE ELMS PARK (JOHN)
EXISTING SITE PLAN



CEQA DOCUMENTATION

O'TOOLE ELMS PARK (JOHN)
SITE IMPROVEMENTS

Short Term Improvement

- Playground equipment and surface repairs: Replace poured in place surfacing.
- Replace message kiosks.
- Replace pedestrian pavers with paver patterned stamped concrete.
- Update parking lot: Bring parking lot up to current accessibility codes. Add ADA stall and provide accessible ramps.
- Landscape Maintenance: Mulch Landscape Areas. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

No long term improvements are recommended at the time of this document.

CEQA DOCUMENTATION

PARC METRO EAST
EXISTING SITE PLAN

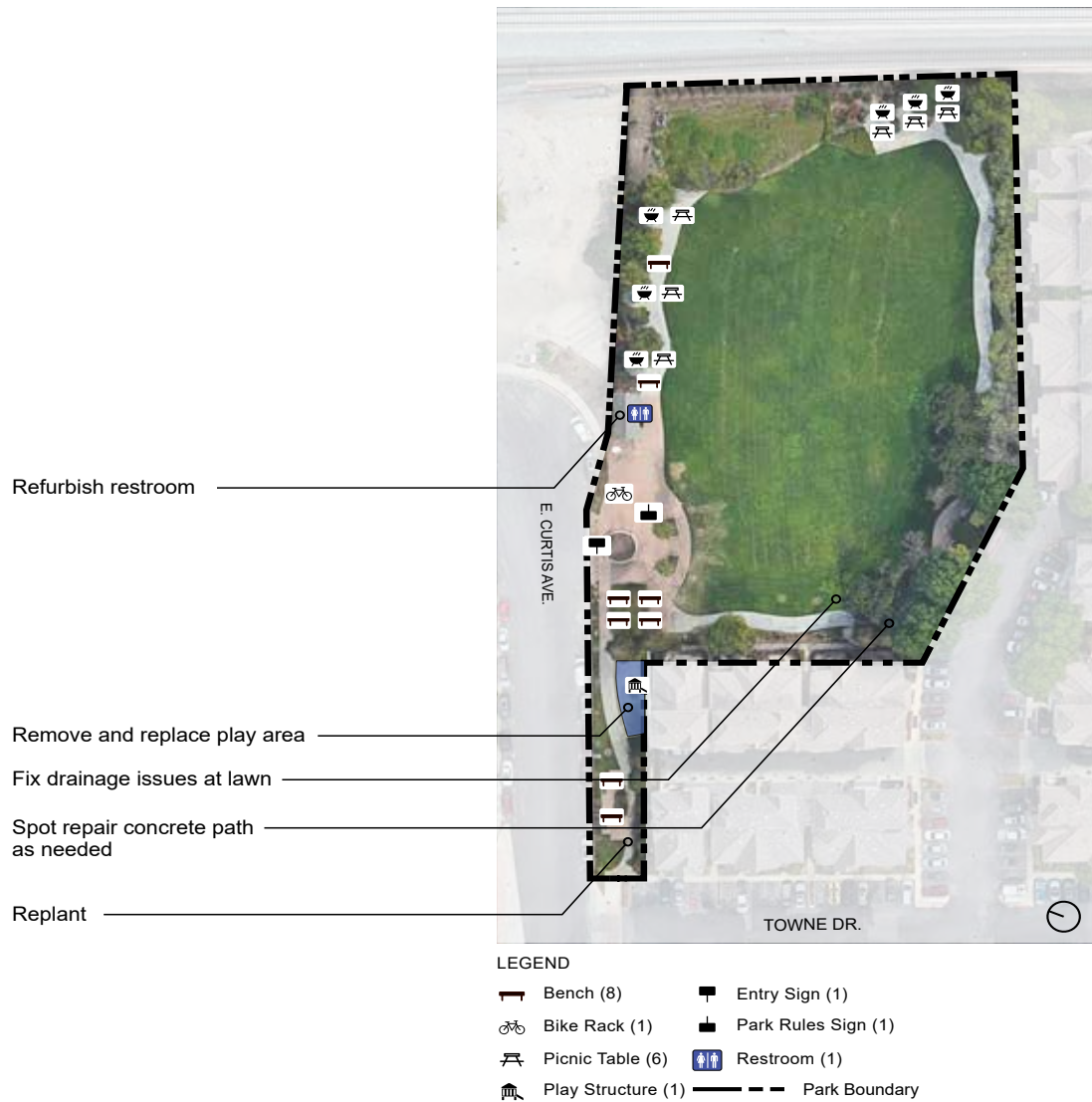
- Secluded picnic area. Extensive vandalism and litter.
- Curtis Well Site
- Picnic nooks
- Passive use lawn
- Concrete lifting and buckling throughout pathway
- Play area in very poor condition



LEGEND		AMENITY CONDITION
Bench (8)	Entry Sign (1)	Good Condition
Bike Rack (1)	Park Rules Sign (1)	Fair Condition
Picnic Table (6)	Restroom (1)	Poor Condition
Play Structure (1)	Park Boundary	

CEQA DOCUMENTATION

PARC METRO EAST PROPOSED SITE PLAN



CEQA DOCUMENTATION

PARC METRO EAST
SITE IMPROVEMENTS

Short Term Improvement

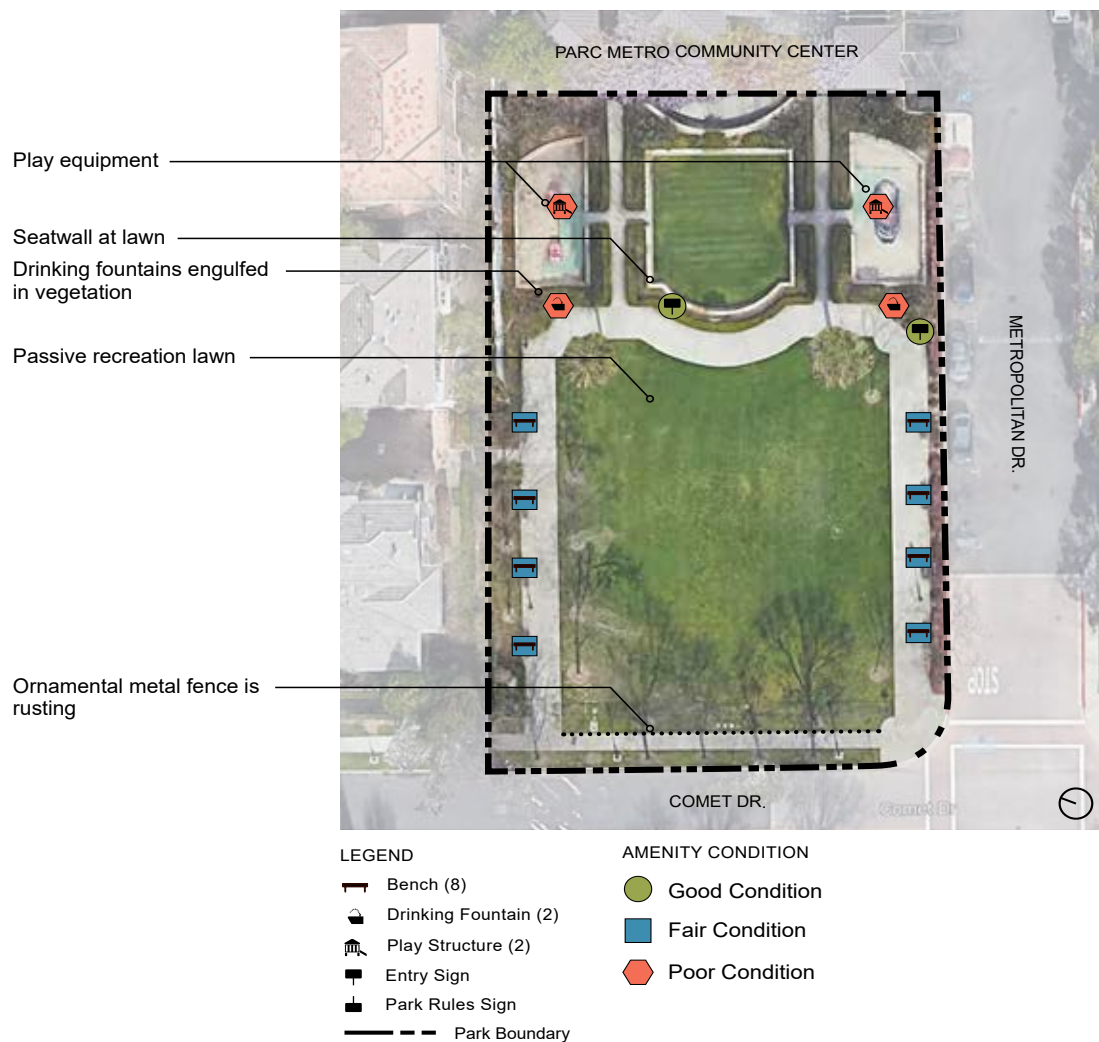
- Replace all picnic tables and barbeques, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard.
- Spot repair concrete path: Grind areas that pose trip hazards.
- Repair drainage issues at lawn.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Prune vines on pergola annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Conduct tree survey to identify hazardous trees.

Long Term Improvement

- Remove and Replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

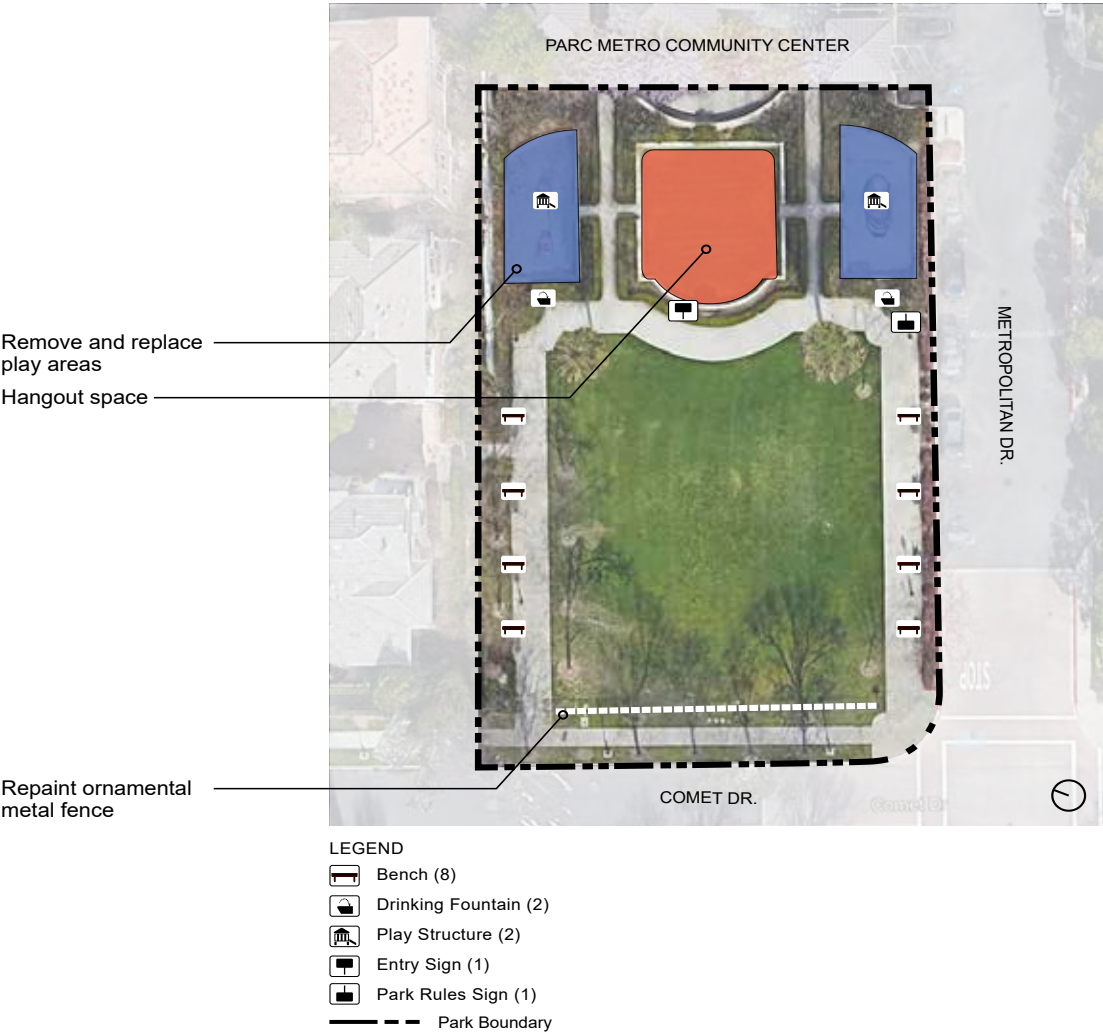
CEQA DOCUMENTATION

PARC METRO MIDDLE EXISTING SITE PLAN



CEQA DOCUMENTATION

PARC METRO MIDDLE
PROPOSED SITE PLAN



CEQA DOCUMENTATION

PARC METRO MIDDLE
SITE IMPROVEMENTS

Short Term Improvement

- Replace both drinking fountains with current Milpitas standard.
- Repaint ornamental metal fencing.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Hangout space: Concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Replace all benches with current Milpitas standard.
- Remove and replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed. Replace irrigation controller

CEQA DOCUMENTATION

PARC METRO WEST
EXISTING SITE PLAN



CEQA DOCUMENTATION

PARC METRO WEST PROPOSED SITE PLAN

LEGEND

- | | |
|---|---|
|  Bench (21) |  Play Structure (1) |
|  Bike Rack (1) |  Picnic Table (4) |
|  Drinking Fountain (2) |  Entry Sign (1) |
|  Park Boundary |  Park Rules Sign (2) |

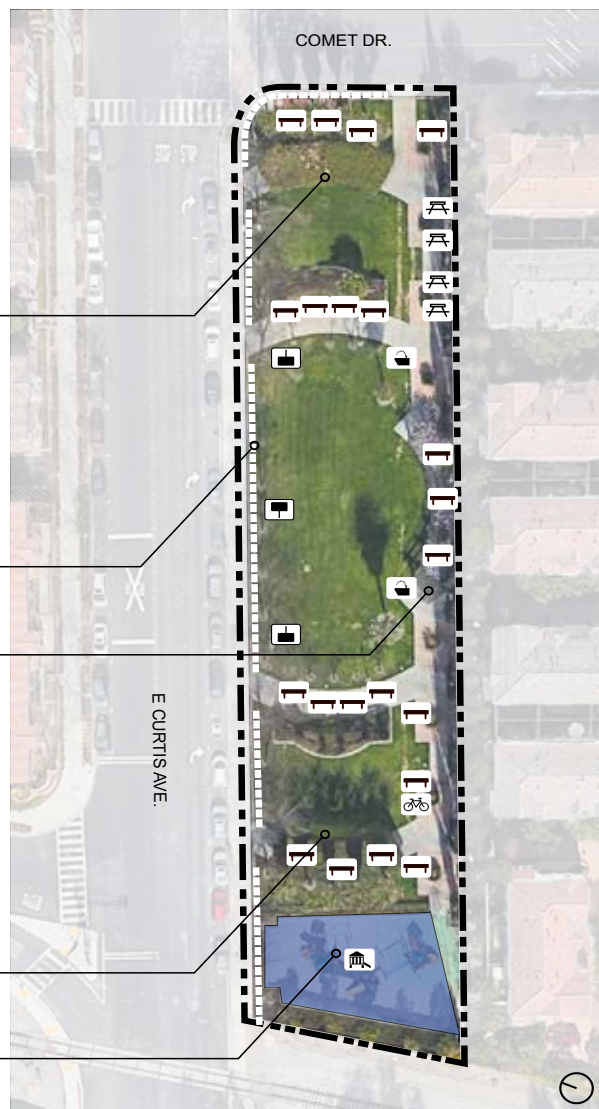
Prune vines

Repaint ornamental
metal fencing

Prune vines

Prune vines

Remove and replace play area



CEQA DOCUMENTATION

PARC METRO WEST
SITE IMPROVEMENTS

Short Term Improvement

- Replace all picnic tables, provide ADA accessible models.
- Replace all benches with current Milpitas standard.
- Replace drinking fountains
- Replace bike rack
- Replace park rules signs
- Repair drainage issues at lawn
- Repaint ornamental metal fencing.
- Play Areas: Repair defunct or broken play equipment.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Prune vines on pergola annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Remove and Replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

CEQA DOCUMENTATION

PECOT PARK (BOB)
EXISTING SITE PLAN

Walking path

Park rules sign

Asphalt walking path

Gravel parking lot
(SFPUC use)



LEGEND

- Bench (1)
- Entry Sign (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

CEQA DOCUMENTATION

PECOT PARK (BOB)
PROPOSED SITE PLAN



CEQA DOCUMENTATION

PECOT PARK (BOB)
SITE IMPROVEMENTS

Short Term Improvement

- Replace existing bench with Milpitas standard.
- Slurry seal asphalt path
- Reseed turf areas where necessary
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add benches and trash/recycling receptacles along path.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right of way improvement: ADA curb ramps to be removed and replaced to current City standards on Dixon Road and Manfred St. Restripe crosswalks and install bollards to current city standards.

CEQA DOCUMENTATION

PETER GILL MEMORIAL PARK
EXISTING SITE PLAN

- Connection to neighborhoods
- Greenbelt connection to Oliver W. Jones Memorial Park
- Play area is in disrepair with broken fencing and outdated equipment
- Tennis courts in poor condition
- Group picnic areas
 - Shade structures (2)
 - Picnic tables (7)
 - Barbeques (3)
- Exercise equipment court on decomposed granite
- Handball court
- Basketball court
- ADA striping, however no accessible ramps to sidewalk are provided
- Play area
- Group picnic area, no ADA access
- Baseball field is used as dog run
- Access to shopping center via bridge over crossing



AMENITY CONDITION

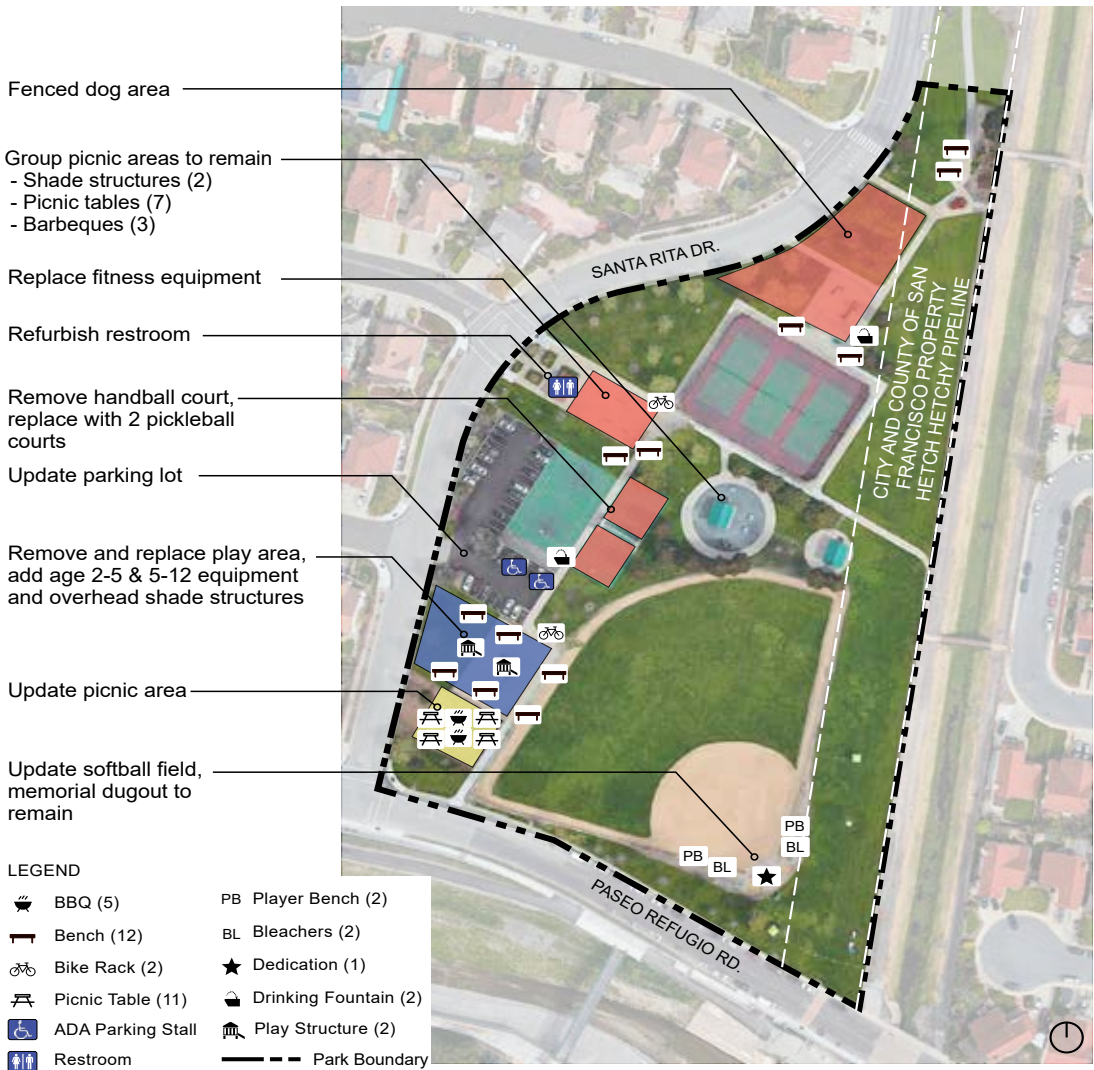
- Good Condition
- Fair Condition
- Poor Condition

LEGEND

- | | | |
|---------------------|-----------------------|-------------------|
| Backstop (1) | PB Player Bench (2) | Picnic Table |
| BBQ (5) | BL Bleachers (2) | Play Structure |
| Bench (9) | ★ Dedication (1) | ADA Parking Stall |
| Bike Rack (1) | Drinking Fountain (2) | Restroom |
| - - - Park Boundary | | |

CEQA DOCUMENTATION

PETER GILL MEMORIAL PARK
PROPOSED SITE PLAN



CEQA DOCUMENTATION

PETER GILL MEMORIAL PARK
SITE IMPROVEMENTS

Short Term Improvement

- Replace existing benches with Milpitas standard.
- Replace all existing picnic tables and barbeques with current Milpitas standard, provide ADA compliant models. Provide ash receptacles.
- Replace bike rack
- Resurface handball court
- Repair signage
- Play Areas: Replace chainlink fencing at north play area, repair existing equipment at both north and south play areas.
- Update parking lot: Add accessible ramp from parking lot to adjacent sidewalk.
- Many paths do not meet accessibility requirements. Assess and regrade where feasible.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update softball field. Repair backstop, dugouts, lighting, fencing and bleachers.
- Remove and Replace Play Areas: Remove north play area and expand southern area. Replace structures with both age 2-5 and 5-12 equipment and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Dog area: Add fenced off-leash dog area with fibar surfacing, small and large dog areas, and a fenced in entrance area. This will require a permit from the SFPUC to build on the Hetch Hetchy pipeline property.
- Update picnic area: Replace picnic tables and barbeques with current Milpitas standard. Provide two trash/recycle and two ash receptacles. Pave picnic areas with concrete and add overhead shade structure.
- Replace fitness equipment: Add new fitness court with poured in place surfacing.
- Right-of-Way Improvement: Install ADA curb ramps to current Milpitas standards. Include crosswalk striping, sidewalk and curb and gutter repairs and sidewalk expansion as needed.
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller

CEQA DOCUMENTATION

PINEWOOD PARK EXISTING SITE PLAN



CEQA DOCUMENTATION

PINEWOOD PARK
SITE IMPROVEMENTS

Short Term Improvement

- Playground equipment and surface repairs: Replace existing poured in place surfacing and engineered wood fiber with new. Replace the existing age 5-12 play structures.
- Replace basketball backboards hoops and nets
- Conduct tree survey to identify hazardous eucalyptus trees.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Refurbish Restroom: Refurbish per Facility Condition Assessment.

Long Term Improvement

No long term improvements are proposed at the time of this document.

CEQA DOCUMENTATION

ROBERT E. BROWNE PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

ROBERT E. BROWNE PARK
PROPOSED SITE PLAN



CEQA DOCUMENTATION

ROBERT E. BROWNE PARK
SITE IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Replace drinking fountain
- Replace picnic table
- Replace bike rack
- Replace fitness stations
- Repair signage
- Repair tennis court fencing and netting
- Conduct tree study to identify hazardous trees.
- Spot repair asphalt path where cracking and heaving.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly. Remove graffiti throughout the park.

Long Term Improvement

- Replace all asphalt paths with concrete.
- Add pedestrian lighting at.
- Add single stall restroom.
- Add additional benches and fitness stations along path.
- Add picnic area: Add concrete picnic area with Milpitas standard tables, barbeques, trash/recycle receptacles and ash receptacles. Provide overhead shade structure.
- Add two full size basketball courts with lighting
- Entrance node: Add small entrance plaza with seating, bike racks and wayfinding signage directing visitors to the nearby Murphy and Sinnott parks.
- Right of way improvements: Redesign west entrance to the park for accessibility. Provide ADA-accessible curb ramp, stairs, and landscaped areas. Re-stripe crosswalk to Murphy Park and add wayfinding signage and bollards. This work includes sidewalk and curb and gutter repairs and sidewalk expansion as needed.
- Landscape and Irrigation with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

CEQA DOCUMENTATION

SANDALWOOD PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

SANDALWOOD PARK PROPOSED SITE PLAN



CEQA DOCUMENTATION

SANDALWOOD PARK
SITE IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Replace drinking fountains
- Replace picnic tables
- Replace bike racks
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly. Remove graffiti throughout the park.

Long Term Improvements

The proposed improvement plans include an all-inclusive playground area and fitness stations, large picnic area with shade structures, new restroom, asphalt pathways, converting the existing horseshoes pit into a basketball court, updating small picnic areas, and adding pedestrian lighting.

CEQA DOCUMENTATION

SELWYN PARK EXISTING SITE PLAN

Sand from play area fills
perimeter planting areas

Play surfacing separating
from concrete walk. 1" gap

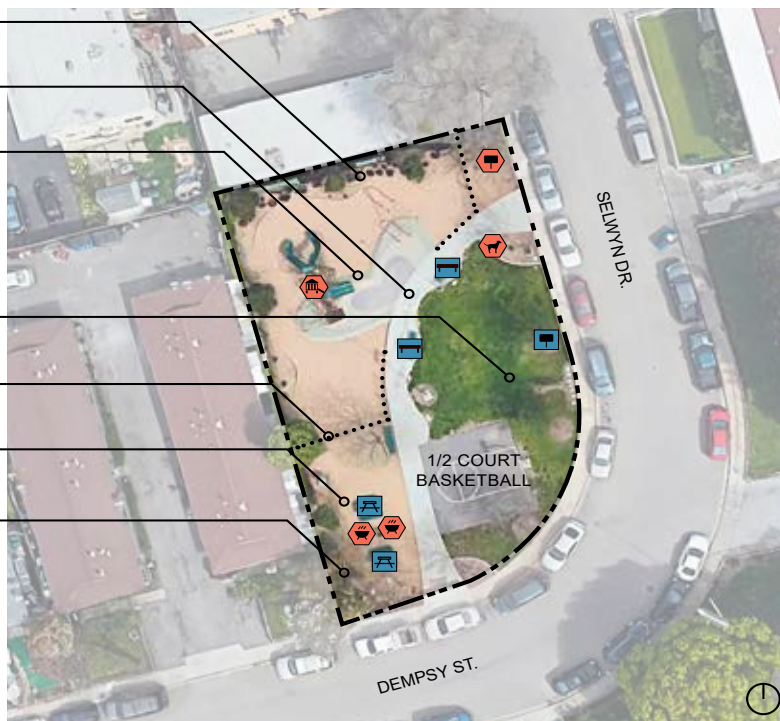
Sand at play structure is
low. 8"-12" drop from play
surfacing

Patchy turf

Fencing missing panels
throughout park

Sand from play area filling
group picnic areas

No ADA access to
picnic area



LEGEND

BBQ (2)	Play Structure (1)
Bench (2)	Entry Sign (1)
Picnic Table (2)	Ornamental Metal Fence
Park Boundary	

AMENITY CONDITION

Good Condition
Fair Condition
Poor Condition

CEQA DOCUMENTATION

SELWYN PARK
PROPOSED SITE PLAN



- LEGEND**
- BBQ (2)
 - Bench (2)
 - Picnic Table (2)
 - Park Rules Sign (1)
 - Dog Station (1)
 - Park Boundary

CEQA DOCUMENTATION

SELWYN PARK
SITE IMPROVEMENTS

Short Term Improvement

- Update picnic area: Replace picnic tables and barbeques with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Playground equipment and surface repairs: Repair damaged portions of poured in place surfacing, replace existing sand surfacing with engineered wood fiber. Update play equipment per Milpitas Playground Rehabilitation Project.
- Replace fencing with Milpitas standard ornamental metal fencing.
- Replace park rules sign.
- Replace dog station.

Long Term Improvements

- Pave picnic areas with concrete and add overhead shade structure.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace poured in place surfacing and engineered wood fiber. Include integrated shade structures.
- Replace all benches with current Milpitas standard. Provide companion seating.
- Replace Landscape and Irrigation: Replant and mulch landscaped areas with drought tolerant California native planting. Adjust irrigation system as needed. Weed, prune, replenish mulch and fertilize quarterly or as needed. Replace irrigation system and controller.

CEQA DOCUMENTATION

SINNOTT PARK (JOHN)
EXISTING SITE PLAN

- Bike trail
- Fitness equipment court in poor condition, poses a safety hazard
- Gravel paths throughout site have severe erosion issues, including major gaps at transitions to surrounding sidewalks and paving.
- Passive use lawn
- Sand volleyball pitch
- Play area
- Picnic area



LEGEND		AMENITY CONDITION	
	BBQ (3)		Drinking Fountain (1)
	Bench (5)		Picnic Table (3)
	Bike Rack (1)		Play Structure (1)
	Dog Station (1)		Restroom (1)
	Entry Sign (2)		Fitness equipment court (~15 pieces of equipment)
	Park Rules Sign (1)		
	Park Boundary		
			Good Condition
			Fair Condition
			Poor Condition

CEQA DOCUMENTATION

SINNOTT PARK (JOHN) PROPOSED SITE PLAN



CEQA DOCUMENTATION

SINNOTT PARK (JOHN)**SITE IMPROVEMENTS****Short Term Improvement**

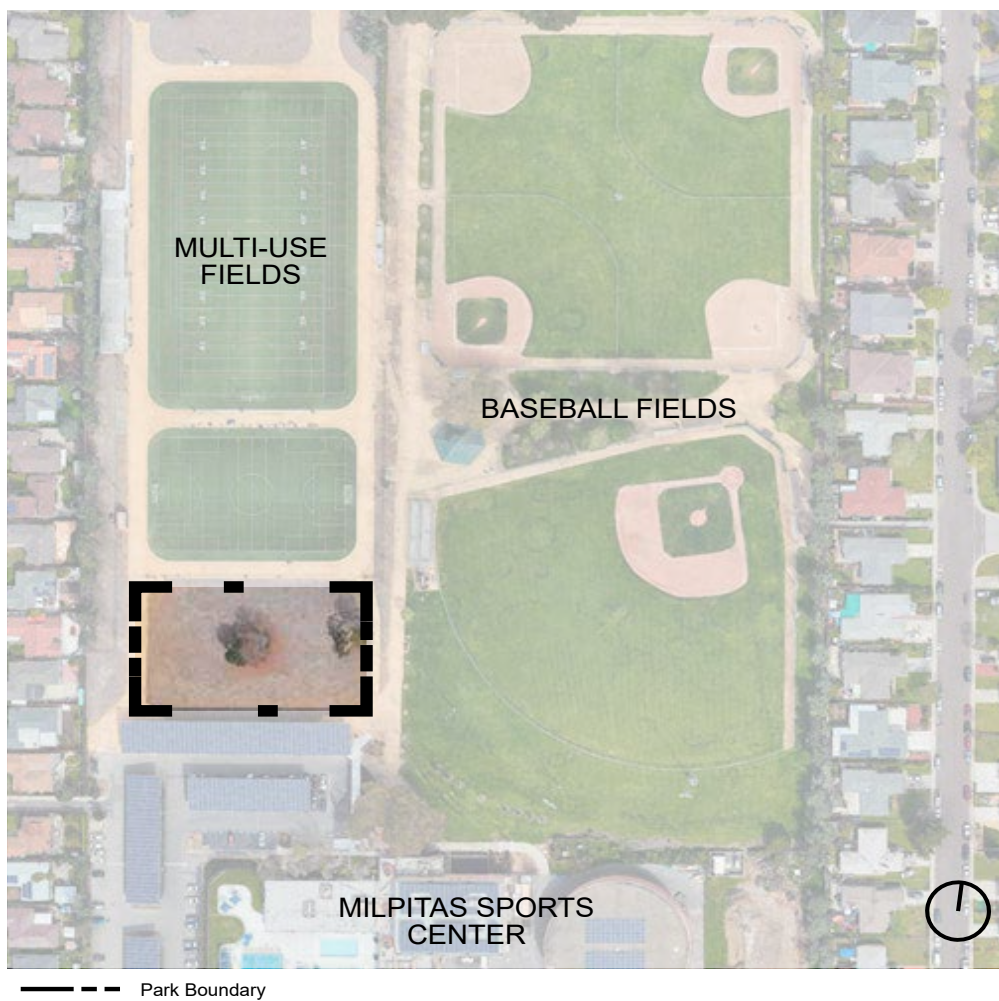
- Replace fitness equipment: Add new fitness court with poured in place surfacing. Replace all benches with Milpitas standard, placed on concrete pads to ensure accessibility. Provide companion seating.
- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Replace benches.
- Replace bike rack.
- Replace park rules sign.
- Replace dog waste station.
- Repair swingset.
- Spot repair gravel paths at transitions to hardscape to remove ADA access impediments. Repair localized drainage issues.
- Conduct tree survey by certified arborist to identify and remove hazardous trees.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn

Long Term Improvements

- Add community garden: Fenced community garden with raised wood planters, irrigation and fiber surfacing.
- Add pickleball courts: Add three full size pickleball courts with fencing, surfacing, benches and nets.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Pave picnic area, add trash/recycle receptacles and provide shade structure
- Replace all gravel paths with 9' wide concrete paths. Regrade and improve drainage as necessary.
- Add wayfinding signage at north entrance.
- Add pedestrian lighting.
- Right-of-Way Improvement: Installation of ADA curb ramps and bollards at entrances. Sidewalk and curb and gutter repairs and sidewalk expansion as necessary to accommodate improvements

CEQA DOCUMENTATION

SKATEPARK - MILPITAS SPORTS CENTER COMPLEX EXISTING SITE PLAN



CEQA DOCUMENTATION

SKATEPARK - MILPITAS SPORTS CENTER COMPLEX **SITE IMPROVEMENTS**

No improvements are recommended at the time of this document.

CEQA DOCUMENTATION

STARLITE PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

STARLITE PARK
PROPOSED SITE PLAN



LEGEND

Bench (11)	BBQ (5)	Restroom
Picnic Table (10)	Bike Rack (2)	Park Boundary
Entry Sign (1)	Art (1)	
Park Rules Sign (2)	Drinking Fountain (1)	

CEQA DOCUMENTATION

STARLITE PARK
SITE IMPROVEMENTS

Short Term Improvements

- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Replace benches, place on concrete pads to ensure accessibility.
- Replace bike rack.
- Repair park rules sign.
- Repair Art piece from vandalism.
- Conduct tree survey by certified arborist to identify and remove hazardous trees.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add pump track: Add compacted soil pump track with beginner and advanced tracks, bike racks, bike stations, seating and perimeter fencing. Add safety and regulatory signage.
- Update picnic area: Pave picnic areas with concrete and add overhead shade structure where trees do not provide shade. Provide trash recycle and ash receptacles.
- Remove horseshoe pits and replace with small picnic area.
- Replace all gravel paths with 9' wide concrete paths
- Replace pedestrian lighting
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at all park entrances, provide bollards. Restripe crosswalk striping, expand sidewalk and repair curb and gutter as needed.

CEQA DOCUMENTATION

STRICKROTH PARK (HENRY)
EXISTING SITE PLAN



CEQA DOCUMENTATION

STRICKROTH PARK (HENRY) PROPOSED SITE PLAN



CEQA DOCUMENTATION

STRICKROTH PARK (HENRY)
SITE IMPROVEMENTS

Short Term Improvement

- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Refurbish hill tunnel play feature: Add safety surfacing and safety railings at bridge. Repaint tunnel interior and remove all rust and jagged edges.
- Replace bike rack.
- Repair park rules sign.
- Replace dog waste station
- Replace drinking fountain
- Replace ornamental metal fencing at play area
- Conduct tree survey by certified arborist to identify pruning and removal of hazardous trees.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add cricket pitch: Add cricket pitch infield and close infield striping.
- Add parking lot with at least 20 car capacity, accessed off Corinthia Dr.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing at north play area with Milpitas standard ornamental metal fencing. Include integrated shade structures.
- Update picnic area: Pave picnic areas with concrete and add overhead shade structure where existing tree canopies do not provide shade. Provide trash/recycle and ash receptacles.
- Replace all asphalt and decomposed granite paths with 9' wide concrete paths.
- Regrade and improve drainage where necessary.
- Add pedestrian lighting.
- Add single stall restroom
- Add benches, place on concrete pads.
- Replace baseball backstop.
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at all park entrances, provide bollards. Restripe crosswalk striping, expand sidewalk and repair curb and gutter as needed.

CEQA DOCUMENTATION



CEQA DOCUMENTATION

SUNNYHILLS ALBERT AUGUSTINE MEMORIAL PARK
PROPOSED SITE PLAN



CEQA DOCUMENTATION

SUNNYHILLS ALBERT AUGUSTINE MEMORIAL PARK
SITE IMPROVEMENTS

Short Term Improvement

- Replace north entry sign with Milpitas standard.
- Playground equipment and surface repairs: Replace existing sand surfacing with poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link. Replace equipment per the Milpitas Playground rehabilitation project.
- Replace all picnic tables and barbeque's with current Milpitas standard, provide ADA accessible models and ash receptacles.
- Replace all benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace dog waste station
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment. Prune vines on attached trellis structure.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Replace decomposed granite walking path with 9' wide concrete path. Ensure proper drainage.
- Community Event Space: Community plaza area with perimeter seating and overhead shade structure.
- Remove and Replace Play Areas: Replace existing play equipment with structures that provide accessible ground level play elements and integrated shade structures. Replace poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link.
- Add 20-car parking lot along Coelho St.
- Add 6 fitness stations along loop path.
- Pave picnic areas with concrete, add shade structures where existing tree canopies do not provide shade.
- Dog Areas: Add a fenced dog area with separate small and large dog spaces, fenced entry area, dog stations and benches.
- Replace pedestrian lighting.
- Right of Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, driveway approaches with bollards, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

CEQA DOCUMENTATION

TOM EVATT PARK
EXISTING SITE PLAN

Picnic area

Butterfly garden

Bocce courts

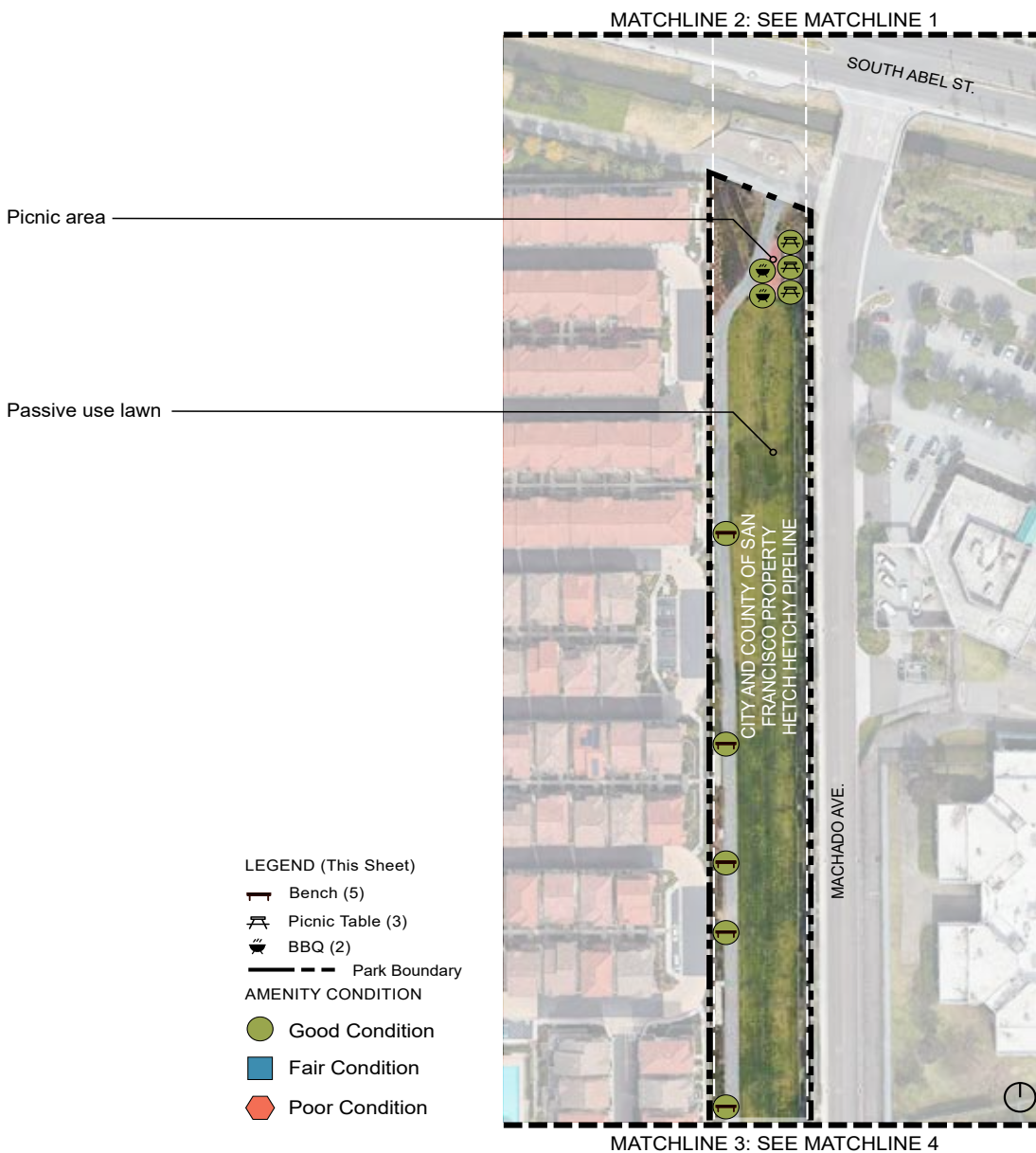
- LEGEND (This Sheet)
-  Bench (16)
 -  Picnic Table (4)
 -  Park Boundary
 - AMENITY CONDITION
 -  Good Condition
 -  Fair Condition
 -  Poor Condition



MATCHLINE 1: SEE MATCHLINE 2

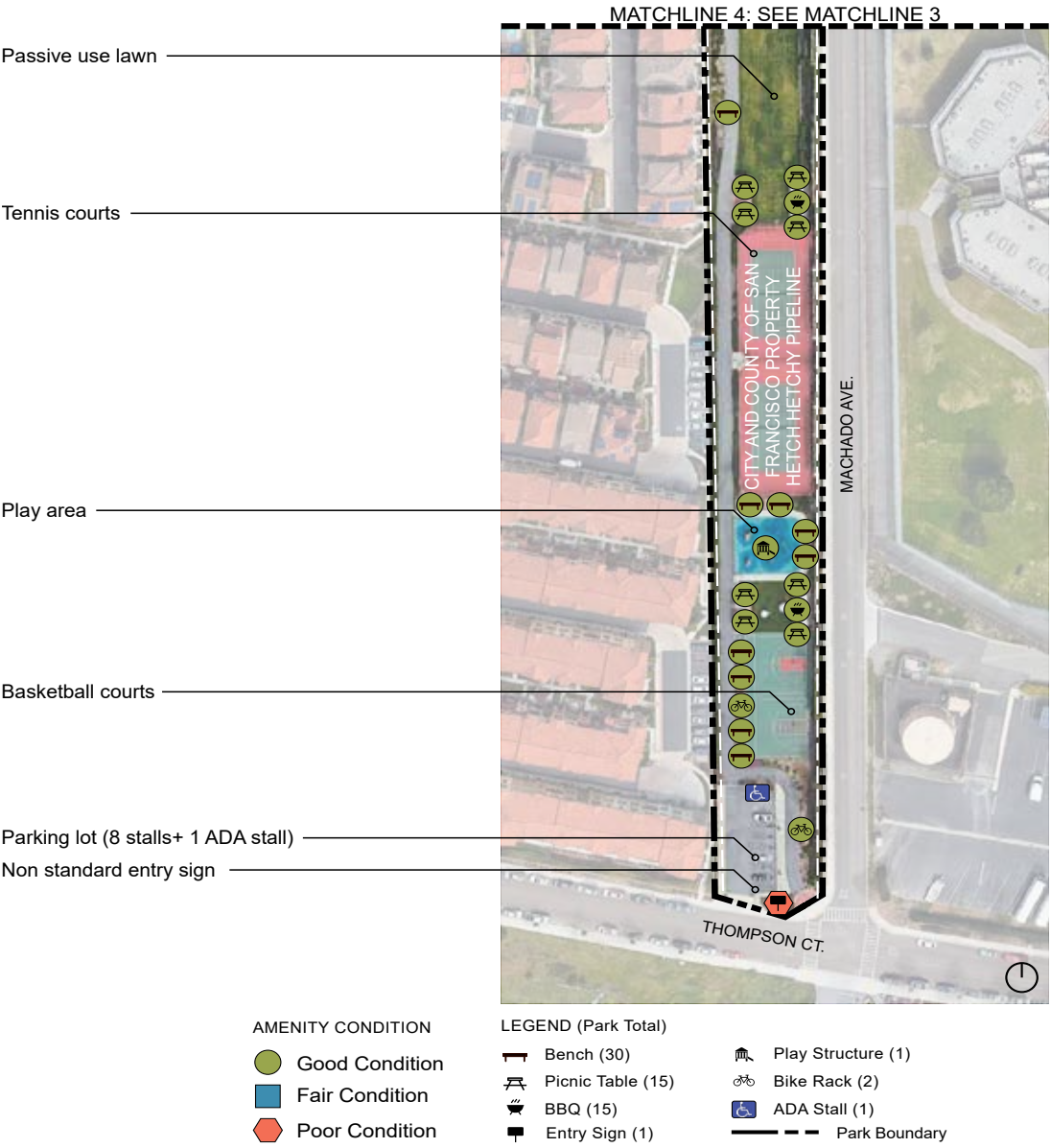
CEQA DOCUMENTATION

TOM EVATT PARK EXISTING SITE PLAN



CEQA DOCUMENTATION

TOM EVATT PARK
EXISTING SITE PLAN



CEQA DOCUMENTATION

TOM EVATT PARK
PROPOSED SITE PLAN

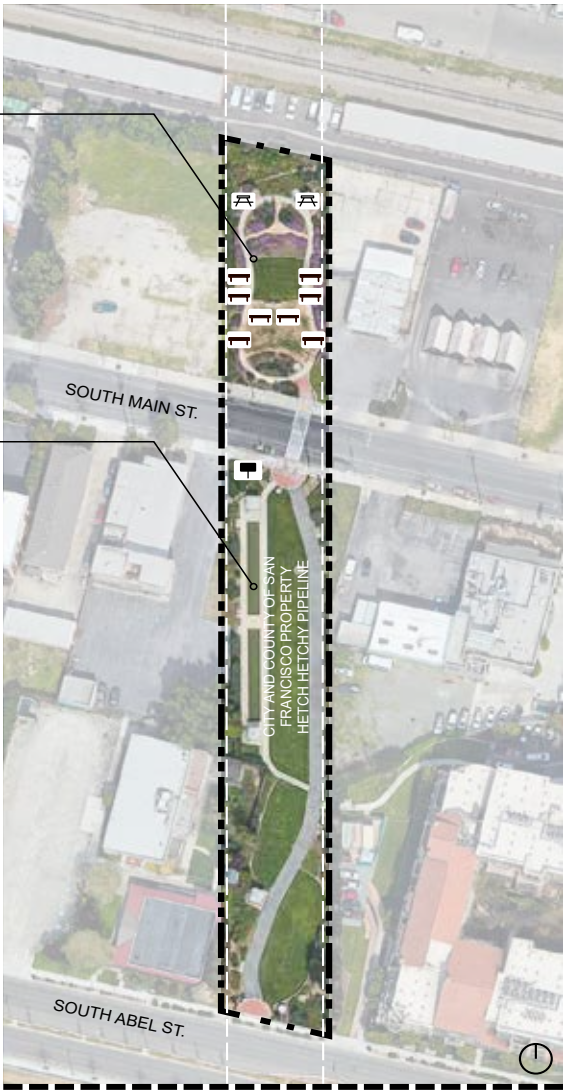
Replant butterfly garden and
replace sod at garden

Refurbish bocce ball courts

LEGEND (This Sheet)

-  Bench (8)
-  Picnic Table (2)
-  Entry Sign (1)

 Park Boundary



CEQA DOCUMENTATION

TOM EVATT PARK PROPOSED SITE PLAN



Replace pavers with color - patterned stamped concrete

Update playground

Replace pavers with color - patterned stamped concrete

MACHADO AVE.

THOMPSON CT.

Entry Sign (1)

— — — Park Boundary

CEQA DOCUMENTATION

TOM EVATT PARK
SITE IMPROVEMENTS

Short Term Improvement

- Update Playground: Replace safety surfacing. Remove the Diagonal Saucer Rope Climber and Rocking Seat equipment per the Milpitas Playground rehabilitation project.
- Replant: Replant Butterfly Garden with California Native butterfly planting such as Buckwheat, Yarrow, Mimulus, and Milkweed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed.
- Replace all sod at Butterfly Garden
- Replace all benches and picnic tables at butterfly garden with Milpitas standard.
- Refurbish bocce ball courts: Remove weeds from artificial turf surfacing, replace where necessary. Replace court sidewalls.
- Replace all pedestrian pavers with color patterned stamped concrete.
- Replace entry signs with Milpitas Standard
- Remove graffiti throughout site.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- No long term improvements proposed at the time of this document.

CEQA DOCUMENTATION



City of Milpitas

455 E. Calaveras Blvd., Milpitas, CA 95035
www.ci.milpitas.ca.gov

Engineering Division

Phone: (408) 583-3300

Superior Customer Service • Open Communication • Integrity and Accountability • Trust and Respect • Recognition and Celebration

City of Milpitas – Engineering Department
455 E. Calaveras Blvd.
Milpitas, California 95035
**Parks & Recreation Master Plan Update
AB-52 Consultation Meeting
Minutes**

Date : August 26, 2021
Location & Time : Team Meeting, 1:00 PM – 1:30 PM
Attendees : Lyhak Eam (LE), Michael Silveira (MS), Demetri Loukas (DL),
Fiona Phung(FP), Quirina Geary (QG)

1. OBJECTIVE

The purpose of this meeting is to discuss the Formal Request for Tribal Consultation letter that the City received on August 19, 2021 from Tamien Nation regarding the Parks and Recreation Master Plan Update Project

2. DISCUSSION

- City provided a brief overview of the project and explained that this Master Plan document is a visioning document rather than an implementation plan. It identified potential upgrades and enhancement opportunities at each park site that the City can use as a guideline for future improvement and implementation.
- The CEQA document was prepared at a program-level and not a specific project-level, thus the information requested by Tamien Nation is not currently available.
- Once a project is funded and ready for the design and construction, the City will conduct a site specific CEQA analysis, notify Tamien Nation, follow AB-52 process and provide any information as required.
- QG requested some educational/interpretative signages to be installed at certain park locations once the park is being renovated. LE confirmed this request can be reviewed and considered during the community outreach process for the park improvement.

3. CONCLUSION

- QG confirmed that no further action is required from the City in response to the consultation service letter, dated August 19, 2021, and the consultation service pursuant to CEQA and AB-52 has been concluded.

CEQA DOCUMENT DECLARATION (OCT. 2021)

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5688

**CEQA DOCUMENT DECLARATION**ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Milpitas
2. PROJECT TITLE: Milpitas Park and Recreation Master Plan Update
3. APPLICANT NAME: City of Milpitas PHONE: (408) 586-3000
4. APPLICANT ADDRESS: 455 East Calaveras Boulevard, Milpitas, CA 95035
5. PROJECT APPLICANT IS A: ☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENTa. PROJECTS THAT ARE SUBJECT TO DFG FEES

☐ 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)	\$ 3,445.25	\$ 0.00
☒ 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))	\$ 2,480.25	\$ 2,480.25
☐ 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
☐ 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>	\$ 1,171.25	\$ 0.00
☒ 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 50.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

☐ 1. <u>NOTICE OF EXEMPTION</u> (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
☐ 2. <u>A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED</u> (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: ☐ ENVIRONMENTAL IMPACT REPORT ☐ NEGATIVE DECLARATION	\$ 50.00	\$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

☐ NOTICE OF PREPARATION	☐ NOTICE OF INTENT	NO FEE	\$ NO FEE
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8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 2,480.25

*NOTE: "SAME PROJECT" MEANS **NO** CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2021)

CEQA NOTICE OF DETERMINATION (OCT. 2021)



MILPITAS PARKS AND RECREATION MASTER PLAN UPDATE

455 East Calaveras Boulevard, Milpitas, CA 94087 | 408.586.3000 Phone | www.ci.milpitas.ca.gov

NOTICE OF DETERMINATION

To: Office of the County Clerk
County of Santa Clara
County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San José, CA 95110

From: City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: Milpitas Park and Recreation Master Plan Update

Project Location: The proposed Milpitas Park and Recreation Master Plan Update (Master Plan Update) consists of the 36 existing parks within the City of Milpitas.

State Clearinghouse Number: NA

Lead Agency Contact Person: Lyhak Eam

Area Code/Telephone: (408) 586-3349

Project Description: The Master Plan Update is a strategic document that analyzes each of the City's existing parks and identifies improvements to enhance the City's existing public parks and recreation system. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City.

The 36 existing parks within the City are not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

This is to advise that the **City of Milpitas** approved the above described project on November 16, 2021, and made the following determinations regarding the proposed project:

1. The project **will not** have a significant effect on the environment.
2. A **Negative Declaration** was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures **were not** made a condition of the approval of the project.
4. A Mitigation Monitoring or Reporting Plan **was not** adopted for this project.
5. A Statement of Overriding Considerations **was not** adopted for this project.
6. Findings **were not** made pursuant to the provisions of CEQA (Section 15091).

CEQA NOTICE OF DETERMINATION (OCT. 2021)

This is to certify that the Negative Declaration, Initial Study, and record of project approval are available to the General Public at the following addresses:

Milpitas Public Library 160 North Main Street Milpitas, CA 95035 (408) 262-1171	City of Milpitas, Planning Department 455 East Calaveras Blvd. Milpitas, CA 95035 (408) 586-3279
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Ned Thomas	<i>Date</i>	<i>Planning Director</i> <i>Title</i>
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COST RECOVERY RESOLUTION

This section includes Resolution approving a Cost Recovery Policy for the Milpitas Recreation & Community Services Department. This document was signed and adopted by City Council on March 16, 2021.

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COST RECOVERY RESOLUTION

RESOLUTION NO. 9049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICE DEPARTMENT

WHEREAS, the City of Milpitas's (City's) General Fund and Park Fund are the primary two sources of funding for the improvement and renovation of City park facilities. These two funding sources do not adequately fund the minimum level of park improvements required; and

WHEREAS, the recently voter approved Measure F sales tax is anticipated to generate \$6.2 million annually and can be used to help fund park improvements and

WHEREAS, Recreation and Community Services programs and the Milpitas Assistance Program, formerly known as MAP, are funded through the General Fund. The Milpitas Assistance Program supports low-income families and individuals needing financial assistance to participate in City Recreation and Community Services programs; and

WHEREAS, the Matrix Consulting Group (Matrix) completed an assessment of City recreation programs, fees, and existing cost recovery percentages compared with other Bay Area municipalities. The comparative analysis included Fremont, Mountain View, Redwood City and San Jose. Matrix determined that Milpitas recreation services/programs and fees charged are generally in alignment with these other agencies, but recommended the City update its policy on cost recovery targets; and

WHEREAS, Per MMC section IV-3-4.00, the cost recovery percentages are included in the Master Fee Schedule, which will be updated annually."

WHEREAS, analysis of current cost recovery for recreation programs and services indicates the City averaged a 48.6% direct cost recovery and a 29.5% total cost recovery for the last three years; and

WHEREAS, Matrix recommends the City increase its total cost recovery target from 29.5% to a minimum 40% total cost recovery, including both direct and indirect costs, to increase revenue and offset use of the General Fund; and

WHEREAS, Matrix recommended that the City establish cost recovery target categories for different recreation programs and services offered. Recreation programs that have high personal or individual benefit would have higher cost recovery targets than those that are primarily a public benefit. Having varied cost recovery targets based upon the type of program allows the City to provide programs beneficial to the community and to better assist the underserved population; and

WHEREAS, three program categories with varying cost recovery goals are recommended based on the level of personal/individual benefit provided as follows:

(i) Category A is for programs/services that provide high personal/individual benefit and no or limited City subsidy Programs/services in this category would have a cost recovery goal of 100%; (ii) Category B is for programs/services that provide both personal/individual and some community benefit. Programs/services in this category would have a cost recovery goal of 50%; and (iii) Category C for programs/services that provide limited personal/individual benefit and have high public benefit or address specific policy goals adopted by the City. Programs/services in this category would have a cost recovery goal of 20%.

COST RECOVERY RESOLUTION

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby adopts Resolution Approving Cost Recovery Policy for the Recreation and Community Service Department, a copy of which is attached hereto as Exhibit A.

PASSED AND ADOPTED this 16th day of March 2021 by the following vote:

AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:


Wendy Wood, City Clerk

APPROVED:


Rich Tran, Mayor

APPROVED AS TO FORM:


Christopher J. Diaz, City Attorney



CITY OF MILPITAS

Revision	Date

CITY COUNCIL POLICY

Policy No: 3-2	COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES DEPARTMENT	Effective Date: 3/16/2021
Revision No: Click or tap here to enter text.	Policy Administrator: Recreation and Community Services	Next Review Due: 3/16/2022
Related Policies and Procedures: Click or tap here to enter text.	Approved by: City Council, 3/16/2021, Item # 10: Resolution No. 9049 with a 5-0 vote	Date Approved: 3/16/2021

1. PURPOSE

- 1.1. The purpose of this policy is to establish cost recovery targets for the services provided by the Milpitas Recreation and Community Services Department and to establish a methodology to calculate the cost recovery level moving forward. The establishment of the cost recovery targets will provide direction to staff on the level of funding for services that will be achieved through generated revenues versus those covered from the general fund or other revenue sources. Additionally, adoption of these targets will provide guidance to staff and the City Council when conducting the annual fee review and fee schedule adoption for specific programs and services.

2. POLICY

The Recreation and Community Services Department will annually conduct an internal assessment of the level of cost recovery achieved and present this analysis to the City Council as part of the budget discussion regarding fee establishment. Absent specific policy direction from the City Council, fees and charges for services will be established in alignment with the provisions of this policy and the following principles:

- 2.1. **Public Interest** – The public has an interest in the availability of a broad range of organized recreation opportunities that encourage healthy lifestyles, ongoing and lifelong learning, a sense of belonging to the community, and which provide exposure to a variety of recreational programs and services.
- 2.2. **Balance of benefits** – The benefits of participation in public recreation accrue to both the participant and to the public. The City of Milpitas has determined that it is appropriate that recreation funding is a shared responsibility and should be funded through a mix of both participant fees and public resources.

As a broad overarching principle, fees will generally be established at a high level of cost recovery for programs that provide an entirely personal benefit and at a lower cost recovery for programs that provide a mixed public/personal benefit. Additionally, the City has determined that programs for underserved populations or those of limited means, may warrant additional subsidization.

- 2.3. **Focus of cost recovery goals** – The mission and goals for public recreation activities and programs apply to all citizens of Milpitas and interests in specific types of programs and



CITY OF MILPITAS

Revision	Date

**COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES
DEPARTMENT / POLICY # 3-2**

activities are determined by individual participants. The greater public interest lies in encouraging participation and reducing barriers to access to public recreation. Therefore, cost of service analysis and cost recovery goals for certain segments of the population where significant barriers to participation may exist will be considered periodically and established at levels that may vary from the typical cost recovery targets. These groups are identified as follows:

- a) **Youth:** in order to invest in the future of our community.
- b) **Low-income residents:** in order to ensure access and mitigate financial barriers to participation.
- c) **Residents with disabilities or seniors:** in order to improve opportunities for inclusion and participation.

Participants in these categories may have program fees and charges reduced when compared to the typical fees and service charges established for all other participants.

To provide a systematic approach to establishing cost recovery targets, all programs shall be classified according to the level of personal benefit received as follows:

- a) **Category A Programs/Services (High or full cost recovery activities):** These programs and services have high personal/individual benefit and should have no or limited subsidy. This category would include programs that are principally of personal benefit with little public benefit and may include high-demand programs.

Examples of programs that typically fall into this category include competitive sports leagues, individual health, and wellness courses (i.e., yoga), private/semi-private lessons, swim camps, organized parties, advanced classes/programs, workshops and clinics, and specialized activities/camps.

- b) **Category B Programs/Services (partial cost recovery activities):** These programs provide both individual and community benefits.

This category would include programs/services such as: intermediate programs, sports center, recreational swim, swim lessons, youth tournaments/leagues, social affinity groups, some educational programs (ESL, Math, etc.).

- c) **Category C Programs/Services (limited cost recovery activities):** These programs have limited personal benefit and high public benefit or address specific policy goals adopted by the City.

Examples of programs that would fall into this category would include therapeutic, adaptive, or special recreation programs, community-wide events, arts programs, summer camps, park/facility usage, inclusionary services, etc.).

- 2.4. **Cost recovery goals** – Cost recovery goals and targets establish the overall level of subsidy



CITY OF MILPITAS

Revision	Date

COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES DEPARTMENT / POLICY # 3-2

that will be provided by the local government and represent a balancing act between public and personal benefits. Overall, the Recreation and Community Services Department shall target achieving a 40% cost recovery of total costs (inclusive of all direct and indirect costs).

For each tier of programs/services, the cost recovery goals will be established at the following levels:

- a) **Category A Programs/Services:** Collectively, these programs and services would be targeted at 100% cost recovery.
 - b) **Category B Programs/Services:** Collectively, these should be targeted for 50% cost recovery.
 - c) **Category C Programs / Services:** Collectively, these programs should be targeted at 20% cost recovery.
- 2.5. **Cross-subsidization** – Cost recovery goals, as determined by this policy, are intended to be averages across the Department's entire program portfolio. Over- or under-realization of these cost recovery goals by any particular site, program or activity is acceptable and expected. The City's broader goal is to ensure that programming and pricing fit the changing realities of the marketplace, resident needs, and desires, maximizing participation, making efficient use of facility capacity, and maintaining a broad array of diverse recreation offerings. Nothing in this policy will authorize the City to adopt a fee or charge for a program or service that violates any applicable law or would render such fee or charge a tax requiring voter approval, including, without limitation, article XIII C, section 1(e) of the California constitution.
- 2.6. **Targeted recreation programs** – When the Recreation and Community Services Department provides recreation programs specifically targeted to residents with special needs or seniors (or other City Council-identified populations), these programs may have lower cost recovery rates established than general recreation programs. However, to the degree that residents with disabilities, seniors, and new immigrants participate in general recreation programs, they are subject to the same prices as the general population. Subsidy programs may be used for targeted populations, such as youth or low-income citizens, that participate in general programs to offset costs, but the general fees charged for that program or activity will not be modified.
- 2.7. **Pricing** – Fees are to be set by Recreation and Community Services staff under the authority of the City Council through the annual review of fees. In setting prices, the Department will balance the goals of program availability and affordability within the constraints of budget allocations, market economics, legal restraints, and cost recovery goal approved herein.
- 2.8. **Financial assistance** – In addition to pricing which reflects cost recovery goals for low-income participants, the Recreation and Community Services Department will seek to ensure affordability of Department activities through scholarships, certain free youth activities, time-limited price promotions, and by cultivating sponsorships and other partnerships that can support these programs and activities.
- 2.9. **Activities requiring permits** – A permit is required for certain activities in Milpitas parks. When permits for picnics or weddings result in exclusive use of an area, pricing should be set to achieve 80-100% recovery of total costs. When the purpose of a permit is to reserve a limited



CITY OF MILPITAS

Revision	Date

**COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES
DEPARTMENT / POLICY # 3-2**

- area for a limited time, such as a small group picnic, then prices should be set to 100% recovery of the direct costs incurred by the Department.
- 2.10. **Renting of facilities** – Various facilities are available for use by groups and private parties. Pricing should be set to recover 80-100% of direct costs for rentals during normal open hours. For events during normally closed hours, prices should be set to recover all incremental costs incurred by the Department, including staff, maintenance, and utilities (i.e. – all direct and indirect costs). However, priority groups (i.e., Milpitas-based non-profits) or other groups approved by the City Council may have reasonable use of facilities at discounted rates.
- 2.11. **Waivers of Fees and Charges** – Waiving or reducing certain fees and charges for recreation activities, permits, and rentals is within the public interest in order to reduce barriers to participation or optimize utilization of existing facilities.

The Department shall submit a recommendation for an appropriation during the annual budget process to offset revenues lost by waiving fees and charges. Total fees and charges waived annually shall be constrained within this appropriation. In accordance with established budgetary policies, the Department may request budget adjustments during the fiscal year when circumstances dictate consideration before the next budget cycle.

- 2.12. **Updating of goals** – Information about cost recovery levels should be calculated and reported annually. The cost recovery goals should be reviewed and updated at least once every three years.

Whenever the City Council approves a cost recovery goal that is higher than the current level of recovery, whenever practical, fees should be raised incrementally over time for the affected program categories, in accordance with the market, in order to optimize revenue generation with program availability and participation. Whenever the City Council approves a cost recovery goal that is lower than the current level of recovery, the Department shall present a budget decision package during the subsequent annual budget process identifying the additional amount of General Fund discretionary resources necessary to achieve the goal and provide options for program changes or reductions in lieu of additional resources.

- 2.13. **Compliance with budget** – Notwithstanding the policy goals for cost recovery outlined in this policy, the Department's primary responsibility in developing programs and services and establishing fees and pricing for recreation programs/services is to operate within the budget set by the City Council. Cost recovery goals are guidelines for program design and pricing, subsidiary to budgetary allocations and economic realities. Furthermore, cost recovery goals are subsidiary to the Department's responsibilities for development of the park system and asset maintenance requirements.
- 2.14. **Interagency services** – Services provided to other City departments or other governmental agencies should recover 100% of their full costs.

3. DEFINITIONS

- 3.1. **Direct costs** - costs incurred to provide recreation services and programs by the Recreation and Community Services Department. These costs are personnel, materials and supply costs budgeted directly within the annual Recreation and Community Services Department budget.



CITY OF MILPITAS

Revision	Date

**COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES
DEPARTMENT / POLICY # 3-2**

- 3.2. **Total costs** - all costs incurred by the City to provide recreation services and programs by the Recreation and Community Services Department. The costs would include, in addition to the costs in the Recreation and Community Services Department budget, all other costs incurred by the City that are appropriately allocated to the provision of recreation services and programs. Examples of these additional costs would be cost allocation changes (from the annual cost allocation plan) to cover City-administrative costs and expenses incurred by other departments to support the provision of services - such as facility maintenance and set up costs of the Public Works Department directly attributable to recreation programs and services.

4. PROCEDURE

- 4.1. Annually, the Director of the Milpitas Recreation and Community Services Department will develop an assessment of the cost recovery achieved by the Department for the prior year. This assessment will cover both overall departmental cost recovery and the cost recovery for each tier of services established (Categories A, B and C).
- 4.2. Milpitas Recreation and Community Services staff will annually evaluate the mix of programs and services offered, to identify new programs that should be added or dropped in order to maintain a well-balanced services and program portfolio designed to achieve the adopted cost recovery targets.
- 4.3. Annually, staff will evaluate all subsidies and fee discounts provided to youth, low-income, and senior participants and provide a report to the City Council in conjunction with the annual budget process. The report should identify the annual funding needed to maintain adequate participation levels for these populations in the mix of services provided by the Department.
- 4.4. Prior to the annual discussion on fees to be adopted, the Department shall complete the cost recovery analysis and transmit it to the Finance Department for inclusion of the proposed master fee schedule submitted to the City Council for consideration.
- 4.5. Fee recommendations will be developed in accordance with the existing City policy of annual fee review and adoption by the City Council designed to enable the Department to achieve the adopted cost recovery targets.
- 4.6. The City Council will consider, as part of the establishment of fees each year, the adopted cost recovery targets. While policy decisions may be made that result in fees being adopted that do not achieve the targeted cost recovery targets, this should be a conscious decision based upon identified factors and the subsidy impact on the General Fund subsidy should be noted.
- 4.7. Any deviations to the adopted cost recovery targets adopted will be noted annually during the budget process.



MILPITAS PARKS AND RECREATION MASTER PLAN UPDATE

455 East Calaveras Boulevard, Milpitas, CA 94087 | 408.586.3000 Phone | www.ci.milpitas.ca.gov

NEGATIVE DECLARATION

I. LOCATION OF THE PROJECT

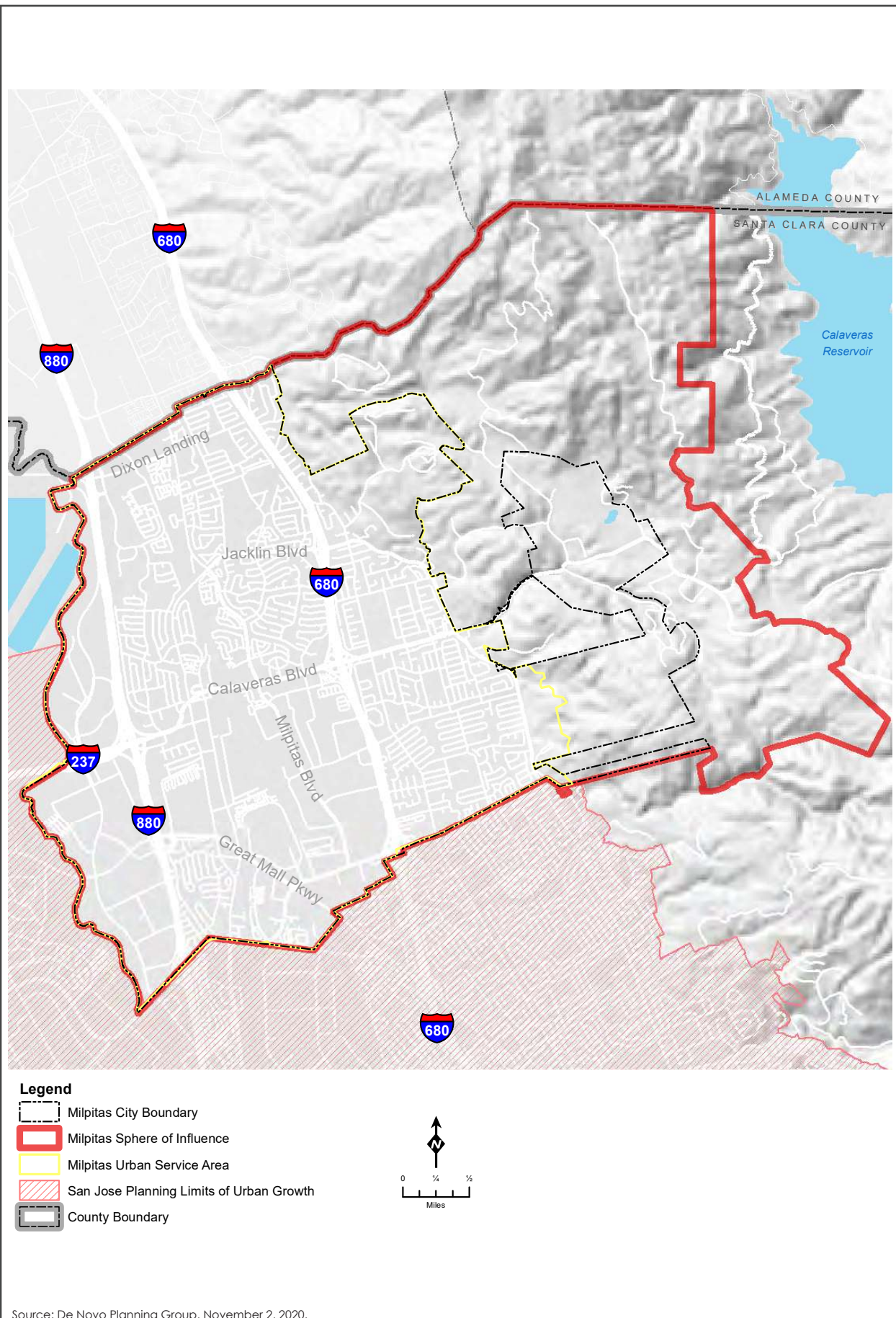
The proposed Milpitas Park and Recreation Master Plan Update (Master Plan Update) consists of the 36 existing parks within the City of Milpitas. Regional and vicinity maps of the project area are shown on Figures 1 and 2, respectively.

II. DESCRIPTION OF THE PROJECT

The Master Plan Update is a strategic document that analyzes each of the City's existing parks and identifies improvements to enhance the City's existing public parks and recreation system. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City. The location of these parks are shown on Figure 3.

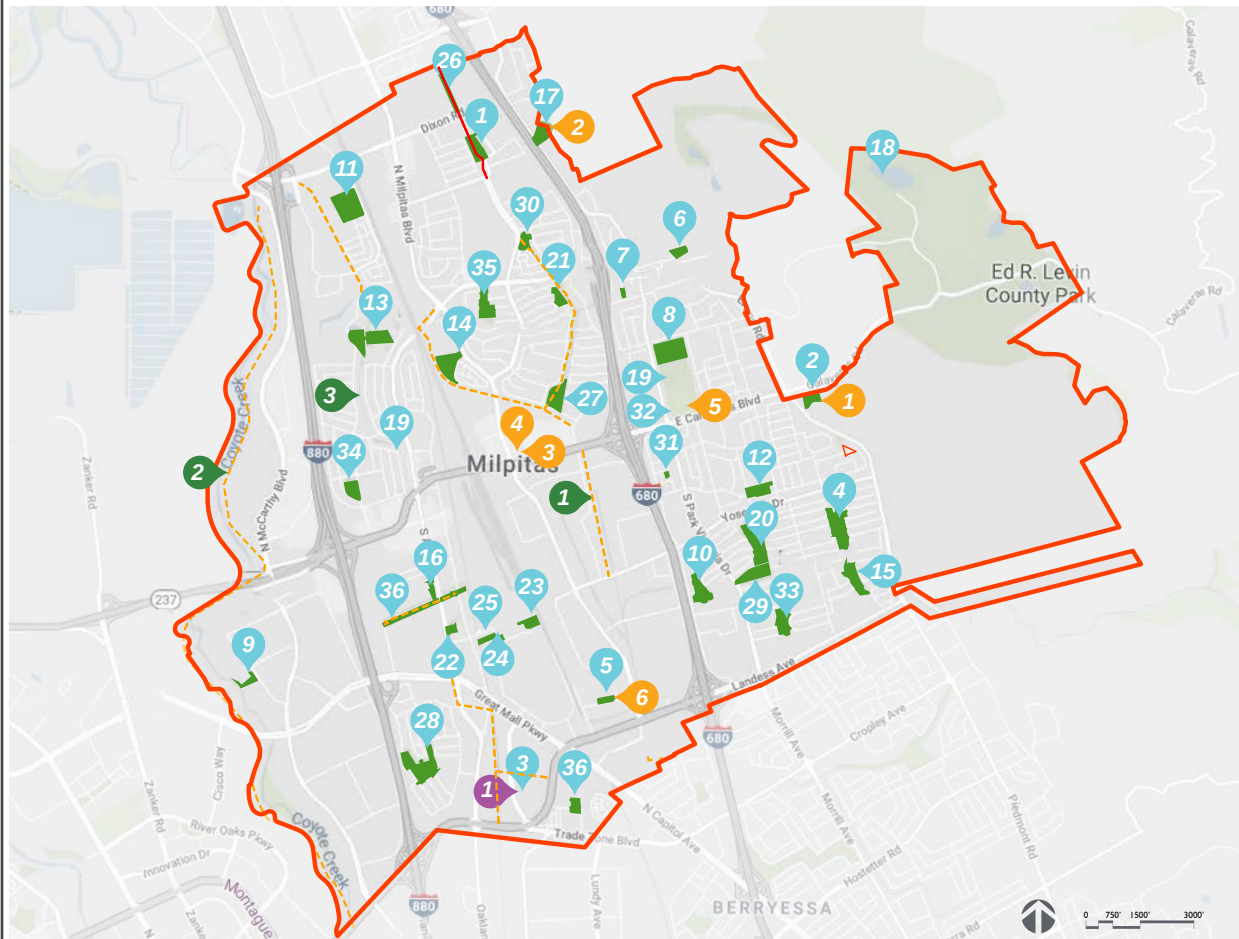
III. FINDING

An Initial Study has been prepared by the City of Milpitas. With implementation of the Master Plan Update in accordance with applicable General Plan policies, the City's Municipal Code, local, state, and federal laws and regulations, the project is not anticipated to result in a significant impact.



VICINITY MAP

FIGURE 2



PARKS

- | | |
|---|----------------------------------|
| 1 Sunnyhills Albert Augustine Memorial Park | 16 John McDermott Park |
| 2 Alviso Adobe Park | 17 Jose Higuera Adobe Park |
| 3 Augustus Rathbone Park | 18 Milpitas Dog Park |
| 4 Ben Rodgers Park | 19 Milpitas Sports Center |
| 5 Bob McGuire Park | 20 Murphy Park |
| 6 Calaveras Ridge Open Space | 21 Oliver W. Jones Memorial Park |
| 7 Calle Oriente Mini-Park | 22 O'Toole Elms Park (John) |
| 8 Cardoza Park (Tom) | 23 Parc Metro East |
| 9 Cerano Park | 24 Parc Metro Middle |
| 10 Creighton Park (Frederick) | 25 Parc Metro West |
| 11 Dixon Landing Park | 26 Pecot Park (Bob) |
| 12 Foothill Park | 27 Peter Gill Memorial Park |
| 13 Hall Memorial Park | 28 Pinewood Park |
| 14 Hidden Lake Park | 29 Robert E Browne Park |
| 15 Hillcrest Park | 30 Sandalwood Park |

- | |
|----------------------------|
| 31 Selwyn Park |
| 32 Skate Park |
| 33 Sinnott Park (John) |
| 34 Starlite Park |
| 35 Strickroth Park (Henry) |
| 36 Tom Evatt Park |

FUTURE PARKS

- | |
|--------------------|
| 1 McCandless Park |
| Midtown Park |
| Transit Area Parks |

FACILITIES

- | |
|-------------------------------------|
| 1 Alviso Adobe |
| 2 Jose Higuera Adobe |
| 3 Milpitas Community Center |
| 1 Barbara Lee Senior Center |
| 2 Milpitas Sports Center Complex |
| 3 Sal Cracolice Recreation Facility |

TRAILS

- | |
|--------------------|
| 1 Berryessa Creek |
| 2 Coyote Creek |
| 3 Penitencia Creek |

Source: City of Milpitas, Gates + Associates, June 2021.

EXISTING PARK LOCATIONS

FIGURE 3

Initial Study

Milpitas Parks and Recreation Master Plan Update

Prepared by the



In Consultation with



September 2021

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Appendix A: Existing/Proposed Site Plans and Site Improvements

Appendix B: City of Milpitas and Tamien Nation Meeting Minutes

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Milpitas, as the Lead Agency, has prepared this Initial Study for the Milpitas Park and Recreation Master Plan Update (Master Plan Update) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Milpitas, California. The Master Plan Update is analyzed at a programmatic level in this Initial Study.

The project proposes to update and make improvements to 34 of the 36 existing parks.¹ This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 MILPITAS PARKS & RECREATION MASTER PLAN

The City of Milpitas adopted a Park and Recreation Master Plan in 2009, which analyzed park conditions and provided recommended improvements to each of the City's 33 existing parks. The Master Plan Update is an update to the 2009 Milpitas Park and Recreation Master Plan.

1.3 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Ned Thomas, Planning Director
City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035
Phone: 408-586-3273
Email: nthomas@ci.milpitas.ca.gov

1.4 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Milpitas will consider the adoption of the Initial Study for the project at a regularly scheduled meeting. The City shall consider the Initial Study together with any comments received during the public review process. Upon adoption of the Initial Study, the City may proceed with project approval actions.

¹ No improvements have been proposed for Bob McGuire Park or Creighton Park. In addition, McCandless Park is currently under construction and was not included as part of the existing parks.

1.5 NOTICE OF DETERMINATION

If the project is approved, the City of Milpitas will file a Notice of Determination (NOD), which will be available for public inspection at the County Clerk's Office for 30 days. Filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Milpitas Parks and Recreation Master Plan Update

2.2 LEAD AGENCY CONTACT

Ned Thomas, Planning Director

City of Milpitas

Planning Department

455 East Calaveras Boulevard

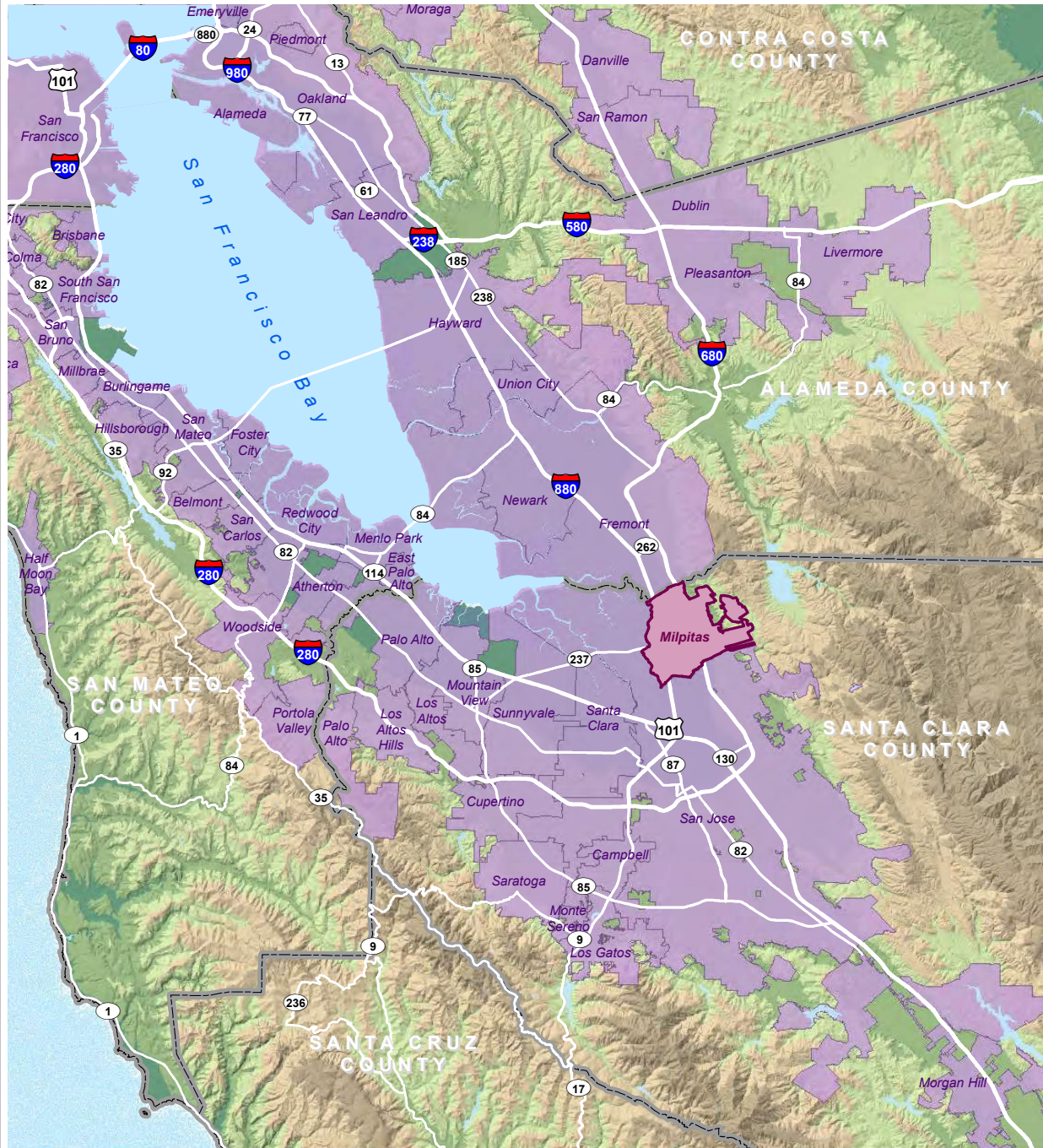
Milpitas, CA 95035

Phone: 408-586-3273

Email: nthomas@ci.milpitas.ca.gov

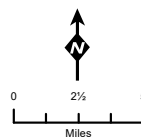
2.3 PROJECT LOCATION

The location of the proposed Master Plan Update consists of the 36 existing parks within the City of Milpitas. A regional map of the project area is shown on Figure 2.3-1 and a vicinity map of the existing park locations within the City is shown on Figure 2.3-2.



Legend

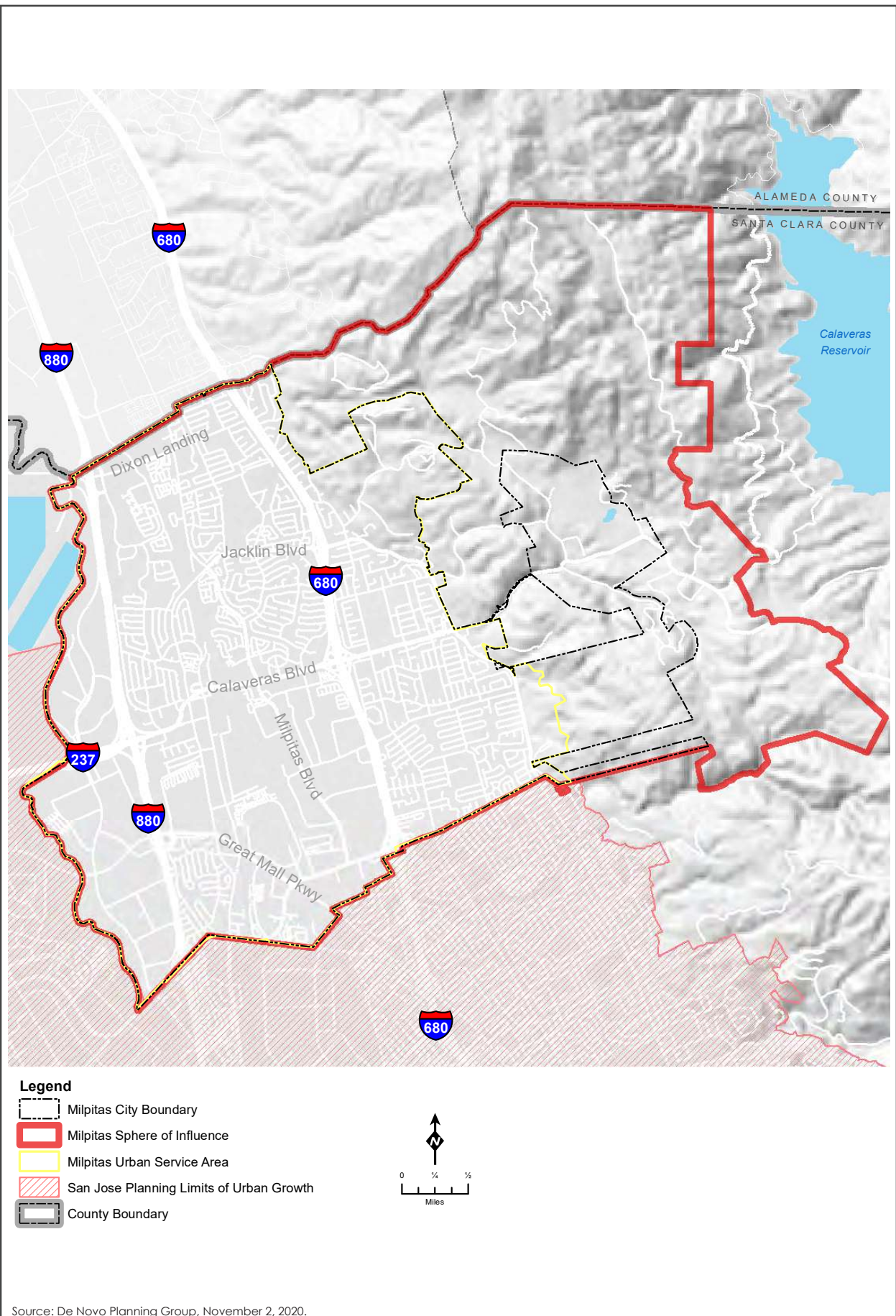
-  County Boundary
-  Incorporated Area
-  City of Milpitas



Source: De Novo Planning Group, November 2, 2020.

REGIONAL MAP

FIGURE 2.3-1



VICINITY MAP

FIGURE 2.3-2

SECTION 3.0 PROJECT DESCRIPTION

There are 36 existing public parks and one park currently under construction within the City of Milpitas. The locations of these parks are shown on Figure 3.0-1. The Master Plan Update is a strategic document that analyzes each of the City's existing parks and identifies improvements to enhance the City's existing public parks and recreation system. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City. A brief description of the recommended improvements at each park is provided below. The existing and proposed site plans for each park along with a detailed list of the planned improvements are provided in Appendix A.

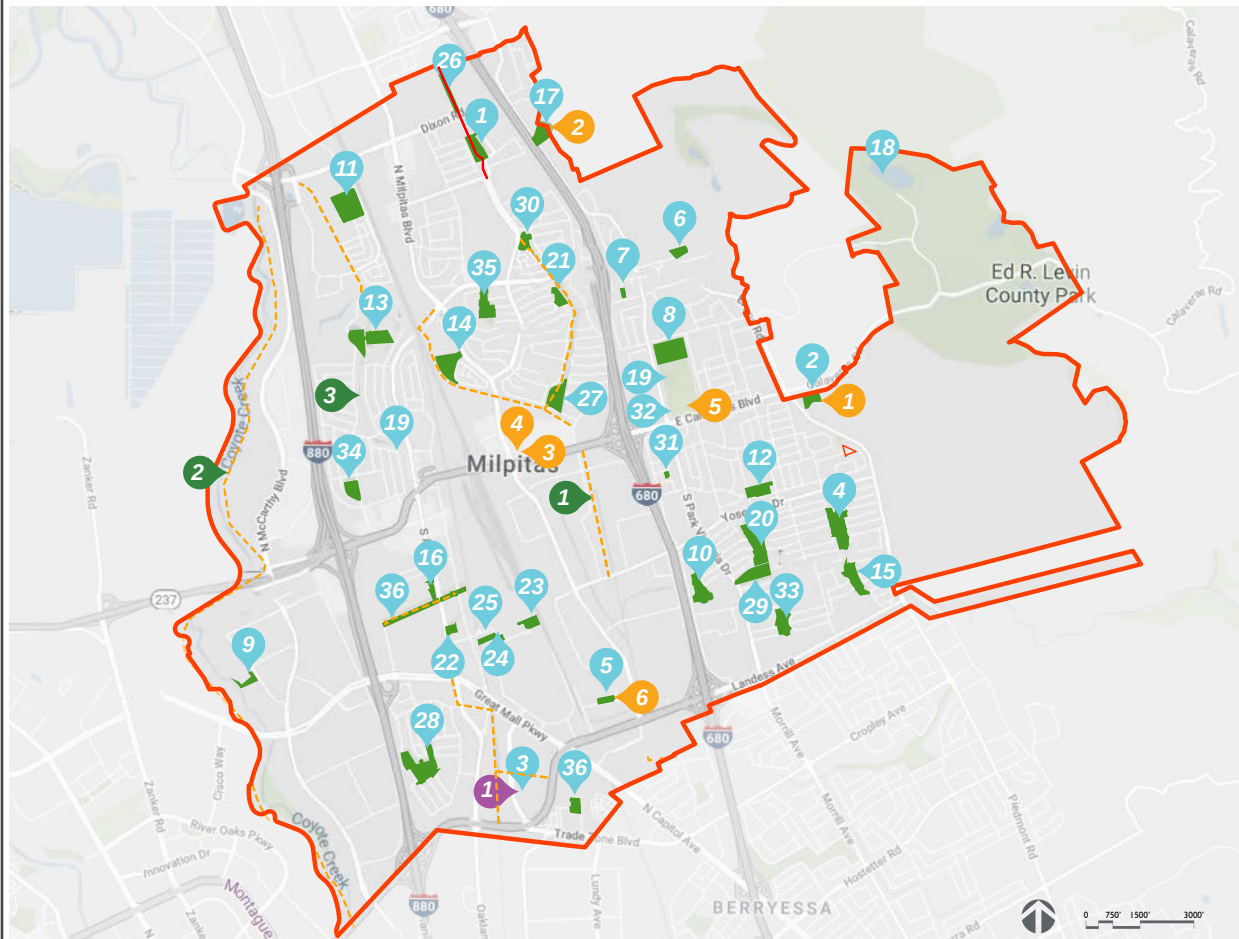
Alviso Adobe Park is a 2.3-acre special purpose park facility located at 2087 Alviso Adobe Court. The park was constructed in 1837 after the City acquired the property in 1996 and has been renovated four times with the last renovation occurring in 2013. The City is currently renovating the interior of the adobe buildings which will open to the public as an educational museum in 2022.

Alviso Adobe Park contains several historic buildings and artifacts from the historic Alviso Adobe ranch. The park is built around the Jose Maria Alviso residence. The northern end of the site features small picnic areas with tables. Distributed through the planting areas are historic artifacts from the days of the Adobe's habitation, with interpretive educational signage. An educational art piece is located at the center of the park. There is a public restroom and drinking fountain at the entrance. Well-maintained trash enclosures and dog stations are located throughout the park. Planned improvements would include landscape maintenance, clearing pathways of moss, and refurbishing the restrooms.

Augustus Rathbone Park is a 0.7-acre neighborhood park located at Expedition Lane and Jubilee Drive. The park was constructed in 2017. Existing amenities include shaded picnic areas with accessible seating, a playground, and an open lawn. Planned improvements include ongoing maintenance work.²

Ben Rodgers Park is an 8.6-acre community park located at Grand Teton Drive off Sequoia Drive. The northern section of the park was constructed in 1970 while the southern section of the park was constructed in 1989. The playground was renovated in 2020. The park consists of several picnic areas, open lawns, and a play area. The northern and southern portions of the park were constructed at different times and have different furnishings and pathway styles. On the north side, the park is primarily an open field that is utilized as an informal baseball pitch. A picnic area with picnic tables and barbeques is located near the entrance. The south side consists of asphalt paths providing connections to picnic and seating areas. Planned improvements include repairing the entry sign and all park rules signs, replacing a bike rack, replacing and updating the picnic areas, adding restrooms, paving gravel trails and adding pedestrian lighting, replacing backstop at baseball field, replacing all benches, standardizing lighting, replacing all park rules signs, implementing right-of-way improvements, and landscape maintenance.

² Additional improvements may occur at Augustus Rathbone Park. These improvements would be identified and evaluated as part of the Milpitas Metro Specific Plan.



PARKS

- | | |
|---|----------------------------------|
| 1 Sunnyhills Albert Augustine Memorial Park | 16 John McDermott Park |
| 2 Alviso Adobe Park | 17 Jose Higuera Adobe Park |
| 3 Augustus Rathbone Park | 18 Milpitas Dog Park |
| 4 Ben Rodgers Park | 19 Milpitas Sports Center |
| 5 Bob McGuire Park | 20 Murphy Park |
| 6 Calaveras Ridge Open Space | 21 Oliver W. Jones Memorial Park |
| 7 Calle Oriente Mini-Park | 22 O'Toole Elms Park (John) |
| 8 Cardoza Park (Tom) | 23 Parc Metro East |
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| 10 Creighton Park (Frederick) | 25 Parc Metro West |
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|----------------------------|
| 31 Selwyn Park |
| 32 Skate Park |
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| 34 Starlite Park |
| 35 Strickroth Park (Henry) |
| 36 Tom Evatt Park |

FUTURE PARKS

- | |
|--------------------|
| 1 McCandless Park |
| Midtown Park |
| Transit Area Parks |

FACILITIES

- | |
|-------------------------------------|
| 1 Alviso Adobe |
| 2 Jose Higuera Adobe |
| 3 Milpitas Community Center |
| 1 Barbara Lee Senior Center |
| 2 Milpitas Sports Center Complex |
| 3 Sal Cracolice Recreation Facility |

TRAILS

- | |
|--------------------|
| 1 Berryessa Creek |
| 2 Coyote Creek |
| 3 Penitencia Creek |

Source: City of Milpitas, Gates + Associates, June 2021.

EXISTING PARK LOCATIONS

FIGURE 3.0-1

Bob McGuire Park is a 3.0-acre neighborhood park located at 791 Garden Street. The park was constructed in 2015 with the multi-family housing development. The park consists of four tennis courts, two playgrounds, a covered amphitheater, and access to the Sal Cracolice Recreation Facility. No planned improvements to Bob McGuire Park are recommended in the Master Plan Update.

Calaveras Ridge Park is a 1.8-acre open space park located at Calaveras Ridge Drive. Planned improvements include adding a granite path with pedestrian lighting, adding an overlook with picnic tables and telescopes, barbecues, and educational astronomy signage, adding benches along walkways, and adding public art and drought tolerant native planting at the entrance.

Calle Oriente Mini Park is a 0.4-acre urban park located along Calle Oriente Street. The park was constructed in 1978 and was renovated in 2010. The northern end of the park has a half basketball court and a small lawn area while the southern end of the park has a picnic and play area. Planned improvements include replacing the shade sail fabric around the picnic area, replacing the swing set, replanting all landscaped areas with drought-tolerant California native planting, repairing irrigation system, and landscape maintenance.

Cardoza Park is a 10.2-acre community park located along Kennedy Drive. The park was constructed in 1973 and the park's western end was renovated in 2009 with new playgrounds and picnic areas. The play areas on the western portion were updated in 2020 with new playground surfacing and play structure equipment. A baseball field is centrally located on the park. The western portion contains two play structures, small picnic areas, an open space area with a public art program, and a parking lot. The eastern portion contains three picnic areas with tables and barbecues and a parking lot. The eastern portion will be redeveloped as part of the Milpitas Sports Center Master Plan, which was approved by the City in 2000.

The Master Plan Update includes two site improvement options for Cardoza Park (Option A and Option B). Option A would replace the existing baseball field with three new softball fields, adding community event space, repaving and adding decomposed granite paths, ensuring ADA access to the Milpitas Sports Center Complex, resurfacing and restriping the east parking lot, adding an entrance sign at the east parking lot, updating the picnic areas, landscape maintenance, and refurbishing the restrooms. Option B would replace the existing baseball field with four new softball fields, adding community event space, repaving and adding decomposed granite paths, ensuring ADA access to the Milpitas Sports Center Complex, resurfacing and restriping the east parking lot, updating the picnic areas, landscape maintenance, and refurbishing the restrooms.

Cerano Park is a 2.0-acre neighborhood park that was constructed in 2013 and is located adjacent to the Cerano residential development and tech campuses along Murphy Ranch Road. The east portion of the park is within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this portion of the park require a permit from the San Francisco Public Utilities Commission (SFPUC). The park consists of a tennis court, half basketball court, playground, picnic area, and a concessions and restroom facility. Planned improvements include adding a sand volleyball court and net, updating the play areas, replacing existing barbecues with group barbecues, landscape maintenance, graffiti removal, lawn reseeding, refurbishing the restrooms, and repair poured in place surfacing.

Creighton Park is a 5.0-acre neighborhood park located at Olympic Drive, west of South Park Victoria Street. The park consists of a playground, picnic areas, fitness course stations, and lawn areas. The park was constructed in 1989 and was completely renovated in 2020. No planned improvements to Creighton Park are recommended in the Mater Plan Update.

Dixon Landing Park is a 11.4-acre community park located at Milmont Drive off Dixon Landing Road. The park is bounded by residences on three sides and railroad tracks to the east. The park has two small baseball fields, a full-size baseball field, a cricket pitch, three tennis courts, a basketball court and a concessions and restroom facility. The park was constructed in 1989 and play areas were renovated in 2020. Planned improvements include updating the fields for multi-use play, formalizing the cricket pitch, removing hazardous trees, updating the picnic areas, adding benches, adjusting the fence line at the main softball field, updating the parking lot, adding trees along the western edge, implementing right-of-way improvements, replacing the drinking fountain, landscape maintenance, and refurbishing the restroom and concession facility.

Foothill Park is a 4.0-acre community park adjacent to Alexander Rose Elementary School and along Roswell Drive. The park was constructed in 1967 and the play area was renovated in 2020. The park consists of a picnic and play area. Planned improvements include paving the existing picnic area with concrete, adding a new picnic area, paving central area, replacing the benches, dog stations gravel path, replacing the pedestrian lighting, mulching bare planting areas, adding a dog waste station, implementing right-of-way improvements, and refurbishing the restroom.

Hall Memorial Park is a 9.9-acre neighborhood park located along La Honda Drive and adjacent to Curtner Elementary School. Lower Penitencia Creek Channel bisects the park. The eastern side of the park contains two playgrounds, four tennis courts, picnic areas, a restroom, and a soccer field that is shared with the Curter Elementary School. A pedestrian bridge over the Lower Penitencia Creek Channel provides access to the western side of the park, which consists of open space with picnic tables and benches. The park was constructed in 1979 and last renovated in 2007 (pathway improvements). Planned improvements include replacing the bleachers, player benches, and goals at the existing soccer field, expanding the picnic areas, replacing all benches and tables at playground and tennis courts, updating the parking lot, replacing playground and sand surfacing, replacing the playground chain link fence, resurfacing the tennis courts, replacing the ball-wall, painting pickleball court lines, replacing gravel paths with concrete, repaving asphalt paths, refurbishing restroom, replacing the east entry sign, adding shade structures over benches, replacing pedestrian lighting, adding a wood observation deck, replanting entry areas, reseeding turf area, implementing right-of-way improvements, and landscape maintenance.

Hidden Lake Park is a 6.6-acre neighborhood park located on North Milpitas Boulevard. The park includes a large stormwater retention basin surrounded by a path that connects to the Berryessa Creek Trail. The stormwater retention basin captures runoff from the surrounding area before releasing it into the Berryessa Creek. There are picnic areas and seating located around the perimeter of the path. The park was constructed in 1984 and last renovated in 1987. Planned improvements include repairing/repaving the asphalt path and parking lot, updating the picnic areas, adding a restroom, adding benches, adding interactive exhibits and educational signs, adding pedestrian lighting along path, adding distance markers for joggers, bringing stairs up to current code, repainting ornamental fence, replace current fishing pier and exploring boat activity programming, planting trees along walking path, landscape maintenance, repairing the parking lot, and conducting tree survey.

Hillcrest Park is a 5.1-acre neighborhood park located at Fieldcrest Drive off Crescent Terrace. The park consists of a small play area and group picnic area. The park was constructed in 1989 and last renovated in 2020 (playground). Planned improvements include updating picnic areas, replacing benches, replacing missing park hours sign, replace drinking fountain, implementing right-of-way improvements, adding fitness stations, chess/checkers picnic game tables, additional benches, dog stations, concrete seating areas, and restrooms, and landscape maintenance.

John McDermott Park is a 0.9-acre urban park that was constructed in 2007 as part of the Terra Serana development. The park consists of a lawn area, a children's play area, picnic tables, and a restroom. Planned improvements include replacing an existing picnic table with an ADA accessible table, updating the play areas, removing bollards, adding a fenced dog area, and landscape maintenance.

Jose Higuera Adobe Park is a 4.8-acre neighborhood park located along Wessex Place. The park was constructed in 1980 and is built around the historic Jose Higuera Adobe. Historical exhibits are displayed in the adobe and around the park for visitors. The park was last renovated in 2017 and includes picnic areas, barbeques, and a play area. Planned improvements include adding a chain link fence and gates and landscape maintenance.

McCandless Park is a 4.0-acre neighborhood park located along McCandless Drive that is currently under construction. The all-abilities park would include joint-use park areas for the City and Mabel Mattos Elementary School, sports fields, picnic areas, play structures, dog parks, walking trails, and restrooms. The park would also include a new pedestrian bridge of East Penitencia Creek channel and a potable water well. No planned improvements to McCandless Park are recommended in the Master Plan Update.

Milpitas Dog Park is a 1.6-acre special-use park constructed in 2004 and is located within Ed Levin County Park. This park is part of a joint-use agreement with the Santa Clara County Parks Department. The dog park is divided into a large dog area, a small dog area, and a fenced in entrance area. Planned improvements include replacing all informational and regulatory signage at the park entry and updating ADA parking to ADA code.

Milpitas Sports Center Complex, approximately 20.3 acres in size, is located at 1325 East Calaveras Boulevard. The sports center complex is currently comprised of one full-size baseball field, four practice baseball fields, a soccer/football field, a practice soccer field, a skatepark, and a restrooms/concessions/storage building. The concession building was constructed in 2020. Planned improvements include paving all decomposed granite paths, installing a new storm drainage system, bringing stairs to Cardoza park up to code, refurbishing player benches, replacing aging bleachers and scoreboards and entry plaza benches, replacing chain link fencing, removing and replacing all hazardous trees, and landscape maintenance.

Murphy Park is an 8.3-acre neighborhood park that was constructed in 1969 and is located immediately adjacent to Merryhill Elementary School. Residential neighborhoods surround the park on all sides. The park is currently developed with picnic and play areas. The northern side of the park is an open turf field used for soccer and other recreation activities. The asphalt paths and parking lot were resurfaced in 2017/2018. Planned improvements include paving picnic areas with granite paving, adding an outdoor community event space, replacing the play area pedestrian lighting, park

entry sign, and dog waste station, updating/adding picnic areas, repaving asphalt areas, updating the parking lot, replacing workout equipment, refurbishing the restrooms, implementing right-of-way improvements, and landscape maintenance.

Oliver W. Jones Memorial Park is a 4.9-acre neighborhood park located along Jacklin Road off North Hillview Drive. The park was constructed in 1973 and was last renovated in 2020. The park consists of open lawn areas, two play areas, and walking paths. Planned improvements include adding picnic areas and a single stall restroom, paving gravel paths, replacing benches and pedestrian lighting, constructing a hangout space and bouldering wall, installing ADA curb ramps, and landscape maintenance.

O'Toole Elms Park is a 1.6-acre neighborhood park located between South Abel Street and South Main Street. The park is located adjacent to the Milpitas Fire Department and multi-family development. The park was constructed in 2007 and last renovated in 2009 and consists of play areas, picnic areas, and message kiosks. Planned improvements include repairing playground equipment and surfaces, replacing kiosks, replacing pedestrian pavers with stamped concrete, updating the parking lot, and landscape maintenance.

Parc Metro Central is a 0.6-acre urban park located along Metropolitan Drive and Comet Drive. The park was constructed in 2003 along with Parc Metro East and West as part of the Midtown Redevelopment. The park consists of a large open lawn area, seating areas, and play areas. Planned improvements include constructing hang out space, removing and replacing play areas, replacing benches, replacing drinking fountains, repainting metal fencing, and landscape maintenance.

Parc Metro East is a 2.1-acre urban park located at the end of the East Curtis Avenue cul-del-sac. Parc Metro East has a seating area, play area, and restroom. Planned improvements include replacing play areas, picnic tables, barbeques, and benches, updating concrete paths, replanting entry planters, repair drainage issues, refurbishing the restroom, conduct tree survey to identify hazardous trees, and landscape maintenance.

Parc Metro West is a 1.0-acre urban park located at East Curtis Avenue and Comet Drive. The park has benches and chess tables and a large play structure. Planned improvements include repairing the play areas, replacing the picnic tables, bike rack, park rules signage, and benches, repainting ornamental fencing, and landscape maintenance.

Pecot Park is a 3.0-acre linear neighborhood park located along Dixon Road and Conway Street. The park was constructed in 1997 and consists of a linear walking path with a bench and landscaping. Planned improvements include replacing the bench, repairing the asphalt path, landscape maintenance, replanting all landscaped areas with drought-tolerant California native planting, implementing right-of-way improvements, and reseeding turf areas.

Peter Gill Memorial Park is an 8.2-acre community park located at Santa Rita Drive and Paseo Refugio Road. The park was constructed in 1978 and last renovated in 1987. The park is surrounded by residential neighborhoods, and consists of a full-size baseball field, three tennis courts, a basketball court, a handball court, picnic areas, and workout equipment. Planned improvements include updating the softball field, replacing play areas, updating picnic areas, updating the parking lot, adding a fenced dog area, replacing fitness equipment, benches, and bike rack, resurfacing the

handball court, refurbishing the restroom, implementing right-of-way improvements, and landscape maintenance.

Pinewood Park is a 9.9-acre neighborhood park located at Lonetree Court and Starlite Drive. The park was constructed in 1966 and last renovated in 2019 (tennis courts). Pinewood Park is located adjacent to Pearl Zanker Elementary School and residences. The eastern side of the park consists of two playgrounds, a basketball court, and tennis courts. A turf lawn is located at the center of the park. The western side of the park consists of a play area, a pump station and well, and picnic areas. Planned improvements include replacing basketball backboards, repairing playground equipment and poured in place surfacing, landscape maintenance, conducting tree survey to identify hazardous trees, and refurbishing the restroom.

Robert E. Browne Park is a 4.9-acre neighborhood park located along Yellowstone Avenue. The park was constructed in 1965 and last renovated in 2019 (tennis courts). The park consists of tennis courts, seating areas, and a passive use lawn area with a perimeter walking/workout station trail. Planned improvements include adding an entrance plaza with seating, adding picnic areas, replacing benches and drinking fountain, repairing tennis court fencing and netting, adding a community garden, adding a single stall restroom, replacing fitness equipment, repaving asphalt paths with concrete, adding two full-size basketball courts, adding pedestrian lighting, updating concrete paths, removing graffiti, implementing right-of-way improvements, conducting tree survey to identify hazardous trees, and landscape maintenance.

Sandalwood Park is a 3.9-acre neighborhood park located along Escuela Parkway and Russell Lane. The park was constructed in 1977 and consist of play equipment, horseshoe pits, seating, and picnic areas. The redesign of Sandalwood Park was approved by the City in 2019 and construction drawings were completed by Gates + Associates in 2021. The planned improvements are on hold pending future funding. Planned improvements include adding a play area, fitness stations, picnic area with shade structures, restroom, asphalt pathways, and pedestrian lighting, converting the existing horseshoe pits into a basketball court, replacing all benches, drinking fountains, picnic tables, bike racks, and landscape maintenance.

Selwyn Park is a 0.2-acre urban park located along Selwyn Drive and Dempsy Street. The park was constructed in 1968 and last renovated in 2003 (playground), and consists of a playground, picnic area, and half basketball court. Planned improvements include adding picnic areas, replacing the play area, benches, fencing, dog station, and park rules sign, replanting all landscaped areas with drought-tolerant California native planting, repairing irrigation system, and landscape maintenance.

Sinnot Park is a 4.7-acre neighborhood park located between Clear Lake Avenue and Tahoe Drive. The park was constructed in 1970 and consists of a restroom, a play area, picnic areas, and a sand volleyball court. Planned improvements include adding a community garden, pickleball courts, dog stations, and signage, replacing the play area, fitness equipment, drinking fountains, pedestrian lighting, wayfinding signage, and all gravel paths with concrete paths, replacing benches, bike rack, dog waste station, and swing set, implementing right-of-way improvements, updating the picnic area, conducting tree survey to remove hazardous trees, refurbishing the restroom, and landscape maintenance.

Starlight Park is a 3.4-acre neighborhood park located along North Abbott Avenue and Rudyard Drive. The park was constructed in 1963 and is divided into two main areas. The northern side consists of a play area and restroom while the picnic area is located to the south. A lawn and horseshoe pit are located at the center of the park. Planned improvements including adding a pump track and pedestrian lighting, replacing the play area, benches, bike rack, park rules signage, and gravel paths with concrete paths, updating the picnic area, refurbishing the restroom, conducting tree survey to remove hazardous trees, removing the horseshoe pits, replanting all landscaped areas with drought-tolerant California native planting, and landscape maintenance.

Strickroth Park is a 4.9-acre neighborhood park located along Martil Way and Gemma Drive. The park was constructed in 1974 and includes a picnic area, two playgrounds, and a turf field. Planned improvements include adding a cricket pitch, parking lot, pedestrian lighting, and restroom, replacing the play area, benches, and asphalt paths with concrete paths, updating the picnic area, refurbishing hill tunnel play feature, improve drainage areas, replanting all landscaped areas with drought-tolerant California native planting, repairing irrigation system, implementing right-of-way improvements, replacing bike rack, park rules signage, dog waste station, drinking fountain, and metal fencing at play area, conducting tree survey to remove hazardous trees, and landscape maintenance.

Tom Evatt Park is a 4.4-acre neighborhood park that extends from Hammond Way to the east to Thompson Court to the west. The eastern end of the park consists of tennis courts, two half basketball courts, two bocce ball courts, a playground, and a picnic area. The park is within the City and County of San Francisco Hetch Hetchy pipeline property. Any renovations in this portion of the park require a permit from the SFPUC. Planned improvements include updating the play area, replanting and replacing sod in the butterfly garden, replacing benches, picnic tables, and pedestrian pavers with patterned stamped concrete, removing graffiti, replacing entry signage, removing graffiti, refurbishing the bocce ball courts, and landscape maintenance.

Sunnyhills Albert Augustine Jr. Park is a 6.2-acre neighborhood park located at Conway Street and Coelho Street. The park was constructed in 1963 and the playgrounds were renovated in 2002. The park is bounded by residential neighborhoods to the east and west and Joseph Weller Elementary School and the Milpitas Community Garden to the north. The park consists of picnic areas, two playgrounds, and large open lawn areas. Planned improvements include adding an outdoor community event space and 20-car parking lot, removing and replacing play areas, benches, pedestrian lighting, signage, dog waste station, and decomposed granite paths with concrete paths, refurbishing restrooms, adding six fitness stations and a dog area, right-of-way improvements, and landscape maintenance.

The planned improvements for each of the existing parks are summarized on the following page in Table 2.3-1.

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																							
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt		
New nine-inch concrete path													X									X								X						X			
Replant butterfly garden and replace sod																																						X	
Add concession facility									X		X																												
Add wood structure														X																									
Remove hazardous trees											X									X																			
Replace bike rack			X																							X		X			X			X	X	X			
Refurbish bocce ball courts or hill tunnel																																				X		X	
Add or reskin cricket pitch											X																									X			
Add pickleball court																																	X						
Replace drinking fountain											X				X										X					X	X					X			
Replace steps or stairs														X						X																			

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																						
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt	
	Replace scoreboards																			X																		
	Repair boat dock													X																								
	Add shade structure											X	X	X																								
	Add basketball courts																													X	X							
	Repaint metal fence														X										X	X												
	Entrance node																													X								
	Pave areas with granite paving																				X										X							
	Add new trees										X			X																								
	Replace ball-wall													X																								
	Add community garden																														X			X				
	Add or replace dog station												X								X											X	X		X	X		
	Add fenced dog area																X											X									X	
	Right of Way Improvements ³			X								X	X	X		X	X											X	X		X			X		X	X	

³ Right of Way Improvements include installing/removing/replacing ADA curb ramps at park entrances, accessibility signage, bollards, crosswalk striping, and/or sidewalk, curb and gutter repairs as needed.

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																						
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt	
			x				x	x			x					x				x		x					x			x								
															x					x								x		x	x		x			x		
			x		x		x				x		x		x				x		x				x					x		x	x	x	x	x		
									x				x			x					x		x	x	x	x		x	x		x	x	x	x	x			
														x			x			x															x			
							x	x				x				x					x	x			x											x		
		x																																				
																			x																			
		x	x	x		x	x	x	x	x		x	x	x	x	x	x	x			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	

⁴ Includes park rules, entry, park hour, wayfinding or accessibility signage.

⁵ Includes reseeding lawn areas, replenishing mulch, and planting drought tolerant plants.

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																					
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt
Add or update field(s) ⁶			X				X	X			X	X																X							X		
Replace surfacing at playgrounds													X																					X			
Add sand volleyball court									X																												
Resurface rubber safety surfacing									X																												
Resurface courts ⁷													X															X									
Replace barbeques							X	X	X															X													
New nine-inch asphalt path			X																																		
Repair/repave/replac e/adding asphalt path													X	X						X						X				X							
Add chess/checkers picnic game tables															X																						
Add observation deck													X																								
Add or update picnic area			X				X	X			X	X	X	X	X						X	X		X		X		X		X	X	X	X	X	X	X	

⁶ Includes softball, soccer, and baseball fields.

⁷ Courts could include tennis or handball courts.

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																						
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt	
	Add pump track																																	X				
	Remove horseshoe pit(s)																																X					
	Replace basketball hoops																												X									
	Add or refurbish restroom(s)	X		X			X	X	X		X	X	X	X	X						X	X		X				X	X	X	X		X	X	X	X		
	Add public art					X																																
	Add or replace fencing					X							X				X			X										X		X			X			
	Construct overlook area					X																																
	Add nine-inch decomposed granite path					X																																
	Pave decomposed paths with concrete paths							X	X												X																	
	Add interactive exhibits														X																							
	Replace bleachers																			X																		
	Add or replace benches			X		X						X			X	X					X				X	X	X	X	X		X	X	X	X	X	X	X	X

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks																																					
Improvements	Alviso Adobe	Augustus Rathbone	Ben Rodgers	Bob McGuire	Calaveras Ridge	Calle Oriente	Cardoza (Option A)	Cardoza (Option B)	Cerano	Creighton	Dixon Landing	Foothill	Hall Memorial	Hidden Lake	Hillcrest	John McDermott	Jose Higuera Adobe	McCandless	Milpitas (Dog Park)	Milpitas Sports Center Complex	Murphy	Oliver W. Jones Memorial	O'Toole Elms	Parc Metro East	Parc Metro Central	Parc Metro West	Pecot	Peter Gill Memorial	Pinewood	Robert E. Browne	Sandalwood	Selwyn	Sinnot	Starlight	Strickroth	Sunnyhills Albert Augustine	Tom Evatt
	Replace shade sail fabric					X																															
	Replace swing set					X																															
	Add, repair, or update parking lot ⁸				X		X	X			X		X	X							X		X											X	X		
	Remove graffiti								X																					X				X			X
	Adjust field fence line										X																										
	Replace or repave existing paths with concrete paths											X																		X		X	X	X			
	Add or update concrete paths											X										X		X						X							
	Add distance markers for joggers														X																						
	Add, replace, and/or update pedestrian lighting			X		X						X	X	X							X	X									X			X	X	X	X
	Add bouldering wall																					X															
	Replace kiosk																						X														

⁸ Includes resurfacing and restriping parking lot.

Table 2.3-1: Existing Parks and Proposed Site Improvements

Parks	
Improvements	
	Alviso Adobe
	Augustus Rathbone
	Ben Rodgers
	Bob McGuire
	Calaveras Ridge
	Calle Oriente
	Cardoza (Option A)
	Cardoza (Option B)
	Cerano
	Creighton
	Dixon Landing
	Foothill
	Hall Memorial
	Hidden Lake
	Hillcrest
	John McDermott
	Jose Higuera Adobe
	McCandless
	Milpitas (Dog Park)
	Milpitas Sports Center Complex
	Murphy
	Oliver W. Jones Memorial
	O'Toole Elms
	Parc Metro East
	Parc Metro Central
	Parc Metro West
	Pecot
	Peter Gill Memorial
	Pinewood
	Robert E. Browne
	Sandalwood
	Selwyn
	Sinnot
	Starlight
	Strickroth
	Sunnyhills Albert Augustine
	Tom Evatt
Replace pedestrian pavers with concrete	X

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in Milpitas.

Local

Milpitas General Plan

Hillsides, ridges, visually significant vegetation, and other elements are crucial in shaping the City's scenic identity. Additionally, major entryways to the City including southbound Interstate 880 (I-880) at Dixon Landing Road. The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics and are applicable to the Master Plan Update.

General Plan Policies - Aesthetics	
CD 3-1	Strengthen the positive qualities of the City's neighborhoods, districts, and centers.
CD 3-2	Support the development and preservation of unique neighborhoods, districts, and centers that exhibit a special sense of place and quality of design
CD 3-3	Ensure that new development and redevelopment reinforces desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns.
CD 3-4	Strengthen the identity of individual neighborhoods, districts, and centers through the use of entry monuments, flags, street signs, themed streets, natural features, landscaping, and lighting.

4.1.1.2 *Existing Conditions*

Scenic Views

The City of Milpitas is located between Mission Hills to the east and baylands to the west. Mission Hills and Monument Peak form a distinctive scenic backdrop to the City and are important to community identity and character. Mount Diablo, located outside the Milpitas planning area⁹, is also considered as a prominent landmark.

⁹ The planning area is defined as the entire area within the sphere of influence (SOI) which includes City limits and the urban growth boundary.

The foothills and the Coyote Creek corridor provide the City of Milpitas with a scenic backdrop and visual reference points. Per the City of Milpitas General Plan, scenic resources include hillsides, ridges, visually significant vegetation, and other elements that are critical in shaping the City's scenic identity. Additionally, major entryways to the City (e.g., southbound I-880 at Dixon Landing Road) are considered important to the City's identity.

Scenic Highways and Corridors

There are no officially designated State Scenic Highways in the vicinity of the City of Milpitas. The nearest officially designated State Scenic Highway is I-680 from Mission Boulevard in Fremont to Bernal Avenue near Pleasanton, located over six miles northeast of the City.¹⁰

Light and Glare

Sources of light and glare are abundant in the urban environment of the City of Milpitas, including but not limited to streetlights, vehicular headlights, internal/external building lights, security lights, and reflective building surfaces and windows. Areas of open space and along creeks typically have lower levels of ambient nighttime lighting and daytime glare.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ¹¹ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

¹⁰ California Department of Transportation. *California State Scenic Highway Systems Map*. Accessed June 11, 2021. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>.

¹¹ Public views are those that are experienced from publicly accessible vantage points.

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista.
(Less than Significant Impact)

The Master Plan Update identifies improvements to the City's existing public parks. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City. The planned improvements to existing City parks would not substantially change the hillsides, ridges, visually significant vegetation, and other elements that are critical in shaping the City's scenic identity. Therefore, implementation of the planned park improvements recommended in the Master Plan Update would not result in a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The nearest State Scenic Highway, I-680 from Mission Boulevard in Fremont to Bernal Avenue near Pleasanton, is located more than six miles northeast of the City. The proposed park improvements would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a State Scenic Highway. **(No Impact)**

Impact AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project would not conflict with applicable zoning and other regulations governing scenic quality.
(Less than Significant Impact)

The planned improvements to existing City parks (e.g., replacement of play areas and picnic areas, adding community event space and refurbishing existing restroom buildings, etc.) recommended in the Master Plan Update would enhance the existing visual character and public views of each park. Future implementation of the planned improvements would be required to comply with the City's General Plan and Design Guidelines and the policies, guidelines, and actions recommended in the Master Plan Update. As a result, implementation of the planned park improvements recommended in the Master Plan Update would not substantially degrade the existing visual character or quality of the City. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The planned improvements to existing City parks recommended in the Master Plan Update with the potential to increase light and glare include adding field lighting and adding and/or replacing pedestrian lighting. Each of the individual park projects would go through a design review process and would be reviewed for compliance with the City’s Design Guidelines and Plan Review Checklist and other applicable codes, policies, and regulations. As recommended in the Master Plan Update, light levels and the direction of lighting should maximize safety yet minimize light pollution in the surrounding neighborhood. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not create substantial light or glare that would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.¹²

4.2.1.2 *Existing Conditions*

Per the City's General Plan, there are no areas in the City designated for agricultural use nor are there any agricultural lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program within the City. The City's existing public parks do not support agricultural uses or forest land.

¹² Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Note: 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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

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

There are no agricultural lands within the City of Milpitas. All lands within the Milpitas city limits are identified as Urban and Built-up Land by the California Department of Conservation.¹³ The Master Plan Update identifies improvements to the City's existing public parks, which are currently

¹³ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.2-2.

developed with park uses. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

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

The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks are not under Williamson Act contract or zoned for agricultural use. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

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

There are no forest lands or timberlands located in the City of Milpitas.¹⁴ The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks are not zoned and do not support forest land or timberland. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not conflict with existing zoning or cause rezoning of forest land or timberland, or timberland zoned for timberland production. **(No Impact)**

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

There are no forest lands or timberlands located in the City of Milpitas.¹⁵ The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks do not support forestland. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

There are no forest lands or farmland within the City. The Master Plan Update identifies improvements to the City's existing public parks. The existing public parks do not support forestland or farmland. For these reasons, implementation of the planned park improvements recommended in the Master Plan Update would not result in impacts to agricultural or forest resources. **(No Impact)**

¹⁴ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.2-2.

¹⁵ Ibid.

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁶ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
O ₃	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

¹⁶ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁷ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels

¹⁷ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed May 27, 2021. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁸

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

¹⁸ Bay Area Air Quality Management District. *Final 2017 Clean Air Plan*. April 19, 2017. Accessed May 27, 2021. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the Master Plan Update.

General Plan Policies - Air Quality	
CON 7-4	Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
CON 7-5	Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
CON 7-7	Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
CON 7-8	Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.

4.3.1.3 *Existing Conditions*

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O₃, NO₂, and PM₁₀ and PM_{2.5}.¹⁹ These pollutants are considered criteria pollutants by the U.S. Environmental Protection Agency (U.S. EPA) and CARB as they can result in health effects such as respiratory impairment and heart/lung disease symptoms. Table 4.3-2 shows violations of state and federal standards at the monitoring station in downtown San José (the nearest monitoring station to the City) during the 2017-2019 period (the most recent years for which data is available).

Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
SAN JOSÉ STATION				
Ozone	State 1-hour	3	0	1
	Federal 8-hour	4	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0

¹⁹ PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
Nitrogen Dioxide	State 1-hour	0	0	0
PM ₁₀	Federal 24-hour	0	0	0
	State 24-hour	6	4	4
PM _{2.5}	Federal 24-hour	6	15	0
Source: Bay Area Air Quality Management District. “Annual Bay Area Air Quality Summaries.” Accessed May 27, 2021. http://www.baaqmd.gov/about-air-quality/air-quality-summaries .				

“Attainment” status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level O₃ and PM_{2.5}, nor does it meet state standards for PM₁₀. The Bay Area is considered in attainment or unclassified for all other pollutants.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

BAAQMD is responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD’s most recently adopted plan is the 2017 CAP. The Master Plan Update recommends improvements to existing City parks. In accordance with General Plan Policies CON 7-4, 7-5, 7-7, and 7-8, all future park improvement projects under the Master Plan Update would be required to adhere to BAAQMD requirements, mitigate local and cumulative air quality impacts, comply with regional, state, and federal standards and programs for control of all airborne pollutants, and consider TAC health risks. Therefore, implementation of the

Master Plan Update would not conflict with or obstruct implementation the 2017 CAP. **(Less Than Significant Impact)**

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

The General Plan Land Use, Community Design, and Conservation Elements contain policies and actions to reduce criteria pollutant emissions, odors, health risks, and other emissions. Per the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The Master Plan Update recommends improvements to existing City parks. In accordance with General Plan Policies CON 7-4, 7-5, 7-7, and 7-8, all future park improvement projects under the Master Plan Update would be required to adhere to BAAQMD requirements, mitigate local and cumulative air quality impacts, and comply with regional, state, and federal standards and programs for control of all airborne pollutants. Therefore, implementation of the Master Plan Update would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

The Master Plan Update identifies improvements to the City's existing public parks, most of which are located adjacent to sensitive receptors (e.g., residences and schools). Construction activities associated with future implementation of the Master Plan Update could expose sensitive receptors to temporary dust and TAC emissions due to ground disturbance and operation of diesel construction equipment. At the time of implementation, each individual park project would be required to comply with the applicable General Plan policies and programs as well as applicable BAAQMD rules and regulations to control dust and minimize sensitive receptor exposure to TAC and PM_{2.5} concentrations. **(Less than Significant Impact)**

Impact AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

Construction activities associated with future implementation of the Master Plan Update could generate localized emissions of diesel exhaust. While the odor of the emissions may be noticeable from time to time by adjacent receptors, the odor would be localized and temporary and is not likely to affect a substantial number of people. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.²⁰ Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

²⁰ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed May 27, 2021. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Local

Tree Removal Ordinance

The Tree Maintenance and Protection Ordinance of the City of Milpitas (Milpitas Municipal Code, Chapter 2) serve to preserve all trees and plantings on City property, when feasible, and all protected plantings of significant size, age, and/or benefit to the community at large. Protected trees include:

- All trees which have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed residential property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed commercial or industrial property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required; or
- Any tree existing at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on a vacant, undeveloped, or underdeveloped property; or
- All heritage trees or groves of trees as defined in Section X-2-2.10 of the City's Municipal Code.

A tree removal permit is required from the City of Milpitas for the removal of any street tree, protected tree, or heritage planting.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources and are applicable to the Master Plan Update.

General Plan Policies – Biological Resources	
CON 2-1	Conserve existing native trees and vegetation where possible and integrate regionally native trees and plant species into development and infrastructure projects where appropriate.
CON 2-3	Avoid removal of large, mature trees that provide wildlife habitat, visual screening, or contribute to the visual quality of the environment through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations. Replacement trees for high-quality mature trees should generally be of like kind, and provide for comparable habitat functionality, where appropriate site conditions exist.

4.4.1.2 Existing Conditions

Wildlife Habitat Classification

According to the California Wildlife Habitat Relationship System, there are 14 wildlife habitat classifications cover types within the City of Milpitas. These include: AGS - Annual Grassland, BOW - Blue Oak Woodland, COW - Coastal Oak Woodland, VOW - Valley Oak Woodland, CSC - Coastal Scrub, CRP - Cropland, IGR - Irrigated Grain Crops, DGR - Dryland Grain Crops, VIN - Vineyard, FEW - Fresh Emergent Wetland, LAC - Lacustrine, MHW - Montane Hardwood, VRI - Valley Foothill Riparian, and URB - Urban (refer to page 3.4-3 of the City’s General Plan for more information).²¹

Special-Status Plant Species

Refer to Figure 4.4-1 for a map of special-status species that have been identified as being present or potentially present within one-mile of the City.

Special-Status Animal Species

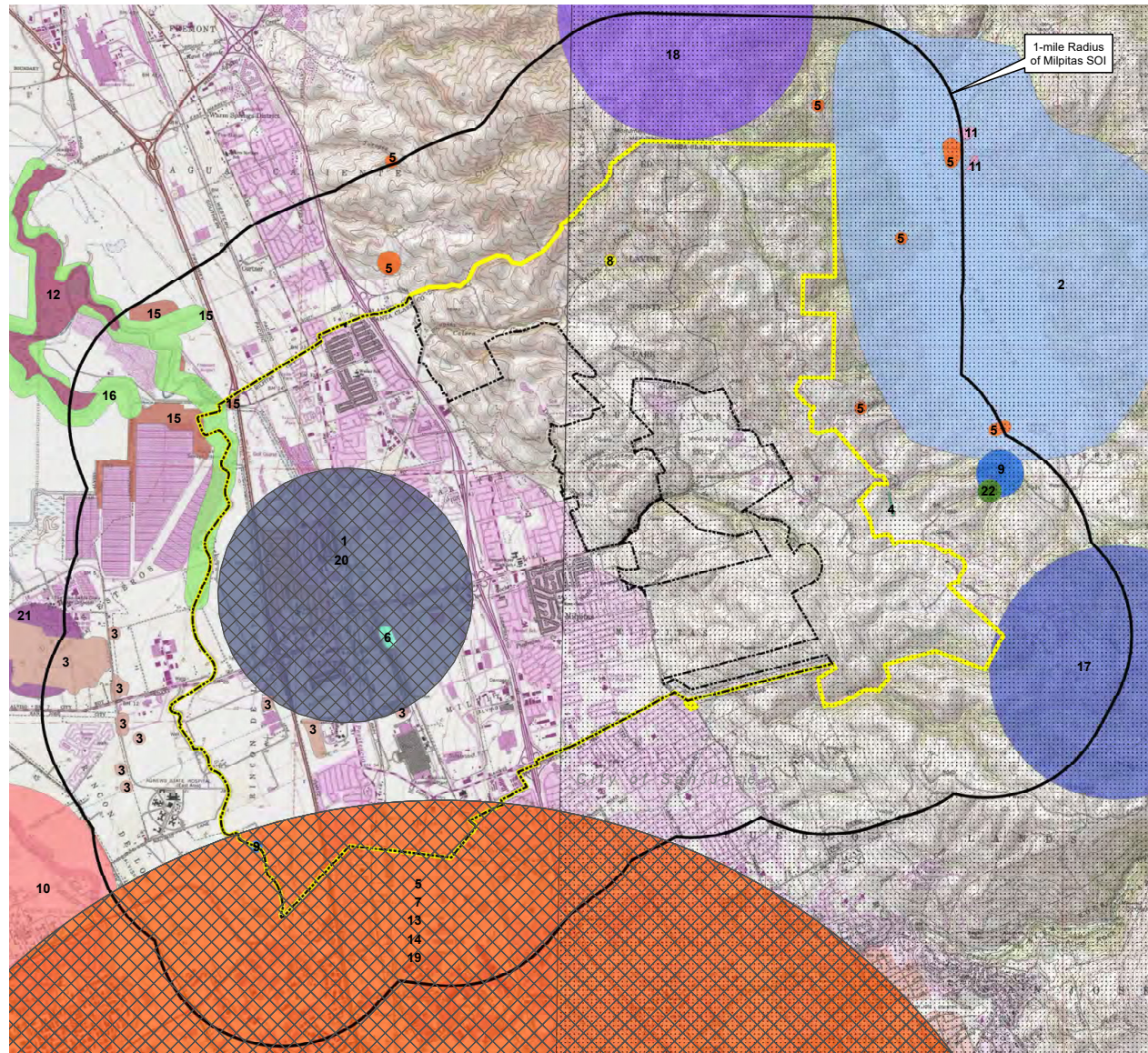
A total of 55 special-status animal species (e.g., five amphibians, 23 birds, two fish, 10 invertebrates, 11 mammals, and four reptiles) were identified within the City. Refer to Figure 4.4-1 for a map of special-status species that have been identified as being present or potentially present within one-mile of the City.

Sensitive Natural Communities

There are no sensitive natural communities located within the City of Milpitas. The nearest sensitive natural community is the Northern Coastal Salt Marsh habitat located one mile northwest of the City.²²

²¹ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.4-3.

²² City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.4-19.



Source: De Novo Planning Group, November 2, 2020.

SPECIAL-STATUS SPECIES WITHIN 1-MILE OF MIPITAS

FIGURE 4.4-1

4.4.2

Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact)**

The Master Plan Update identifies improvements to the City's existing public parks within existing developed areas where no special-status plant or animal species are expected to be present. Existing hazardous trees within the parks would be removed as part of future planned improvements could provide nesting and/or foraging habitat for migratory birds including raptors. Migratory birds, like nesting raptors, are protected under the MBTA and CDFW Code Sections 3503, 3503.5, and 3800.

The CDFW defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. All recommended park improvements would be required to conform to applicable General Plan policies and federal, state, and local regulations to avoid impacts to migratory birds. Therefore, construction of the recommended park improvements would have a less than significant impact to nesting birds and raptors. **(Less than Significant Impact)**

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

The nearest sensitive natural community is the Northern Coastal Salt Marsh habitat, which is located one mile northwest of the City and, as a result, the recommended improvements to existing parks would not result in a substantial adverse effect on any sensitive natural community.

While not documented as a sensitive natural community, streams, rivers, wet meadows, and vernal pools are of high concern as they provide unique aquatic habitat for many special-status plants, birds, invertebrates, and amphibians. The City of Milpitas contains numerous aquatic habitats that qualify as sensitive habitat including: Arroyo de los Coches Creek, Berryessa Creek, Coyote Creek; Calera Creek; Ford Creek; Lower Penitencia Creek; Piedmont Creek; Wrigley Creek; Wrigley-Ford Creek; and Tularcitos Creek. The Master Plan Update identifies improvements to the City’s existing public parks within existing developed areas and, as a result, would not impact sensitive habitats. Nevertheless, all individual park projects would be required to implement all applicable General Plan policies and comply with applicable federal, state, and local regulations to avoid impacts to sensitive habitats. As a result, implementation of the proposed project would result in a less than significant impact. **(Less than Significant Impact)**

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

Based on the City’s General Plan, there are wetlands located northwest of the planning area adjacent to Coyote Creek and north of Penitencia Creek adjacent to Interstate 880 (I-880). The Master Plan Update identifies improvements to the City’s existing public parks within existing developed areas and, as a result, would not impact wetlands. Furthermore, all individual park projects would be required to implement applicable General Plan policies and comply with applicable federal, state, and local regulations to avoid or minimize impacts to protected wetlands. As a result, the proposed project would not have a substantial adverse effect on wetland habitat. **(Less than Significant Impact)**

Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

The planned improvements to existing parks identified in the Master Plan Update would not substantially modify the existing parks or increase use compared to existing conditions and, therefore, would not interfere substantially with wildlife movement of any native resident or migratory fish or wildlife species. All future park improvements completed under the Master Plan Update would be subject to site-specific review and, as a result, implementation of the planned improvements to existing parks would result in a less than significant impact on wildlife corridors. **(Less than Significant Impact)**

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

Based on Chapter 2 of the City's Municipal Code, a tree removal permit is required from the City for removal of any street tree, protected tree, or heritage planting on private property. Any trees removed as part of the planned improvements to the Master Plan Update would be required to comply with the City's General Plan policies, as well as the Municipal Code. Therefore, implementation of the planned improvements to existing parks recommended in the Master Plan Update would result in a less than significant impact on the City's tree preservation policy or ordinance. **(Less than Significant Impact)**

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

While the City is not located within the Santa Clara Valley Habitat Plan (Habitat Plan) area, the land within the City's sphere of influence (SOI) is within the Habitat Plan permit area and within the expanded study/permit area for Burrowing Owl Conservation. Consistent with the City's General Plan, all applicable park projects would be required to comply with the HCP. Specifically, General Plan Action CON 3a requires new development, long-range planning projects, and other projects to comply with the requirements of the Habitat Plan to ensure that potentially significant impacts to special-status species and sensitive resources are adequately addressed. Therefore, implementation of the planned improvements to existing parks recommended in the Master Plan Update would not conflict with the provisions of the Habitat Plan or National Community Conservation Plan. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the Master Plan Update.

General Plan Policies – Cultural Resources	
CON 4-1	Review proposed developments and work in conjunction with the California Historical Resources Information System, Northwest Information Center at Sonoma State University, to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
CON 4-2	If found during construction, ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
CON 4-3	Work with Native American representatives to identify and appropriately address, through avoidance or mitigation, impacts to Native American cultural resources and sacred sites during the development review process
CON 4-4	Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18 and AB 52, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.
CON 5-1	Protect significant historic resources and use these resources to promote a sense of place and history in Milpitas through implementation of the Milpitas Cultural Resources Preservation Program (Municipal Code, Title XI, Chapter 4), the Conceptual Historic Resources Master Plan, the conservation and preservation of the City's historical collection at the Milpitas Community Museum, and other applicable codes, regulations, and area plans.

4.5.1.2 Existing Conditions

Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe was established.

Post-Mission Period to Mid-20th Century

The town of Milpitas began in the mid-1800's. Prior to 1856, the lands were used for agricultural purposes. By 1880s, the town of Milpitas' population had increased to 200 people and the railroad line was extended through the region in 1869. By 1922, the town's population increased to 800 and the Western Pacific rail line was also completed. By 1953, Ford Motor Company purchased a 160-acre tract in the City which was planned for automobile assembly. Due to the increase in jobs, the town of Milpitas was incorporated in 1954.

Historical and Archaeological Resources

Areas within the City may contain known historical or unknown historical and archaeological resources which have not yet identified.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

A substantial adverse change in the significance of an historic resource is defined in Section 15064.5 (b)(1) of the CEQA Guidelines as the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

Jose Maria Alviso Adobe and Jose Higuera Adobe are located in Alviso Adobe and Jose Higuera Parks, respectively. Both adobes are identified as historic resources in the City, county, and state’s inventory. Additionally, O’Toole Elms park is located along the alignment of the O’Toole estate driveway (at 701 South Abel Street) which has been identified as a historic resource in the City, county, and state’s inventory. The planned improvements to Alviso Adobe Park, Jose Higuera Park, and O’Toole Elms Park recommended in the Master Plan Update include landscape maintenance, repairing ADA parking access and playground equipment, refurbishing the restrooms, replacing pedestrian pavers with stamped concrete, updating the parking lot, and/or adding a chain link fence and gates. The planned improvements would not demolish, modify, relocate, or otherwise alter the adobes or the 701 South Abel Street property or substantially modify the existing parks within which they are located. For these reasons, implementation of the planned park improvements recommended in the Master Plan update would have a less than significant impact on historic resources or structures. **(Less than Significant Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

The planned park improvements recommended in the Master Plan Update would require minor excavation, grading, and other ground disturbing activities at most of the existing parks. Although unlikely, demolition and excavation of individual parks could damage as yet unrecorded subsurface resources. All individual park improvement projects would be evaluated for conformance with regulatory regulations and laws (e.g., Public Resources Code Sections 5097 and 5097.98) and General Plan Policies (e.g., CON 4-1, 4-2, and 4-3), to minimize or avoid impacts to unknown subsurface cultural resources. General Plan Action CON 4a requires a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource. Additionally, all park improvement projects would be required to comply with General Plan Action CON 4b in the event cultural resources or human remains are discovered during ground-disturbing activity. Therefore, implementation of the planned improvements to existing parks recommended in the Master Plan Update would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

The planned park improvements recommended in the Master Plan Update would require minor excavation, grading, and other ground disturbing activities at most of the existing parks. The planned improvements would affect previously disturbed areas within existing developed parks and, therefore, it is unlikely human remains would be encountered. All park improvement projects would be required to comply with the California Native American Historical, Cultural, and Sacred Sites Act which requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified. As mentioned previously, all individual park improvement projects would be required to comply with all applicable federal, state, and local regulations related to the discovery of human remains. The planned park improvements recommended in the Master Plan Update would have a less than significant impact on human remains, including those interred outside of dedicated cemeteries. **(Less Than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires CARB to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.²³

²³ International Code Council. “2019 California Administrative Code, Title 24, Part 1 with Jan 2020 Errata.” Accessed May 27, 2021. <https://codes.iccsafe.org/content/CAC2019P2/preface>.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.²⁴

Local

Milpitas General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the Master Plan Update.

General Plan Policies - Energy	
CIR-2.1	Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
PROS 1-15	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/ or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.
CON 1-2	Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
CON 1-3	Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, as feasible.
CON 1-9	Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds,

²⁴ California Air Resources Board. “Advanced Clean Cars Summary.” Accessed May 27, 2021. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

General Plan Policies - Energy	
	landscaping, sunscreens, building orientations, and material choices that reduce energy use.
USC 5-3	Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,880 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data was available.²⁵ Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,440 trillion Btu) for residential uses, 19 percent (1,510 trillion Btu) for commercial uses, 24 percent (1,851 trillion Btu) for industrial uses, and 39 percent (3,078 trillion Btu) for transportation.²⁶ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.²⁷

Pacific Gas and Electric Company (PG&E) is the City of Milpitas's energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2019, natural gas facilities provided 29 percent of PG&E's electricity delivered to customers; nuclear plants provided 44 percent; and large hydroelectric facilities provided 27 percent.²⁸

Natural Gas

PG&E also provides natural gas services within Milpitas. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.²⁹ In 2019, residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 27 percent, the industrial sector used 36 percent, and other uses used four percent.³⁰ Transportation accounted for one percent

²⁵ United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed May 27, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁶ Ibid.

²⁷ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed May 27, 2021. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

²⁸ Pacific Gas and Electric Company. "Exploring Clean Energy Solutions." Accessed May 27, 2021. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy.

²⁹ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed May 27, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

³⁰ United States Energy Information Administration. "Natural Gas." Accessed May 27, 2021. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.³¹

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.³² The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.³³ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{34,35}

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐
Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Less than Significant Impact)				

Construction

The planned improvements (e.g., pathways, play features, and event space) recommended in the Master Plan Update would require relatively minor earthwork, demolition, and construction activities. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of

³¹ California Energy Commission. "Natural Gas Consumption by County." Accessed May 27, 2021.

<http://ecdm.energy.ca.gov/gasbycounty.aspx>.

³² California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 27, 2021.

<https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

³³ United States Environmental Protection Agency. "The 2019 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2020. Accessed May 27, 2021.

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010U68.pdf>.

³⁴ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 27, 2021.

<http://www.afdc.energy.gov/laws/eisa>.

³⁵ Public Law 110-140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 27, 2021. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

the added expense associated with renting the equipment, as well as maintenance and fuel. Furthermore, the existing parks are located near existing supplies and labor, thereby, reducing the amount of energy used to transport supplies and construction workers to the site. For these reasons, construction of the planned improvements recommended in the Master Plan Update would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Operational

Planned improvements such as the installation of new pedestrian lighting and construction of new bathrooms would incrementally increase energy demand while planned improvements such as replacing existing lighting and refurbishing existing bathrooms with energy and water efficient fixtures which would incrementally decrease energy demand. Planned improvements for existing parks would also include replacing dead or dying plants with drought-tolerant plants which would reduce water use for landscaping. Each individual park would be required to comply with CALGreen requirements and all applicable federal, state, and local regulations related to energy and water use. For these reasons, operation of the planned improvements recommended in the Master Plan Update would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Less than Significant Impact)
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Construction and operation of the planned improvements recommended in the Master Plan Update would be required to comply with the following:

- Title 24 and CALGreen requirements
- City's Climate Action Plan measures, policies, and actions
- All applicable federal, state, and local regulations related to energy usage

Therefore, implementation of the Master Plan Update would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Milpitas General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to geologic and seismic hazards and are applicable to the Master Plan Update.

General Plan Policies – Geology and Soils	
SA 1-1	Require development to reduce risks to life and property associated with earthquakes, liquefaction, erosion, landslides, and unstable soil conditions.
SA 1-2	Ensure that all new development and construction is in conformance with all applicable building standards related to geologic and seismic safety.
SA 1-3	Require geotechnical investigations to be completed prior to approval of any public safety or other critical facilities, in order to ensure that these facilities are constructed in a way that mitigates site-specific seismic and/or geologic hazards.
SA 1-4	Development in areas subject to unstable soil and/or geologic conditions shall be reviewed by qualified engineers and or geologists prior to development in order to ensure the safety and stability of all new construction.
SA 1-5	Require an erosion and sediment control plan prepared by a civil engineer, or other professional who is qualified to prepare such a plan, as part of any grading permit application for new development. The erosion and sediment control plan shall delineate measures to appropriately and effectively minimize soil erosion and sedimentation.
SA 1-6	All structures and building foundations requiring a building permit located within areas containing expansive soils, or other soils conditions which, if not corrected, would lead to structural defects, or unsafe conditions, shall be reviewed by a qualified engineer, who shall recommend corrective actions as appropriate to remedy onsite soil conditions.
SA 1-7	All structures and additions requiring a building permit shall be designed and engineered to comply with the most current version of the California Code of Regulations (CCR), Title 24.

4.7.1.2 *Existing Conditions*

Regional Geology

The City of Milpitas is located in the Santa Clara Valley, a relatively flat alluvial basin bounded by the Diablo Mountain Range to the east and the Santa Cruz Mountains to the west.

On-Site Geologic Conditions

Topography and Soils

There are 30 different soil types located within the planning area which are shown in Figure 4.7-1 below.

Groundwater

The planning area lies within the Santa Clara Groundwater Basin, which extends from the southern edge of San Francisco Bay through the Coyote Valley.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the U.S. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in a northwesterly direction. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking is expected to occur in the City during a major earthquake. The Hayward Fault Zone, an Alquist-Priolo Earthquake Fault Zone, is located within the City. In addition, there are two known active or potentially active faults in the planning area which include the Arroyo Aguague Fault and the Hayward Fault.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The liquefaction potential within the City of Milpitas ranges from very low to very high.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Per the General Plan, the area most prone to lateral spreading are the hillsides to the east.

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. The project area is relatively flat; therefore, the probability of landslides occurring at the site during a seismic event is low.



FIGURE 4.7-1

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations of the City have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface (bgs), have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) 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?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

On December 17, 2015, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project unless the project could exacerbate the existing environmental hazards or risks. The proposed project would not exacerbate existing geology and soil conditions in the project area; therefore, the proposed project would not result in geology and soils impacts, except for potential erosion and paleontological resource impacts. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. The City has, therefore, included planning considerations relating to these policies and regulations for information only.

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

Portions of the City are located within an Alquist-Priolo Earthquake Fault Zone and there are two known active or potentially active faults in the area. As a result, the City could experience strong ground shaking during a seismic event, and there is the potential for lateral spreading and landslides along the hillsides. All park improvement projects would be required to conform to applicable General Plan policies and federal, state, and local regulations to reduce potential impacts associated with a seismic event, including rupture of an earthquake fault, seismic ground shaking, liquefaction, and landslides. Therefore, implementation of the Master Plan Update would not exacerbate existing seismic conditions. **(Less than Significant Impact)**

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil. **(Less than Significant Impact)**

Construction of the planned park improvements recommended in the Master Plan Update would require minor excavation, grading, and other ground disturbing activities that could increase soil erosion. All ground-disturbing activities completed under the Master Plan Update would be required to comply with all applicable City regulatory programs pertaining to construction-related erosion including the City’s NPDES General Construction Permit, urban runoff policies, and the Municipal Code. Additionally, all park improvement projects would be required to comply with applicable General Plan policies and the City’s Municipal Code as discussed in Section 4.10, Hydrology and Water Quality. All ground disturbing activities completed under the Master Plan Update would be required to comply with General Plan Policy SA 1-5 which requires new development to prepare an erosion and sediment control plan to minimize soil erosion and sedimentation. Therefore, future park improvements under the Master Plan Update in conformance with existing regulations and the General Plan would not result in substantial soil erosion or the loss of topsoil. **(Less Than Significant Impact)**

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

The planning area has very low to very high liquefaction potential and the area most prone to lateral spreading are the hillsides located east. All park improvement project would be required to use standard engineering and seismic safety design techniques during project construction. Additionally, each park would be constructed in conformance with a site-specific geotechnical investigation. As a result, future park improvement projects would not be located on a geologic unit or soil that is unstable or would become unstable as a result of the Master Plan Update. **(Less Than Significant Impact)**

Impact GEO-4: The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

As mentioned previously, the City of Milpitas has a low to very high expansion potential and very strong ground shaking during an earthquake. As discussed in Impact GEO-1, all park improvement projects would be required to comply with the CBC to address soil instability. Therefore, implementation of the planned improvements under the Master Plan Update would not result in a significant geology hazards impact. **(Less than Significant Impact)**

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The proposed improvements to existing parks and future parks would not require the use of septic tanks or alternative wastewater disposal systems and wastewater would be discharged into the existing public sanitary sewer system. Therefore, none of the existing and planned parks would require soils capable of supporting the use of septic tanks. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

While park improvements would include grading and excavation activities, it could be reasonably assumed that substantial excavation would not be required. Furthermore, all planned park improvement projects (that would require excavation) would be required to conform to applicable General Plan policies and federal, state, and local regulations to avoid and reduce construction-related paleontological resources impacts. As mentioned in General Plan Action CON 4b, if historic or prehistoric archaeological artifacts or unique paleontological resources are discovered during ground-disturbing activities, all work within 100 feet of the discovery shall stop and the Planning Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist or historian for appropriate protection and preservation measures. Therefore,

implementation of the Master Plan Update would have a less than significant paleontological resources impact. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂E (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Climate Action Plan

In 2013, the City of Milpitas prepared and adopted a Climate Action Plan to reduce community-wide GHG emissions. In addition to reducing GHG emissions, the Climate Action Plan provides guidance for adapting to anticipated effects of climate change. The Climate Action Plan looks at five key sectors (energy use, vehicle miles, waste production, water usage, and off-road activities) and

incorporates best practices to produce a blueprint for achieving GHG emissions reduction in Milpitas and compliance with AB 32 and SB 375. The CAP is currently being updated.

Milpitas General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG emissions and are applicable to the Master Plan Update. Additional policies have been adopted to reduce energy use (and thus emissions from fuel use). Refer to *Sections 4.3 Air Quality, 4.6 Energy, and 4.17 Transportation* for these policies.

General Plan Policies – Greenhouse Gas Emissions	
CD 11-2	Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities
CON 1-1	Ensure that new development is consistent with the energy objectives and targets identified by the City’s Climate Action Plan (CAP).
CON 1-2	Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
CON 1-9	Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
CON 7-4	Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
CON 7-5	Use the City’s development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
CON 7-7	Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
CON 7-13	Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
CIR 4-5	Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers.
CIR-6.9	Maximize efficient maintenance of transportation infrastructure of all modes, such as coordinating roadway paving or striping projects to include maintenance of pedestrian and bicycle infrastructure.

4.8.1.3 Existing Conditions

GHG emissions from existing parks are generated by vehicles traveling to and from the parks and lighting associated with the parks.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐
Impact GHG-1:	The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Less than Significant Impact)			

Construction Emissions

Construction activities associated with future implementation of the Master Plan Update could generate GHG emissions from the operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the park. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. GHG emissions during construction of the planned park improvements would be temporary and would be subject to the City's Climate Action Plan and BAAQMD). Specifically, the City's Climate Action Plan Measure 12.2 encourages projects to comply with BAAQMD BMPs to reduce GHG emissions during construction by use of alternative fueled vehicles, use of local recycled materials, and recycling of construction or demolition materials. For these reasons, construction activities associated with future implementation of the Master Plan Update would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less Than Significant Impact)**

Operation

The Master Plan Update identifies improvements to existing parks serving the local community, thereby, reducing the need for residents to travel to recreational facilities outside the City. Planned improvements at each individual park would be required to comply with CALGreen requirements and all applicable federal, state, and local regulations related to energy and water conservation. For these reasons, operation of the planned improvements recommended in the Master Plan Update would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less Than Significant Impact)**

Impact GHG-2:	The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Less than Significant Impact)
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2017 Clean Air Plan

The Master Plan Update identifies improvements to existing parks serving the City of Milpitas consistent with applicable General Plan goals and policies and General Plan growth assumptions, upon which the 2017 CAP is based. As discussed below, the Master Plan Update is also consistent with the City's Climate Action Plan. The planned improvements would reduce the need (and associated GHG emissions) for residents to travel to recreational facilities outside the City. For these reasons, the Master Plan Update is consistent with the 2017 CAP. **(Less than Significant Impact)**

2013 Climate Action Plan

In 2013, the City of Milpitas prepared and adopted a Climate Action Plan to reduce community-wide GHG emissions. Consistent with the General Plan, Measure 7.1 of the City's Climate Action Plan is to expand the City's park and open space system. The proposed Master Plan Update is specifically consistent with this measure and, therefore, is consistent with the Climate Action Plan. Furthermore, implementation of the planned improvements recommended in the Master Plan Update would be required to comply with all applicable federal, state, and local regulations for reducing GHG emissions. For these reasons, the Master Plan Update is consistent with the City of Milpitas Climate Action Plan. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but

not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.³⁶

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.³⁷

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).³⁸

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint (LBP).

³⁶ United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed September 14, 2020. <https://www.epa.gov/superfund/superfund-cercla-overview>.

³⁷ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed September 14, 2020. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

³⁸ California Environmental Protection Agency. "Cortese List Data Resources." Accessed October 6, 2020. <https://calepa.ca.gov/sitecleanup/corteselist/>.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Local

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the Master Plan Update.

General Plan Policies - Hazards and Hazardous Materials	
SA-5.1	Require hazardous waste generated within Milpitas to be disposed of in a safe manner, consistent with all applicable local, state, and federal laws.
SA-5.2	Hazardous materials shall be stored in a safe manner, consistent with all applicable local, state, and federal laws.
SA-5.4	Use the environmental review process to comment on Hazardous Waste Transportation, Storage and Disposal (TSD) Facilities proposed in the Milpitas Planning Area and throughout the County to request a risk assessment and ensure that potentially significant, widespread, and long-term impacts on public health and safety of these facilities are identified and mitigated, as such impacts do not respect jurisdictional boundaries.
SA-5.5	As feasible, minimize the use of toxic cleaning supplies and products in civic facilities, and minimize the City's use of pesticides, herbicides and fertilizers during landscaping and outdoor municipal operations.

4.9.1.2 Existing Conditions

Identified Hazardous Facilities

Based on the General Plan FEIR, there are 62 locations within the City that are listed in the Envirostor Database. Table 4.9-1 below provides a summary of the facilities listed in the database.

Table 4.9-1: Identified Facilities in Envirostor Database		
Name	Location	Status
Corrective Action Sites		
Great Western Chemical Co	945 Ames Avenue	Refer to RWQCB
The Sherwin Williams Company	805 Sinclair Frontage Road	Inactive -Needs Evaluation
Evaluation/Investigation Sites		

Table 4.9-1: Identified Facilities in Envirostor Database		
Name	Location	Status
Chevron Service Station/Bulk Plant	198 Winsor Avenue	Refer to 1248 Local Agency
Kaiser Experimental Lab	1600 South Main Street	Refer to 1248 Local Agency
KOMAG 4	275 South Hillview Drive	No Further Action
Mony Property	1980 Tarob Court	No Further Action
The Apton	230 North Main Street	Refer to 1248 Local Agency
Non-Operating Sites		
Great Western Chemical Co	945 Ames Ave	Closed
Ionization Research CO DBA Ecosolutions	1823 Houret Court	Closed
The Sherwin Williams Company	805 Sinclair Frontage Road	Protective Filer
School Cleanup/School Investigation		
Mabel Mattos Elementary School	1750 McCandless Drive	Active – School Cleanup
Centre Pointe Drive	APN 086-33-102 and -103	Inactive – Withdrawn (School Investigation)
McCandless Additional Parcels for School Site	Houret Drive and Houret Court	Inactive – Withdrawn (School Investigation)
State Response		
Cook Paint And Varnish Company	201 Sinclair Frontage Road	Certified
Exide Corporation	700 Montague Expressway	Certified
Stonegate Development	1260 Dempsey Road	Certified O&M - Land Use Restrictions Only
Target Masters West	122 Minnis Circle	Active
Tiered Permits		
Akashic Memories Corp., Milpitas	304 Turquoise Street	No Further Action
Aptos Corp., Centre Pointe Drive	1557 Centre Pointe Drive	Refer to RWQCB
California Micro Devices Corp	215 Topaz Street	No Further Action
CBR Circuits, Inc.	116 Minnis Circle	Inactive - Needs Evaluation
Cordova Printed Circuits, Inc	1648 Watson Court	Inactive - Needs Evaluation
DiSC Stampers LLC	1003 Montague Court	Inactive - Needs Evaluation
DiSC Stampers LLC	1103 Montague Court	Inactive - Needs Evaluation
Dynamic Circuits, Inc.	1831 Tarob Court	Inactive - Needs Evaluation
Great Western Chemical Co. – Milpitas	945 Ames Avenue	Inactive - Needs Evaluation
Headway Technologies, Inc.	497 So Hillview Drive	Inactive - Needs Evaluation
Integrated Packaging Assembly Corp.	1503 Gladding Court	No Further Action
International Microcircuits, Inc.	525 Los Coches Street	Inactive - Needs Evaluation
Intersil Corporation	1996 Tarob Court	Inactive - Needs Evaluation
Komag, Inc. #1	591 Yosemite Drive	Inactive - Needs Evaluation
Kovio, Inc.	233 South Hillview Drive	Inactive - Needs Evaluation

Table 4.9-1: Identified Facilities in Envirostor Database		
Name	Location	Status
Kullicke & Soffa Industries, Inc.	1504 McCarthy Boulevard	Inactive - Needs Evaluation
Lenthor Engrg., Inc.	1506 Gladding Court	Inactive - Needs Evaluation
Linear Technology Corp.	1630 McCarthy Boulevard	Inactive - Needs Evaluation
Linear Technology Corporation, Hillview Facility	275 South Hillview Drive	Inactive - Needs Evaluation
Lite-On, Inc.	720 South Hillview Drive	Inactive - Needs Evaluation
Lockheed Martin Fairchild System	1801 McCarthy Boulevard	Inactive - Needs Evaluation
LSI Logic Corp.	1601 McCarthy Boulevard	Inactive - Needs Evaluation
Mektec Corp	1740 McCandless Drive	Inactive - Needs Evaluation
North American Transformer/SPX Corporation	1200 Piper Drive	Refer to Other Agency
NTA Industries, Inc.	398 Railroad Court	Inactive - Needs Evaluation
Ontrak Systems, Inc.	77 W. Montague Expressway	Inactive - Needs Evaluation
PCB Engrg., Inc	1478 Gladding Court	Inactive - Needs Evaluation
Photronics California, Inc.	1913 Tarob Court	Inactive - Needs Evaluation
Quartz Internationl, Inc.	1181 Cadillac Court	Inactive - Needs Evaluation
Read-Rite Corp. – Milpitas	345 Los Coches Street	No Further Action
Saint-Gobain Quartz	1181 Cadillac Court	Inactive - Needs Evaluation
Seagate Technology, Inc.	311 Turquoise Street	Inactive - Needs Evaluation
Sensym, Inc. – Milpitas	1804 McCarthy Boulevard	Inactive - Needs Evaluation
Silicon Microstructures, Inc.	1701 McCarthy Boulevard	Inactive - Needs Evaluation
Silicon Valley Electro-Plating Corp.	1486 Gladding Court	Inactive - Needs Evaluation
Sipex Corporation	233 South Hillview Drive	Inactive - Needs Evaluation
South Valley Circuits, Inc.	1603 Watson Court	Inactive - Needs Evaluation
StorMedia, Inc.	690 Gibraltar Drive	Refer to Other Agency
That Corporation Integrated Systems	495 Fairview Way	Inactive - Needs Evaluation
U-Tech media USA, LLC	1103 Montague Court	Inactive - Needs Evaluation
WJ Communications, Inc.	1530 McCarthy Boulevard	Inactive - Needs Evaluation
Xicor, Inc.	851 Buckeye Court	Inactive - Needs Evaluation
Voluntary Cleanup		
Former Stormmedia Facility	690 Gibraltar Drive	No Further Action
Handcraft Tile	1696 South Main Street	Certified
McCarthy Ranch	McCarthy Boulevard and Ranch Drive	No Further Action

Cortese List

None of the existing City parks are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.³⁹

³⁹ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.8-5.

Leaking Underground Storage Tanks

There are 95 locations that are listed in the GeoTracker database for leaking underground storage tanks (LUST). Of the 95 sites, 93 sites have completed the LUST cleanup and case has been closed. One site at 36 Winsor Street is open for site assessment and the other site at 97 South Abbott Avenue has an open case for verification monitoring.

Water Board Program Cleanup Sites

There are a total of 49 sites in the City that are listed in the GeoTracker database for Water Board Cleanup Sites. A total of 23 sites have undergone cleanup and case has been closed. The remaining 26 sites in the City with open cases are listed in the table below.

Table 4.9-2: Identified Water Board Cleanup Sites	
Open – Assessment and Interim Remedial Action	
Integral Communities	1350 McCandless Dr
Siena by Landsea Development	600 Amalfi Loop
Toll Brothers Tarob 3 Development	551 Lundy Place
Murco Property	312 South Main Street
Milpitas Station	1425 South Milpitas Boulevard
Open – Inactive Case	
Fox Hollow - Park Victoria Site	Park Victoria & Fox Hollow
O'Donnell Investment Partners	Wrigley Way X Vista Way
Milpitas City	1265 North Milpitas Boulevard
Open – Eligible For Closure	
Victorian Square Cleaners	1285 East Calaveras Boulevard
Open – Remediation	
Ford Cleaners	1822 Milmont Drive
1 Hanson Court	1 Hanson Court
Former Viking Freight System, Inc.	355 Sango Court
Former Dynamic Circuits	1350 South Park Victoria Drive
Palazzo at Montague Village Townhouses	1200 Piper Drive
North American Transformer	1200 Piper Drive
Open – Site Assessment	
Summerhill Apartments Centre Pointe	1646 Centre Pointe Drive
Summerhill Building A	1646 Centre Pointe Drive
Summerhill Building A	1646 Centre Pointe Drive
Centre Pointe Business Park	1463-1589 Centre Pointe Drive
Jones Chemical	985 Montague Expressway
Prudential Overall Supply	1429 Milpitas Boulevard N
Eastside San Ramon Partners LLC	260 S Main Street
450 Montague	450 Montague Expressway
Open – Verification Monitoring	
Parktown Plaza Shopping Center	1350 South Park Victoria Drive

Naturally Occurring Asbestos

Areas in the City of Milpitas have been known to contain Naturally Occurring Asbestos (NOA) at concentrations in excess of established regulatory levels. Risks to human health are primarily associated with inhaling asbestos fibers which become airborne during soil disturbance.

Airport Hazards

The nearest airport is the Norman Y. Mineta San José International Airport, which is located approximately two miles south of the City of Milpitas. According to the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan, the City of Milpitas is not located within an airport safety zone.

Wildfire Hazards

The City of Milpitas is not located in a Very High Fire Severity zone.⁴⁰

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐

⁴⁰ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.8-17.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Construction, operation, and maintenance of the park improvements recommended in the Master Plan Update would not result in hazardous materials routinely being transported, used, or disposed of in quantities that would result in a significant hazard to the public. Construction activities would use hazardous materials, including fuels, oils, solvents, paints, and other building materials. Similar to existing conditions, operation and maintenance of the planned park improvements may include the use of maintenance and landscaping chemicals in small quantities. During construction and operation, all hazardous material use and storage would be required to comply with federal, state, and local requirements. For these reasons, the limited use and storage of hazardous materials during construction and operation under the Master Plan Update would not pose a significant risk to the public or environment. **(Less than Significant Impact)**

Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Construction

Construction of the planned improvements recommended in the Master Plan Update are not expected to encounter hazardous materials because they would occur at existing developed parks and require relatively minor excavation and grading activities. Construction would use hazardous materials, including fuels, oils, solvents, paints, and other building materials. These materials would be stored and used in relatively small quantities, in compliance with local and state safety requirements. Additionally, all park improvement projects would be required to comply with General Plan Action SA-5a which requires that applications for discretionary development projects provide detailed information regarding the potential for hazardous materials on the site and, if warranted, identify and require mitigation measures to reduce exposure to hazardous materials to acceptable levels. All individual park projects would be required to implement all applicable General Plan policies and comply with applicable federal, state (e.g., Title 14 of the California Code of Regulations), and local regulations reduce potential hazardous materials impacts to adjacent uses. For these reasons,

construction would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Operation

Similar to existing conditions, operation and maintenance of the planned park improvements may include the use of maintenance and landscaping chemicals in small quantities. During operation, all hazardous material use and storage would be required to comply with federal, state, and local requirements. Such use as part of the project operation would not cause a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

A total of 18 parks are located within one-quarter mile of an existing or proposed school which include Foothill Park, Hall Memorial Park, McCandless Park, Murphy Park, Pecot Park, Pinewood Park, Robert E. Browne Park, Sinnott Park, Starlite Park, Cardoza Park, Milpitas Sports Center, Ben Rodgers Park, Sunnyhills Albert Augustine Memorial Park, Jose Higuera Adobe Park, Strickroth Park, Sandalwood Park, Evergreen Park, and Hillcrest Park. As mentioned previously, operation and maintenance of the planned park improvements would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. All hazardous materials would be handled in accordance with federal, state, and local requirements, which would limit the potential for a project to expose nearby uses, including schools, to hazardous emissions or an accidental release. Therefore, the proposed planned improvements recommended in the Master Plan Update would not present a risk to any nearby school. **(Less than Significant Impact)**

Impact HAZ-4: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The planned improvements recommended in the Master Plan Update would occur at existing developed parks. None of the existing parks within the City are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the planned improvements recommended in the Master Plan Update would not create a significant hazard to the public and/or environment. **(Less than Significant Impact)**

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

The Norman Y. Mineta San José International Airport is located approximately two miles south of the City. As mentioned previously, the City is not located within the Norman Y. Mineta San José International Airport CLUP-defined safety zone. Therefore, the planned improvements recommended in the Master Plan Update would not result in a substantial safety hazard for people residing or working in any of the project areas. **(Less than Significant Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The planned improvements recommended in the Master Plan Update would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies identified in the City's General Plan. For these reasons, the planned park improvements would not physically interfere with an adopted emergency response or evacuation plans. **(Less than Significant Impact)**

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

While the City of Milpitas is not categorized as being in a Very High Fire Severity zone by CalFire, the hillside areas located east of the City are designated as High and Moderate Fire Severity zones by CalFire. Consistent with the General Plan, all planned improvements recommended in the Master Plan Update would be constructed and maintained in accordance with federal, state, and local wildland fire hazards requirements. For these reasons, the planned park improvements would not expose people or structures to risk from wildland fires. **(Less than Significant Impact)**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The City is within the jurisdiction of the San Francisco Bay RWQCB.

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3.

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁴¹ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Local

City of Milpitas Stormwater Regulations

To comply with Provision C.3 of the MRP, projects are required to submit a Stormwater Management Plan (SWMP) with building plans, to be reviewed and approved by the City of Milpitas's Public Works Department. The SWMP must be prepared under the direction of and certified by a licensed and qualified professional, which includes civil engineers, architects, or landscape architects. Conditions of approval for development projects include the installation and maintenance of Best Management Practices (BMPs) for site design and stormwater treatment, which must be designed per approved numeric sizing criteria.

⁴¹ MRP Number CAS612008

City of Milpitas Municipal Code

Chapter 15 of the City's Municipal Code includes regulations to minimize public and private losses due to flood hazard areas of the City being subject to inundation. Chapter 16 of the City's Municipal Code ensures consistency with federal and state law requirements related to stormwater and urban runoff pollution control.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the Master Plan Update.

General Plan Policies - Hydrology and Water Quality	
SA 2-3	Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.
SA 2-5	Unless otherwise mitigated, require new structures to be located outside of the 100- year floodplain. All new development within an identified Flood Hazard Area shall be built according to Federal Emergency Management Agency standards and comply with the provisions for flood hazard reduction criteria (Milpitas Municipal Code Section XI-15-5).
UCS 1-2	Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
UCS 1-3	Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City's existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
UCS 4-2	Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
UCS 4-3	Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impact
UCS 4-4	Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.

General Plan Policies - Hydrology and Water Quality	
UCS 4-6	Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.
UCS 4-14	Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code).
UCS 4-15	Minimize the use of pesticides that may affect water quality.

4.10.1.2 Existing Conditions

Storm Drainage and Water Quality

Stormwater runoff from the City is collected in a system of 77 miles of storm drains ranging from three- to 96-inches in diameter along the City's waterways that ultimately drain to the San Francisco Bay. Within the City, Coyote Creek is listed on the Section 303(d) list of impaired water.

Flooding

Based on the City's General Plan, areas prone to flooding include Calera Creek, Los Coches Creek, Lower Penitencia Creek, Berryessa Creek, Wrigley Creek, Ford Creek, and Coyote Creek. The City contains areas subject to flooding during the 100- and 500-year storm events as well as areas of undetermined flood hazard.

Dam Failure

The City is located within the Anderson Dam, Coyote Dam, and Sandy Wool Lake Dam failure inundation hazard zones.⁴²

Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay while a tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. The City of Milpitas is not located within a tsunami and seiche hazard area.⁴³

Groundwater

The planning area lies within the Santa Clara Groundwater Basin which extends from the southern edge of San Francisco Bay through the Coyote Valley. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

⁴² City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.9-8.

⁴³ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.6-16.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction of the planned park improvements recommended in the Master Plan Update would involve excavation and grading activities at individual parks. Construction activities have the potential to result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All future development under the Master Plan Update

would be required to comply with the NPDES Construction General Permit and/or the Municipal Regional Stormwater NPDES Permit as applicable and described above in Section 4.10.1.1, Regulatory Framework. In addition, in conformance with General Plan Policy UCS 4-14, all future construction activities under the Master Plan Update shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. Future construction activities in conformance with existing regulations and the General Plan would not result in water quality impacts. **(Less than Significant Impact)**

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

Per the General Plan, there are no groundwater recharge ponds/facilities or instream recharge areas exist within the City. The Master Plan Update identifies improvements to existing parks. The relatively minor excavation and grading activities necessary to implement the planned improvements are not expected to encounter groundwater or otherwise substantially interfere with groundwater recharge such that groundwater management would be impeded. **(Less than Significant Impact)**

Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

The planned park improvements recommended in the Master Plan Update would increase impervious surfaces in the City compared to existing conditions by constructing community event and hangout space, parking lots, restrooms, new softball fields, sand volleyball courts, pickleball courts, a pump track, and replacing granite walking paths with new wide concrete paths. All future development under the Master Plan Update would be required to comply with the NPDES Construction General Permit and/or the Municipal Regional Stormwater NPDES Permit as applicable and described above in Section 4.10.1.1, Regulatory Framework. In addition, in conformance with General Plan Policy SA 2-3 and during the development review process, each individual park project would be required to demonstrate how: 1) storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility, and 2) project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding. Future park improvements under the Master Plan Update in conformance with existing regulations and the General Plan would not substantially alter the existing drainage patterns, result in flooding on- or off-site, create runoff water which would exceed the capacity of existing or planned stormwater drainage

systems, generate substantial additional sources of polluted runoff, or impede or redirect flood flows. **(Less than Significant Impact)**

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

The City of Milpitas is not located within a tsunami and seiche hazard area, but portions of the City are located within a 100-year flood zone. The Master Plan Update identifies improvements to existing developed parks. Compared to existing conditions (i.e., existing developed parks), the planned park improvements would not increase the risk of pollutant release due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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

All future development under the Master Plan Update would be required to comply with the NPDES Construction General Permit and/or the Municipal Regional Stormwater NPDES Permit, as applicable, and shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable in conformance with General Plan Policy UCS 4-14. The planned improvements would not require groundwater pumping or excavation below the groundwater table. For these reasons, the planned park improvements recommended in the Master Plan update would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

City of Milpitas Zoning Ordinance

The Zoning Ordinance serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards. The Zoning Ordinance divides the City of Milpitas into zoning districts to guide future land uses.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to land use and are applicable to the project.

General Plan Policies - Land Use	
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.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☐	☒
2) 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?	☐	☐	☐	☒

Impact LU-1: The project would not physically divide an established community. **(No Impact)**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The Master Plan Update, which

identifies improvements to existing parks, would not physically divide an established community. **(No Impact)**

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(No Impact)**

As described within the individual sections of this document, the park improvements recommended in the Master Plan Update would be implemented in accordance with existing plans, policies, and regulations and, therefore, would not result in a significant impact. For example, as discussed in Section 4.10, Hydrology and Water Quality, implementation of the recommended improvements in conformance with existing water quality regulations and General Plan policies would not result in hydrology and water quality impacts. **(No Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

There are no designated mineral resource areas within the City of Milpitas.⁴⁴

4.12.1.3 *Impact Discussion*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

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

There are no mineral resources located within the City of Milpitas; therefore, the planned park improvements recommended in the Master Plan update would not result in impacts to known mineral resources. **(No Impact)**

⁴⁴ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.11-2.

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

There are no known mineral resources located within City limits; therefore, the planned park improvements recommended in the Master Plan update would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁴⁵ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.13.1.2 *Regulatory Framework*

State

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn} /CNEL in any habitable room. Exterior windows must have a

⁴⁵ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

Transportation and Construction Guidance Manual

In 2013, the California Department of Transportation published a Transportation and Construction Guidance Manual. The Manual developed a synthesis of various vibration criteria to assess the damage potential for representative categories of structures and effects upon people.

The guideline criteria is summarized in Table 4.13-1 below which include seven categories. The first two categories (Categories 1 and 2) address human perceptibility of vibration only. The five remaining categories (Categories 3 through 7) address human perceptibility and potential for damage to buildings described as extremely fragile historic buildings, ruins, ancient monuments; fragile buildings; historic and some old buildings; older residential structures; new residential structures; and modern industrial/commercial buildings. Most, if not all, buildings in the downtown area would fall into Categories 5 through 7.

The goal in establishing vibration limits is to mitigate potential vibration impacts associated with demolition and construction activities to a less-than-significant level by establishing safe limits to protect structures from potential damage and to minimize vibration impacts on people and businesses.

Table 4.13-1: Construction Vibration Threshold Criteria			
Category	Continuous PPV at affected building (inch/sec)	Human Reaction	Effect on Buildings
1	0.01	Barely perceptible	No effect
2	0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
3	0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
4	0.1	Strongly perceptible	Threshold at which there is a risk of cosmetic damage to fragile buildings with no risk of cosmetic damage to most buildings
5	0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings
6	0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential structures

Table 4.13-1: Construction Vibration Threshold Criteria			
Category	Continuous PPV at affected building (inch/sec)	Human Reaction	Effect on Buildings
7	0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to new residential and modern commercial/industrial structures
Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.			

Local

Milpitas General Plan

The City's General Plan includes noise compatibility guidelines for various land uses (refer to Table 3.12-8 from the City's General Plan). In addition, the following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the Master Plan Update.

General Plan Policies – Noise and Vibration	
N 1-1	Consider the noise compatibility of existing and future development when making land use planning decisions. Require development and infrastructure projects to be consistent with the land use compatibility standards contained in Tables N-1 and N-2 to ensure acceptable noise exposure levels for existing and future development.
N 1-2	Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials.
N 1-8	Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).
N 1-9	Implement a range of traffic control measures, including but not limited to, light timing, asphalt alternatives (such as rubberized asphalt), and speed reduction measures to reduce roadway noise.

4.13.1.3 Existing Conditions

The existing noise environment in the City results primarily from vehicular traffic and railroad operation. Examples of fixed noise sources in the City include parking lots, loading docks, parks, schools, and mechanical equipment (e.g., HVAC, exhaust fans, etc.).

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

Temporary Construction Noise

Construction activities generate considerable amounts of noise, especially during earthmoving activities when heavy equipment is used. Construction of the park improvements recommended in the Master Plan Update would temporarily increase ambient noise levels. Construction noise impacts depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and sensitive receptors. The highest noise levels would be generated during demolition and grading activities. In accordance with General Plan Policy N 1-8, construction activities would be required to implement standard best practices to reduce noise exposure to adjacent sensitive receptors. Therefore, construction of the recommended park improvements would not generate a substantial temporary increase in ambient noise levels. **(Less than Significant Impact)**

Permanent Noise

The Master Plan Update recommends improvements to existing City parks. The improvements range from maintenance of existing park landscaping to the addition of new park amenities such as outdoor community event space and sports fields. The Master Plan Update does not identify or recommend construction of new parks within the City; the operation of which could result in a substantial ambient noise level increase. Operation of all recommended park improvements would be required to

conform to the City's noise standards and applicable General Plan policies. This includes, but is not limited to General Plan Policy N 1-1, which requires development and infrastructure projects to be consistent with the General Plan land use compatibility standards. For these reasons, operation of the recommended park improvements in the Master Plan Update would not generate a substantial permanent increase in ambient noise levels. **(Less than Significant Impact)**

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

The improvements (e.g., pathways, play features, sport fields, and event space) recommended in the Master Plan Update would require relatively minor demolition and construction activities. Construction techniques and equipment that causes excessive vibration, such as pile driving and vibratory rollers, would not be used. Operation of the park improvements would not generate groundborne vibration or noise levels. For these reasons, implementation of the Master Plan Update would not generate excessive groundborne vibration or noise levels. **(Less than Significant Impact)**

Impact NOI-3: The project is located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Norman Y. Mineta San José International Airport is located approximately two miles south of the City. The City is not within the 60 dBA CNEL contour line of the Norman Y. Mineta San José International Airport.⁴⁶ Therefore, implementation of the Master Plan Update would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

⁴⁶ Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan for Norman Y Mineta San José International Airport*. November 16, 2016.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁴⁷ The City of Milpitas Housing Element and related land use policies were last updated in 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

4.14.1.2 *Existing Conditions*

The population of Milpitas was estimated to be approximately 77,961 in January 2020 and is expected to increase to 103,970 by 2040.^{48,49}

⁴⁷ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements." Accessed April 13, 2021. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁴⁸ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020." Accessed April 13, 2021. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.

⁴⁹ Association Of Bay Area Governments And Metropolitan Transportation Commission. "Projections 2040: Forecasts for Population, Household and Employment for the Nine County San Francisco Bay Area Region." 2017. Accessed April 13, 2021. <http://projections.planbayarea.org/data>.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(No Impact)**

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not result in the construction of new residences or businesses or extension of roads or other infrastructure. For these reasons, the Master Plan Update would not induce substantial unplanned population growth in the City. **(No Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not displace people or housing. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan also identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Milpitas Trails Master Plan

The Trails Master Plan, adopted in 1997, describes and maps the trail corridors recommended for inclusion in the General Plan. The Trails Master Plan categorizes the City's trails into four groups: Regional Trails, City Trails, Neighborhood Trails, and On-Street Connectors. The Trails Master Plan also makes several recommendations to facilitate the implementation of the Plan, including: adoption of the Milpitas Trails Master Plan Report, incorporation of the findings into the Circulation Element of the General Plan and associated environmental clearance documents, include top priority trail projects in the Capital Improvement Program, develop a Berryessa Creek Trail funding strategy to identify external grant fund sources, and pursue external grant funds identified in the funding strategy. The goals of the plan are to:

- Identify potential trail routes for commuter and recreational use which integrate with and provide benefit to the creek corridors, schools, businesses, parks and local citizens.
- Provide staging areas and use existing facilities for such staging areas whenever possible.
- Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians, bicycles and joggers.
- Respect the property rights of adjacent landowners and be good neighbors.
- Preserve and restore the natural environment of the creek corridors.
- Coordinate, cooperate and involve all stakeholders along the trail corridors including schools, parks, businesses, agencies, trail users, citizens and adjacent neighbors to maximize public involvement, support and ownership of the trails.
- Provide alternative transportation routes.
- Establish the character and usage for the trails.
- Provide solutions that maximize the technical, recreational, aesthetic and land use potential for the trail network.
- Prepare a long range development plan for the trail network, consistent with a regional trail concept that considers both active and passive recreation.

Milpitas Park and Recreation Master Plan

The City adopted the Milpitas Park and Recreation Master Plan in 2009 which analyzed existing park conditions and recommended improvements to each of the City's 33 parks.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public facilities and services and are applicable to the Master Plan Update.

General Plan Policies - Public Facilities and Services	
PROS 1-1	Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
PROS 1-2	Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
PROS 1-3	Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the Midtown Specific Plan Area and Transit Area Specific Plan Area. Within these Specific Plan Areas, achieve and maintain the parks standards and ratios specified in the specific plan, with an emphasis on publicly-accessible spaces and facilities.
PROS 1-7	Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
PROS 1-8	Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community
PROS 1-9	Prioritize funding and City resources to improve the condition, maintenance, and upkeep of existing City parks and recreational facilities.
PROS 1-12	Encourage and support the expansion of an integrated trail network that connects users to neighboring local and regional trail systems and to community amenities such as schools, open space areas, park and recreation facilities, commercial and job centers and residential areas to encourage both recreational and utilitarian travel.
PROS 1-15	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.

4.15.1.2 Existing Conditions

Fire Protection Services

Fire protection services in the City are provided by the Milpitas Fire Department. The Milpitas Fire Department currently operates four fire stations. The City's goal is a response time of four minutes or less for all urban service areas.

Police Protection Services

Police protection services for the City are provided by the Milpitas Police Department. The Milpitas Police Department currently operates one police station. The City's goal for response time for in-progress emergency calls is three minutes.

Schools

The City of Milpitas is served by the Milpitas Unified School District (MUSD). MUSD is comprised of 10 elementary schools, two middle schools, and two high schools.

Parks/Recreation

Parks, trails, and recreational facilities are managed by the City's Recreation and Community Services Department and maintained by the Public Works Department. The City of Milpitas categorizes each park into seven categories: Community Parks, Neighborhood Parks, Special-use Parks, Urban Parks, Linear Parks, Regional Parks and Private Recreation Facilities.

Library

The Milpitas Public Library is the only public library in the City.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☐	☒
4) Parks?	☐	☐	☐	☒
5) Other Public Facilities?	☐	☐	☐	☒

Impact PS-1: The project would not 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 fire protection services. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing parks, which are currently served by the Milpitas Fire Department. Prior to implementation, the park improvements would be reviewed by the Milpitas Fire Department to ensure appropriate safety features are incorporated to reduce fire hazards. Many of the recommended improvements (e.g., bathrooms and stairs built to current code, removal of tree hazards, improved walkways, and pedestrian lighting) would reduce demand upon Milpitas Fire Department fire protection and emergency services. For these reasons, implementation of the Master Plan Update would not require construction of new fire facilities. **(Less than Significant Impact)**

Impact PS-2: The project would not 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 police protection services. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing parks, which are currently served by the Milpitas Police Department. Prior to implementation, the park improvements would be reviewed by the Milpitas Police Department to ensure design does not promote criminal activity. Many of the recommended improvements (e.g., pedestrian lighting and maintained landscaping) could help reduce criminal activity. For these reasons, implementation of the Master Plan Update would not require construction of new police facilities. **(Less than Significant Impact)**

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

The Master Plan Update recommends improvements to existing parks. Unlike new housing, park improvements do not generate new students. Therefore, the Master Plan Update would not require construction of new school facilities. **(No Impact)**

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

Implementation of the Master Plan Update would improve the City's existing parks. The Master Plan Update would not require construction of new park facilities. **(No Impact)**

Impact PS-5: The project would not 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 other public facilities. **(No Impact)**

Implementation of the Master Plan Update would improve the City's existing parks. Park improvements would not increase demand upon other public facilities, such as libraries and community centers. The Master Plan Update would not require construction of other public facilities. **(No Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Milpitas Development Impact Fee Program

The City of Milpitas Development Impact Fee Program (refer to Chapter 4 of the City's Municipal Code) charges development impact fees to pay for the City's future construction of facilities or to reimburse the City for listed facilities construction by the City with funds advanced by the City from other sources.

Milpitas Bikeways Master Plan

The Bikeways Master Plan provides a broad vision, strategies, and actions for the improvements of bicycling in Milpitas. The Master Plan categorizes the City's bikeways into three groups: Bike Paths, Bike Lanes, and Bike Routes. The Bikeways Master Plan includes:

- Goals, objectives, and benchmarks for bicycling
- A review of existing bicycling conditions
- Descriptions of Relevant Local and Regional Plans and Policies related to Bicycling
- An analysis of bicycling needs
- Recommended Bicycling Projects, Cost Estimates, and Priorities for implementation
- Recommended Bicycling Programs
- Funding Sources for Bicycle Projects and Programs
- Design Guidelines with best practices for implementing bikeways

Trail, Pedestrian, and Bicycle Master Plan

The Trail, Pedestrian, and Bicycle Master Plan (formerly known as Trails Master Plan) was adopted in 1997 which describes and maps the trail corridors recommended for inclusion in the General Plan. This plan is currently being updated and expected to be completed in 2021.

Milpitas General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to recreation and are applicable to the Master Plan Update.

General Plan Policies - Recreation	
PROS 1-1	Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
PROS 1-2	Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
PROS 1-3	Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the Midtown Specific Plan Area and Transit Area Specific Plan Area. Within these Specific Plan Areas, achieve and maintain the parks standards and ratios specified in the specific plan, with an emphasis on publicly-accessible spaces and facilities.
PROS 1-1	Park land acreage dedications and/or equivalent in-lieu fees shall be required for new development in accordance with the following standards: • For areas outside of a Specific Plan, require land dedication or in lieu fees equivalent to the 5 acre/1,000 resident standard, but allow credit for private recreation space for up to 2 acres/1,000 residents for private open space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City’s Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code). • For areas within a Specific Plan, require land dedication or in-lieu fees equivalent to the park land standard established in the relevant Specific Plan, allowing credit for private recreation space for up to 1.5 acres/1,000 residents for private recreation space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City’s Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
PROS 1-7	Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
PROS 1-8	Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community.
PROS 1-10	Require publicly-accessible parks and recreational facilities that are owned and operated by homeowner’s associates (HOAs) and special assessment districts to be maintained in a safe and aesthetically-pleasing manner.
PROS 1-13	Require new development to provide direct pedestrian connections, such as sidewalks, trails, wayfinding measures and other rights-of-way and infrastructure improvements to the existing and planned network of parks and trails wherever feasible.

General Plan Policies - Recreation	
PROS 1-15	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.

4.16.1.2 Existing Conditions

Parks, trails, and recreational facilities in the City are managed by the Recreation and Community Services Department and maintained by the Public Works Department. The City park system currently consists of over 36 parks, several miles of trails, and six community service buildings.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(No Impact)**

Unlike residential development, which can result in or accelerate physical deterioration of existing recreational facilities due to increased use, the Master Plan Update would improve and offset physical deterioration the City's existing parks. **(No Impact)**

Impact REC-2: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(No Impact)**

Unlike residential development, which can include or require the construction of recreational facilities to offset the demand upon existing parks generated by the residential development, the Master Plan Update would improve existing parks and reduce the need to construct or expand recreational facilities. **(No Impact)**

4.17 TRANSPORTATION

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Local

Milpitas General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the Master Plan Update.

General Plan Policies – Transportation	
CIR 4-5	Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers
CIR 4-10	Work and promote an active lifestyle that encourages walking, bicycling, and utilizing the trail network to support public health while reducing greenhouse gas emissions and other air pollutants.

4.17.1.2 *Existing Conditions*

Roadway Network

Federal Highways

Caltrans operates and maintains two federal highways that passes through Milpitas.

Interstate 680 (I-680) is a primary route that connects the City of San José to Interstate 80 (I-80). It has at least three lanes per direction through Milpitas. A high-occupancy toll lane is present in the southbound direction for most of I-680 in Milpitas.

Interstate 880 (I-880) is a primary route that connects the City of San José to I-80 through the Cities of Milpitas, Fremont, Hayward, and Oakland. I-880 has at least four lanes (one high-occupancy vehicle [HOV] and three general purpose) per direction through Milpitas.

State Highways

Caltrans operates and maintains one state highway that passes through Milpitas.

State Route 237 (SR 237) runs through Milpitas and connects I-680 to I-880 then continues to US 101 in Mountain View. Between I-680 to I-880, SR 237 is a six-lane arterial street.

County Expressways

Santa Clara County operates and maintains one expressway that passes through Milpitas.

Montague Expressway is a major east-west route in Santa Clara County that connects US-101 and San Tomas Expressway to McCarthy Boulevard, I-880, Great Mall Parkway/East Capitol Avenue, and I-680 in Milpitas.

Local Arterial Streets

Abel Street is an arterial that connects North Milpitas Avenue, West Calaveras Boulevard/SR-237, the Great Mall Parkway, and South Main Street. It turns into Jacklin Road east of North Milpitas Avenue.

Dixon Landing Road is an arterial in northern Milpitas that connects North McCarthy Boulevard and I-880 to North Milpitas Boulevard and the surrounding neighborhoods.

East Capitol Avenue is an arterial in southern Milpitas between the Montague Expressway and Milpitas-San José city limit. It turns into the Great Mall Parkway west of the Montague Expressway, and into North Capitol Avenue east of Milpitas.

East Tasman Drive is an arterial that extends west from I-880 and connects with McCarthy Road and continuing through Santa Clara and Sunnyvale. It becomes the Great Mall Parkway east of I-880.

Great Mall Parkway is a major east-west arterial that connects I-880 to South Abel Street, South Main Street, the Montague Expressway, and the Great Mall. It turns into East Tasman Drive west of I-880, and into East Capitol Avenue east of the Montague Expressway.

Jacklin Road is an arterial that connects I-680 to North Park Victoria Drive, Escuela Parkway, and North Milpitas Boulevard. It turns into North Abel Street west of North Milpitas Boulevard.

McCarthy Boulevard is an arterial on the west side of the City that connects Montague Expressway to East Tasman Avenue/Great Mall Parkway, West Calaveras/SR-237, and Dixon Landing Road.

Milpitas Boulevard is a north-south arterial that bisects both I-880 and I-680. It connects the Montague Expressway to Yosemite Drive, East Calaveras Street/SR-237, Escuela Parkway, Jacklin Road, and Dixon Landing.

Park Victoria Drive is a north-south arterial between Landess Road and Jacklin Road, and a collector north of Jacklin Road.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

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

The Master Plan Update recommends improvements to and within the boundaries of existing parks. Implementation of the Master Plan Update would not result in the expansion of existing parks or construction of new parks. Recommended improvements (e.g., pedestrian lighting and pavement replacement) would improve circulation within the existing parks. For these reasons, the Master Plan Update would not conflict with a program, plan, ordinance, or policy addressing the circulation system. **(Less than Significant Impact)**

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

CEQA Guidelines Section 15064.3, subdivision (a) indicates that a land use project would have a less than significant impact if the vehicle miles traveled (VMT) in the project area are expected to be less than that of existing conditions. The Master Plan Update is not a residential, commercial, and/or office land use project that could increase vehicle miles traveled. The Master Plan Update recommends improvements to and within the boundaries of existing parks. Implementation of the Master Plan Update would not result in the expansion of existing parks or construction of new parks. The recommended park improvements are intended to serve City of Milpitas residents and would reduce the need (and associated VMT) for residents to travel to recreational facilities outside the City. For these reasons, the Master Plan Update would not result in a significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). **(Less than Significant Impact)**

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

The Master Plan Update recommends improvements to and within the boundaries of existing parks. The park improvements do not include new driveways or other features that could result in a transportation hazard. **(Less than Significant Impact)**

Impact TRN-4: The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The recommended park improvements in the Master Plan Update would be designed and constructed in accordance with applicable building and fire codes and, therefore, would not result in inadequate emergency access. **(Less than Significant Impact)**

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

Per the General Plan, no specific resources have been identified through consultation with affiliated Native American tribes. Unknown tribal cultural resources, however, could be present within the City.

On June 14, 2021, Tamien Nation sent a written request for notification of projects citywide to the City of Milpitas. The City of Milpitas notified Tamien Nation of the project on July 7, 2021 per the representative's request.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Assembly Bill 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. On June 14, 2021, Tamien Nation sent a written request for notification of projects citywide to the City of Milpitas. The City of Milpitas notified Tamien Nation of the project on July 7, 2021, per the representative's request. On August 19, 2021, the City of Milpitas received a formal request for tribal consultation for the proposed Milpitas Parks and Recreation Master Plan Update.

A formal consultation with the City of Milpitas and the Tamien Nation representative occurred on August 26, 2021, which concluded the same day (refer to Appendix B for the meeting minutes). No tribal resources at the existing City parks were identified during consultation. It was agreed that no

further action is required from the City in response to the letter dated August 19, 2021, and at the time of site-specific analysis, the City will notify Tamien Nation and follow the AB 52 process.

Although unlikely due to the developed landscape and prior ground disturbance at the existing parks, it is possible that unknown tribal cultural resources may be present and could be adversely affected during implementation of the Master Plan Update. Future park projects under the Master Plan Update would be required to comply with applicable regulations (e.g., AB 52) and City policies, ordinances, and permitting procedures related to cultural resources, including General Plan Policies CON 4-3 and 4-4. Therefore, implementation of the Master Plan Update would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in state or local listings. **(Less than Significant Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

As discussed above, there are no known tribal resources within the City and it is unlikely that unknown tribal cultural resources would be adversely affected during implementation of the Master Plan Update. Future park projects under the Master Plan Update in accordance with applicable regulations (e.g., AB 52) and City policies, ordinances, and applicable permitting procedures related to cultural resources, including General Plan Policies CON 4-3 and 4-4, would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new

construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants

Local

City of Milpitas Storm Drain Master Plan

The City's 2013 Storm Drain Master Plan identifies the capital improvements needed to maintain recommended levels of protection against storm water runoff, and the need for a revenue stream that will allow the necessary capital improvements to be made, and the storm drain system kept in working order into the future. The Master Plan contains drainage standards, summarizes the major drainage facilities in the area, evaluates the storm drain collection system and pump stations, analyzes storm drain impacts from new development, identifies capital improvements, outlines the operations, maintenance, and replacement methods, and identifies funding requirements.

Milpitas General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the Master Plan Update.

General Plan Policies – Utilities & Service Systems	
USC 4-2	Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
USC 4-3	Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impacts.
USC 4-4	Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.
USC 4-5	Applicable projects shall control peak flows and duration of runoff to prevent accelerated erosion of downstream watercourses.
USC 4-6	Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments

General Plan Policies – Utilities & Service Systems	
USC 4-7	Encourage dual-use detention basins for parks, ball fields, and other appropriate uses.
USC 4-8	Coordinate directly with the Santa Clara Valley Water District to incorporate recreational trails and parkway vegetation design into open stormwater facilities and creek corridors to the greatest extent feasible.
USC 4-10	Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and trees, and maintain natural drainage patterns
USC 4-12	Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.
USC 4-14	Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code).
USC 4-15	Minimize the use of pesticides that may affect water quality.
USC 5-2	Implement and enforce the provisions of the City’s Source Reduction and Recycling Program and update the program as necessary to meet or exceed the State waste diversion requirements.
USC 5-3	Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.

4.19.1.2 *Existing Conditions*

Water Supply

Water service is provided to the City of Milpitas by two water suppliers, San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (Valley Water). Approximately two-thirds of the City’s potable water is from SFPUC and the remaining one-third is from Valley Water. In recent years, the City has purchased approximately 1,700 million gallons per year from SFPUC. The City’s agreement with SFPUC provides the City with the right to purchase up to 9.23 million gallons per day (mgd) of treated potable water unless SFPUC has a water shortage. On an annual basis, the available SFPUC supply would be approximately 3.4 million gallons per year.

The City has a three-year contracted delivery schedule with Valley Water. In 2016-2017, the City requested a 119 million gallon water delivery. The City’s monthly “supply guarantee” is at least 15 percent of the annual schedule for that year, meaning that in any month, the City can purchase up to 15 percent of the year’s total delivery schedule water.

Wastewater Services

Wastewater from the City of Milpitas is treated at the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons of wastewater per day (mgd).⁵⁰ The City's total contracted peak week flow capacity at the plant is 14.25 mgd.

Storm Drainage

Stormwater runoff is collected in a system of storm drain pipelines ranging from three-inches to 96-inches in diameter and totaling nearly 77 miles in length with outfalls and pumping stations along the City's major waterways that ultimately drain to the San Francisco Bay. Milpitas owns and operates 13 storm water pumping stations, but the Santa Clara Valley Water District manages most of the natural and urbanized waterways into which the City discharges stormwater.

Solid Waste

Republic Services (formerly Allied Waste) provides solid waste and recycling collection services for the City of Milpitas. Waste from the City is hauled to the Newby Island Sanitary Landfill (NISL). The estimated closure date for NISL is 2041.⁵¹ The City has an annual disposal allocation for 395,000 tons per year. As of April 2021, NISL had approximately 13.7 million cubic yards of capacity remaining.⁵²

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

⁵⁰ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.15-15.

⁵¹ North, Daniel. General Manager, Republic Services. Personal Communication. April 19, 2021.

⁵² Ibid.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not result in the construction of new parks or expand existing parks. The recommended park improvements do not include and would not require the relocation or construction of new or expanded water, wastewater, stormwater, electric, natural gas, or telecommunications utilities. **(Less than Significant Impact)**

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

The Master Plan Update recommends improvements to existing City parks. Implementation of the Master Plan Update would not result in the construction of new parks or expand existing parks, which could increase water demand. Water usage associated with the recommended improvements would be that used for landscape irrigation and to operate drinking fountain and restrooms. As identified in the Master Plan Update and consistent with General Plan Policy PROS 1-15, the recommended improvements would be designed to minimize water use. Native and/or drought-resistant vegetation would be used for landscaping and the new and refurbished restrooms would include water-conserving fixtures in accordance with the current building code. Updating existing restrooms with water-conserving fixtures would reduce water demand compared to existing conditions. For these reasons, implementation of the Master Plan Update would not result in insufficient water supplies. **(Less than Significant Impact)**

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

The new restrooms at Ben Rodgers Park, Hidden Lake Park, Hillcrest Park, and Strickroth Park recommended in the Master Plan Update would generate wastewater. While there may be an increase in wastewater generation, it is not expected to exceed the existing wastewater capacity. Furthermore, individual projects under the Master Plan Update would be required to comply with applicable General Plan policies and actions ensuring adequate wastewater treatment and conveyance infrastructure is available to serve the park improvements. **(Less than Significant Impact)**

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The Master Plan Update recommends improvements to existing City parks. As a result, implementation of the Master Plan Update would create a new source of solid waste, such as a new parks or expanded park. While the recommended park improvements could incrementally increase solid waste generation, all recommended improvements would be required to comply with applicable General Plan policies and state and local requirements related to solid waste, construction waste diversion, and recycling. As described in Section 4.19.1.2, Existing Conditions, NISL had approximately 13.7 million cubic yards of capacity remaining in April 2021, and the City's projected increase in solid waste generation from General Plan buildout is within the permitted capacity of the NISL.⁵³ For these reasons, the incremental increase in solid waste from implementation of the Master Plan Update would not exceed state or local standards or the capacity of local infrastructure or impair attainment of local waste reduction goals. **(Less than Significant Impact)**

Impact UTL-5: The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant)**

As described above, all park improvements recommended in the Master Plan Update would be required to comply with applicable General Plan policies and state and local requirements related to solid waste, construction waste diversion, and recycling. **(Less than Significant)**

⁵³ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.15-36.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

City of Milpitas Municipal Code

Chapter 300 of the City's Municipal Code includes the adoption of the 2019 California Fire Code and the adoption of additional amendments. Chapter 300 requires compliance with the California Fire Code. The California Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Milpitas.

4.20.1.2 *Existing Conditions*

The City of Milpitas is not located in a Very High Fire Severity zone.⁵⁴

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

⁵⁴ City of Milpitas. *Milpitas General Plan Final Environmental Impact Report*. November 2, 2020. Page 3.8-17.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

The City is classified as very high fire hazard severity zones. The hillsides located east of the City are designated as High and Moderate Fire Severity zones by CAL FIRE. Consistent with the General Plan, all planned improvements recommended in the Master Plan Update would be constructed and maintained in accordance with federal, state, and local wildland fire hazards requirements. Therefore, implementation of the Master Plan Update would not expose people or structures to risk from wildland fires **(Less than Significant Impact)**

4.21

MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact)**

As discussed in Sections 4.1 through 4.20 of this Initial Study, implementation of the Master Plan Update in accordance with the General Plan and local, state, and federal laws and regulations would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact)**

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact)**

Under Section 15065(a)(3) of the CEQA Guidelines, a Lead Agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

As discussed in Sections 4.1 through 4.20 of this Initial Study, implementation of the Master Plan Update in compliance with the General Plan and local, state, and federal laws and regulations would avoid or reduce impacts to less than significant. Compliance with the General Plan and existing local, state, and federal laws and regulations would also reduce contributions to cumulative impacts to a level that is not cumulatively considerable. **(Less than Significant Impact)**

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a Lead Agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the Master Plan Update in compliance with the General Plan and existing local, state, and federal laws and regulations would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact)**

SECTION 5.0 REFERENCES

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

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Milpitas

Ned Thomas, *Planning Director*
Renee Lorentzen, *Recreation and Community Services Director*
Steven Erickson, *Engineering Director*
Rozalynne Thompson, *Project Manager*

6.2 CONSULTANTS

David J. Powers & Associates, Inc.

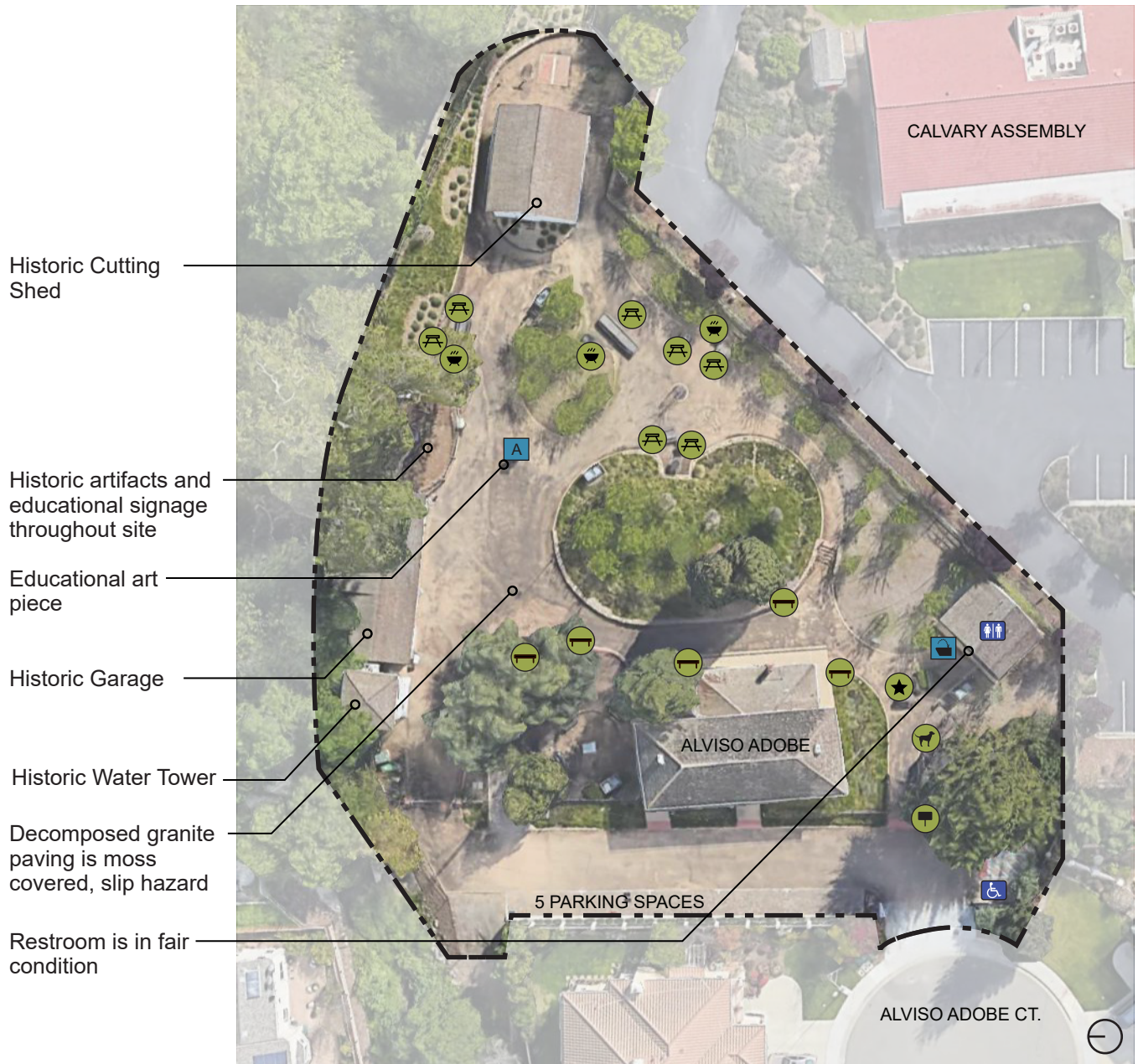
Environmental Consultants and Planners

Demetri Loukas, *Principal Project Manager*
Fiona Phung, *Project Manager*
Ryan Osako, *Graphic Artist*

Appendix A: Existing/Proposed Site Plans and Site Improvements

ALVISO ADOBE PARK

EXISTING SITE PLAN



LEGEND

- | | | | |
|---------------------|-----------------------|---|-----------------------|
| A | Art (1) | | Picnic Table (7) |
| | BBQ (3) | | Sign (1) |
| | Bench (5) | | ADA Parking Stall (1) |
| | Dog Station (1) | | Restroom (1) |
| | Drinking Fountain (1) | ★ | Dedication |
| - - - Park Boundary | | | |

AMENITY CONDITION

- | | |
|--|----------------|
| | Good Condition |
| | Fair Condition |
| | Poor Condition |

ALVISO ADOBE PARK

SITE IMPROVEMENTS

Currently there are no major improvements recommended for this park, only short term repair and maintenance work is required.

- Clear pathways of moss.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Ensure that pathways are clear of moss annually or as needed.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.

AUGUSTUS RATHBONE PARK

EXISTING SITE PLAN

Turf is sparse in areas

Low mulch at planting areas



LEGEND

- | | |
|---------------|--------------------|
| A Art (1) | Picnic Table (4) |
| Bench (4) | Play Structure (2) |
| Bike Rack (1) | Sign (1) |
| Park Boundary | |

AMENITY CONDITION

- | |
|----------------|
| Good Condition |
| Fair Condition |
| Poor Condition |

AUGUSTUS RATHBONE PARK

SITE IMPROVEMENTS

Currently there are no major improvements recommended for this park, only ongoing maintenance work is required.

BEN RODGERS PARK

EXISTING SITE PLAN

Hours panel missing from sign

Informal baseball field

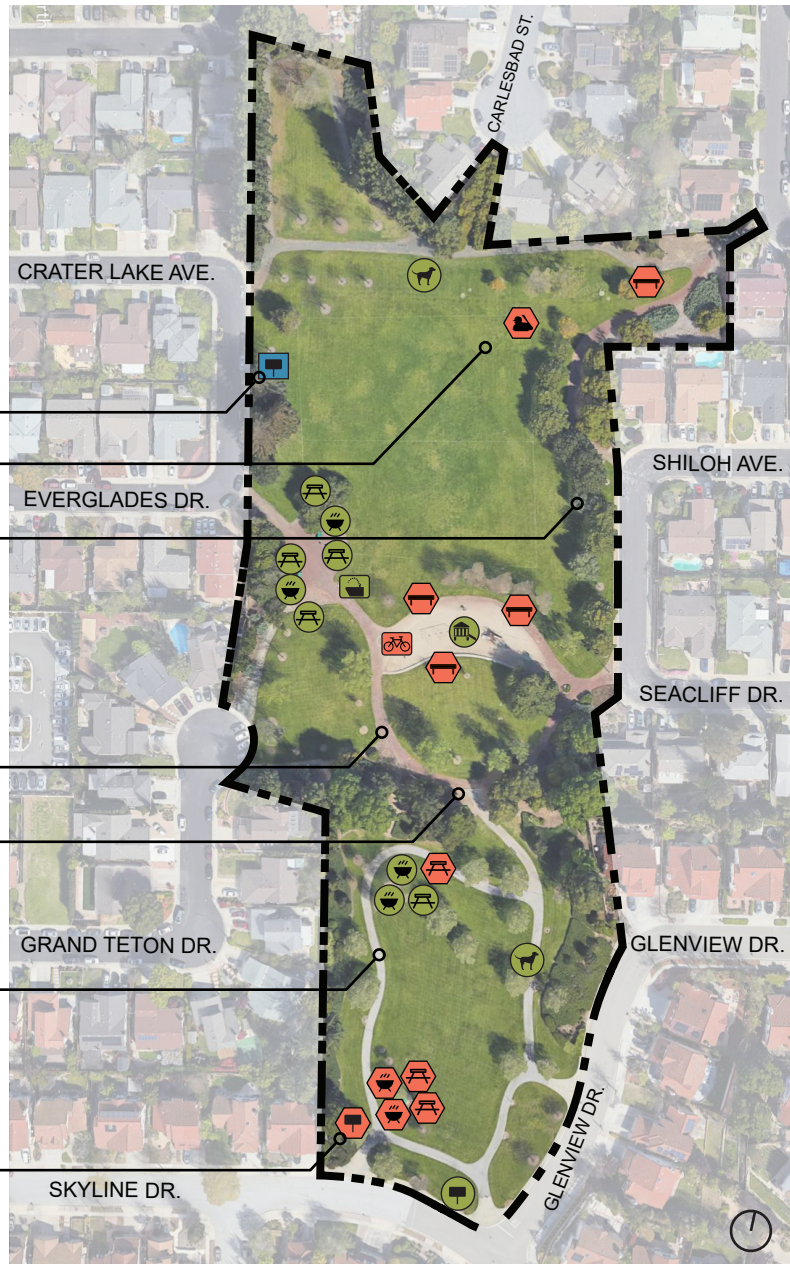
Magnolia trees drop fruit

Gravel paths

ADA issues at transition between gravel and asphalt paths

Asphalt paths

Park rules sign is illegible



LEGEND

- Backstop (1)
- BBQ (6)
- Bench (4)
- Bike Rack (1)
- Drinking Fountain (1)

- Picnic Table (8)
- Play Structure (1)
- Sign (3)
- Dog Station (2)

Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

BEN RODGERS PARK

PROPOSED SITE PLAN



BEN RODGERS PARK

SITE IMPROVEMENTS

Short Term Improvement

- Repair entry sign.
- Replace all park rules signs.
- Replace bike rack.
- Picnic Areas: Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update Picnic Areas: Pave picnic areas with concrete. Provide one trash/recycle receptacle per picnic area and one ash receptacle for every two barbecues or at least one per picnic area. Add shade structures where existing tree canopies do not provide shade.
- Add group picnic area adjacent to play area. Provide ADA accessible tables, trash/recycle receptacles, group barbecues, prep tables, ash receptacles and shade structures. Pave with concrete.
- Add restroom adjacent to picnic area and baseball and soccer field.
- Replace backstop at baseball field, add two player benches.
- Pave gravel trails at north of site with 9' wide asphalt paths
- Replace pedestrian lighting on both north and south areas of the park, standardize fixtures.
- Right of Way Improvement: Installation of ADA curb ramps at all public entrances, accessibility signage, and sidewalk, curb and gutter repairs, and sidewalk expansion as necessary.

BOB MCGUIRE PARK

EXISTING SITE PLAN



LEGEND

	BBQ (4)		Play Structure (2)
	Bench (6)		Entry Sign (4)
	Bike Rack (2)		ADA Parking Stall (3)
	Picnic Table (4)		Restroom (1)

--- Park Boundary

AMENITY CONDITION

	Good Condition
	Fair Condition
	Poor Condition

BOB MCGUIRE PARK

SITE IMPROVEMENTS

No improvements are proposed at the time of this document.

CALAVERAS RIDGE PARK

EXISTING SITE PLAN



CALAVERAS RIDGE PARK

PROPOSED SITE PLAN

Drought tolerant native planting

Entry sign

Public art

Park rules sign

6' chain link fencing along northwest site perimeter

Overlook (decomposed granite) with sightseeing telescopes

Hydroseed: native wildflower meadow

Benches set on decomposed granite pads

9' decomposed granite path with pedestrian level lighting



LEGEND

Picnic Table (3)

Trash/Recycle Receptacle (1)

Public Art (1)

Bench (5)

BBQ (2)

Sign (2)

Dog Station (1)

Drinking Fountain (1)

Sightseeing Telescope (2)

Park Boundary

CALAVERAS RIDGE PARK

SITE IMPROVEMENTS

Short Term Improvement

- No short term repairs and upgrades are recommended

Long Term Improvement

- Add 9' decomposed granite path.
- Add pedestrian level lighting that will not interfere with stargazing.
- Add decomposed granite overlook with picnic tables, barbeques and educational astronomy signage.
- Add benches along pathway. Place on decomposed granite pads to ensure accessibility.
- Add telescopes at overlook for observing the planets and the moon.
- Add public art at entrance.
- Slurry seal and stripe parking lot to designate ADA accessible space.
- Add drought tolerant native planting at entrance area and associated irrigation.
- Hydroseed site with native wildflower meadow mix.

CALLE ORIENTE PARK

EXISTING SITE PLAN

- No planting at park entrance
- Half size basketball court in good condition
- Sparse vegetation at all perimeter planting areas
- Passive use lawn
- Decomposed granite surfacing at picnic area
- Sparse vegetation at park entrance
- Safety surfacing at play equipment is failing. Play structure is in fair condition. Swing set is broken.
- Shade structure over play equipment
- Sparse vegetation at park entrance



LEGEND

- BBQ (2)
- Bench (5)
- Drinking Fountain (1)
- Picnic Table (3)
- Play Structure (1)
- Entry Sign (1)
- — — Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

CALL ORIENTE PARK SITE IMPROVEMENTS

Short Term Improvement

- Replace shade sail fabric on picnic area shade structures.
- Replace swing set.
- Landscape and Irrigation: Replant all landscaped areas with drought-tolerant California native planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Repair irrigation system. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge turf areas weekly.

Long Term Improvement

No long term improvements or additions are proposed at the time of this document.

CARDOZA PARK (TOM)

EXISTING SITE PLAN

Eroding decomposed granite causing drainage and accessibility issues

Striping is faded, pavement cracking and heaving

ADA stalls and ramps are not up to code

Large unused gathering space

Eroding decomposed granite causing drainage and accessibility issues

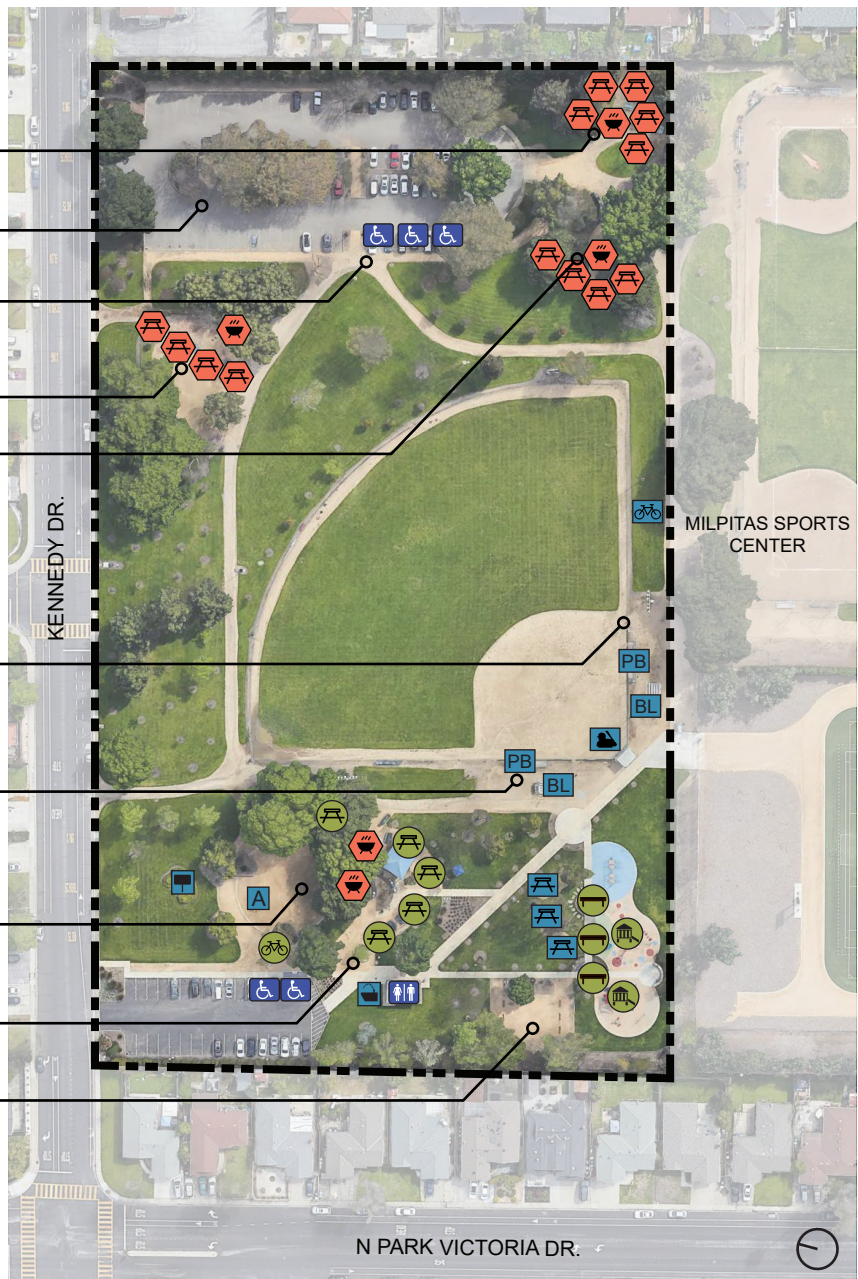
Severe drainage issues. Erosion channels cut across paths and into the baseball infield.

Dugouts and player benches are in fair condition

Large unused gathering space

Eroding decomposed granite causing drainage and ADA issues throughout

Horseshoe pits are in poor condition and underused



AMENITY CONDITION

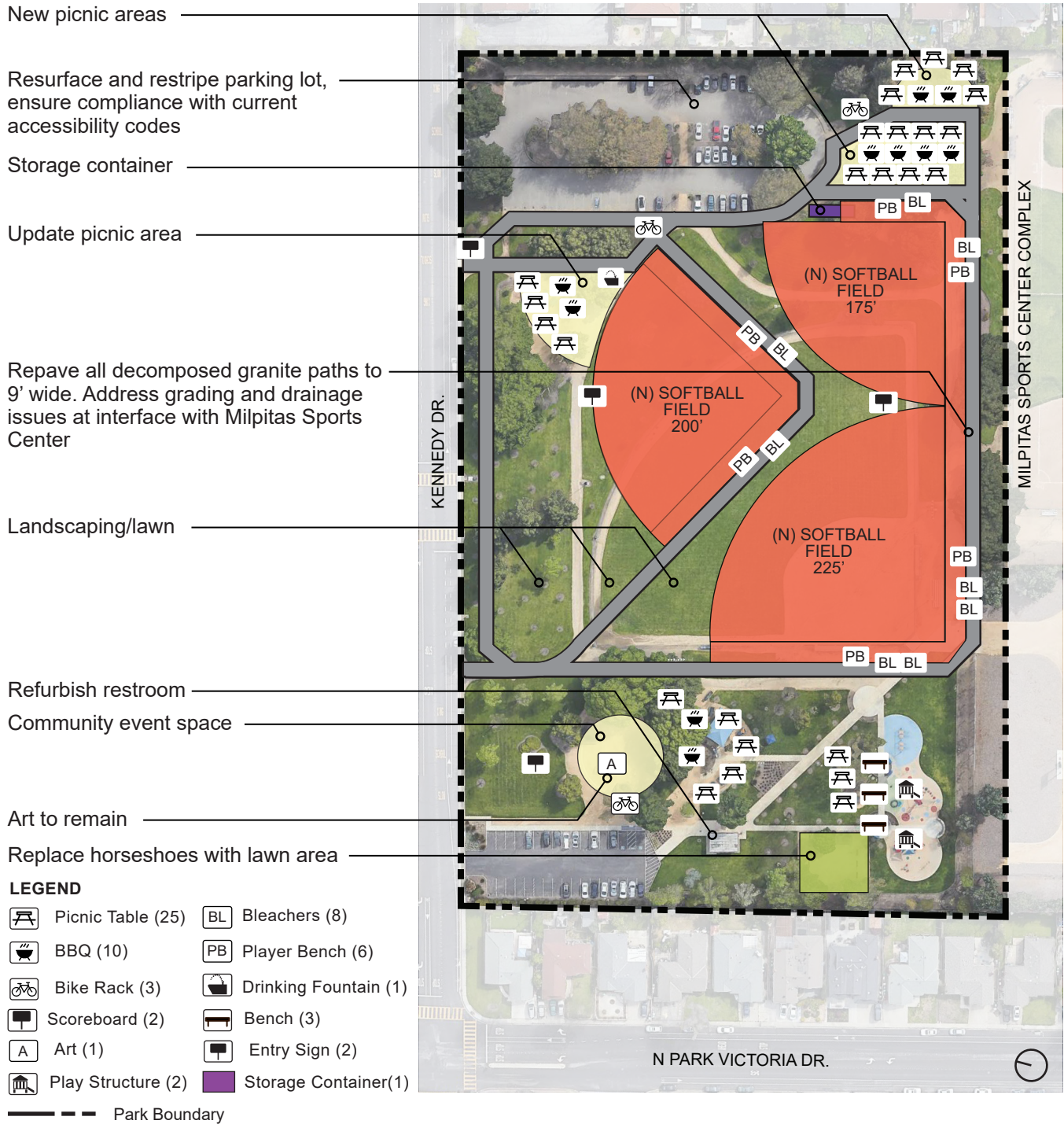
- Good Condition
- Fair Condition
- ⬡ Poor Condition

LEGEND

- | | | |
|--------------|-----------------------|-----------------------|
| A Art (1) | PB Player Bench (2) | Picnic Table (21) |
| Backstop (2) | BL Bleachers (2) | Play Structure (2) |
| BBQ (5) | Drinking Fountain (1) | Entry Sign (1) |
| Bench (3) | Park Boundary | ADA Parking Stall (5) |
| | | Restroom (1) |

CARDOZA PARK (TOM)

PROPOSED SITE PLAN - THREE FIELD OPTION



CARDOZA PARK (TOM)

PROPOSED SITE PLAN - FOUR FIELD OPTION

New picnic areas

Resurface and restripe parking lot, ensure compliance with current accessibility codes

Turf

Storage container

Pave all decomposed granite paths with 9' concrete pathways. Address grading and drainage issues at interface with Milpitas Sports Center

Refurbish restroom

Community event space

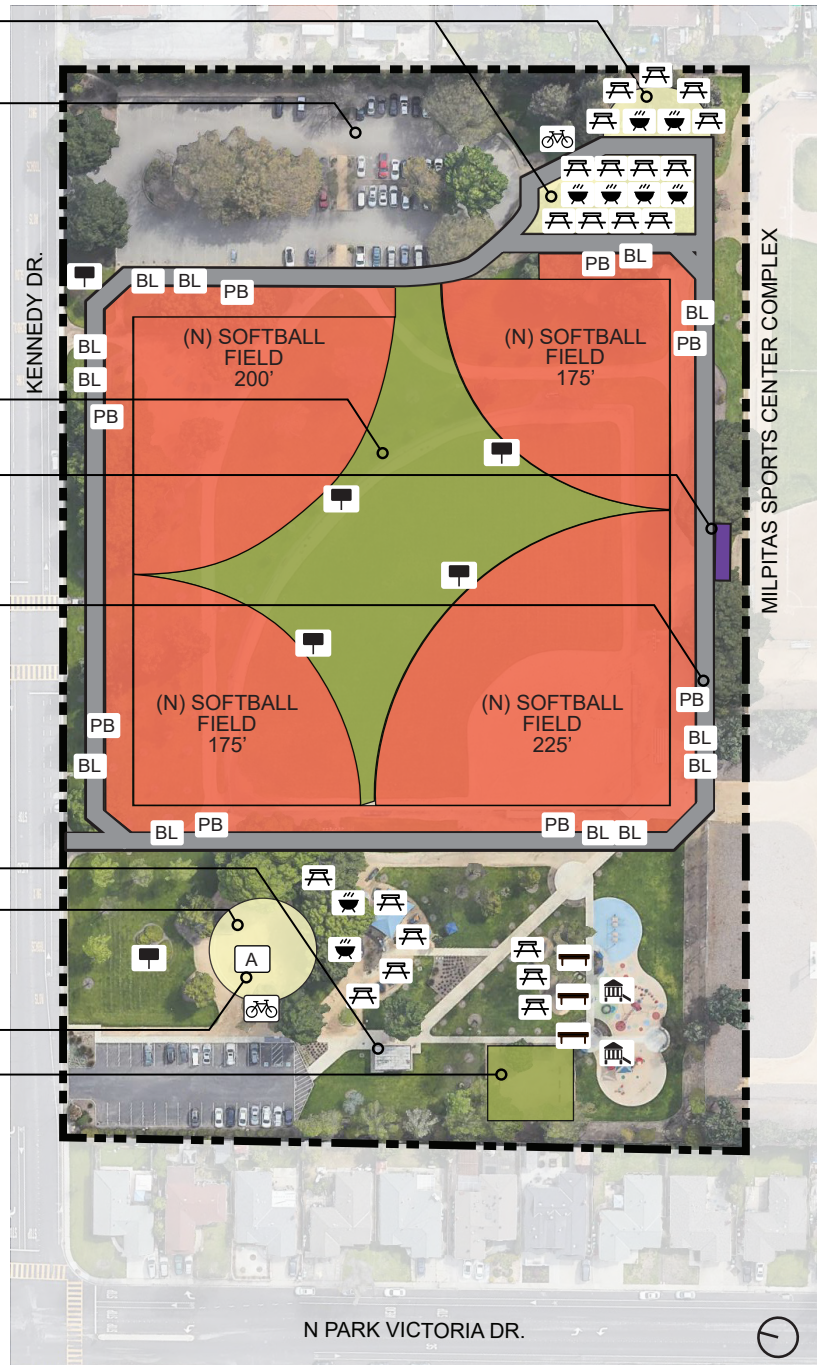
Art to remain

Replace horseshoes with lawn area

LEGEND

 Picnic Table (21)	 Bleachers (12)
 BBQ (8)	 Player Bench (8)
 Bike Rack (3)	 Bench (3)
 Scoreboard (4)	 Entry Sign (2)
 Art (1)	 Storage Container(1)
 Play Structure (2)	

--- Park Boundary



CARDOZA PARK (TOM)

SITE IMPROVEMENTS - THREE FIELD OPTION

Short Term Improvement

- Replace all existing picnic tables and barbeques in the east portion of the site, provide ADA accessible models.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Parking Lot Repairs & ADA Stall Improvements: Resurface and restripe east parking lot. Ensure compliance with current accessibility codes. \$50,000 allowance.
- Repair decomposed granite pathways; \$50,000 allowance.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Continue weed control, pruning and fertilization quarterly or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement - Phase 1

Field Improvements

- Softball Fields: Three new softball fields sized per plan. Each field shall include backstops, shaded dugouts and bleachers, lighting and perimeter fencing. One double sided and one single scoreboard to be provided.
- Add decomposed granite path to provide access to 200' softball field.
- Add storage container.

Long Term Improvement - Phase 2

Picnic Area & Parking Lot Improvements

- Add Picnic Areas: Concrete picnic areas with ADA accessible tables and one trash/recycle and ash receptacle per picnic area.
- Community Event Space: Community plaza area with perimeter seatwalls, concrete paving and shade structures to be used for city events, farmers markets, food trucks, etc.
- Repave all decomposed granite paths to 9'. Address grading and drainage issues at interface with Milpitas Sports Center.
- Ensure ADA access at all slopes to Milpitas Sports Center Complex property, and add ramps where necessary.
- Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.
- Add entrance sign at east parking lot

CARDOZA PARK (TOM)

SITE IMPROVEMENTS - FOUR FIELD OPTION

Short Term Improvement

- Replace all existing picnic tables and barbeques in the east portion of the site, provide ADA accessible models.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Parking Lot Repairs & ADA Stall Improvements: Resurface and restripe east parking lot. Ensure compliance with current accessibility codes. \$50,000 allowance.
- Repair decomposed granite pathways; \$50,000 allowance.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Mulch landscape areas annually. Continue weed control, pruning and fertilization quarterly or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement - Phase 1

Field Improvements

- Softball Fields: Four new softball fields sized per plan. Each field shall include backstops, shaded dugouts and bleachers, lighting and perimeter fencing. One scoreboard per field.
- Add decomposed granite path to provide access to 200' softball field.
- Add storage container.

Long Term Improvement - Phase 2

Picnic Area & Parking Lot Improvements

- Add Picnic Areas: Concrete picnic areas with ADA accessible tables and one trash/recycle and ash receptacle per picnic area.
- Community Event Space: Community plaza area with perimeter seatwalls, concrete paving and shade structures to be used for city events, farmers markets, food trucks, etc.
- Repave all decomposed granite paths to 9'. Address grading and drainage issues at interface with Milpitas Sports Center.
- Ensure ADA access at all slopes to Milpitas Sports Center Complex property, and add ramps where necessary.
- Resurface and restripe east parking lot. Ensure compliance with current accessibility codes.

CERANO PARK

EXISTING SITE PLAN

- Parking lot in good condition, ADA accessible stall provided
- Tennis court in good condition
- Half size basketball court in good condition
- Concrete picnic tables are covered in graffiti. Overhead trellis is overgrown with vines
- Stone barbeques are unused and in disrepair.
- Restroom in good condition
- Play area in good condition
- Turf is bare due to pickup volleyball games



AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

LEGEND

- BBQ (2)
- Bench (8)
- Bike Rack (1)
- Drinking Fountain (1)
- Picnic Table (4)
- Entry Sign (1)
- ADA Parking Stall (1)
- Restroom (1)
- Play Structure (2)
- Park Boundary

CERANO PARK

PROPOSED SITE PLAN

Replace concrete barbecues

Remove graffiti at picnic area, prune vines at trellis

Reseed lawn

Update play areas

Add sand volleyball court



LEGEND

BBQ (2)	Drinking Fountain (1)	ADA Parking Stall (1)
Bench (8)	Picnic Table (4)	Restroom (1)
Bike Rack (1)	Entry Sign (1)	Play Structure (2)
Park Boundary		

CERANO PARK

SITE IMPROVEMENTS

Short Term Improvement

- Update Play Areas: Replace poured in place surfacing, replace net climber and double slide at age 2-5 play structure with new equipment from Kompan.
- Remove and replace existing barbeques with group barbeques similar to Pinewood Park.
- Clean graffiti from trellis columns and stone tables.
- Landscape Maintenance: Prune vines at trellis. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Reseed lawn where necessary.
- Restroom and Snack Shack: Refurbish and conduct ADA study per Facility Condition Assessment.

Long Term Improvement

- Add sand volleyball court and net.

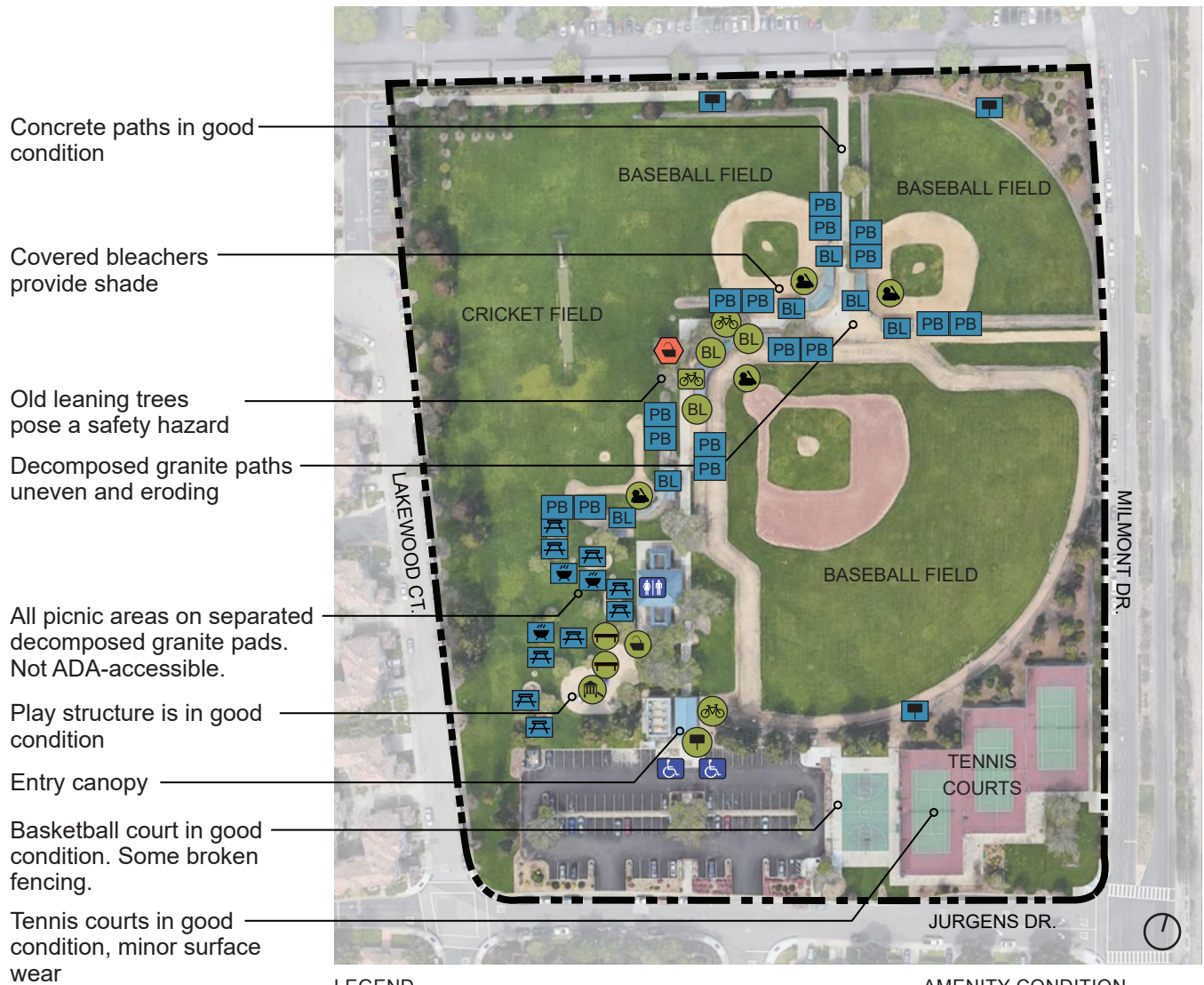
CREIGHTON PARK (FREDERICK)

EXISTING SITE PLAN



DIXON LANDING PARK

EXISTING SITE PLAN



LEGEND

- Backstop (4)
- BBQ (3)
- Bench (2)
- Bike Rack (2)
- PB Player Bench (16)
- BL Bleachers (8)
- Drinking Fountain (1)

- Picnic Table (9)
- Play Structure (1)
- Scoreboard (3)
- Entry Sign (1)
- ADA Parking Stall (2)
- Restroom/Snack Shack (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

DIXON LANDING PARK

PROPOSED SITE PLAN

Update fields for multi-use play
Relocate cricket pitch

Remove hazardous trees

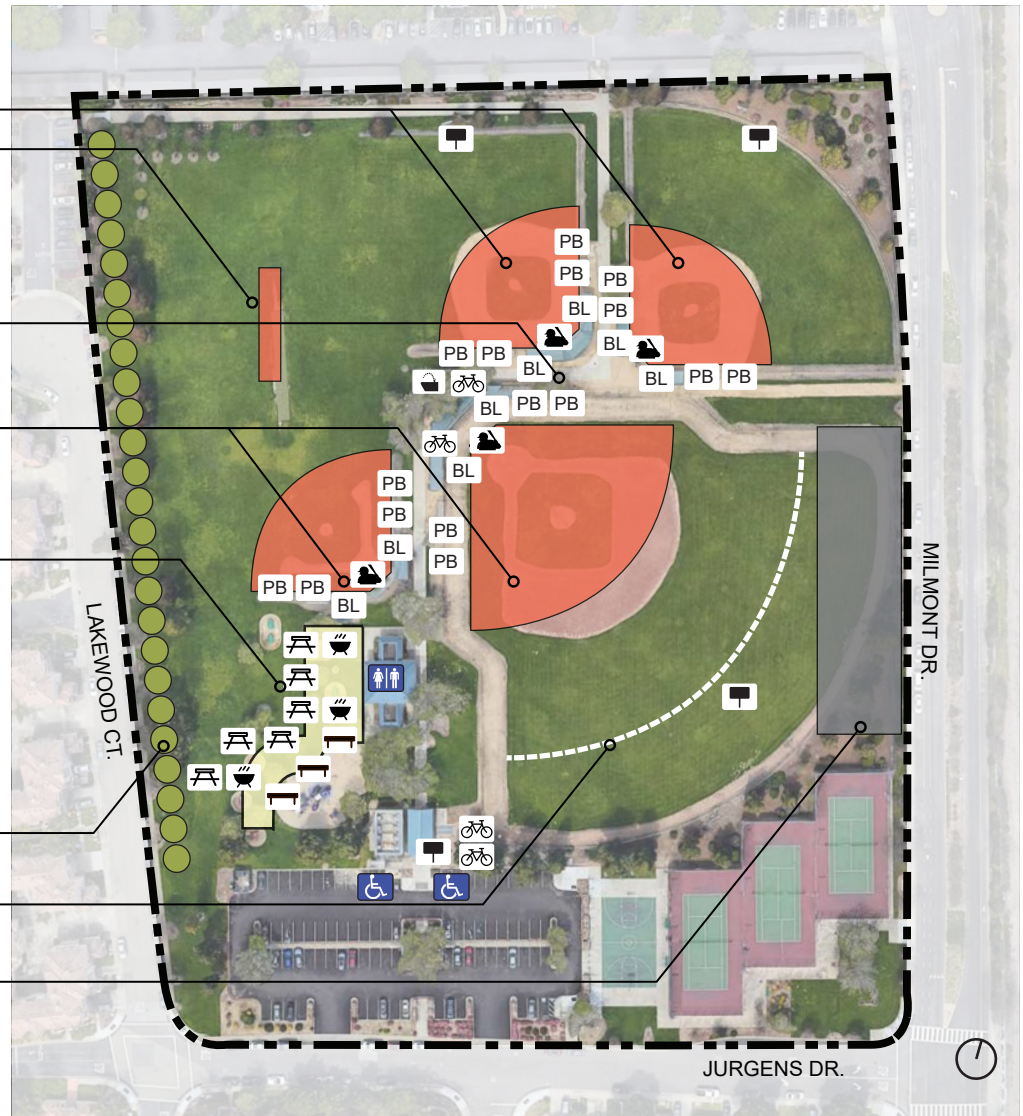
Update fields for multi-use play

Update picnic areas

Evergreen screen trees

New 265' fenceline

Add parking lot (40) spaces



LEGEND

Backstop (4)	Drinking Fountain (1)	ADA Parking Stall (2)
BBQ (3)	Picnic Table (9)	Restroom/Snack Shack (1)
Bench (2)	Play Structure (1)	Evergreen Screen Tree (TBD)
Bike Rack (4)	Scoreboard (3)	
PB Player Bench (16)	Entry Sign (1)	
BL Bleachers (8)	Park Boundary	

DIXON LANDING PARK

SITE IMPROVEMENTS

Dixon Landing Park will be the interim home for PAL softball until field upgrades at Cardoza Park are completed.

Short Term Improvement

- Remove hazardous trees at baseball fields.
- Replace drinking fountain
- Restroom and Snack Shack: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update fields for multi-use play: Re-skin infields, remove turf and pitcher's mound at infield. Replace shade fabric at dugouts where necessary.
- Formalize cricket pitch: Reskin cricket pitch and add striping. Adjust location to maximize outfield area.
- Update picnic areas: Replace all picnic tables and barbecues with current Milpitas standard. Pave picnic areas with concrete. Provide three trash/recycle receptacles and three ash receptacles. Add shade structures where existing tree canopies do not provide shade.
- Add benches and companion seating at play areas.
- Adjust fenceline at main softball field to 265'.
- Add 40-space parking lot along Milmont St.
- Add evergreen screening trees along the western edge to buffer noise and light from the nearby residences
- Right of Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

FOOTHILL PARK

EXISTING SITE PLAN

- Broken split rail fencing
- Park rules sign
- Drainage and erosion issues throughout gravel paths
- Planting areas are bare throughout park
- Redwood grove with natural redwood log seating
- Restroom and drinking fountain in fair condition
- Concrete seatwall at playground
- Play equipment in good condition
- Non-ADA-accessible picnic area
- Asphalt path, slurry sealed in 2020



LEGEND

- BBQ (2)
- Bench (2)
- Bike Rack (1)
- Entry Sign (1)
- Dog Station (1)
- Picnic Table (5)
- Play Structure (2)
- Restroom (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

FOOTHILL PARK

PROPOSED SITE PLAN

Replant bare landscape areas, typ.

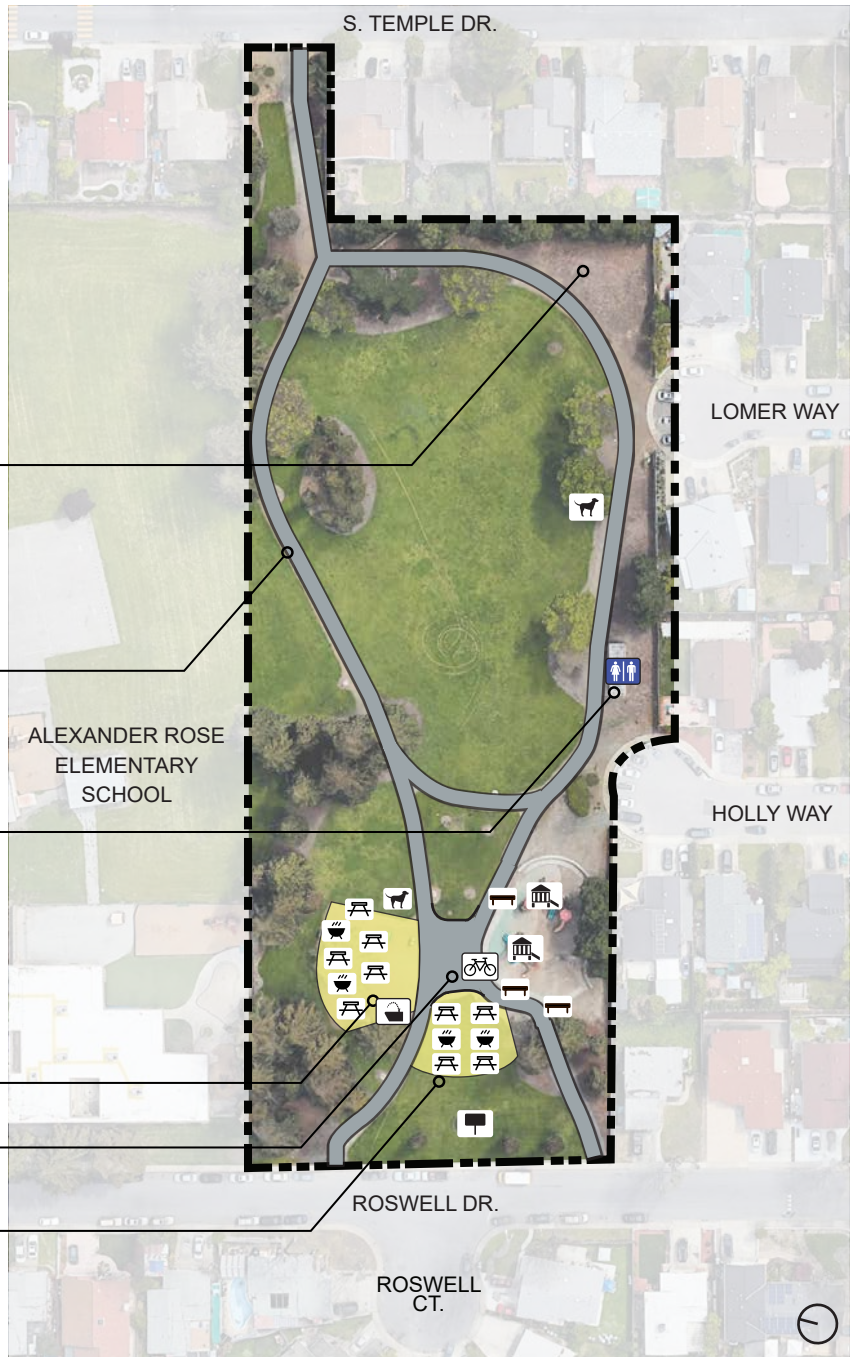
New 9' concrete paths, add pedestrian lighting

Refurbish restroom

Update picnic area

Pave central plaza, add shade structure

New concrete picnic area with shade structure



LEGEND

- | | | | | |
|------------------|-----------------------|-----------|--------------------|---------------|
| Picnic Table (9) | Drinking Fountain (1) | Bench (3) | Entry Sign (1) | Bike Rack (1) |
| BBQ (4) | Dog Station (1) | Restroom | Play Structure (2) | |
| Park Boundary | | | | |

FOOTHILL PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace all existing picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Add ash receptacles at picnic area.
- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Add dog waste station
- Refurbish Restroom Building: Refurbish and conduct ADA study per Facility Condition Assessment.
- Mulch bare planting areas. Weed, prune and fertilize all planted areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Pave existing picnic area with concrete, add ADA accessible drinking fountain and trash receptacle.
- New picnic area: New concrete picnic area with shade structure. Provide one trash/recycle receptacle and one ash receptacle.
- Pave central area between picnic and playground to be used as community event space. Add shade structure.
- Replace gravel path with 9' wide concrete path. Address drainage issues at path.
- Pedestrian lighting replacement.
- Landscape Replant bare landscape areas with drought tolerant California natives, repair or replace irrigation system as necessary. Replace irrigation controller.
- Right of Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, driveway approaches with bollards, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

HALL MEMORIAL PARK

EXISTING SITE PLAN



HALL MEMORIAL PARK

PROPOSED SITE PLAN

Expand picnic area

- Picnic tables (8)
- Barbecues (4)
- Trash/recycle (2)
- Ash receptacle (2)

Replant entry planter

Replace entry sign

Replace chain link fence

New 9' concrete paths

Replant entry planter

Replace play structures

Update parking lot

Resurface courts

Refurbish restroom

Replace ball-wall

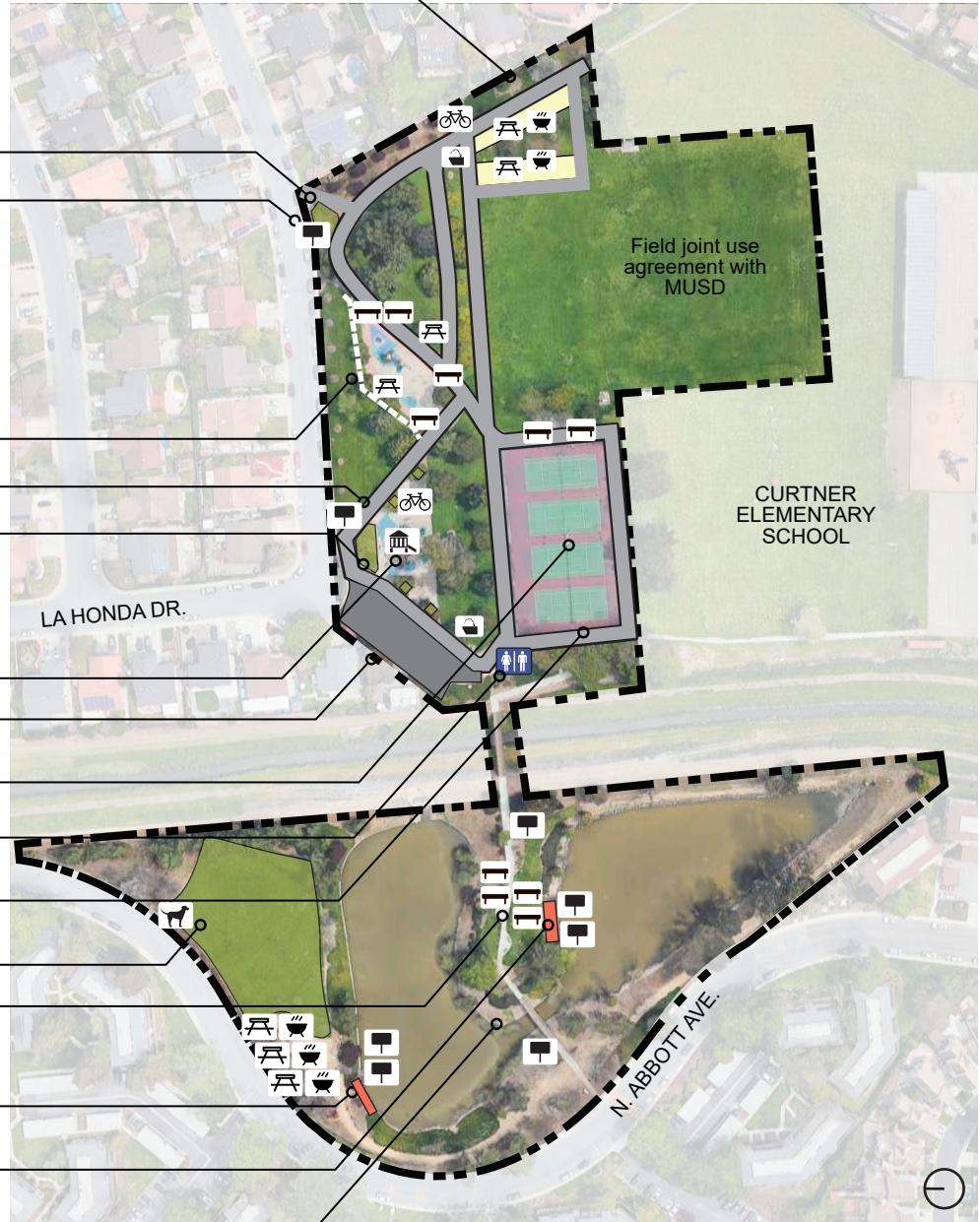
Reseed lawn

Add shade structures
over benches

Add observation deck w/
interpretive signage

Replace observation deck,
add interpretive signage

Replant banks of lagoon



LEGEND

- | | |
|--------------------|--------------------------|
| Picnic Table (13) | Bench (10) |
| BBQ (7) | Dog Station (1) |
| Bike Rack (2) | Drinking Fountain (2) |
| Play Structure (1) | Interpretive Signage (6) |
| Entry Sign (2) | Restroom (1) |
| Park Boundary | |

HALL MEMORIAL PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace existing wood observation deck, add interpretive signage and ensure ADA accessibility from adjacent paths.
- Resurface tennis courts and replace windscreen fabric.
- Refurbish Restroom Building: Interior floor refinish and repaint. Fix electrical issues and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Expand east picnic area: Replace all picnic tables and barbecues with current Milpitas standard and pave picnic areas with concrete. Provide eight picnic tables (at least two accessible), four barbecues, two trash/recycle receptacles and two ash receptacles.
- Update parking lot: Grind and overlay, bring parking lot up to current accessibility codes.
- Replace play structure and sand surfacing with new equipment, poured in place surfacing and engineered wood fiber. Replace chain link fencing at playgrounds with 42" high black vinyl-coated chain link fencing.
- Replace bleachers, goals and player benches at soccer field
- Replace ball-wall.
- Replace east entry sign with City of Milpitas standard.
- Paint pickleball court lines on existing tennis courts.
- Replace gravel paths with 9' wide concrete path. Ensure proper drainage.
- Repave asphalt paths adjacent to tennis courts with concrete paths.
- Add shade structures over benches at lagoon.
- Replace pedestrian lighting.
- Add wood observation deck with interpretive signage at north lagoon.

HALL MEMORIAL PARK

SITE IMPROVEMENTS (CONT.)

Long Term Improvement (Cont.)

- Replant entry areas with California Native drought tolerant planting. Adjust or repair irrigation as needed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards.
- Replant banks of the lagoon with California Native drought tolerant planting. Plant with the intention of bank stabilization and erosion control. Repair/replace irrigation system as needed.
- Reseed turf area by lagoon.
- Right of Way Improvement: Including but not limited to: installation of ADA curb ramps, accessibility signage, driveway approaches with bollards, crosswalk striping, sidewalk and curb and gutter repairs, sidewalk expansion, etc.

HIDDEN LAKE PARK

EXISTING SITE PLAN



LEGEND

- BBQ (1)
- Bench (1)
- Picnic Table (9)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

HIDDEN LAKE PARK

PROPOSED SITE PLAN

Replant entrance
planting areas

Grind and overlay
parking lot

Update picnic area

Shade structure at
tables to remain

Replace steps

Replace fishing pier

Add wood shade
structure, benches and
interpretive signage at
overlook

Repaint metal fence

Add restroom

Add wood shade
structures

Spot repair asphalt path

New trees

Fitness stations



LEGEND

Picnic Table (9)	Bench (3)
BBQ (2)	Interpretive Signage (5)
Restroom (1)	Tree (15)
Park Boundary	Fitness Station (6)

HIDDEN LAKE PARK

SITE IMPROVEMENTS

Short Term Improvement

- Repair parking lot: Grind and overlay parking lot, restripe and add ADA accessible stalls, signage and curb ramps.
- Repair asphalt path: Patch and repair accessibility trip hazards and drainage issues. Repair riprap where necessary.
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard.
- Replace current fishing pier and explore boat activity programming, i.e. paddle boats, kayaks, canoes.
- Replace stairs at overlook, bring up to current code
- Repaint ornamental metal fence
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Conduct tree survey to identify potentially hazardous trees.

Long Term Improvement

- Repave asphalt path
- Update picnic areas: Pave picnic area, provide one trash/recycle and one ash receptacle at entrance picnic area.
- Add restroom at entrance of park.
- Add benches, interpretive signage and wooden shade trellis at overlook.
- Add interactive exhibits and educational signage providing information on local ecology and storm water management.
- Add pedestrian lighting along path.
- Add distance markers for joggers.
- Bring stairs at overlook up to current code.
- Add trees along walking path.
- Replant planting areas at entrance to park.

HILLCREST PARK

EXISTING SITE PLAN

Walking loop path in good condition

Play area, renovated in 2020

Walking loop path in good condition



LEGEND

BBQ (9)	Play Structure (1)
Bench (5)	Art (1)
Picnic Table (9)	Drinking Fountain
Park Boundary	

AMENITY CONDITION

Good Condition
Fair Condition
Poor Condition

HILLCREST PARK

PROPOSED SITE PLAN

Hangout space

Art to remain

Add workout stations (8)

Update picnic areas

New restroom

Replace entry sign park
hours panel



LEGEND

Picnic Table (7)	Bike Rack (1)	Entry Sign (1)
BBQ (5)	Play Structure (1)	Fitness Station (8)
Dog Station (2)	Drinking Fountain (1)	Restroom (1)
Art (1)	Bench (10)	Park Boundary

HILLCREST PARK

SITE IMPROVEMENTS

Short Term Improvement

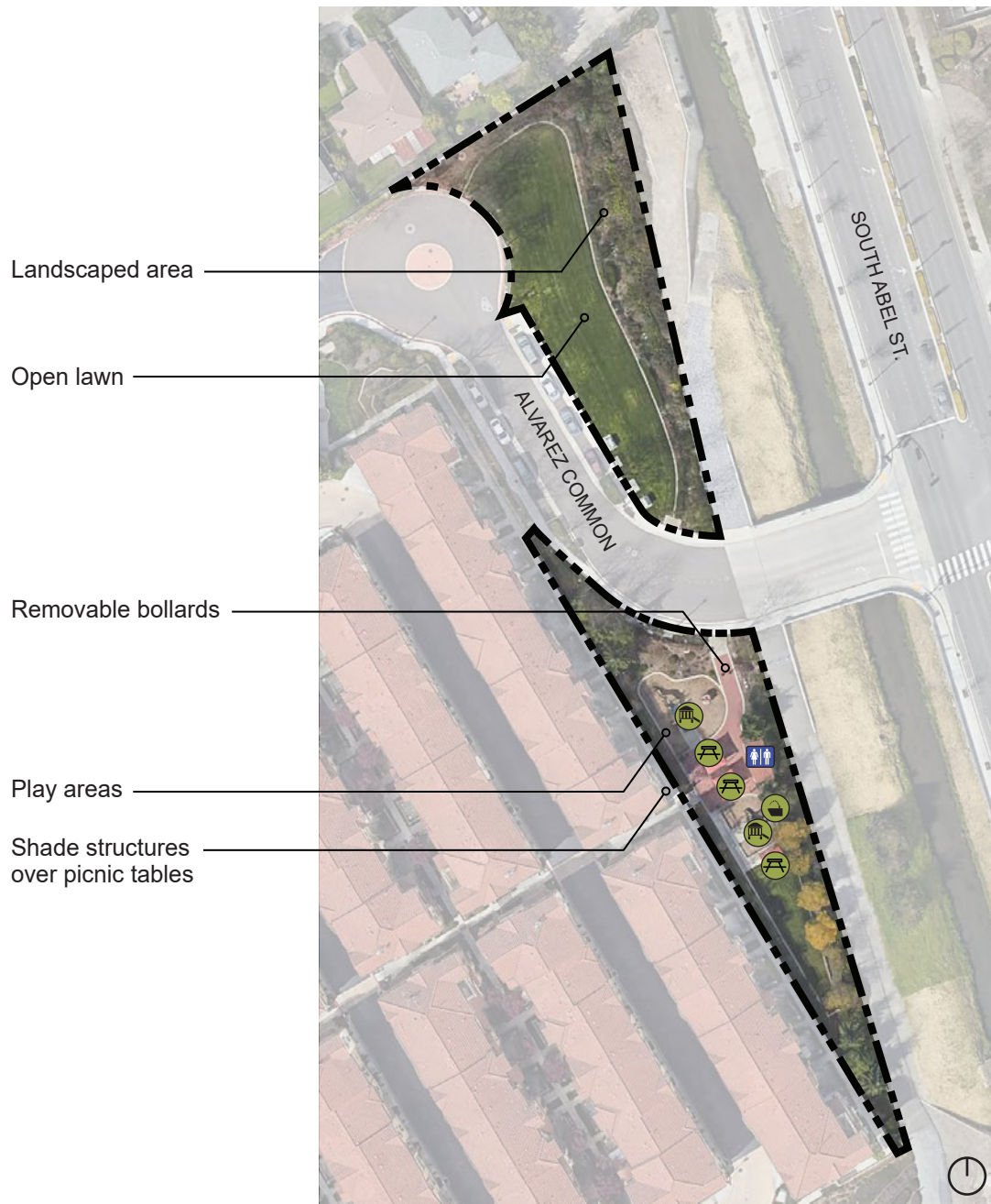
- Replace all picnic tables and barbecues with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Replace bench to the east of the play area, protect in place south benches
- Replace missing park hours sign
- Replace drinking fountain
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Pave picnic areas with concrete, add trash/recycle receptacles. Add shade structures where existing tree canopies do not provide shade.
- Add additional benches along the walking path
- Replace pedestrian lighting
- Add eight fitness stations along main walking path loop.
- Add chess/checkers picnic game tables at central picnic areas.
- Hangout space: Add concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Add restroom.
- Add dog stations
- Replace landscape planting, repair and replace irrigation as needed, replace irrigation controller
- Right of Way Improvements: Install ADA curb ramps with bollards at all entries of the park

JOHN MCDERMOTT PARK

EXISTING SITE PLAN



LEGEND

-  Drinking Fountain (1)
-  Picnic Table (3)
-  Play Structure (1)
-  Restroom (1)
-  Park Boundary

AMENITY CONDITION

-  Good Condition
-  Fair Condition
-  Poor Condition

JOHN MCDERMOTT PARK

PROPOSED SITE PLAN

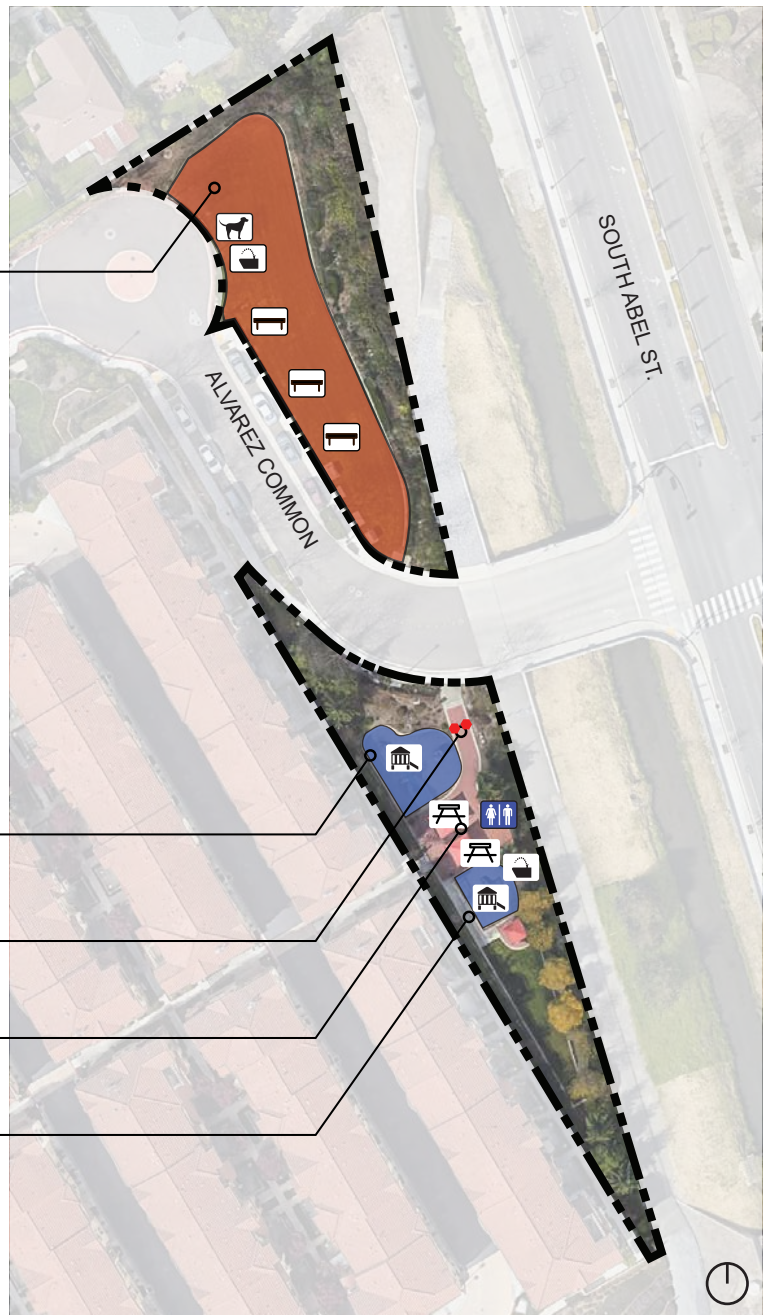
Fenced dog area

Update playground

Remove/replace bollards

Add ADA-accessible table

Replace play equipment and
surfacing, provide ADA accessible
elements



LEGEND

	Picnic Table (2)		Play Structure (2)
	Bench (3)		Dog Station (1)
	Drinking Fountain (2)		Removable bollard (2)
	Park Boundary		Restroom (1)

JOHN MCDERMOTT PARK

SITE IMPROVEMENTS

Short Term Improvement

- Update play areas: Replace play slide in kind, replace safety surfacing and engineered wood fiber.
- Replace one existing picnic table with an ADA accessible model.
- Remove bollards at entry and replace with Milpitas City standards.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add fenced, off-leash dog area with fenced dog entry area, signage, drinking fountain with pet bowl and a dog station. Repair surrounding planting and irrigation as needed.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.

JOSE HIGUERA ADOBE PARK

EXISTING SITE PLAN

Group picnic area
 -Table (7)
 -ADA Table (1)
 -Group Barbeque (2)
 -Shade Trellis (1)

Historic Caretakers Cabin
 Jose Higuera Adobe building

Passive/active use lawn
 Perimeter path

Picnic areas

Playground

Entrance sign and walk



LEGEND

- BBQ (7)
- Bench (8)
- Bike Rack (1)
- Drinking Fountain (1)
- Picnic Table (14)
- Play Structure (1)
- Entry Sign (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

JOSE HIGUERA ADOBE PARK

SITE IMPROVEMENTS

Short Term Improvement

- Add 4' chainlink fence and gates at reservable picnic areas
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- No long term improvements are recommended at the time of this document.

MCCANDLESS PARK

EXISTING SITE PLAN



--- Park Boundary

MCCANDLESS PARK

PROPOSED CONCEPT PLAN



MCCANDLESS PARK

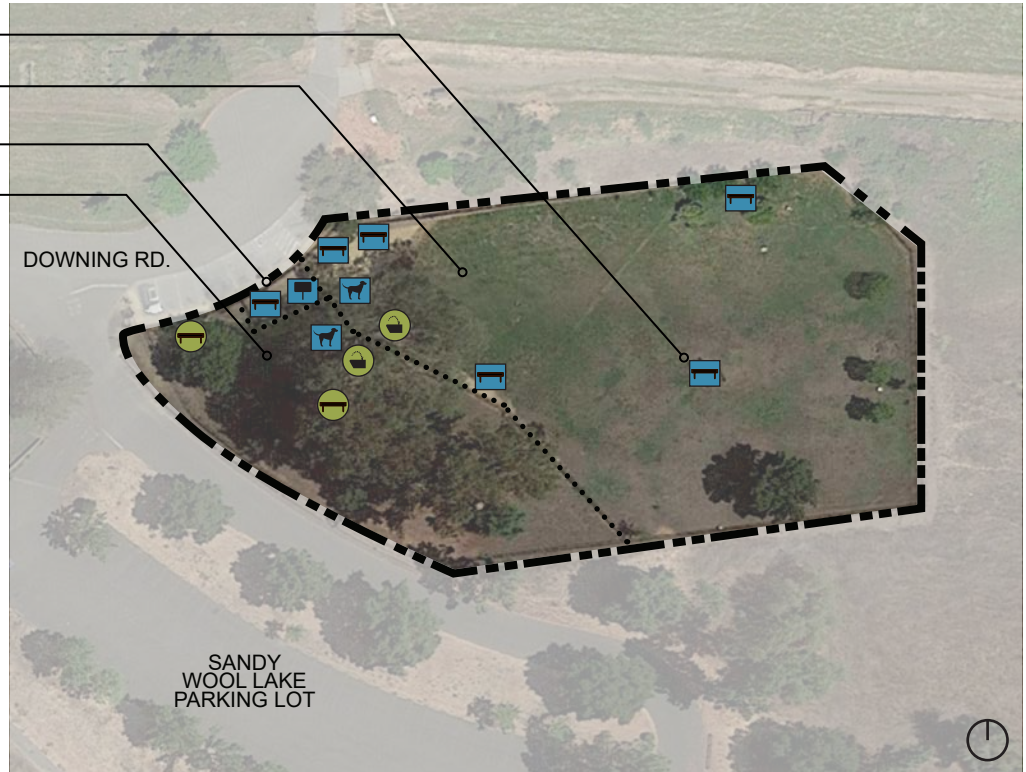
SITE IMPROVEMENTS

This park is currently under development per the above plan. No improvements are proposed at the time of this document.

MILPITAS DOG PARK

EXISTING SITE PLAN

- Wood Pergola
- Large dog area
- Entry area
- Small dog area



LEGEND

- Bench (6)
- Dog Station (2)
- Drinking Fountain (2)
- Signage (1)
- Chain Link Fencing
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

MILPITAS DOG PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace all park entry, informational and rules signage at entry. Ensure rules signage is updated to the current ordinance at time of replacement.
- Update ADA Parking stall: Ensure ADA stall meets all ADA codes as is feasible given site slope constraints. Ensure striping is clear and dimensioned correctly, ensure all applicable signage is provided and is legible.

Long Term Improvement

- No long term improvements are recommended at the time of this document.

MILPITAS SPORTS CENTER COMPLEX

EXISTING SITE PLAN

Extensive erosion
& drainage issues

Hazardous trees along
east property line

New restroom

Aging pine trees pose a
safety hazard

Extensive erosion &
drainage issues

Restroom and snack
shack

Chain link fencing is in
poor condition overgrown
with vines

Fencing & perimeter
walls in disrepair

Poplars in outfield are in
decline

Plaza pavement
cracking and heaving



LEGEND

Bench (6)	Drinking Fountain (4)
Bike Rack (2)	Scoreboard (3)
PB Player Bench (10)	 Chain Link Fencing
BL Bleachers (16)	Restroom
ADA Parking Stall	--- Park Boundary

AMENITY CONDITION

Good Condition
Fair Condition
Poor Condition

MILPITAS SPORTS CENTER COMPLEX

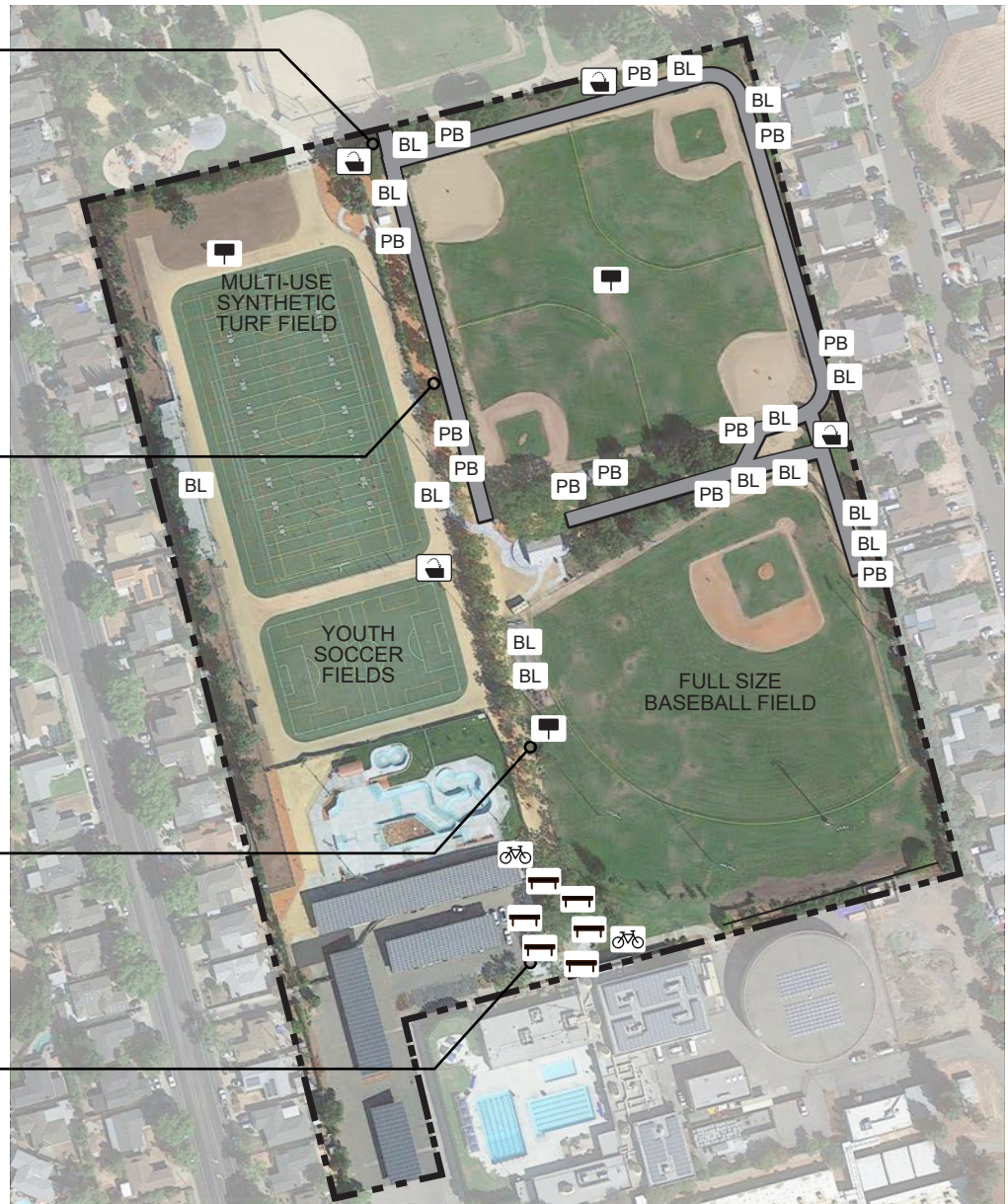
PROPOSED SITE PLAN

Bring stairs to Cardoza Park up to current code

Bring stairs to Cardoza Park up to current code

Replace Scoreboards

Replace benches at entry plaza



LEGEND

Bench (6)	Drinking Fountain (4)	ADA Parking Stall
Bike Rack (2)	Scoreboard (3)	Restroom
Player Bench (10)	Chain Link Fencing	
Bleachers (16)	Park Boundary	

MILPITAS SPORTS CENTER COMPLEX

SITE IMPROVEMENTS

Short Term Improvement

- Replace access stairs to Cardoza park with concrete steps and an ADA accessible ramp. Connect to new concrete paths.
- Remove and replace all hazardous trees along eastern residential property line.
- Improvement pathway and ramps for accessibility.
- Repair perimeter fencing and walls.

Long Term Improvement

- Pave all existing decomposed granite paths with 9' concrete paths
- Address drainage issues by installing new storm drain system
- Refurbish player benches. Repaint and remove rust, replace boards where necessary.
- Replace benches at entry plaza
- Replace aging bleachers.
- Replace all site furnishing
- Replace chainlink fencing between Multi-Use Synthetic and Baseball Fields
- Replace all scoreboards.
- Landscape maintenance and improvements: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.

A comprehensive site improvement plan will be part of a future Sports Center Master Plan done by others.

MURPHY PARK

EXISTING SITE PLAN

- Bike path
- Soccer field
- Par course stations in disrepair
- Trees along soccer field are crowded and of varying species
- Landscape berm
- Play area with sand surfacing
- Memorial bench
- Drainage issues at restroom
- Non-standard entry sign
- Memorial bench
- Picnic area, no ADA access
- Parking lot, no ADA parking spaces



LEGEND

- | | | | |
|---------------------|-----------------|--|---------------------|
| A | Art (1) | | Fitness Station (7) |
| | BBQ (3) | | Picnic Table (6) |
| | Bench (9) | | Play Structure (1) |
| | Dog Station (1) | | Restroom (1) |
| - - - Park Boundary | | | |

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

MURPHY PARK

PROPOSED SITE PLAN

Improve drainage and irrigation at soccer field

Repave asphalt path

Refurbish restroom

Remove and replace play area

Add community event space

Update picnic area

Add picnic area

Expand parking lot



LEGEND



Picnic Table (11)



BBQ (4)



Bench (7)



Art (1)



Dog Station (1)



Bike Rack (2)



Fitness Station (7)



Park Boundary



Play Structure (1)



Entry Sign (1)



Restroom

MURPHY PARK

SITE IMPROVEMENTS

Short Term Improvement

- Update picnic areas: Replace all picnic tables and barbeques with current Milpitas standard, and provide two ash receptacles.
- Replace all existing benches other than memorial benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace all workout equipment, place on poured in place pads.
- Replace dog waste station at turf field.
- Replace existing entry sign with current Milpitas standard sign.
- Repave asphalt at restroom to address drainage issues.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.

Long Term Improvement

- Pave picnic areas with decomposed granite paving and provide two trash/recycle receptacles.
- Community event space: Paved plaza area with perimeter seating and overhead shade structure. Use adjacent lawn as overflow seating and event space.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Include integrated shade structures.
- Update and expand parking lot: Resurface and re-stripe existing lot, bring parking lot up to current accessibility codes. Expand lot to the north, add an additional 18 stalls and tie into new pathways.
- Add additional picnic area adjacent to expanded parking lot with ADA accessible tables barbeques, ash receptacles and new circulation to tie into existing park paths.
- Replace pedestrian lighting.
- Replace park entry sign.
- Improve drainage and irrigation at soccer field, replace turf as necessary.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed, replace irrigation controllers.
- Right of Way Improvement: Including but not limited to: installation of ADA curb ramps, accessibility signage, driveway approaches with bollards, crosswalk striping, sidewalk and curb and gutter repairs, sidewalk expansion, etc.

OLIVER W. JONES MEMORIAL PARK

EXISTING SITE PLAN



LEGEND

- BBQ (2)
- Bench (2)
- Bike Rack (1)
- Drinking Fountain (1)

- Picnic Table (4)
- Play Structure (1)
- Entry Sign (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

OLIVER W. JONES MEMORIAL PARK

PROPOSED SITE PLAN



LEGEND

BBQ (2)	Drinking Fountain (1)	Entry Sign (1)
Bench (6)	Picnic Table (3)	Park Boundary
Bike Rack (1)	Play Structure (2)	

OLIVER W. JONES MEMORIAL PARK

SITE IMPROVEMENTS

Short Term Improvement

- Update picnic areas: Replace all picnic tables and barbeques with current Milpitas standard, and provide two ash receptacles.
- Replace all existing benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Add picnic area: Replace all picnic tables and barbeques with current Milpitas standard, and provide trash/recycle and ash receptacles. Add overhead shade structures and pave picnic areas with concrete.
- Add a single stall restroom
- Add Hangout Space: Concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Add bouldering wall: Prefabricated bouldering wall with safety surfacing and safety/regulatory signage.
- Pave all gravel and decomposed granite paths with concrete.
- Replace pedestrian lighting.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed.
- Right of Way Improvement: Install ADA curb ramp at east side of park.

O'TOOLE ELMS PARK (JOHN)

EXISTING SITE PLAN



O'TOOLE ELMS PARK (JOHN)

SITE IMPROVEMENTS

Short Term Improvement

- Playground equipment and surface repairs: Replace poured in place surfacing.
- Replace message kiosks.
- Replace pedestrian pavers with paver patterned stamped concrete.
- Update parking lot: Bring parking lot up to current accessibility codes. Add ADA stall and provide accessible ramps.
- Landscape Maintenance: Mulch Landscape Areas. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

No long term improvements are recommended at the time of this document.

PARC METRO EAST

EXISTING SITE PLAN

Secluded picnic area. Extensive vandalism and litter.

Curtis Well Site

Picnic nooks

Passive use lawn

Concrete lifting and buckling throughout pathway

Play area in very poor condition



LEGEND

- Bench (8)
- Bike Rack (1)
- Picnic Table (6)
- Play Structure (1)
- Entry Sign (1)
- Park Rules Sign (1)
- Restroom (1)
- Park Boundary

AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

PARC METRO EAST

PROPOSED SITE PLAN



LEGEND

	Bench (8)		Entry Sign (1)
	Bike Rack (1)		Park Rules Sign (1)
	Picnic Table (6)		Restroom (1)
	Play Structure (1)		Park Boundary

PARC METRO EAST

SITE IMPROVEMENTS

Short Term Improvement

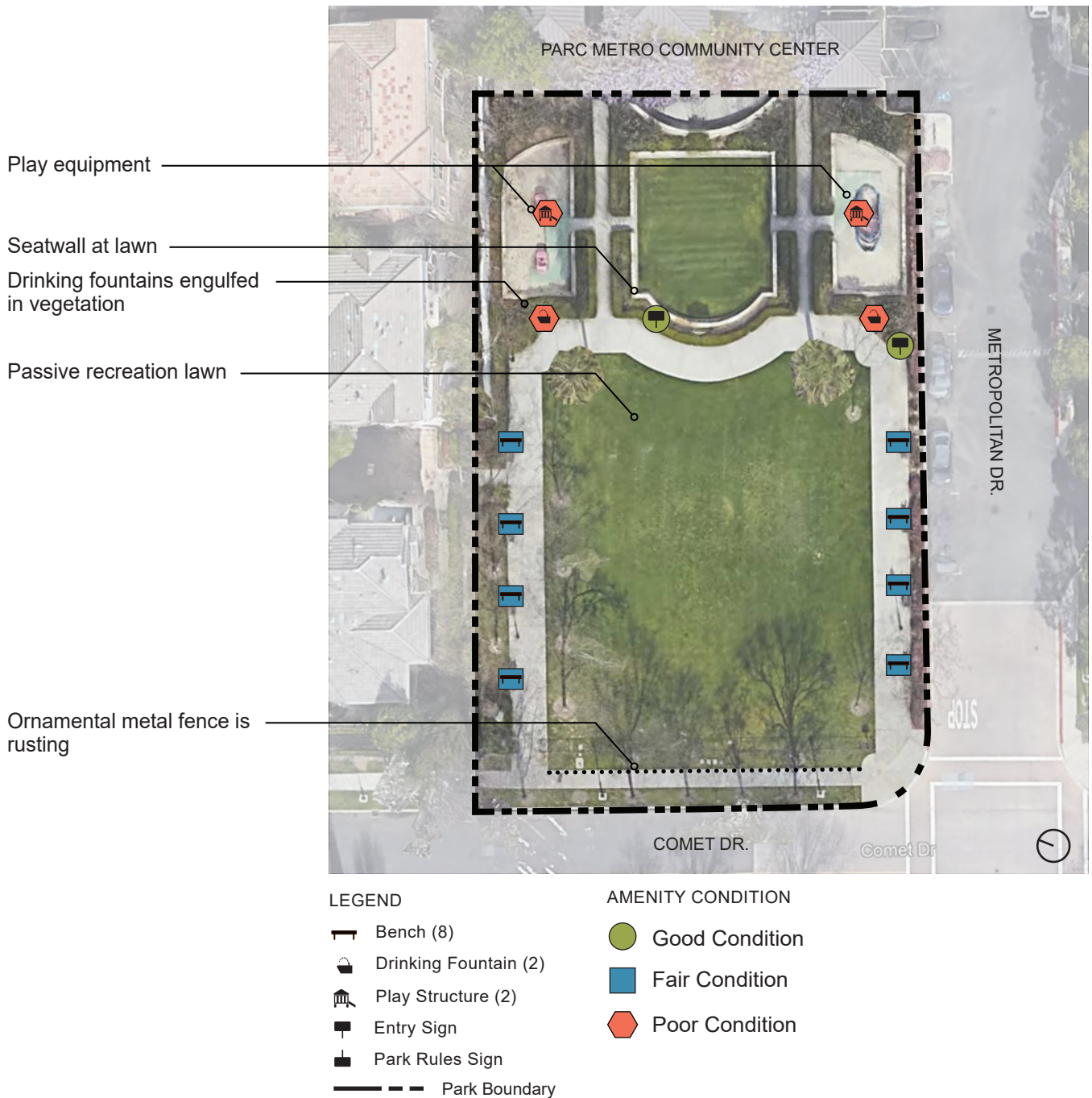
- Replace all picnic tables and barbeques, provide ADA accessible models. Provide ash receptacles.
- Replace all benches with current Milpitas standard.
- Spot repair concrete path: Grind areas that pose trip hazards.
- Repair drainage issues at lawn.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Prune vines on pergola annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Conduct tree survey to identify hazardous trees.

Long Term Improvement

- Remove and Replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

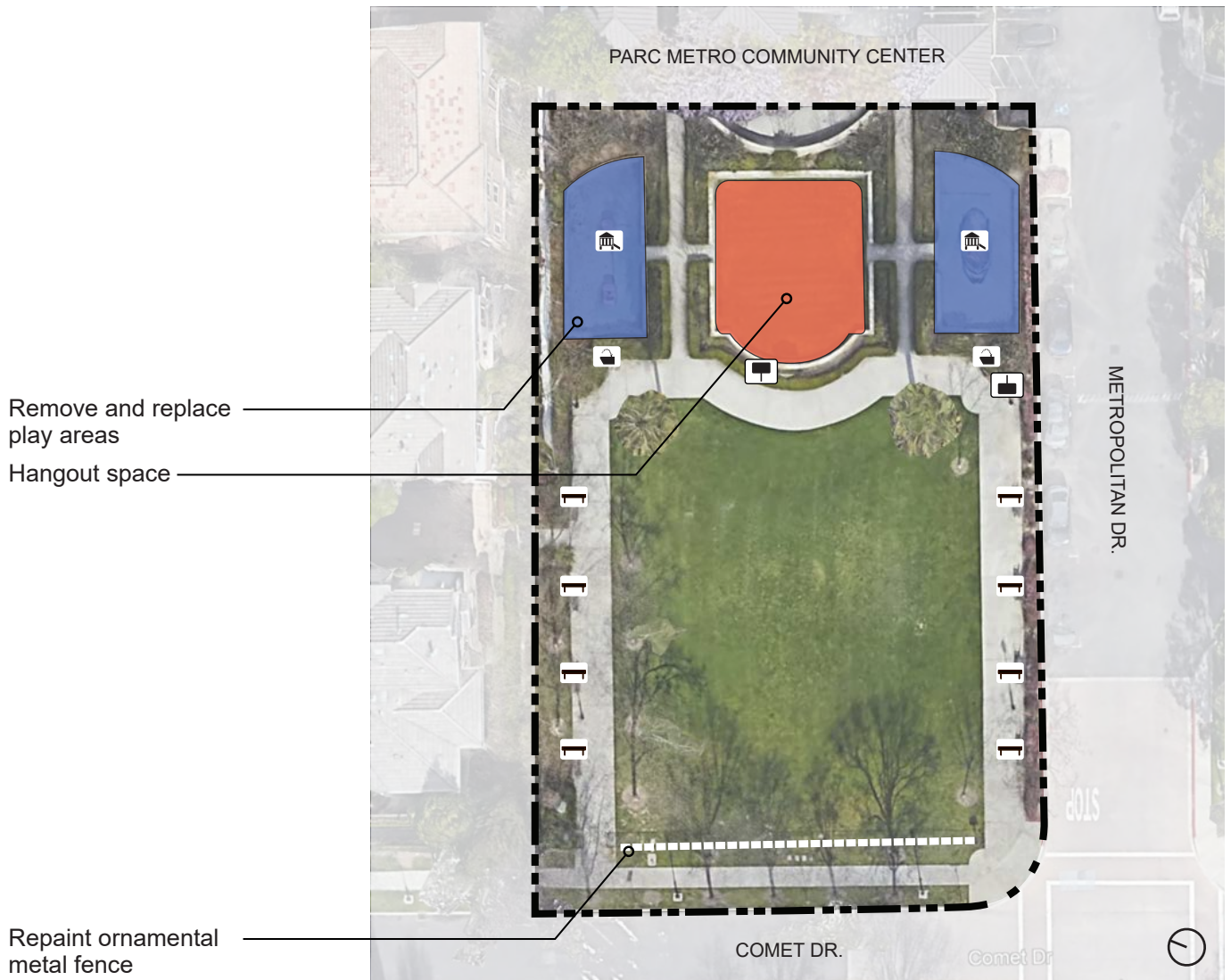
PARC METRO MIDDLE

EXISTING SITE PLAN



PARC METRO MIDDLE

PROPOSED SITE PLAN



LEGEND

-  Bench (8)
-  Drinking Fountain (2)
-  Play Structure (2)
-  Entry Sign (1)
-  Park Rules Sign (1)
-  Park Boundary

PARC METRO MIDDLE

SITE IMPROVEMENTS

Short Term Improvement

- Replace both drinking fountains with current Milpitas standard.
- Repaint ornamental metal fencing.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Hangout space: Concrete seating area with overhead shade structure, concrete ping pong tables and seating with integrated power/charging stations.
- Replace all benches with current Milpitas standard.
- Remove and replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant all landscape areas with drought tolerant California natives and mulch with 3" of landscape mulch. Repair and replace irrigation system as needed. Replace irrigation controller

PARC METRO WEST

EXISTING SITE PLAN



AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

LEGEND

- Bench (21)
- Bike Rack (1)
- Drinking Fountain (2)
- Entry Sign (1)
- Park Rules Sign (1)
- Picnic Table (4)
- Play Structure (1)
- Ornamental Metal Fencing
- Park Boundary

PARC METRO WEST

PROPOSED SITE PLAN

LEGEND

- | | |
|---|---|
|  Bench (21) |  Play Structure (1) |
|  Bike Rack (1) |  Picnic Table (4) |
|  Drinking Fountain (2) |  Entry Sign (1) |
|  Park Boundary |  Park Rules Sign (2) |

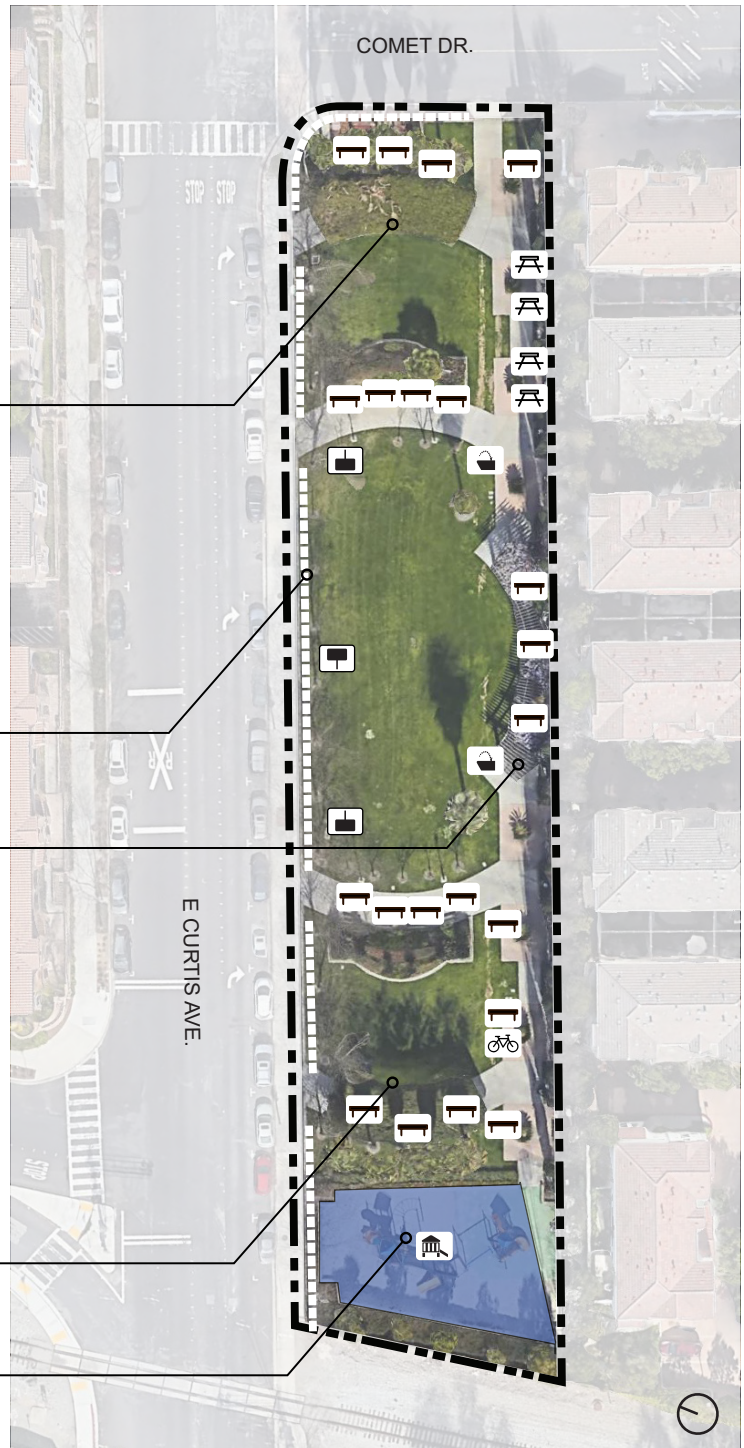
Prune vines

Repaint ornamental
metal fencing

Prune vines

Prune vines

Remove and replace play area



PARC METRO WEST

SITE IMPROVEMENTS

Short Term Improvement

- Replace all picnic tables, provide ADA accessible models.
- Replace all benches with current Milpitas standard.
- Replace drinking fountains
- Replace bike rack
- Replace park rules signs
- Repair drainage issues at lawn
- Repaint ornamental metal fencing.
- Play Areas: Repair defunct or broken play equipment.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Prune vines on pergola annually. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Remove and Replace Play Areas: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing. Include integrated shade structures.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

PECOT PARK (BOB)

EXISTING SITE PLAN



LEGEND

-  Bench (1)
-  Entry Sign (1)
-  Park Boundary

AMENITY CONDITION

-  Good Condition
-  Fair Condition
-  Poor Condition

PECOT PARK (BOB)

PROPOSED SITE PLAN



PECOT PARK (BOB)

SITE IMPROVEMENTS

Short Term Improvement

- Replace existing bench with Milpitas standard.
- Slurry seal asphalt path
- Reseed turf areas where necessary
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

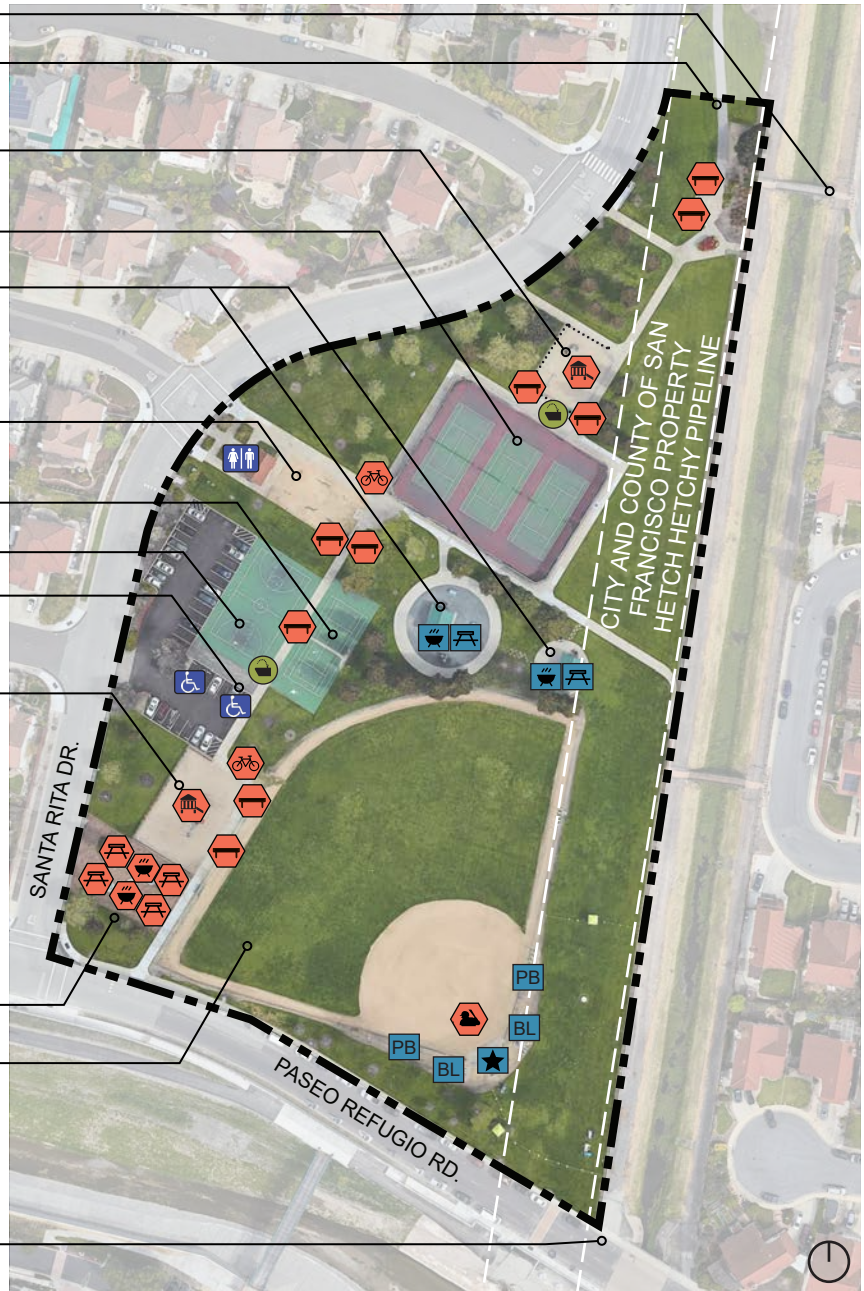
Long Term Improvement

- Add benches and trash/recycling receptacles along path.
- Landscape and Irrigation: Replant planting areas with California Native drought tolerant planting and mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right of way improvement: ADA curb ramps to be removed and replaced to current City standards on Dixon Road and Manfred St. Restripe crosswalks and install bollards to current city standards.

PETER GILL MEMORIAL PARK

EXISTING SITE PLAN

- Connection to neighborhoods
- Greenbelt connection to Oliver W. Jones Memorial Park
- Play area is in disrepair with broken fencing and outdated equipment
- Tennis courts in poor condition
- Group picnic areas
 - Shade structures (2)
 - Picnic tables (7)
 - Barbeques (3)
- Exercise equipment court on decomposed granite
- Handball court
- Basketball court
- ADA striping, however no accessible ramps to sidewalk are provided
- Play area
- Group picnic area, no ADA access
- Baseball field is used as dog run
- Access to shopping center via bridge over crossing



AMENITY CONDITION

- Good Condition
- Fair Condition
- Poor Condition

LEGEND

- | | | |
|---------------------|-----------------------|-------------------|
| Backstop (1) | PB Player Bench (2) | Picnic Table |
| BBQ (5) | BL Bleachers (2) | Play Structure |
| Bench (9) | ★ Dedication (1) | ADA Parking Stall |
| Bike Rack (1) | Drinking Fountain (2) | Restroom |
| - - - Park Boundary | | |

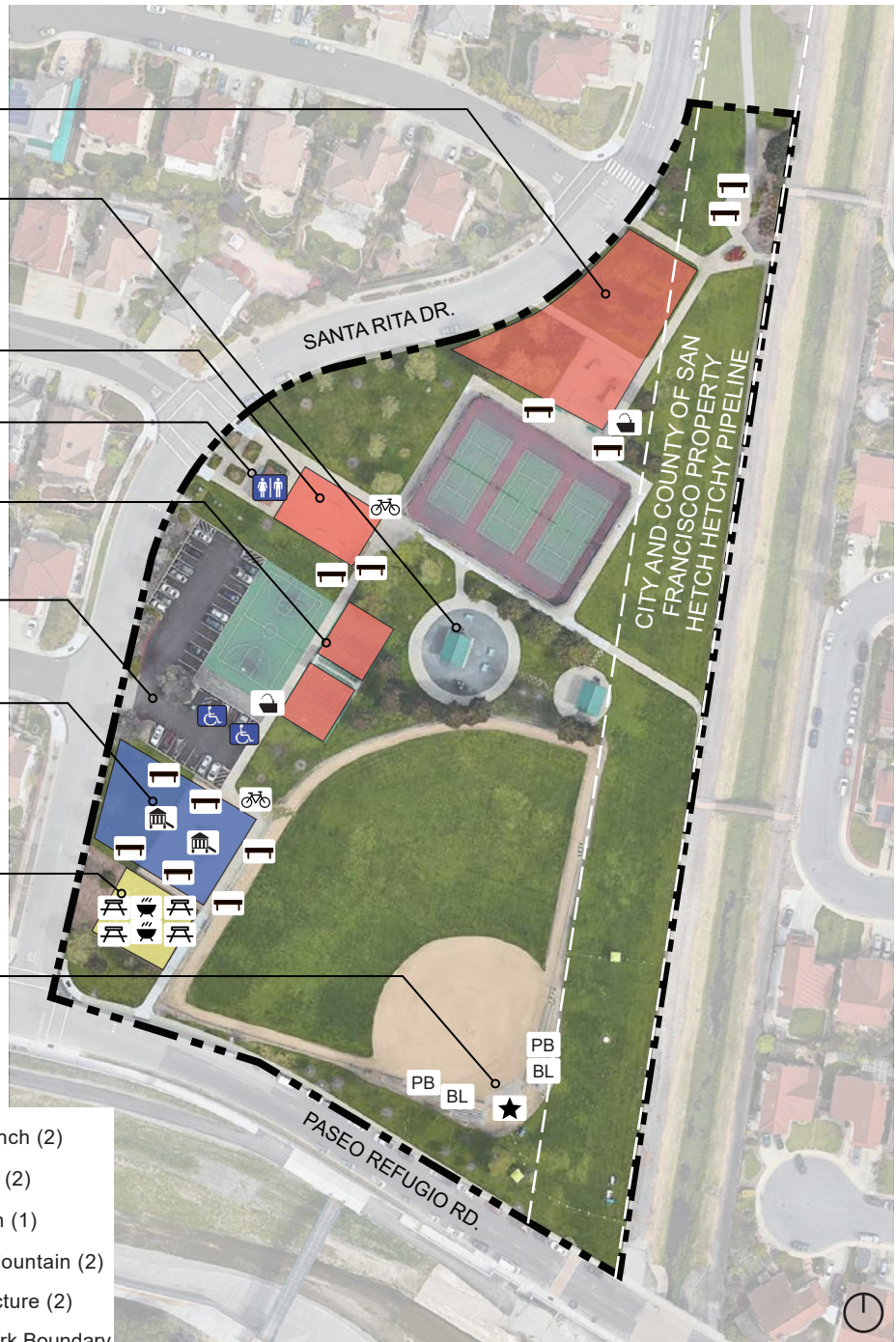
PETER GILL MEMORIAL PARK

PROPOSED SITE PLAN

- Fenced dog area
- Group picnic areas to remain
 - Shade structures (2)
 - Picnic tables (7)
 - Barbeques (3)
- Replace fitness equipment
- Refurbish restroom
- Remove handball court, replace with 2 pickleball courts
- Update parking lot
- Remove and replace play area, add age 2-5 & 5-12 equipment and overhead shade structures
- Update picnic area
- Update softball field, memorial dugout to remain

LEGEND

- | | |
|---|---|
|  BBQ (5) | PB Player Bench (2) |
|  Bench (12) | BL Bleachers (2) |
|  Bike Rack (2) | ★ Dedication (1) |
|  Picnic Table (11) |  Drinking Fountain (2) |
|  ADA Parking Stall |  Play Structure (2) |
|  Restroom | — — — Park Boundary |



PETER GILL MEMORIAL PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace existing benches with Milpitas standard.
- Replace all existing picnic tables and barbeques with current Milpitas standard, provide ADA compliant models. Provide ash receptacles.
- Replace bike rack
- Resurface handball court
- Repair signage
- Play Areas: Replace chainlink fencing at north play area, repair existing equipment at both north and south play areas.
- Update parking lot: Add accessible ramp from parking lot to adjacent sidewalk.
- Many paths do not meet accessibility requirements. Assess and regrade where feasible.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Update softball field. Repair backstop, dugouts, lighting, fencing and bleachers.
- Remove and Replace Play Areas: Remove north play area and expand southern area. Replace structures with both age 2-5 and 5-12 equipment and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Dog area: Add fenced off-leash dog area with fibar surfacing, small and large dog areas, and a fenced in entrance area. This will require a permit from the SFPUC to build on the Hetch Hetchy pipeline property.
- Update picnic area: Replace picnic tables and barbeques with current Milpitas standard. Provide two trash/recycle and two ash receptacles. Pave picnic areas with concrete and add overhead shade structure.
- Replace fitness equipment: Add new fitness court with poured in place surfacing.
- Right-of-Way Improvement: Install ADA curb ramps to current Milpitas standards. Include crosswalk striping, sidewalk and curb and gutter repairs and sidewalk expansion as needed.
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller

PINEWOOD PARK

EXISTING SITE PLAN



LEGEND

A	Art (1)		Dog Station (2)
	BBQ (3)		Picnic Table (26)
	Bench (8)		Play Structure (2)
	Bike Rack (3)		ADA Parking Stall (2)
	Park Boundary		

AMENITY CONDITION

	Good Condition
	Fair Condition
	Poor Condition

PINEWOOD PARK

SITE IMPROVEMENTS

Short Term Improvement

- Playground equipment and surface repairs: Replace existing poured in place surfacing and engineered wood fiber with new. Replace the existing age 5-12 play structures.
- Replace basketball backboards hoops and nets
- Conduct tree survey to identify hazardous eucalyptus trees.
- Landscape Maintenance: Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.
- Refurbish Restroom: Refurbish per Facility Condition Assessment.

Long Term Improvement

No long term improvements are proposed at the time of this document.

ROBERT E. BROWNE PARK

EXISTING SITE PLAN



ROBERT E. BROWNE PARK

PROPOSED SITE PLAN

Entrance node

New 9' concrete paths

Right of way improvements

Add picnic area

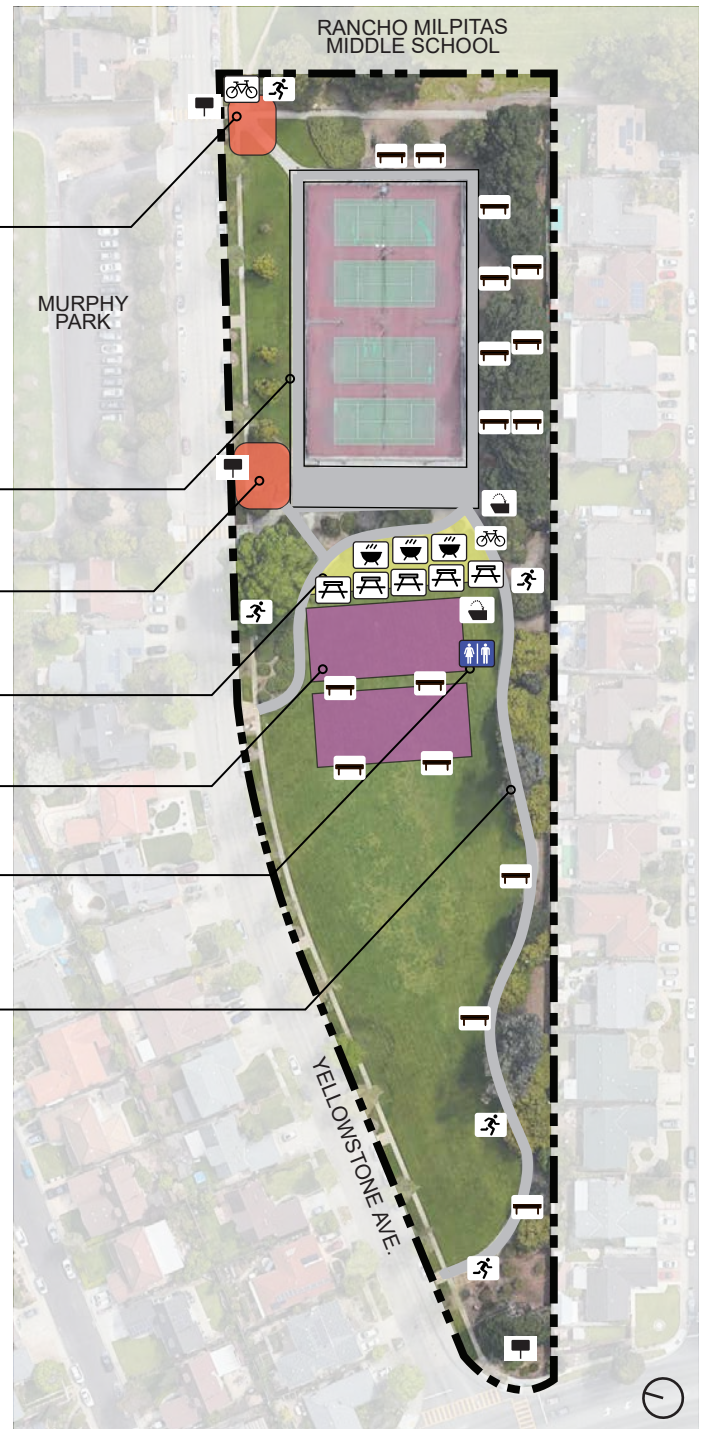
Two full size basketball courts

Restroom (single stall)

Replace asphalt path with concrete

LEGEND

 Bench (16)	 Fitness Equipment (5)
 Bike Rack (2)	 Picnic Table (5)
 BBQ (3)	 Entry Sign (3)
 Drinking Fountain (2)	 Restroom
 Park Boundary	



ROBERT E. BROWNE PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Replace drinking fountain
- Replace picnic table
- Replace bike rack
- Replace fitness stations
- Repair signage
- Repair tennis court fencing and netting
- Conduct tree study to identify hazardous trees.
- Spot repair asphalt path where cracking and heaving.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly. Remove graffiti throughout the park.

Long Term Improvement

- Replace all asphalt paths with concrete.
- Add pedestrian lighting at.
- Add single stall restroom.
- Add additional benches and fitness stations along path.
- Add picnic area: Add concrete picnic area with Milpitas standard tables, barbeques, trash/recycle receptacles and ash receptacles. Provide overhead shade structure.
- Add two full size basketball courts with lighting
- Entrance node: Add small entrance plaza with seating, bike racks and wayfinding signage directing visitors to the nearby Murphy and Sinnott parks.
- Right of way improvements: Redesign west entrance to the park for accessibility. Provide ADA-accessible curb ramp, stairs, and landscaped areas. Re-stripe crosswalk to Murphy Park and add wayfinding signage and bollards. This work includes sidewalk and curb and gutter repairs and sidewalk expansion as needed.
- Landscape and Irrigation with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.

SANDALWOOD PARK

EXISTING SITE PLAN

Gravel paths

Gravel paths

Horseshoe pit



LEGEND

	BBQ (3)		Drinking Fountain (2)
	Bike Rack (1)		Picnic Table (3)
	Bench (4)		Play Structure (1)
	Entry Sign (1)		Park Boundary

AMENITY CONDITION

	Good Condition
	Fair Condition
	Poor Condition

SANDALWOOD PARK

PROPOSED SITE PLAN

Pervious asphalt path

Restroom

Playground

Shaded picnic area

Asphalt path

Workout stations

Basketball court



--- Park Boundary

SANDALWOOD PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace all benches with current Milpitas standard, placed on concrete pads to ensure accessibility.
- Replace drinking fountains
- Replace picnic tables
- Replace bike racks
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly. Remove graffiti throughout the park.

Long Term Improvements

The proposed improvement plans include an all-inclusive playground area and fitness stations, large picnic area with shade structures, new restroom, asphalt pathways, converting the existing horseshoes pit into a basketball court, updating small picnic areas, and adding pedestrian lighting.

SELWYN PARK

EXISTING SITE PLAN

Sand from play area fills perimeter planting areas

Play surfacing separating from concrete walk. 1" gap

Sand at play structure is low. 8"-12" drop from play surfacing

Patchy turf

Fencing missing panels throughout park

Sand from play area filling group picnic areas

No ADA access to picnic area



LEGEND

BBQ (2)

Bench (2)

Picnic Table (2)

Park Boundary

Play Structure (1)

Entry Sign (1)

Ornamental Metal Fence

AMENITY CONDITION

Good Condition

Fair Condition

Poor Condition

SELWYN PARK

PROPOSED SITE PLAN

Replace fencing

Remove and replace play structure

Replant

Replace fencing

Update picnic area



LEGEND

-  BBQ (2)
-  Bench (2)
-  Picnic Table (2)
-  Park Rules Sign (1)
-  Dog Station (1)
-  Park Boundary

SELWYN PARK

SITE IMPROVEMENTS

Short Term Improvement

- Update picnic area: Replace picnic tables and barbeques with current Milpitas standard, provide ADA accessible models. Provide ash receptacles.
- Playground equipment and surface repairs: Repair damaged portions of poured in place surfacing, replace existing sand surfacing with engineered wood fiber. Update play equipment per Milpitas Playground Rehabilitation Project.
- Replace fencing with Milpitas standard ornamental metal fencing.
- Replace park rules sign.
- Replace dog station.

Long Term Improvements

- Pave picnic areas with concrete and add overhead shade structure.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace poured in place surfacing and engineered wood fiber. Include integrated shade structures.
- Replace all benches with current Milpitas standard. Provide companion seating.
- Replace Landscape and Irrigation: Replant and mulch landscaped areas with drought tolerant California native planting. Adjust irrigation system as needed. Weed, prune, replenish mulch and fertilize quarterly or as needed. Replace irrigation system and controller.

SINNOTT PARK (JOHN)

EXISTING SITE PLAN

- Bike trail
- Fitness equipment court in poor condition, poses a safety hazard
- Gravel paths throughout site have severe erosion issues, including major gaps at transitions to surrounding sidewalks and paving.
- Passive use lawn
- Sand volleyball pitch
- Play area
- Picnic area



LEGEND

- | | |
|---------------------|---|
| BBQ (3) | Drinking Fountain (1) |
| Bench (5) | Picnic Table (3) |
| Bike Rack (1) | Play Structure (1) |
| Dog Station (1) | Restroom (1) |
| Entry Sign (2) | Fitness equipment court (~15 pieces of equipment) |
| Park Rules Sign (1) | |
| Park Boundary | |

AMENITY CONDITION

- | |
|----------------|
| Good Condition |
| Fair Condition |
| Poor Condition |

SINNOTT PARK (JOHN)

PROPOSED SITE PLAN

- New 9' concrete path
- Add wayfinding signage
- Add pickleball courts (3)
- Replace fitness equipment
- Add community garden
- New 9' concrete path
- Refurbish restroom
- Sand volleyball pitch to remain
- Remove and replace play areas
- Update picnic area

LEGEND

- | | |
|---|--|
|  BBQ (2) |  Picnic Table (3) |
|  Bench (7) |  Play Structure (1) |
|  Bike Rack (2) |  Restroom |
|  Dog Station (2) |  Park Boundary |
|  Entry Sign (2) | |
|  Drinking Fountain (2) | |



SINNOTT PARK (JOHN)

SITE IMPROVEMENTS

Short Term Improvement

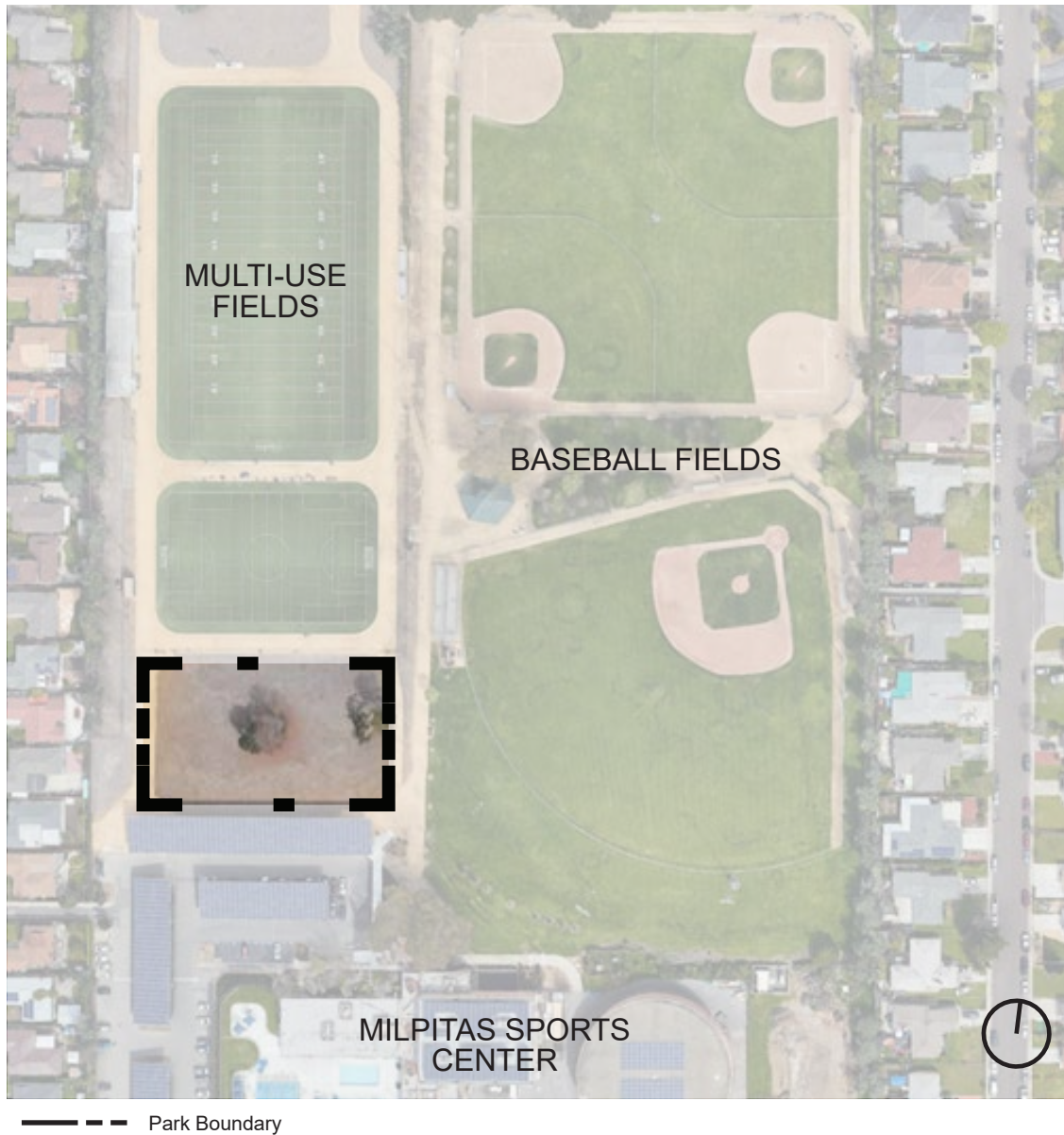
- Replace fitness equipment: Add new fitness court with poured in place surfacing. Replace all benches with Milpitas standard, placed on concrete pads to ensure accessibility. Provide companion seating.
- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Replace benches.
- Replace bike rack.
- Replace park rules sign.
- Replace dog waste station.
- Repair swingset.
- Spot repair gravel paths at transitions to hardscape to remove ADA access impediments. Repair localized drainage issues.
- Conduct tree survey by certified arborist to identify and remove hazardous trees.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn

Long Term Improvements

- Add community garden: Fenced community garden with raised wood planters, irrigation and fiber surfacing.
- Add pickleball courts: Add three full size pickleball courts with fencing, surfacing, benches and nets.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Pave picnic area, add trash/recycle receptacles and provide shade structure
- Replace all gravel paths with 9' wide concrete paths. Regrade and improve drainage as necessary.
- Add wayfinding signage at north entrance.
- Add pedestrian lighting.
- Right-of-Way Improvement: Installation of ADA curb ramps and bollards at entrances. Sidewalk and curb and gutter repairs and sidewalk expansion as necessary to accommodate improvements

SKATEPARK - MILPITAS SPORTS CENTER COMPLEX

EXISTING SITE PLAN



SKATEPARK - MILPITAS SPORTS CENTER COMPLEX

SITE IMPROVEMENTS

No improvements are recommended at the time of this document.

STARLITE PARK

EXISTING SITE PLAN



LEGEND

A	Art (1)	🚲	Bike Rack (1)
🔥	BBQ (4)	🚰	Drinking Fountain (1)
🪑	Bench (9)	🪴	Picnic Table (6)
📋	Sign (3)	🚻	Restroom (1)
---	Park Boundary		

AMENITY CONDITION

🟢	Good Condition
🟡	Fair Condition
🔴	Poor Condition

STARLITE PARK

PROPOSED SITE PLAN



LEGEND

Bench (11)	BBQ (5)	Restroom
Picnic Table (10)	Bike Rack (2)	Park Boundary
Entry Sign (1)	Art (1)	
Park Rules Sign (2)	Drinking Fountain (1)	

STARLITE PARK

SITE IMPROVEMENTS

Short Term Improvements

- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing where necessary. Include integrated shade structures.
- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Replace benches, place on concrete pads to ensure accessibility.
- Replace bike rack.
- Repair park rules sign.
- Repair Art piece from vandalism.
- Conduct tree survey by certified arborist to identify and remove hazardous trees.
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add pump track: Add compacted soil pump track with beginner and advanced tracks, bike racks, bike stations, seating and perimeter fencing. Add safety and regulatory signage.
- Update picnic area: Pave picnic areas with concrete and add overhead shade structure where trees do not provide shade. Provide trash recycle and ash receptacles.
- Remove horseshoe pits and replace with small picnic area.
- Replace all gravel paths with 9' wide concrete paths
- Replace pedestrian lighting
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at all park entrances, provide bollards. Restripe crosswalk striping, expand sidewalk and repair curb and gutter as needed.

STRICKROTH PARK (HENRY)

EXISTING SITE PLAN

Aging trees pose an immediate safety hazard

Picnic area

Decomposed granite path

Metal fencing in poor condition

2-5 play area

Asphalt path

Trees missing from sidewalk planters

Tunnel feature

Asphalt path

Informal baseball field



AMENITY CONDITION

- Good Condition
- Fair Condition
- ⬡ Poor Condition

LEGEND

- Backstop (1)
- BBQ (2)
- Bike Rack (1)
- Dog Station (1)
- Drinking Fountain (1)
- Picnic Table (2)
- Play Structure (2)
- Entry Sign (1)
- Park Boundary

STRICKROTH PARK (HENRY)

PROPOSED SITE PLAN

Update picnic area

Remove and replace play areas

New 9' concrete paths

Refurbish hill tunnel

Remove and replace play areas

Add picnic area

Add restroom

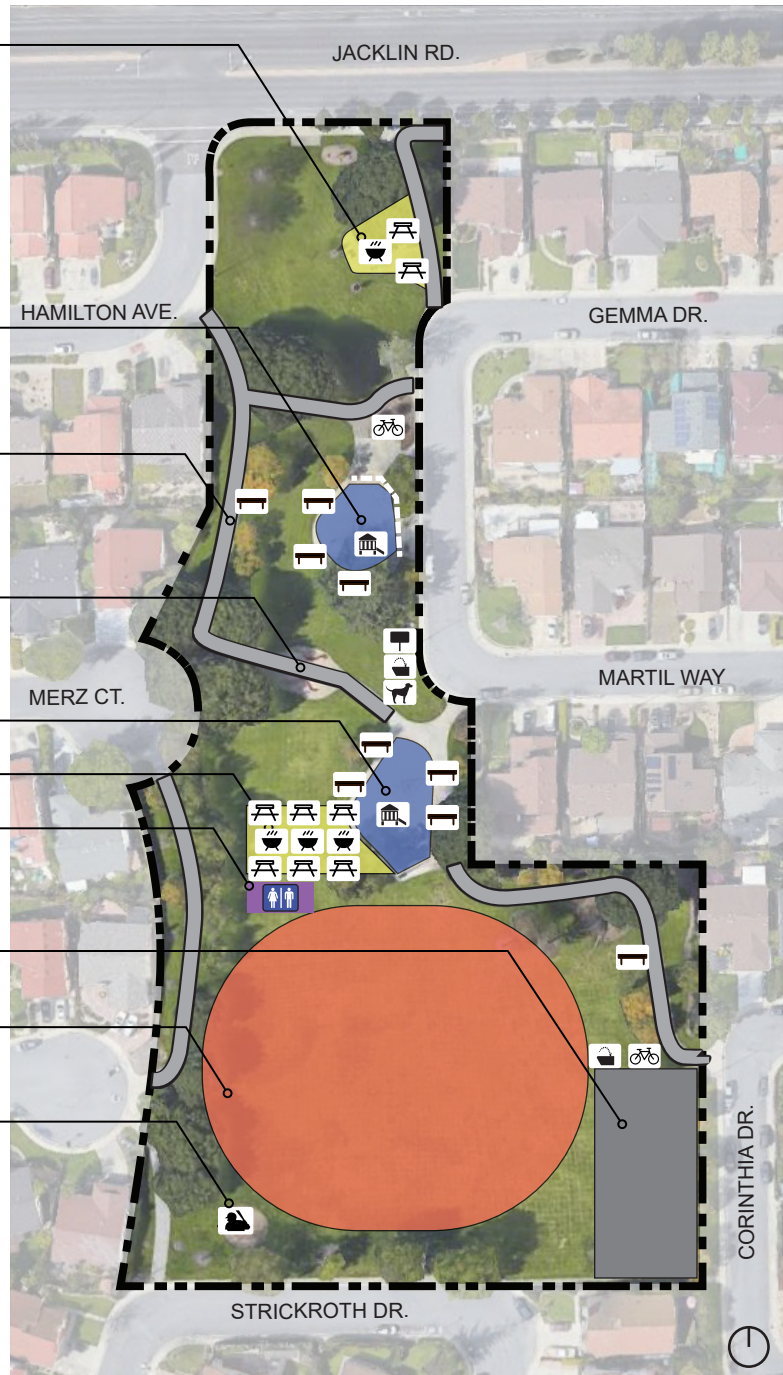
Add parking lot (20 spaces)

Add cricket pitch

Replace backstop

LEGEND

- | | |
|---|---|
|  Backstop (1) |  Drinking Fountain (1) |
|  BBQ (4) |  Picnic Table (8) |
|  Bike Rack (2) |  Play Structure (2) |
|  Dog Station (1) |  Park Rules Sign (1) |
|  Bench (9) |  Park Boundary |



STRICKROTH PARK (HENRY)

SITE IMPROVEMENTS

Short Term Improvement

- Replace picnic tables and barbeques with current Milpitas standard, provide ADA models, provide ash receptacles.
- Refurbish hill tunnel play feature: Add safety surfacing and safety railings at bridge. Repaint tunnel interior and remove all rust and jagged edges.
- Replace bike rack.
- Repair park rules sign.
- Replace dog waste station
- Replace drinking fountain
- Replace ornamental metal fencing at play area
- Conduct tree survey by certified arborist to identify pruning and removal of hazardous trees.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- Add cricket pitch: Add cricket pitch infield and close infield striping.
- Add parking lot with at least 20 car capacity, accessed off Corinthia Dr.
- Remove and replace play area: Replace structures and provide accessible ground level play elements. Replace sand surfacing with poured in place surfacing and engineered wood fiber. Replace fencing at north play area with Milpitas standard ornamental metal fencing. Include integrated shade structures.
- Update picnic area: Pave picnic areas with concrete and add overhead shade structure where existing tree canopies do not provide shade. Provide trash/recycle and ash receptacles.
- Replace all asphalt and decomposed granite paths with 9' wide concrete paths.
- Regrade and improve drainage where necessary.
- Add pedestrian lighting.
- Add single stall restroom
- Add benches, place on concrete pads.
- Replace baseball backstop.
- Landscape and Irrigation: with California Native drought tolerant planting, mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed. Replace irrigation controller.
- Right-of-Way Improvement: Install ADA curb ramps at all park entrances, provide bollards. Restripe crosswalk striping, expand sidewalk and repair curb and gutter as needed.

SUNNYHILLS ALBERT AUGUSTINE MEMORIAL PARK

EXISTING SITE PLAN



LEGEND

A	Art (1)		Picnic Table (10)
	BBQ (7)		Play Structure (2)
	Bench (5)		Sign (2)
	Bike Rack (1)		Restroom (1)
	Dog Station (1)		Park Boundary

AMENITY CONDITION

	Good
	Fair
	Poor

SUNNYHILLS ALBERT AUGUSTINE MEMORIAL PARK

PROPOSED SITE PLAN



SUNNYHILLS ALBERT AUGUSTINE MEMORIAL PARK

SITE IMPROVEMENTS

Short Term Improvement

- Replace north entry sign with Milpitas standard.
- Playground equipment and surface repairs: Replace existing sand surfacing with poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link. Replace equipment per the Milpitas Playground rehabilitation project.
- Replace all picnic tables and barbeque's with current Milpitas standard, provide ADA accessible models and ash receptacles.
- Replace all benches with current Milpitas standard, place on concrete pads to ensure accessibility.
- Replace dog waste station
- Refurbish Restroom: Refurbish and conduct ADA study per Facility Condition Assessment. Prune vines on attached trellis structure.
- Landscape Maintenance: Weed and prune all landscaped areas and prune trees where necessary, remove all dead or dying vegetation. Replace dead or dying plants with drought-tolerant California natives. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvement

- Replace decomposed granite walking path with 9' wide concrete path. Ensure proper drainage.
- Community Event Space: Community plaza area with perimeter seating and overhead shade structure.
- Remove and Replace Play Areas: Replace existing play equipment with structures that provide accessible ground level play elements and integrated shade structures. Replace poured in place surfacing and engineered wood fiber. Replace all fencing with 42" black vinyl coated chain link.
- Add 20-car parking lot along Coelho St.
- Add 6 fitness stations along loop path.
- Pave picnic areas with concrete, add shade structures where existing tree canopies do not provide shade.
- Dog Areas: Add a fenced dog area with separate small and large dog spaces, fenced entry area, dog stations and benches.
- Replace pedestrian lighting.
- Right of Way Improvement: Install ADA curb ramps at park entrances, accessibility signage, driveway approaches with bollards, crosswalk striping, and sidewalk, curb and gutter repairs as needed.

TOM EVATT PARK

EXISTING SITE PLAN

Picnic area

Butterfly garden

Bocce courts

- LEGEND (This Sheet)
-  Bench (16)
 -  Picnic Table (4)
 -  Park Boundary
- AMENITY CONDITION
-  Good Condition
 -  Fair Condition
 -  Poor Condition



MATCHLINE 1: SEE MATCHLINE 2

TOM EVATT PARK

EXISTING SITE PLAN

Picnic area

Passive use lawn

LEGEND (This Sheet)

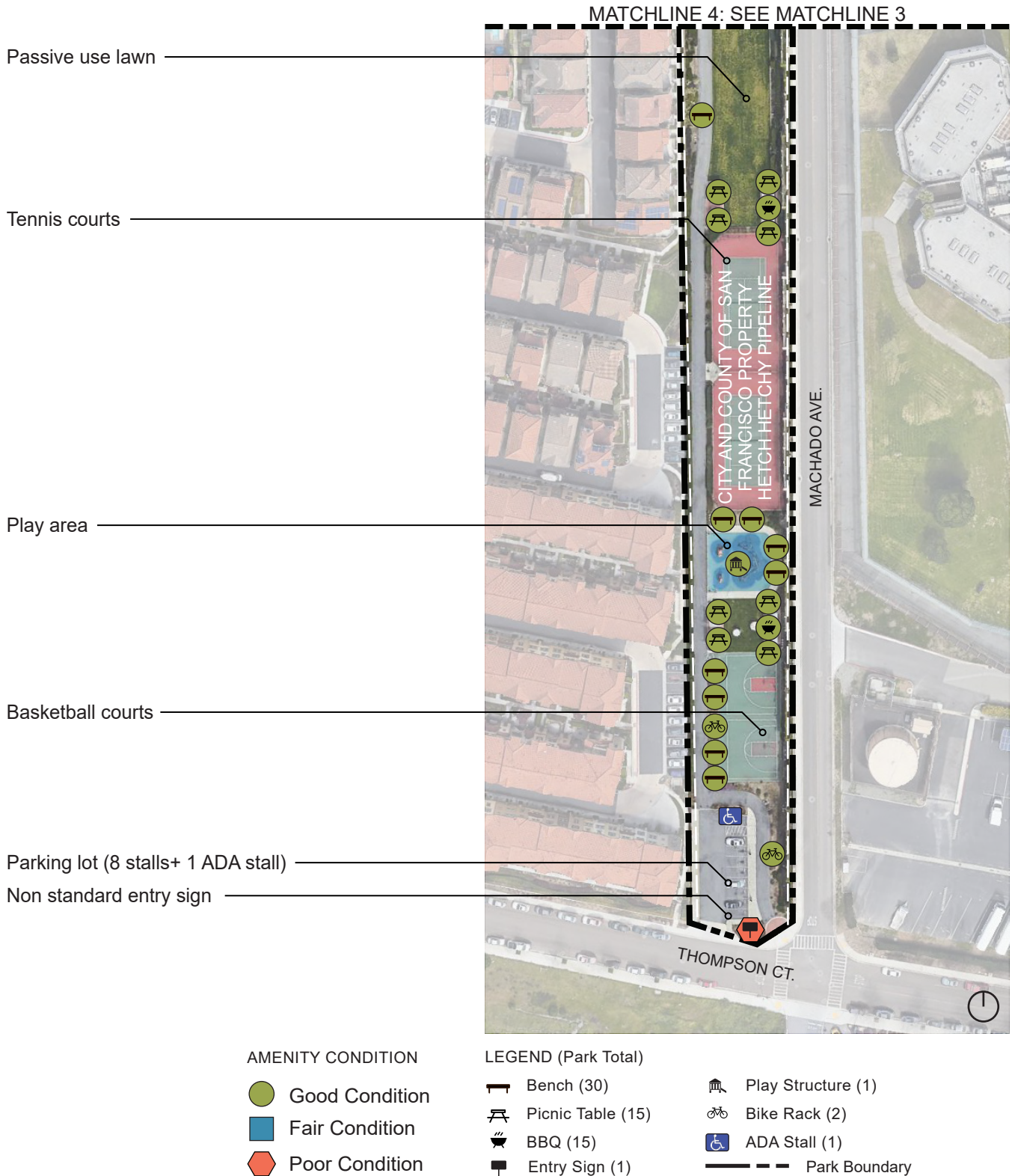
-  Bench (5)
-  Picnic Table (3)
-  BBQ (2)
-  Park Boundary
- AMENITY CONDITION**
-  Good Condition
-  Fair Condition
-  Poor Condition



MATCHLINE 3: SEE MATCHLINE 4

TOM EVATT PARK

EXISTING SITE PLAN



TOM EVATT PARK

PROPOSED SITE PLAN

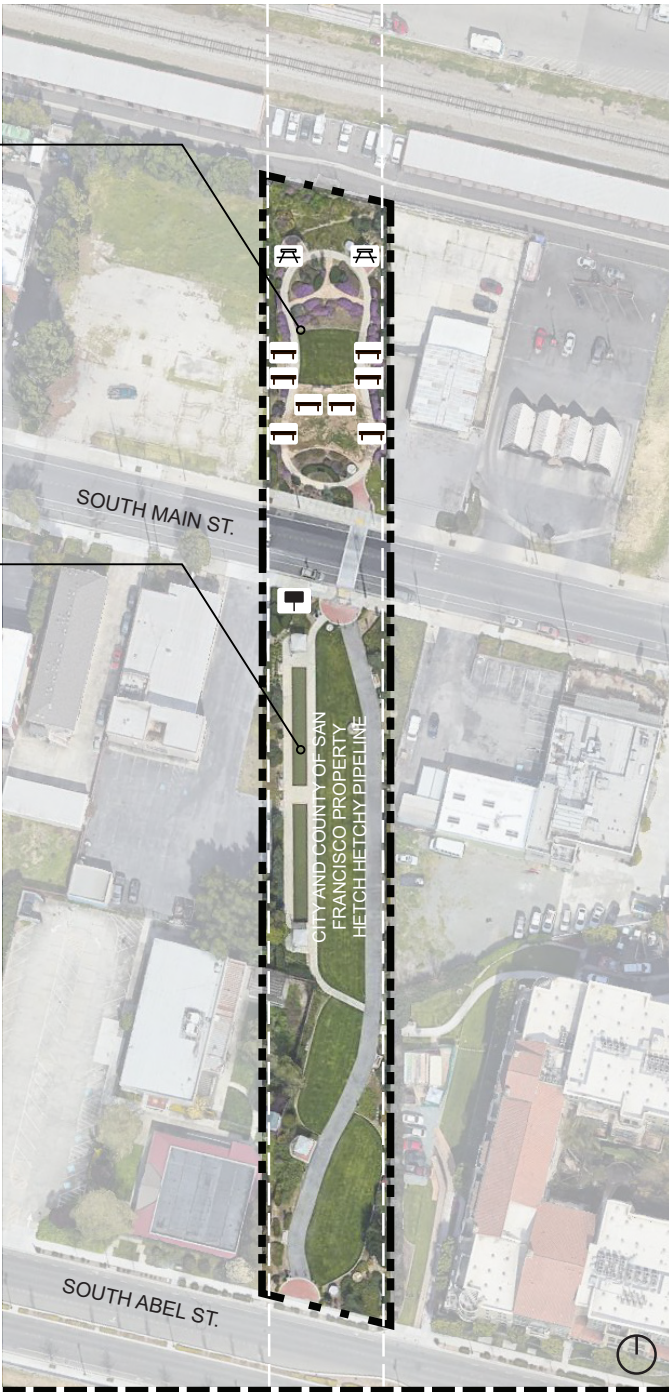
Replant butterfly garden and
replace sod at garden

Refurbish bocce ball courts

LEGEND (This Sheet)

-  Bench (8)
-  Picnic Table (2)
-  Entry Sign (1)

 Park Boundary



MATCHLINE 1: SEE MATCHLINE 2

TOM EVATT PARK
PROPOSED SITE PLAN

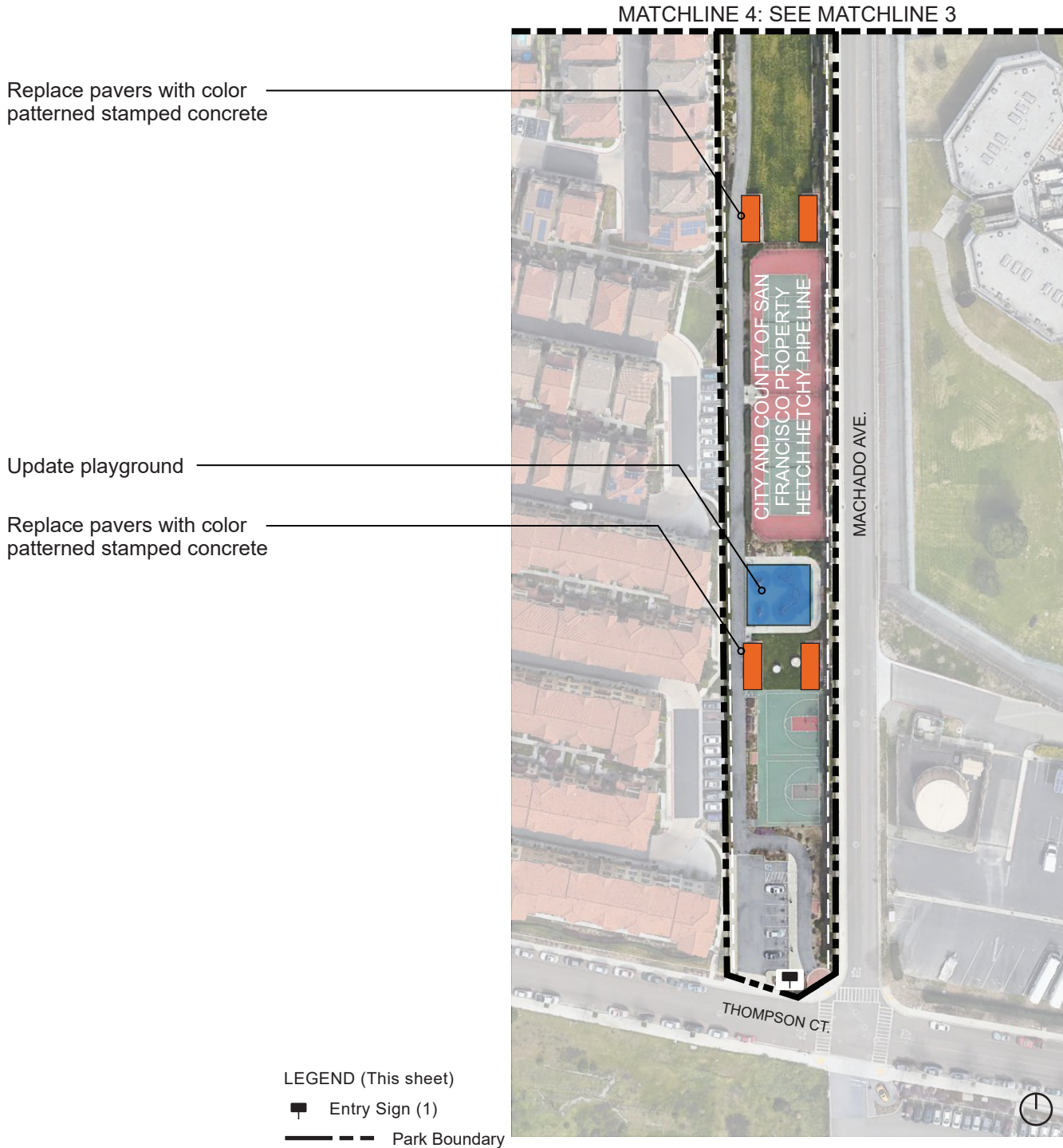
Replace pavers with color
patterned stamped concrete

--- Park Boundary



TOM EVATT PARK

PROPOSED SITE PLAN



TOM EVATT PARK

SITE IMPROVEMENTS

Short Term Improvement

- Update Playground: Replace safety surfacing. Remove the Diagonal Saucer Rope Climber and Rocking Seat equipment per the Milpitas Playground rehabilitation project.
- Replant: Replant Butterfly Garden with California Native butterfly planting such as Buckwheat, Yarrow, Mimulus, and Milkweed. Mulch with 3" layer of recycled wood mulch per Milpitas City standards. Adjust or repair irrigation as needed.
- Replace all sod at Butterfly Garden
- Replace all benches and picnic tables at butterfly garden with Milpitas standard.
- Refurbish bocce ball courts: Remove weeds from artificial turf surfacing, replace where necessary. Replace court sidewalls.
- Replace all pedestrian pavers with color patterned stamped concrete.
- Replace entry signs with Milpitas Standard
- Remove graffiti throughout site.
- Landscape Maintenance: Weed and prune all overgrown landscaped areas, remove all dead or dying vegetation and ensure planting does not encroach on pathways. Weed, prune and fertilize all landscaped areas quarterly, mulch annually or as needed. Mow and edge all lawn areas weekly.

Long Term Improvements

- No long term improvements proposed at the time of this document.



City of Milpitas

455 E. Calaveras Blvd., Milpitas, CA 95035
www.ci.milpitas.ca.gov

Engineering Division

Phone: (408) 583-3300

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City of Milpitas – Engineering Department

455 E. Calaveras Blvd.
Milpitas, California 95035

Parks & Recreation Master Plan Update AB-52 Consultation Meeting Minutes

Date : August 26, 2021
Location & Time : Team Meeting, 1:00 PM – 1:30 PM
Attendees : Lyhak Eam (LE), Michael Silveira (MS), Demetri Loukas (DL) ,
Fiona Phung(FP), Quirina Geary (QG)

1. OBJECTIVE

The purpose of this meeting is to discuss the Formal Request for Tribal Consultation letter that the City received on August 19, 2021 from Tamien Nation regarding the Parks and Recreation Master Plan Update Project

2. DISCUSSION

- City provided a brief overview of the project and explained that this Master Plan document is a visioning document rather than an implementation plan. It identified potential upgrades and enhancement opportunities at each park site that the City can use a guideline for future improvement and implementation.
- The CEQA document was prepared at a program-level and not a specific project-level, thus the information requested by Tamien Nation is not currently available.
- Once a project is funded and ready for the design and construction, the City will conduct a site specific CEQA analysis, notify Tamien Nation, follow AB-52 process and provide any information as required.
- QG requested some educational/interpretative signages to be installed at certain park locations once the park is being renovated. LE confirmed this request can be reviewed and considered during the community outreach process for the park improvement.

3. CONCLUSION

- QG confirmed that no further action is required from the City in response to the consultation service letter, dated August 19, 2021, and the consultation service pursuant to CEQA and AB-52 has been concluded.



MILPITAS PARKS AND RECREATION MASTER PLAN UPDATE

455 East Calaveras Boulevard, Milpitas, CA 94087 | 408.586.3000 Phone | www.ci.milpitas.ca.gov

NOTICE OF DETERMINATION

To: Office of the County Clerk
County of Santa Clara
County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San José, CA 95110

From: City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: Milpitas Park and Recreation Master Plan Update

Project Location: The proposed Milpitas Park and Recreation Master Plan Update (Master Plan Update) consists of the 36 existing parks within the City of Milpitas.

State Clearinghouse Number: NA

Lead Agency Contact Person: Lyhak Eam

Area Code/Telephone: (408) 586-3349

Project Description: The Master Plan Update is a strategic document that analyzes each of the City's existing parks and identifies improvements to enhance the City's existing public parks and recreation system. The improvements range from maintenance of existing landscaping to the addition of new park amenities such as outdoor community event space, sports fields, and restroom facilities. The Master Plan Update does not identify or recommend construction of new parks within the City.

The 36 existing parks within the City are not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

This is to advise that the **City of Milpitas** approved the above described project on November 16, 2021, and made the following determinations regarding the proposed project:

1. The project **will not** have a significant effect on the environment.
2. A **Negative Declaration** was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures **were not** made a condition of the approval of the project.
4. A Mitigation Monitoring or Reporting Plan **was not** adopted for this project.
5. A Statement of Overriding Considerations **was not** adopted for this project.
6. Findings **were not** made pursuant to the provisions of CEQA (Section 15091).

This is to certify that the Negative Declaration, Initial Study, and record of project approval are available to the General Public at the following addresses:

Milpitas Public Library
160 North Main Street
Milpitas, CA 95035
(408) 262-1171

City of Milpitas, Planning Department
455 East Calaveras Blvd.
Milpitas, CA 95035
(408) 586-3279



October 22, 2021

Planning Director

Ned Thomas

Date

Title

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING PARKS AND RECREATION MASTER PLAN NEGATIVE DECLARATION AND INITIAL STUDY AND ADOPTING THE MILPITAS PARKS AND RECREATION MASTER PLAN UPDATE, PROJECT NO. 5115

WHEREAS, project Number 5115, Parks and Recreation Master Plan Update (Master Plan Update or the Project) is included in the approved 2022-2026 Capital Improvement Program. The Parks Master Plan includes an analysis of the conditions of City parks, recommendations and estimated costs for park improvements, maintenance practices, as well as recommendations for increasing recreation program fees and implementing program cost recovery options; and

WHEREAS, on May 3, 2021, the Parks and Recreation Cultural Resource Commission (PRCRC) reviewed and recommended the Master Plan Update be presented to the City Council for adoption; and

WHEREAS, on August 9, 2021, the City Council approved an allocation of \$4,386,815 from ARPA funding to finance the health and safety and short-term repair to 20 City parks, which Engineering and Public Works Department will be working on over the next few years; and

WHEREAS, staff has incorporated Council direction from past meetings into the Master Plan Update, and it is ready for adoption by the City Council. The document includes an assessment of existing parks' condition, needs assessment, fee assessment for programs, events and services, goals, short-term and long-term improvement recommendations, and implementation and funding strategies; and

WHEREAS, the Master Plan Update also recommends a comprehensive set of goals, improvement plans at each park which will be further refined when the funding is available, implementation strategies, and funding strategies to secure funding to meet future Milpitas park and recreation needs; and

WHEREAS, the City of Milpitas, as the Lead Agency, has prepared an Initial Study/Negative Declaration (IS/ND) for the Milpitas Park and Recreation Master Plan Update pursuant to the California Environmental Quality Act (CEQA), as amended. The IS/ND analyzes the Project at a programmatic level in accordance with Sections 15371 and 15071 of the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000, et. seq.) and applicable General Plan policies and Municipal Code regulations of the City of Milpitas; and

WHEREAS, the IS/ND concludes that the proposed Project will not have a significant effect on the environment; and

WHEREAS, the Notice of Intent (NOI) to adopt a negative declaration was publicized in accordance with City and State noticing requirements; and

WHEREAS, the Notice was published on the City webpage, Milpitas Post newspaper, project webpage, County recording office and Milpitas Library; and

WHEREAS, the Notice provided for a public comment period on the IS/MND from September 24th, 2021 through and including October 13th, 2021, and the City received no comments on the IS/ND from public during the 20-day public comment period.

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. As lead agency for the Parks and Recreation Master Plan Update, the City finds that the IS/ND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Master Plan Update, and that the IS/ND reflects the independent judgment of the City Council. As set forth in the IS/ND, the City Council finds that the Master Plan Update will have no significant impacts on the environment. The City Council hereby adopts the Parks and Recreation Master Plan Negative Declaration/Initial Study.
- 3.
4. The City Council hereby adopts the Parks and Recreation Master Plan Update, Project No. 5115.
5. The documents and materials that constitute the record of proceedings on which these findings are based are located at City Hall, 455 E Calaveras Boulevard, Milpitas, CA 95035. Wendy Wood, the City Clerk, is the custodian of the record of proceedings.
6. A Notice of Determination shall be filed with the County of Santa Clara within five (5) working days of the final Project's approval.

PASSED AND ADOPTED this 14th 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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and consider adopting Urgency Ordinance No. 38.844 amending sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with Government Code Sections 66411.7 and 65852.21 and determining the ordinance to be statutorily exempt from CEQA (Staff Contact: Ned Thomas, 408-586-3273)
Category:	Public Hearings-Community Development
Meeting Date:	12/14/2021
Staff Contact:	Ned Thomas, Planning Director, 408-586-3273
<u>Recommendation:</u>	1. Conduct a public hearing and move to close the hearing following comments. 2. Adopt Urgency Ordinance No. 38.844 amending sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with Government Code Sections 66411.7 and 65852.21 and determining the ordinance to be statutorily exempt from CEQA

Background:

Governor Newsom signed Senate Bill 9 (SB 9) on September 16, 2021, establishing a two-pronged approach to require increased housing density in single-family residential zones.

- First, if certain conditions are met, SB 9 requires ministerial approval of up to two units on a lot in single-family residential zones. The units may be in one structure or two separate structures.
- Second, the statute requires ministerial approval of lot splits in single-family residential districts, subject to similar conditions. Eligible single-family lots may be split, roughly into halves, with resulting lots as small as 1,200 square feet.

If the conditions are met for both approvals, the applicant could build at least four units on what was originally one single-family residential lot. No public hearing is required for these ministerial approvals. Many cities across the state are considering the adoption of urgency ordinances to amend local subdivision and zoning regulations to comply with state law before the new legislation takes effect on January 1, 2022. Future refinements to the state legislation are expected.

On November 29, 2021, the Planning Commission held a special meeting and conducted a public hearing to consider the proposed City-initiated amendments to the Subdivision Ordinance and Zoning Ordinance. The Commission voted 5-1 (Tao, nay; one vacancy) to adopt Resolution No. 21-025 recommending that the City Council approve Zoning Text Amendment ZA21-0004 amending sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of the Milpitas Municipal Code to modify or add regulations relating to urban lot splits and two-unit projects to comply with Government Code section 65852.21 and 66411.7.

Analysis:

The proposed zoning text amendments would amend sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of the Milpitas Municipal Code (MMC) to comply with Government Code Sections 66411.7 and 65852.21. The proposed amendments would modify the Milpitas Municipal Code to appropriately regulate urban lot splits and two-unit projects under SB 9. Specifically, the amendments would make the following modifications:

- Amends Title XI, Chapter 1 “Subdivisions,” Section 3 “Definitions” of the MMC to add a new definition for “Urban Lot Split” as Subsection XI-1-3.09.
- Amends Title XI, Chapter 1 “Subdivisions” of the MMC to add a new Subsection XI-1-31 to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.
- Amends Title XI, Chapter 10 “Zoning,” Section 2.03 “Definitions” of the MMC to add new definitions for “Urban Lot Split and Two-unit Project” to the Zoning Ordinance.
- Amends Title XI, Chapter 10 “Zoning,” Section 4 “Residential Zones and Standards,” of the MMC to add a new Subsection XI-10-4.08 to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.

The proposed amendments are consistent with Milpitas General Plan policies to facilitate new housing production and provide for a variety of housing types and densities that meet the needs of individuals and families.

Proposed Amendments to Milpitas Municipal Code:

SB 9 allows a local agency to impose objective zoning and design standards so long as those standards would not physically preclude the construction of up to two units at least 800 square feet in floor area on a single-family lot. SB 9 also requires a local agency to grant ministerial approval of a parcel map for an urban lot split in a single-family residential zone if it meets certain requirements, including a minimum lot size of 1,200 square feet and other objective zoning standards, objective subdivision standards, and objective design standards, unless those standards would physically preclude the construction of two units at least 800 square feet in floor area on either of the resulting parcels.

The proposed zoning text amendments would amend the City’s subdivision regulations to allow urban lot splits consistent with the provisions of SB 9 and establish objective standards to regulate the subdivision of parcels and the development of new two-unit projects on residential parcels within the City. Establishing these regulations will result in the orderly subdivision and development of parcels.

The requirements of SB 9 related to urban lot splits will be addressed in additions to MMC Title XI, Chapter 1 “Subdivisions.” Specifically, the proposed zoning text amendments include the following changes:

1. Add new Subsection XI-1-3.09 to establish a definition for “Urban Lot Split.”

Under SB 9, local agencies must grant ministerial approval of certain subdivisions of one lot into two without discretionary review or a hearing. To qualify for ministerial approval under SB 9, the proposed lot split must satisfy certain criteria. The establishment of this definition aids in the regulation of parcel maps for urban lot splits consistent with the requirements of Government Code Section 66411.7.

2. Add new Section XI-1-31 to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

The proposed zoning text amendments would amend the City’s zoning regulations to provide directive language regarding certain subdivisions and establish objective zoning standards, objective subdivision standards, and objective design review standards.

3. Add two new definitions to Subsection XI-10-2.03 to establish definitions for “Urban Lot Split” and “Two-unit Project” to implement SB 9.

Under SB 9, local agencies must grant ministerial approval of certain two-unit projects on one single-family residential lot without discretionary review or a hearing. To qualify for ministerial approval under SB 9, the proposed two-unit projects must meet certain criteria. The establishment of these definitions will aid in the regulation urban lot splits consistent with the requirements of Government Code Section 66411.7 and two-unit projects in accordance with Government Code Section 65852.21.

4. Add new Subsection XI-1-4.08 to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.

The proposed zoning text amendments would amend the City's zoning regulations to provide directive language regarding certain aspects of two-unit residential development and establish objective zoning standards, objective subdivision standards, and objective design review standards.

General Plan Conformance:

The City's General Plan is the primary long-range planning document that provides the vision for the future growth and development of Milpitas. The proposed urgency ordinance conforms to the policies and standards in the City's General Plan, as summarized in Table 1:

Table 1: General Plan Consistency

Policy	Conformance
<i>Land Use 1-4:</i> 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 zoning text amendments modify or add text to the City Subdivision Ordinance and Zoning Ordinance to allow and appropriately regulate urban lot splits and two-unit projects consistent with State law. The proposed changes will streamline and encourage the production of new housing units, which will add diversity to the City's housing stock in terms of unit size and cost. Allowing urban lot splits and two-unit projects in previously exclusive single-family neighborhoods may offer new housing options that help meet the needs of a range of household sizes, income levels, and ages.
<i>Community Health and Wellness 4-1</i> Ensure that there is a diversity of housing types to accommodate all income levels and provide housing for very low and extremely low-income populations in areas with high accessibility to public transportation.	Consistent. The proposed zoning text amendments amend the subdivision and zoning regulations for a specific type of residential development that may increase the diversity of housing types. By reducing setbacks and parking requirements for new units and providing a ministerial review process, new lots and units that meet certain criteria, including those located near transit, are incentivized. Because the new residential units will be smaller than traditional single-family residences, they may be more affordable.
<i>Housing Element Goal C:</i> Facilitate New Housing Production	Consistent. The proposed zoning text amendments modify the City's subdivision and zoning regulations to comply with new State laws intended to reduce barriers to the construction of "missing-middle" housing types, which are multifamily residential buildings that are compatible in scale and form with detached single-family homes. The streamlined review process and objective standards are intended to facilitate and accelerate the production of new housing units in existing residential neighborhoods.

<i>Housing Element Goal D:</i> Support Housing Diversity and Affordability	Consistent. The proposed zoning text amendments modify the City's subdivision and zoning regulations to encourage the production of additional housing units that will be available and appropriate to different household sizes, and income levels. Because the new urban lots and two-unit projects will be smaller than traditional single-family residences and lots, they may be more affordable to a wider variety of people.
--	---

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Council has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. The following are the required findings for approval of a Zoning Ordinance Text Amendment:

Zoning Amendment (MMC Section XI-10-57.02(G)(3))

1. *The proposed amendment is consistent with the General Plan.*

As summarized in Table 1 above, the proposed zoning text amendments include amendments to the City's subdivision and zoning regulations that are consistent with the Milpitas General Plan. Specifically, the proposed amendments implement policy 1-4 of the Land Use Element and policy 4-1 of the Community Health and Wellness Element, which speak to the need to provide a variety of housing suited to a range of household types (e.g. individuals, families) and income levels and create housing in close proximity to public transportation. The zoning amendments would also help to realize the intent of Goals C and D of the Housing Element, which call for the City to facilitate new housing production and support diversity and affordability in Milpitas' housing stock. Adoption of the proposed amendments to the Zoning Ordinance would make it easier, faster, and more cost-efficient for property owners to create new single-family residential units on smaller lots, and the new units are likely to be more affordable. Adding "missing middle" housing types within the City's existing neighborhoods would greatly help to meet local housing demand, especially for smaller households with lower to moderate incomes such as students, single working individuals, and seniors.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed zoning text amendments include amendments to the City's subdivision and zoning regulations that will provide a streamlined ministerial review and approval process for qualifying projects. The amendments also add new regulations specific to urban lot splits and two-unit projects to ensure that future units are compatible with surrounding single-family residential uses and avoid potential impacts (e.g. to privacy and solar access) on adjacent properties.

Policy Alternatives:

Alternative 1: Do not amend sections of Chapter 1 "Subdivisions" and Chapter 10 "Zoning" of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with the provisions of SB 9.

Pros: The City would not be required to consider future amendments if the Legislature makes future changes to SB 9.

Cons: The City would only be able to require SB 9 projects to comply with the limited requirements in SB 9. Therefore, the City would be limited in its ability to regulate SB 9 projects, which will potentially result in parking, privacy, and visual impacts to single-family neighborhoods.

Reason not recommended: Without an ordinance establishing local requirements for urban lot splits and two-unit projects, the City would only be able to implement the limited requirements in SB 9. The prop

amendments are intended to protect neighborhood character and address the property rights of Milpitas residents who live in single-family neighborhoods.

Fiscal Impact:

SB 9 requires local jurisdictions to approve certain proposed lot splits and two-unit projects, beginning in January 2022. An SB 9 lot split followed by an SB 9 two-unit project on each of the two new lots would result in four total dwellings on what was originally one single-family lot. The actual number of property owners who may choose to take advantage of this new development potential is unknown, but the new regulations create the *potential* to significantly increase the number of residential units requiring city services and increasing costs. On the other hand, the construction of additional units could also generate new fee revenue. The full fiscal impact of allowing urban lot splits and two-unit projects is unknown at this time.

California Environmental Quality Act:

Under California Government Code sections 65852.21(j), and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”). Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

Planning Commission Action:

The Planning Commission considered the proposed zoning text amendment, including text amendments to the City’s Subdivision Ordinance and Zoning Code, at a special meeting on November 29, 2021. Following public comment, the Planning Commission adopted Resolution No. 21-025 (Attachment A) by a vote of 5-1 (Tao, nay; one vacancy) recommending that the City Council adopt an Urgency Ordinance amending sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of Title XI of the Milpitas Municipal Code relating to urban lot splits and two-unit projects consistent with the provision of SB 9.

Recommendation:

1. Conduct a public hearing and move to close the hearing following comments.
2. Adopt Urgency Ordinance No. 38.844 amending sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with Government Code Sections 66411.7 and 65852.21 and determining the ordinance to be statutorily exempt from CEQA.

Attachments:

1. Urgency Ordinance No. 38.844
2. Exhibit A to Urgency Ordinance No. 38.844
3. Planning Commission Resolution No. 21-025

URGENCY

NUMBER: 38.844

TITLE: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTIONS OF CHAPTER 1 “SUBDIVISIONS” AND 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 66411.7 AND 65852.21 AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

HISTORY: This Ordinance was adopted by the City Council by a four-fifths (4/5) vote in order to protect the public health, safety and welfare at its meeting of December 14, 2021, upon motion by _____. Said Ordinance was duly passed and ordered published in accordance with the law 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

RECITALS:

WHEREAS, the City of Milpitas, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (“SB 9”), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

WHEREAS, SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects; and

WHEREAS, SB 9 takes effect January 1, 2022, and preempts any conflicting city ordinance; and

WHEREAS, the City desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of the new SB 9 Law because if the City does not adopt appropriate objective standards for urban lot splits and two-unit projects under SB 9 as of January 1, 2022, the City would thereafter be limited to applying the few objective standards that already in its code, which did not anticipate and were not enacted with urban lot splits and ministerial two-unit projects in mind; and

WHEREAS, the approval of urban lot splits and two-unit projects based solely on the City’s default standards, without appropriate regulations governing lot configuration, unit size, height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b).

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

SECTION 1. INCORPORATION OF RECITALS

The City Council hereby finds that all the foregoing recitals and staff report presented herewith are true and correct and are hereby incorporated by reference and adopted as findings by the City Council as if fully set forth herein.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under California Government Code sections 65852.21, subd. (j), and 66411.7, subd. (n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”). Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

SECTION 3. URGENT NEED

Based on the foregoing recitals and findings, all of which are deemed true and correct, this ordinance is urgently needed for the immediate preservation of the public peace, health, and safety. This Urgency Ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code Section 36937.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTERS 1 AND 10

Chapters 1 and 10 of Title XI of the Milpitas Municipal Code are hereby amended and restated as provided in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 5. AUTHORITY

This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Milpitas by Government Code 36937, and therefore shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

SECTION 6. EFFECTIVENESS OF ORDINANCE

This ordinance takes effect immediately upon its adoption.

SECTION 7. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. NOTICE OF CEQA EXEMPTION

The City Council hereby directs staff to prepare, execute, and file with the County of Santa Clara Clerk a notice of CEQA exemption within five (5) working days of the adoption of this Ordinance.

SECTION 9. CERTIFICATION

The City Clerk shall certify as to the adoption of this Urgency Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Urgency Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

EXHIBIT A

Amendments to Chapter 1 and Chapter 10 of Title XI of the Milpitas Municipal Code

(follows this page)

AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 1, SECTION 3

Title XI, Chapter 1, Section 3 “Definitions” of the Milpitas Municipal Code is hereby amended to add Subsection XI-1-3.09 “Urban Lot Splits” to read as follows:

XI-1-3.09 – Urban Lot Split

“Urban Lot Split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 1, SECTION 31

Title XI, Chapter 1 “Subdivisions” of the Milpitas Municipal Code is hereby amended to add Section 31 “Urban Lot Splits” to read as follows:

Section 31 – Urban Lot Splits

XI-1-31.00 – Purpose

The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

XI-1-31.01 – Definition

As defined in subsection XI-1-3.09 of this chapter, an “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

XI-1-31.02 – Application

31.02-1 Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).

31.02-2 An application for an urban lot split must be submitted on the city’s approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

31.02-3 The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

XI-1-31.03 Approval

31.03-1 An application for a parcel map for an urban lot split is approved or denied ministerially, by the Planning Director or his or her agent, without discretionary review.

31.03-2 A tentative parcel map for an urban lot split may receive ministerial approval if it complies with all the requirements of this section. The tentative parcel map may not be recorded. A final parcel map may also receive ministerial approval as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.

31.03-3 The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.

31.03-4 The approval must require the owner and applicant to reimburse the city of all costs of enforcement, including attorney's fees and costs associated with enforcing the requirements of this chapter.

XI-1-31.04 – Requirements. An urban lot split must satisfy each of the following requirements:

31.04-1 Map Act Compliance. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”), including implementing requirements in this code, except as otherwise expressly provided in this section.

31.04-2 If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:

- (a) The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
- (b) The city has all the remedies available to it under the SMA, including but not limited to the following:
 - (i) An action to enjoin any attempt to sell, lease, or finance the property.
 - (ii) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (iii) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - (iv) Record a notice of violation.
 - (v) Withhold any or all future permits and approvals.

- (c) Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.

31.04-3 Zone. The lot to be split shall be located in a single-family residential zone. For the purposes of this section, the R1 Zoning District shall be the only single-family residential zone.

31.04-4 Lot Location. The lot to be split shall not be located on a site that is any of the following, as contained within Government Code section 65913.4(a)(6)(B)-(K), as may be amended from time to time:

- (a) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
- (b) A wetland.
- (c) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
- (d) A hazardous waste site that has not been cleared for residential use.
- (e) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
- (f) Within a 100-year flood hazard area, unless the site has either:
 - (i) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (ii) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
- (g) Within a regulatory floodway, unless all development on the site has received a no-rise certification.
- (h) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
- (i) Habitat for protected species.
- (j) Land under conservation easement.

31.04-5 Historic Properties. The lot to be split shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

31.04-6 No Prior Lot Split.

- (a) The lot to be split shall not be a lot that was established through a prior urban lot split.
- (b) The lot to be split shall not be adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner. “Any person acting in concert with the owner” here includes any third-party that coordinates with the owners of two adjacent lots with their respective urban lot splits.

31.04-7 No Impact on Protected Housing. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

- (a) Housing that is income-restricted for households of moderate, low, or very low income.
- (b) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
- (c) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- (d) Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

31.04-8 Lot Size.

- (a) The lot to be split must contain a minimum of 2,400 square feet.
- (b) The resulting lots must each contain a minimum of 1,200 square feet.
- (c) Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

XI-1-31-05 – Easements.

31.05-1 The owner of the property subject to an urban lot split must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

31.05-2 Each easement must be shown on the tentative parcel map.

31.05-3 Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved.

XI-1-31.06 – Lot Access.

31.06-1 Each resulting lot must adjoin the public right of way.

31.06-2 Each resulting lot must have frontage on the public right of way of at least 12.5 feet.

XI-1-31.07 – Compliance with Zoning Ordinance

The urban lot split shall conform with the requirements and standards of Section XI-10-4.08 “Urban Lot Splits” and Section XI-10-4-0.09 “Two-unit Projects” of this Title.

XI-1-31.08 – Specific Adverse Impacts

31.08-1 Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

31.08-2 “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include (1) inconsistency with the Zoning Ordinance or General Plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

31.08-3 The Building Official may consult with and be assisted by the Planning Director or other City staff or consultants, as necessary, in making a finding of specific, adverse impact.

AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 2

Title XI, Chapter 10, Section 2.03 “Definitions” of the Milpitas Municipal Code is hereby amended to add the following definitions to read as follows:

“Urban Lot Split” means the subdivision of an existing, legally subdivided lot into two lots.

“Two-unit Project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.

AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 4

Title XI, Chapter 10, Section 4 “Residential Zones and Standards” of the Milpitas Municipal Code is hereby amended to add Subsection XI-10-4.08 to read as follows:

XI-10-4.08 – Two-unit Projects

A. Purpose. The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.

B. Definition. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

C. Application.

1. Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp., S corp., etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
2. An application for a two-unit project must be submitted on the city’s approved form.
3. The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
4. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

D. Approval

1. An application for a two-unit project is approved or denied ministerially, by the Planning Director, without discretionary review.
2. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents, such as the deed restriction and easements, have been recorded with the Santa Clara County Clerk.
3. The approval must require the owner and applicant to hold the city harmless from all

claims and damages related to the approval and its subject matter.

4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

E. Location Requirements. A two-unit project must satisfy each of the following requirements:

1. Map Act Compliance. The lot must have been legally subdivided.
2. Single-family Residential Zone. The two-unit project shall be located in a single-family residential zone. For the purposes of this section, the R1 zone is the only single-family residential zoning district where a two-unit project may be located.
3. Lot Location. The two-unit project shall be located on a lot that conforms with the applicable requirements of Sections XI-1-31.04-4 through XI-1-31.04-8 of this Title.
4. Not Historic. The two-unit project shall be located on a lot that conforms with the applicable requirements of Section XI-1-31.05 of this Title.
5. No Impact on Protected Housing. The two-unit project shall be located on a lot that conforms with the applicable requirements of Section XI-1-31.06 of this Title.

F. Residential Unit Standards

1. Quantity.

- a. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means a dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under Section XI-10-04.08 of this Chapter, an ADU, or a JADU.
- b. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under State law and the City's ADU Ordinance.

2. Unit Size.

- a. The total floor area of each primary dwelling that is developed on a resulting lot must be:
 - i. less than or equal to 800 square feet; and
 - ii. more than or equal to 500 square feet.
- b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.

- c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.
3. Demo Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

G. Maximum Height

1. On a resulting lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
2. On a resulting lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five (5) feet from the ground floor; no balcony deck or other portion of the second story may project into the step-back area.
3. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.

H. Setbacks.

1. General Setbacks. All setbacks must conform to those objective setbacks that are imposed through the underlying R1 zone.
2. Exceptions. Notwithstanding Subsection XI-10-4.08.H.1 above:
 - a. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - b. Minimum Unit Size. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
3. Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed under this section must be a minimum of 15 feet from the front property lines. The front setback area must:
 - a. be kept free from all structures greater than three feet high;
 - b. be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;

- c. allow vehicular and fire-safety access to the front structure in accordance with the City's adopted Building and Fire Safety Codes.

I. Parking.

1. Off-street Parking Requirement. Each new primary dwelling unit that is built on an existing lot or a lot created through an urban lot split must have at least one (1) off-street parking space per unit.
2. Exceptions. Notwithstanding Subsection XI-10-4.08.I.1 above:
 - a. Proximity to Transit. No additional parking is required for any new primary dwelling unit located within one-half mile walking distance of:
 - i. a corridor with fixed-route bus service or the intersection of two or more major bus routes with frequency of service intervals of 15 minutes or less during the morning and afternoon peak commute hours; or
 - ii. a site that contains an existing rail or bus rapid transit station; or
 - b. Proximity to Car-Share Service. No additional parking is required for a new primary dwelling unit located within one block of a car-share vehicle location.

J. Architecture.

1. If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
2. If there is no legal primary dwelling on the lot before the urban lot split, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
4. All exterior lighting must be limited to down-lights.
5. No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
6. If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

K. Landscaping

1. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:
 - a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.
 - b. Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
 - c. All landscaping must be drought-tolerant to conserve water used for irrigation.

L. Non-conforming Conditions. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.

M. Utilities

1. Each primary dwelling unit on an existing lot or the lots resulting from an urban lot split must have a separate direct water connection to the water service provider.
2. Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

N. Building and Safety. All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot and all structures to the City's current code.

O. Separate Conveyance

1. Within a resulting lot.
 - a. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - c. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.

P. Regulation of Uses

1. Residential-only. Non-residential uses, except for legal home-based businesses, are not permitted on any single-family residential lot.

2. No STRs. No dwelling unit located on a lot created by an urban lot split may be rented for a period of less than 30 days.
3. Owner Occupancy. Unless the lot was created by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

Q. Notice of Construction

1. At least 30 business days prior to starting any construction activities related to a structure on a lot created by an urban lot split, the property owner must provide written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - a. Notice that construction has been authorized:
 - b. The estimated start and end dates for construction:
 - c. The hours of construction;
 - d. Contact information for the project manager (for construction-related issues); and
 - e. Contact information for the City Building Safety & Housing Department.
2. This notice requirement does not confer a right on the noticed persons or any others to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a project under this Chapter. This notice requirement is intended to foster neighborhood awareness and expectations.

R. Deed Restriction. The owner must record a deed restriction, acceptable to the City of Milpitas, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

S. Specific Adverse Impacts

1. Notwithstanding any other provisions in this section, the City may deny an application for a two-unit project if the Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. “Specific adverse impact” has the same meaning as in Gov. Code § 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

T. Remedies. If a two-unit project violates any part of this code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - d. Record a notice of violation.
 - e. Withhold any or all future permits and approvals.
 - f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the Milpitas Municipal Code.

RESOLUTION NO. 21-025

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT
AMENDMENT ZA21-0004 AMENDING SECTIONS OF CHAPTER 1 “SUBDIVISIONS”
AND CHAPTER 10 “ZONING” OF TITLE XI OF THE MILPITAS MUNICIPAL CODE
RELATING TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND
DETERMINING THE AMENDMENT TO BE EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (“SB 9”), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

WHEREAS, SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects; and

WHEREAS, SB 9 takes effect January 1, 2022, and preempts any conflicting city ordinance; and

WHEREAS, the City desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

WHEREAS, the City has prepared Zoning Amendment No. ZA21-0004 (“Amendment”) to the City’s Municipal Code, including refinements to Sections of Chapter 1 “Subdivisions” and Chapter 10 “Zoning” of Title XI; and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in this Resolution; and

WHEREAS, the Planning Commission is an advisory body to the City Council; and

WHEREAS, on November 29, 2021, the Planning Commission held a duly-noticed public hearing on the subject Amendment, at which all those in attendance were given the opportunity to speak on the Zoning Text Amendment; and

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

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

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CEQA Finding

The Planning Commission finds that under California Government Code sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, the proposed amendment is statutorily exempt from CEQA in that the proposed amendment implements these new laws enacted by SB 9.

SECTION 3. Findings for Zoning Amendment (Milpitas Municipal Code, Subsection XI-10-57.02(G)(3))

The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Text Amendment No. ZA21-0004:

1. The proposed amendment is consistent with the General Plan.

The proposed zoning text amendments include amendments to the City's subdivision and zoning regulations that are consistent with the Milpitas General Plan. Specifically, the amendments implement policy 1-4 of the Land Use Element and policy 4-1 of the Community Health and Wellness Element, which speak to the need to provide a variety of housing types suited to a range of household types (e.g. individuals, families) and income levels and creating housing close in proximity to public transportation. The proposed zoning amendments would also help to realize the intent of Goals C and D of the Housing Element, which call for the City to facilitate new housing production and support diversity and affordability in Milpitas' housing stock. Adoption of the proposed amendments to the Zoning Ordinance would make it easier, faster, and more cost-efficient for property owners to create new single-family residential units on smaller lots, and the new units are likely to be more affordable. Adding "missing middle" housing units within the City's existing neighborhoods would greatly help to meet local housing demand, especially for smaller households with lower- to moderate incomes such as students, single working individuals, and seniors.

2. The proposed amendment will not adversely affect the public health, safety and welfare.

The proposed zoning text amendments include amendments to the City's subdivision and zoning regulations that will provide a streamlined ministerial review and approval process for

qualifying projects. The amendments also add new regulations specific to urban lot splits and two-unit projects to ensure that future units are compatible with surrounding single-family residential uses and avoid potential impacts (e.g. to privacy and solar access) on adjacent properties. Without an ordinance establishing local requirements for urban lot splits and two-unit projects, the City would only be able to implement the limited requirements in SB 9. In this respect, the amendments will serve to protect neighborhood character and property owner rights, thereby maintaining the public health, safety, and welfare.

SECTION 4: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 21-025 recommending that the City Council adopt Zoning Text Amendment ZA21-0004 based on the above Findings.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on November 29, 2021.

DocuSigned by:



Nov-30-2021

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Steve Tao, Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on November 29, 2021 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana	✓			
Tim Alcorn	✓			
Lawrence Ciardella	✓			
Bill Chuan	✓			
Alexander Galang	✓			
Steve Tao		✓		
Vacant	--	--	---	---



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution for Appointing Jaime Garcia as Interim Assistant Fire Marshal
Category:	Public Safety
Meeting Date:	12/14/2021
Staff Contact:	Albert Zamora, Deputy Fire Chief (408) 586-3371 Brian Sherrard, Fire Chief (408) 586-2811
Recommendation:	Adopt a resolution appointing Jaime Garcia as Interim Assistant Fire Marshall in accordance with California Government Code Sections 7522.56 and 21221(h) and approve, and authorize the City Manager to execute, an employment agreement with Jaime Garcia.

Background:

The California Public Employees Reform Act of 2013 requires a 180-day “wait” period before a retiree can return to work for a public agency; however, the 180-day “wait” period is not applicable to the appointment of a safety member to a safety position as is the case here so long as the retiree did not retire with a retirement incentive such as the CalPERS golden parachute (i.e., 2 years additional service credit). In addition to the requirements of PEPR, the appointment of a retiree to a vacant position must comply with Section 21221(h) of the Public Employees’ Retirement Law (“PERL”). In accordance with PERL, the appointment is permissible if it is made during the recruitment for a permanent appointment to the position and it is approved by the governing body of the employer in a public meeting and not on a consent calendar. Staff has worked with the City Attorney to ensure that additional requirements, such as ones that relate to compensation and hours worked, will be met.

Analysis:

Jaime Garcia will retire from the Assistant Fire Marshal position after over 28 years of service with the City effective December 31, 2021. Given his long tenure with the City, Mr. Garcia has significant experience and knowledge related to the management and operation of the Fire Prevention Division. Consistent with the requirements of Government Code Section 21221(h), the City will commence recruitment for a regular appointment to the Assistant Fire Marshal vacancy by December 31, 2021.

Staff is recommending that the City bring Mr. Garcia back after his retirement to serve as the Interim Assistant Fire Marshal pending conclusion of the recruitment process for a regular appointment to assist in the transition of leadership in the Fire Prevention Division.

Included in the Council’s agenda packet is the required resolution to appoint a retiree pursuant to Government Code Sections 7522.56 and 21221(h), and the employment agreement.

Policy Alternatives:

Alternative 1: Do not adopt the resolution appointing Jaime Garcia as Interim Assistant Fire Marshal and approve, and authorize the City Manager to execute, an employment agreement with Jaime Garcia.

Pros: None.

Cons: This will create difficulty in the smooth transition of leadership in the Fire Prevention Division.

Fiscal Impact:

The compensation paid to retirees cannot be less than the minimum nor exceed the maximum hourly rate paid to other employees performing comparable duties and limited to 960 hours per fiscal year. Accordingly, the hourly rate to be paid is \$109.40 or up to \$105,024 per fiscal year. Funding is available from staff vacancies within the FY2021-22 adopted budget.

California Environmental Quality Act:

Not applicable.

Recommendation:

Adopt a resolution appointing Jaime Garcia as Interim Assistant Fire Marshal in accordance with California Government Code Sections 7522.56 and 21221(h) and approve, and authorize the City Manager to execute, an employment agreement with Jaime Garcia.

Attachments:

1. Resolution appointing Jaime Garcia as Interim Assistant Fire Marshal in accordance with California Government Code Section 7522.56 and 21221(h).
2. Employment Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MILPITAS APPOINTING JAIME GARCIA AS
INTERIM ASSISTANT FIRE MARSHAL AND
APPROVING EMPLOYMENT AGREEMENT**

WHEREAS, Government Code Section 21221(h) permits the City Council to appoint a retired annuitant to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, the position of Assistant Fire Marshal will become vacant at close of business on December 30, 2021; and

WHEREAS, although Government Code Section 7522.56(f) requires that post-retirement employment commence no earlier than 180 days after the retirement date, Government Code Section 7522.56(f)(4) provides for an exception that allows for immediate employment of retirees in public safety positions; and

WHEREAS, Section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Milpitas City Council, the City of Milpitas, and Jaime Garcia certify that Jaime Garcia has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Milpitas City Council desires to appoint Jaime Garcia, who will retire from the City of Milpitas in the position of Assistant Fire Marshal, effective December 31, 2021, as an interim appointment retired annuitant to the vacant position of Assistant Fire Marshal for the City of Milpitas under Government Code Section 21221(h), effective January 3, 2022; and

WHEREAS, Jaime Garcia has over 28 years of experience in fire protection and fire prevention safety with an extensive history in fire department management, including as the current Assistant Fire Marshal for the City of Milpitas; and

WHEREAS, an appointment under Government Code Section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, information regarding the recruitment for an Assistant Fire Marshal will be posted no later than January 3, 2022 on the City's webpage for job opportunities available at <https://www.ci.milpitas.ca.gov/milpitas/departments/about-human-resources-2/38914-2/>; and

WHEREAS, this Section 21221(h) appointment shall only be made once and therefore will end on the date immediately preceding the date on which the permanent replacement for the vacant position of Assistant Fire Marshal for the City of Milpitas commences his or her employment or, if earlier, the date that this appointment is terminated by the City or Jaime Garcia; and

WHEREAS, the entire employment agreement between Jaime Garcia and the City of Milpitas has been reviewed by this body and is attached hereto as **Exhibit A**; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the minimum hourly rate for this position is \$78.14, and the maximum hourly rate for this position is \$109.40; and

WHEREAS, the hourly rate to be paid to Jaime Garcia is \$109.40; and

WHEREAS, Jaime Garcia has not and will not receive any other benefit, incentive compensation in lieu of benefits or any other form of compensation in addition to this hourly pay rate.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby appoints Jaime Garcia as interim Assistant Fire Marshal effective January 3, 2022 pursuant to the authority provided under Government Code Section 21221(h) and 7522.56, during the recruitment, selection and employment of a permanent Assistant Fire Marshal, to provide the critically-needed, specialized skills necessary to assist the Fire Marshal with the management of the Fire Prevention Division.
3. The employment agreement with Jaime Garcia, a copy of which is incorporated herein as Exhibit A, is approved by the City Council, effective January 3, 2022.
4. The City Manager is authorized to execute said agreement on behalf of the City, with such technical amendments as may be deemed appropriate by the City Manager and City Attorney.

PASSED AND ADOPTED this _____, day of _____, 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 A

EMPLOYMENT AGREEMENT FOR INTERIM ASSISTANT FIRE MARSHAL SERVICES

This Employment Agreement (“Agreement”) is made by and between the City of Milpitas, a municipal corporation of the State of California (“City”) and Jaime Garcia, an individual (“Retiree”) as of January 3, 2022 (“Effective Date”).

RECITALS

- A. Retiree was previously employed by the City for twenty-eight (28) years, serving most recently as Assistant Fire Marshal until December 30, 2021; and
- B. Retiree retired from the City effective December 31, 2021 and will begin collecting a retirement pension from the California Public Employees’ Retirement System (CalPERS); and
- C. The City has a vacancy in the position of Assistant Fire Marshal, a regular position for which the City is conducting a recruitment for a permanent appointment; and
- D. The City has an immediate need for an employee to temporarily perform the duties of Assistant Fire Marshal, a position involving specialized skills and training, and which is critically necessary to the on-going duties and functions of the Fire Prevention Division of City’s Fire Department;
- E. Retiree has the necessary qualifications, experience and abilities to fulfill the duties of the Assistant Fire Marshal position on an interim basis; and
- F. Retired Annuitant’s employment is authorized by Government Code section 21221(h), which permits the City to appoint a CalPERS retired annuitant to a vacant position requiring specialized skills during recruitment for a permanent replacement.
- G. City desires to retain the services of Retiree in accordance with California Government Code Section 21221(h) and Retiree agrees to provide certain services to City under the strict terms and conditions set out in this Agreement.

In consideration of this matter described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties of this Agreement agree as follows:

AGREEMENT

Section 1. Term of Services

The term of this Agreement is from January 3, 2022 until such time as a permanent replacement for the position of Assistant Fire Marshal has been selected and has commenced employment, unless terminated sooner as provided below.

Section 2. Scope of Services

Retiree agrees to perform the duties of the Assistant Fire Marshal position on an interim basis as set forth in the job description for the position. Retiree will report directly to the Deputy Fire Chief. Retiree shall comply with all City rules, policies, guidelines, regulations, and laws.

Section 3. Compensation; Hours

City agrees to compensate Retiree at \$109.40 per hour for all services provided under this Agreement. Payments from City to Retiree shall be made during the normal payroll cycles of other City employees.

City has reviewed and compared the hourly rate set forth in this Section with other employees performing comparable duties and the hourly rate set forth in this Section does not exceed such other employee's compensation.

Retiree agrees and acknowledges that he shall not perform any services under this Agreement exceeding a total of nine hundred sixty (960) hours during any fiscal year (July 1 to June 30). Retiree shall record his hours on a pre-approved timesheet that shall be submitted to the City every week.

The position is a temporary, hourly assignment which is generally not expected to exceed 40 hours per week. The City, through the Deputy Fire Chief, will assign Retiree hours to work. Due to the nature of the position, it is understood that the work day and work week hours may vary.

There are no other benefits, incentives, compensation in lieu of benefits or other forms of compensation in addition to the hourly pay rate set forth in this Section.

Section 4. Location

The primary location for services will be at the following address:

Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, California 95035

Section 5. Compliance with Laws

This Agreement will be construed in accordance with and governed by the laws in the State of California. In the event that suit shall be brought by any of the parties, 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. Retiree shall comply with all applicable laws, rules, policies, and guidelines. Retiree agrees and acknowledges that the State of California and the governing body of the California Public Employees' Retirement System enact strict laws, regulations and guidelines relating to services provided by "retired annuitants" to public agencies contracting with the California Public Employees' Retirement System. Retiree agrees to comply with all applicable laws, regulations and guidelines relating to the services provided under this Agreement.

Section 6. Termination

This Agreement may be terminated by either party for convenience by providing written notice to the other party.

Section 7. Miscellaneous

- a. Retiree has read each and every part of this Agreement and Retiree freely and voluntarily has entered into this Agreement. This Agreement is a negotiated document and shall not be interpreted for or against any party by reason of the fact that such party may have drafted this Agreement or any of its provisions.
- b. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjusted shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- c. This Agreement, including the exhibits, represents the entire and integrated agreement between City and Retiree and supersedes all prior negotiations, representations, or agreements, either written or oral.

In witness where of the parties have duty affixed their signatures on this 14th day of December, 2021.

CITY:

RETIREE:

Steve McHarris, City Manager

Jaime Garcia



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute the Assignment and Consent and Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and Modify Certain Service Provisions
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	12/14/2021
Staff Contact:	Tony Ndah, Public Works Director, 408-586-2602
Recommendation:	Approve and Authorize the City Manager to Execute the Assignment and Consent and Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and Modify Certain Service Provisions

Background:

On November 16, 2016, the City Council approved the Franchise Agreement between the City of Milpitas and Milpitas Sanitation, Inc. for Collection of Solid Waste and Collection and Processing of Recyclable Materials and Organic Materials (Franchise Agreement). The terms of the agreement allow for the assignment of the obligations of the agreement with consent of the City.

On October 19, 2021, Milpitas Sanitation Inc. (MSI) submitted a request for the City to consider an assignment of the franchise agreement to Waste Connections, Inc. (Waste Connections), a national solid waste company, with headquarters in and has headquarters in Woodlands, Texas and Vaughan, Ontario. MSI and Waste Connections plan on entering a Securities Purchase Agreement at a closing to be held on or about December 31, 2021.

Analysis:

Based on MSI's request, staff is bringing the attached Assignment and Consent and related Fourth Amendment to the Franchise Agreement for Council consideration. The Fourth Amendment, which provides for service enhancements for rate payers to be implemented in 2022 as described below will become effective only upon City's consent to the assignment resulting from the sale of Contractor's outstanding shares of stock to Waste Connections US, Inc.

Assignment Consideration Process

Assignment is the transfer of an agreement's obligations and benefits from one party to another party. In this case, MSI is seeking to assign its obligations and benefits under the Franchise Agreement to Waste Connections. Section 12.6 of the Franchise Agreement specifies the process of contract assignment, which includes that prior City consent is required, defining what constitutes an assignment, laying out what is required for consent of assignment. Specifically, Section 12.6.A states

"Contractor shall not assign its rights or delegate or otherwise transfer any or all of its obligations under this Agreement to any other Person without the prior written consent of City which may be withheld with or without cause at the City's sole discretion. City may refuse to consent to a proposed assignment unless it is satisfied that the proposed assignee is ready, willing, and able to provide services in a manner equal to or better than Contractor."

Per Section 12.6.C of the agreement, no consent to an assignment need be considered by City unless or until Contractor has met the following requirements:

- Contractor shall submit a non-refundable deposit to City in the amount of \$250,000 to provide City funding for its review of the assignment;
- Contractor shall be granted no opportunity to review or approve proposed agents of the City associated with the assignment process;
- Contractor shall furnish City of audited financial statements of the proposed assignee's operation for the immediately preceding three operating years;
- Contractor shall provide satisfactory proof that the proposed assignee has solid waste management experience at a scale equal to or greater than Contractor and that operations are in compliance with federal, state, and local laws; proposed assignee conducts its operations in a safe and environmentally conscientious manner and in accordance with sound solid waste management practices; and any other information required by City to ensure the proposed assignee can fulfill the terms of the franchise agreement in a timely, safe and effective manner
- Should the City consent to the assignment, Contractor shall make an assignment payment to the City in the amount of 2% of the annual Gross Receipts for the services provided for the most recently completed calendar year, which is estimated at \$400,000.

Staff contracted with R3 Consulting Group Inc.(R3) to conduct a thorough financial and operations review of Waste Connections. R3 is a California certified small business that specializes in providing municipal clients with services related to solid waste planning, procurement and negotiation assistance operations and performance review, and financial and rate analysis. R3 has been providing rate review assistance to the City for the past three years and is very familiar with the existing franchise agreement. R3 conducted the financial and operational review of Waste Connections and found that from an operational and financial perspective, Waste Connections is qualified to perform the services required by the Franchise Agreement. Specifically, R3 finds that Waste Connections:

- Understands and is committed to complying with all terms and conditions in the Agreement;
- Has more than 10 years of street sweeping, solid waste, recycling and composting collections experience;
- Operates in compliance with all applicable laws and regulations;
- Has an established employee onboarding, training, diversity, and safety program that includes tracking, analyzing, and reporting workers' compensation, and automobile/general liability safety metrics;
- Operates its local landfill in accordance with State Minimum Standards;
- Will manage the current fleet and replace vehicles if necessary for the term of the Agreement;
- Demonstrates a renewed commitment to recycling, environmental, sustainability and community engagement to provide focused resources that address the needs of the City as described in their 2020 Sustainability Report;
- Provides enterprise-class tools and adequate processes, staffing, training including Diversity and upgraded software to deliver effective customer service;
- Was recommended by all jurisdictions contacted during reference checks;
- Is financially capable of performing its duties if assigned the Agreement under consideration. Waste Connections' financial health is within expectations for solid waste companies of its size, which allows it to access considerable lines of credit which may be used in performing services under the Agreement;
- Through Bank of America, Waste Connections has access to over \$1 Billion of available liquidity for direct borrowing, subject to certain conditions. Waste Connections is in good standing with Bank of America and is following all covenants related to its credit;
- The acquisition of MSI represents an approximate 0.5% growth in size for Waste Connections, which will be a company with over \$5,445 Billion in annual revenue post-assignment; and

Under this assignment, no changes should be visible to the City or rate payers as Waste Connections will operate MSI as a subsidiary and current personnel, vehicles, and equipment will continue to service the City of Milpitas.

Service Enhancements

In conjunction with the assignment review, staff sought to improve on the services provided by MSI and negotiated with MSI/Waste Connections to make permanent certain service enhancements that our community has experienced as pilot projects and/or requested. MSI/Waste Connections agreed to make certain pilot services permanent and/or start providing additional services and that improve on the service experience for our residents with no additional costs to the rate payers for at least three years. These service enhancements/alignments include:

- Voucher Program for Self-haul of unwanted items to MSI facilities in Santa Clara (M – F; 8 a.m. to 2:30 p.m.) as an alternative to On-Call Curbside Bulky Item/Reuse Materials Collection
- 6 neighborhood cleanup events per year
- Increase Curbside Pickup of Bulky Items Collected from One to Three Items per year
- Collect Flattened Cardboard on the side of carts
- Offer dedicated garbage and food scraps cart option as an alternative to the current large split garbage/food scraps cart
- Re-alignment of total streets sweeping curb miles
- Increase compost giveaways for the community

MSI/Waste Connections has also agreed not to pass on to the rate payers a contractually allowed 0.57% rate increase based on the Index Based Rate methodology.

Milpitas rate payers will benefit from the service enhancements (estimated to be worth approximately \$481,000 annually) or close to \$1.44 million for three years and have no immediate rate increase as a condition of the City's consent to the assignment of contract. An additional assignment payment in the amount of \$150,000 will also be paid to the City for staff time in response to illegal dumping and neighborhood cleanup events.

Policy Alternatives:

Alternative 1: Do not consent to the assignment of the Franchise Agreement.

Pros: None.

Cons: City would forego the one-time assignment payment revenue (estimated at approximately \$650,000) and any service enhancements (estimated at approximately \$1.44 million over three years) would need to be considered as part of the rate process with costs to be paid by solid waste rate payers.

Reason not recommended: City and solid waste rate payers would receive significant financial and service enhancement benefits as a result of the conditions that have been agreed to as a part of the Assignment and Consent and related Fourth Amendment to the Franchise Agreement.

Fiscal Impact:

There is no fiscal impact associated with the execution of this amendment. MSI has agreed to absorb cost associated with City requested service enhancements, along with the contractually allowed increase based on the Index Based Rate methodology for this rate year.

Per the terms of the agreement, MSI provided the City with a non-refundable deposit of \$250,000 to cover the City's cost for the review of the assignment. These funds were deposited with the City on October 25, 2021 and have been used to cover City staff and R3 cost for the review of the assignment. Remaining funds left over from deposit would be transferred into the Solid Waste fund to offset future staff cost.

In addition, per the terms of the agreement, MSI will be making an assignment payment to the City in the amount of 2% of the annual Gross Receipts for the services provided for the most recently completed calendar year. This amount is estimated at \$400,000 and will be paid to the City upon approval of the Assignment and Consent and Fourth Amendment of the Franchise Agreement. MSI has also agreed to provide the City with an additional assignment payment of \$150,000, which will be used to pay for staff time in response to illegal dumping and managing neighborhood cleanup events.

Senate Bill 1383 (SB 1383) is the most significant statewide waste reduction mandate in decades and requires California to reduce organic waste disposal by 75% (using a 2014 baseline) and to recover 20% of edible food for human consumption by 2025. Organic waste includes green waste, food waste, paper, and cardboard. Although the targets are overall state goals (as opposed to individual jurisdictional goals), SB 1383 imposes many new unfunded requirements for local implementation. Staff will return to Council as part of the Fiscal Year 2022-23 budget process to address funding needs for the Solid Waste fund as a result of the implementation of SB 1383.

California Environmental Quality Act:

The City Council's approval of the Consent of Assignment of the Franchise and approval of the Fourth Amendment to the Franchise Agreement is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378(b)(2) as it constitutes an administrative activities of governments that will not result in direct or indirect physical changes in the environment, and is therefore exempt from CEQA review.

Recommendation:

Approve and authorize the City Manager to execute the Assignment and Consent and Fourth Amendment to the Franchise Agreement with MSI for the purpose of Assignment of Contract and modify certain service provisions.

Attachments:

1. Review of Assignment of MSI Agreement to Waste Connections Report by R3
2. Assignment and Consent Agreement
3. Fourth Amendment to the Franchise Agreement

FINAL REPORT

City of Milpitas

Review of Assignment of Milpitas Sanitation Franchise Agreement to Waste Connections

Submitted electronically: December 9, 2021



December 9, 2021

Ms. Elaine Marshall
City of Milpitas, Public Works Department
1265 North Milpitas Boulevard, Milpitas, CA 95035
submitted via email: emarshall@ci.milpitas.ca.gov

Subject: Final Report – City of Milpitas Review of Assignment of MSI Franchise Agreement to Waste Connections

Dear Ms. Marshall,

R3 Consulting Group, Inc. (R3) is pleased to submit to the City of Milpitas (City) the attached Final Report of our review of the proposed assignment of the solid waste franchise agreement currently held by Milpitas Sanitation, Inc. (MSI) to Waste Connections (WC or Company) (collectively, “Companies”).

This report presents our findings, based on the information made available by the Companies. We initially submitted the report in draft form (to confirm the adequacy of the report for the City to consider the request, by MSI, to assign the agreement to WC) and are now submitting the final version. The Companies were very responsive to all information requests.

To summarize the findings to date:

- » Although WC will be the new owner of MSI, MSI as a subsidiary will remain intact and will be obligated to meet all current obligations under the franchise agreement;
- » WC’s extensive national and statewide operational experience qualifies the Company to provide services under the agreements;
- » WC’s financial resources are significant and can more than meet the obligations of the agreements, including any future vehicle and equipment capital replacements should they be necessary;
- » A new senior management team is in place and will oversee the MSI operation;
- » As part of the Assignment, WC has expressed a willingness to absorb the proposed rate increase for Year 5 as well as defer the costs of additional service enhancements until a future detailed rate review; and
- » Unlike many assignments, no changes should be visible to the City or its rate payers.

* * * * *

Thank you for the opportunity to help the City in considering assignment of the MSI agreement to WC. Should you have any questions or comments, or need any additional information, please don’t hesitate to reach out directly.

Sincerely,



Scott Hanin | *Project Director*
R3 Consulting Group, Inc.
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1. EXECUTIVE SUMMARY

Introduction

The City of Milpitas has received a request from Milpitas Sanitation, Inc (MSI) to assign the Franchise Agreement to Waste Connections, Inc., a large national solid waste company. MSI and Waste Connections plan on entering into a Securities Purchase Agreement, (the “Purchase Agreement”) at a closing to be held on or about December 31, 2021. In accordance with the Draft Purchase Agreement, the current shareholders of MSI will sell all the shares in the Company to Waste Connections, which will result in a change in majority control of MSI from the current owners to Waste Connections.

The City of Milpitas has engaged R3 Consulting Group, Inc. (R3) to conduct a review of the fitness of Waste Connections on behalf of the City, to establish findings regarding the proposed assignment.

This review included a thorough assessment of:

- » Franchise Agreement assignment provisions;
- » Financial Statements, Annual Reports, SEC Filings, available capital resources and debt;
- » Financial and operational information provided by MSI and Waste Connections; and
- » Likely effects of assignment on rates and services. Re

R3 was not able to review the final Purchase Agreement as it has not yet been signed by the parties. However, we have no reason to believe the final signed Purchase Agreement will have any material impact on the Assignment and be in substantially the same form as the draft that was provided.

What is the Securities Purchase Agreement?

According to the Draft Purchase Agreement, upon the sale closing, MSI shall continue to possess all its right, title and interest in the Franchise Agreement. MSI will perform and be bound by all the terms, covenants and conditions required under the Franchise Agreement upon closure. Unlike other assignments where effectively a new company replaces the current one as witnessed through name change, new or painted vehicles and changes to personnel, no changes should be visible to the City or its rate payers.

Waste Connections, through this transaction, would now own all assets and agreements of MSI including:

- » Permits;
- » Franchise agreement;
- » Any other agreements for services;
- » All equipment used by MSI, including:
 - All customer carts;
 - All containers and bins; and
 - Software, spare parts, computers, etc.
- » All motor vehicles used by MSI:
 - Collection and Street Sweeping Vehicles, all of which are subject to replacement by Waste Connections prior to the end of the Agreement; and
 - Support Vehicles.
- » All real property used in the business.

What is the Assignment?

Assignment is the transfer of an agreement's obligations and benefits from one party to another party. In this case, MSI is seeking to assign its obligations and benefits under the Agreement between the City and MSI to Waste Connections Inc. The current MSI Agreement requires that MSI obtain City consent to

assign the Agreement, without the prior written consent of City which may be withheld with or without cause at City's sole discretion, for the assignment to Waste Connections to be valid.

Consent Requirements. Per the Agreement, no request by Contractor for consent to an assignment need be considered by City unless and until Contractor has met the following requirements:

1. Contractor shall pay City its reasonable expenses for attorneys' fees, consultants' fees and other costs of investigation necessary to investigate the suitability of any proposed assignee, and to review and finalize any documentation required as a condition for approving any such assignment. With its written request for consideration of assignment, Contractor shall submit a non-refundable deposit to City in the amount of \$250,000 to provide City funding for its review of the assignment;

It is our understanding this payment was made to the City.

2. Contractor shall be granted no opportunity to review or approve proposed agents of the City associated with assignment process;

It is our understanding that the City selected R3 for this engagement without any input from MSI or Waste Connections.

3. Contractor shall furnish City with audited financial statements of the proposed assignee's operations for the immediately preceding three (3) operating years. City, following review of financial health of the assignee, may require provision of additional performance surety, or insurance;

Both Waste Connections and MSI's financial statement for the last three years were made available to the City as well as cash flow statement, debt and outstanding capital, balance sheet, Sustainability Plan and Annual Reports and recent SEC filings. No additional surety or insurance has been requested or deemed necessary.

4. Contractor shall furnish City with satisfactory proof: (i) that the proposed assignee has at least ten (10) years of Solid Waste Transfer and Disposal management experience on a scale equal to or exceeding the scale of operations conducted by Contractor under this Agreement; (ii) that in the last five (5) years, the proposed assignee has not been the subject of any administrative or judicial proceedings initiated by a federal, State or local agency having jurisdiction over its operations due to an alleged failure to comply with federal, State or local laws or that the proposed assignee has provided City with a complete list of such proceedings and their status; (iii) that the proposed assignee conducts its operations in a safe and environmentally conscientious manner; (iv) that the proposed assignee conducts its operations in accordance with sound Solid Waste management practices in full compliance with all federal, State and local laws regulating the Transfer and Disposal of Solid Waste and all Environmental Laws; (v) of any other information required by City to ensure the proposed assignee can fulfill the terms of this Agreement in a timely, safe and effective manner; and,

Waste Connections has stated in its Assignment request to the City that it is complying with all of terms of this Section and the R3 review concurs based on our review.

5. Any permitted assignee must assume Contractor's responsibilities under this Agreement.

As described in the report, this share purchase will maintain MSI with day-to-day responsibility for compliance with the current Agreement and Waste Connections as new parent shall be required to ensure compliance with all franchise agreement terms.

6. Should City consent to the assignment, Contractor shall make an assignment payment to the City in the amount of 2% of the annual Gross Receipts for the services provided under this Agreement for the most recently completed calendar year.

Waste Connections has represented to the City that this payment will be made to the City upon approval of the Assignment by the City.

Waste Connections has stated, and it is described in the Draft Purchase Agreement, that as a purchase of ownership shares, rather than a typical asset purchase, MSI management will essentially remain in place to comply with the current franchise agreement requirements as is currently the case, however, MSI management will now report to Bret Faulkner – District Manager. Bret Faulkner has been District Manager overseeing the Green Team of San Jose, Santa Clara County and West Valley Cities hauling operations beginning in 2014. An organizational chart is included as **Attachment 1**.

Waste Connections’ Qualifications for Assignment

Section 2 of this Report provides R3’s review of Waste Connections’ audited financial statements and many other financial documents including current cash flow and access to capital. R3 requested a Good Standing letter from Bank of America (**Attachment 2**) which is Waste Connections’ primary creditor. This is followed by Section 3, which provides R3’s assessment of Waste Connections’ fitness to perform the activities covered under the Agreements. Specifically, we have reviewed Waste Connections’ qualifications to perform services currently provided by MSI, the services provided under other current Agreements with other jurisdictions, and responses to questions submitted by R3 demonstrating ability to meet terms and conditions of the agreements.

The general qualification areas reviewed by R3 are as follows:

- » Financial Ability;
- » Collection and Street Sweeping Operations;
- » Staffing;
- » California Qualifications;
- » Safety and Employee Engagement;
- » Customer Service;
- » Community Engagement; and
- » References.

Overall, from an operational and financial perspective, R3 finds that Waste Connections is qualified to perform services required by the Franchise Agreement. Specifically, we find that Waste Connections/MSI:

- » Understands and is committed to complying with all terms and conditions in the Agreement;
- » Has more than 10 years of street sweeping, solid waste, recycling and composting collections experience;
- » Operates in compliance with all applicable laws and regulations;
- » Has an established employee onboarding, training, diversity, and safety program that includes tracking, analyzing, and reporting workers’ compensation, and automobile/general liability safety metrics;
- » Operates its local landfill in accordance with State Minimum Standards;
- » Will manage the current fleet and replace vehicles if necessary for the term of the Agreement;
- » Demonstrates a renewed commitment to recycling, environmental, sustainability and community engagement to provide focused resources that address the needs of the City as described in their 2020 Sustainability Report (**Attachment 3**);
- » Reporting will continue to be provided in a timely manner as described in the Agreement;
- » Provides enterprise-class tools and adequate processes, staffing, training including Diversity and upgraded software to deliver effective customer service;
- » Was recommended by all jurisdictions contacted during reference checks;

- » Is financially capable of performing its duties if assigned the Agreement under consideration. Waste Connections' financial health is within expectations for solid waste companies of its size, which allows it to access considerable lines of credit which may be used in performing services under the Agreement;
- » Through Bank of America, Waste Connections has access to over \$1 Billion of available liquidity for direct borrowing, subject to certain conditions. Waste Connections is in good standing with Bank of America and is following all covenants related to its credit;
- » The acquisition of MSI represents an approximate .5% growth in size for Waste Connections, which will be a company with over \$5,445 Billion in annual revenue post-assignment; and
- » For shareholders, 2020 was Waste Connections' 17th consecutive year of positive total shareholder returns, with double-digit percentage returns, and the tenth consecutive year of double-digit percentage increases in its cash dividend. Its comparative performance over the five-year period ending December 31, 2020, continued to outperform sector and market indices.

Management Style and Approach

As described in its public reporting, Waste Connections manages its operations on a decentralized basis. This places decision-making authority closer to the customer, enabling it to identify and address customers' needs quickly in a cost-effective manner. The Company believes that decentralization provides a low-overhead, highly efficient operational structure that allows it to expand into geographically contiguous markets and operate in relatively small communities that larger competitors may not find attractive. They believe that this structure gives it a strategic competitive advantage, given the relatively rural nature of many of the markets in which it operates, and makes it an attractive buyer to many potential acquisition candidates.

Each operating location has a district or site manager who has a high degree of decision-making authority for his or her operations and is responsible for maintaining service quality, promoting safety, implementing marketing programs, and overseeing day-to-day operations, including contract administration. Local managers also help identify acquisition candidates and are responsible for integrating acquired businesses into its operations and obtaining the permits and other governmental approvals required for it to operate.

As of December 31, 2020, their employee population consisted of 18,933 active employees, 9,788 of whom are commercial truck drivers and 1,610 of whom are mechanics. There were 15,978 employees located in the United States and 2,955 employees located in Canada. 39% of the employees were ethnic minorities, 16% were women, and 8% were from the armed services.

The Company believes that acquisitions are an integral strategy for its growth. The Company has closed 14 acquisitions so far this year to date, worth approximately \$115 million in annualized revenue. During the year ended December 31, 2020, it completed 21 acquisitions having a net value of \$481.6 million. During the year ended December 31, 2019, it completed 21 acquisitions having a net value of \$837.7 million. During the year ended December 31, 2018, it completed 20 acquisitions having a net value of \$1.032 Billion.

Potential Rate Impacts of Assignment

As part of the Assignment review, Waste Connections has agreed to absorb the 0.57% rate increase that was due MSI for rate year 5. Additionally, they have agreed to absorb the cost of several additional service enhancements until a detailed review in three years when the actual costs will be known and included going forward. Waste Connections has also agreed to increase the assignment payment by \$150,000.

2. FINANCIAL ABILITY

To evaluate Waste Connections' financial ability to perform services covered under the Agreement, R3 reviewed the following:

- » Waste Connections' audited financial statements for 2018 through 3rd Qtr. 2021;
- » SEC 10-K filings for 2019 through 3rd Qtr. 2021;
- » Cash flow and debt reports;
- » Balance Sheet;
- » MSI audited financial statements for 2018 through 2020; and
- » Good Standing Letter from Bank of America.

Key Findings

- » Waste Connections is financially capable of ensuring the performance of all aspects of the Franchise Agreement if assigned the Agreement under consideration. Waste Connections' financial health is within expectations for solid waste companies of its size, which allows it access to sufficient lines of credit which may be used to secure capital necessary for providing services under the Agreements;
- » Per Bank of America as both Global and US lending Agent, Waste Connections has access to over \$1 Billion of available liquidity for direct borrowing, subject to certain conditions. Waste Connections is in good standing with Bank of America and is following all covenants related to its credit; and,
- » The acquisition of MSI's assets, Agreement revenues, and operational obligations represents an approximate .5% growth in size for Waste Connections, which will be a company with over \$5,445 Billion in annual revenue post-assignment.

Financial Health

Our review of Waste Connections' financial statements indicates that Waste Connections is a profitable company (10.1% profit), with sufficient levels of revenue to cover its expenses. Waste Connections' average debt-to-equity ratio (73%) is appropriate for capital intensive industries such as solid waste collection. The MSI share purchase represents 0.07 percent of Waste Connections' overall market capitalization of \$35.42 Billion, meaning that additional income, expenses and debt relating to the asset purchase will be a minor impact to Waste Connections' overall financial health. In terms of annual income, the Company's annual revenue is approximately \$5.4 Billion with adjusted net income of \$700 million as shown below:

Waste Connections Summary Income Statement (000's)

	2019	2020
Revenue	5,388,679	5,445,990
Adjusted EBITDA*	1,673,554	1,661,984
Net income attributable to Waste Connections	566,841	204,677
Adjusted net income attributable to Waste Connections*	719,561	695,786

*Non-GAAP measure. See Non-GAAP Measures on pages 75-77 of Annual Report on Form 10-K for the year ended December 31, 2020.

For the year ended December 31, 2020, revenue was \$5.446 Billion, as compared to \$5.389 Billion in the prior year. R3 has also evaluated common financial ratios that lending institutions use to determine financial health and fitness for lending. These ratios are guidelines that financial institutions refer to when making determinations regarding lendability.

The Company has a Current Ratio of 1.0 and a Quick Ratio of 0.9. The current ratio is a liquidity ratio that measures a company's ability to pay short-term obligations or those due within one year. It tells investors and analysts how a company can maximize the current assets on its balance sheet to satisfy its current debt and other payables. A ratio under 1.00 indicates that the Company's debts due in a year or less are greater than its assets—cash or other short-term assets expected to be converted to cash within a year or less.

The quick ratio measures the dollar amount of liquid assets available against the dollar amount of current liabilities of a company. A result of 1 is the normal quick ratio. It indicates that the Company is fully equipped with exactly enough assets to be instantly liquidated to pay off its current liabilities. A company that has a quick ratio of less than 1 may not be able to fully pay off its current liabilities in the short term, while a company having a quick ratio higher than 1 can instantly get rid of its current liabilities. Although slightly less than 1, the Quick Ratio is more conservative, and the number is still quite strong.

R3 has found that these ratios indicate that Waste Connections' liquidity is appropriate for the purposes of assignment consideration.

Debt

As shown below in the Company's financial reports, Waste Connections has access to over \$1.2 Billion in liquid capital to perform its contractual obligations, including the replacement of vehicles and containers, if necessary, before the end of the Agreement, although not currently under consideration. It is also our understanding that Waste Connections anticipates paying off the outstanding loans shown below this calendar year.

Available Credit

	9/30 2021	12/31 2020
<i>Revolver under Credit Agreement Available</i>	\$ 1,100,391	\$ 1,238,937
<i>Letters of credit outstanding</i>	\$ 114,685	\$ 119,636
<i>Total amount drawn, as follows:</i>		
<i>Amount drawn - U.S. LIBOR rate loan</i>	\$ 634,924	\$ 203,927
<i>Interest rate applicable - U.S. LIBOR rate loan</i>	\$ 631,000	\$ 200,000
<i>Amount drawn – Canadian bankers' acceptance</i>	1.09%	1.35%
<i>Interest rate applicable – Canadian bankers' acceptance</i>	\$ 3,924	\$ 3,927
<i>Commitment – rate applicable</i>	1.43%	1.66 %
<i>Term loan under Credit Agreement</i>	0.09%	0.15 %
<i>Amount drawn – U.S. based LIBOR loan</i>	\$ 650,000	\$ 650,000
<i>Interest rate applicable – U.S. based LIBOR loan</i>	1.09%	1.35%

Overall, because of Waste Connections' size, the Company brings to the City much more financial stability, access to capital and depth. Nothing we have seen or has been reported shows any change in the Company's financial health in the future.

3. OPERATIONAL QUALIFICATIONS

Waste Connections/MSI will still be required to operate in full compliance with the terms and conditions of the Agreement. R3 reviewed the terms and conditions of the Franchise Agreement, as well as financial statements and Annual Plans provided by Waste Connections, to determine Waste Connections' qualifications and abilities to fulfill those terms and conditions. In the Greater Bay Area, Waste Connections has two operating locations. Green Team of San Jose, which has single family and multifamily franchise agreements with the City of San Jose. Also, Potrero Hills Landfill which is in Solano County and accepts waste for disposal and processing from a multi-county area in Northern California.

The Company's national operations primarily consist of providing non-hazardous waste collection, transfer, disposal and recycling services, exploration & production (E&P) services, and intermodal services. This size and breadth of experience shows that Waste Connections has the capability to provide all the services required under the Franchise Agreement.

The following tables disaggregates the Company's revenues by service line for the periods indicated and the following shows the number of facilities by line of business:

Revenues by Service Area (000's)

Years Ended 12/31	/2018	/2019	/2020
Commercial	\$1,452,831	\$1,610,313	\$1,593,217
Residential	1,189,148	1,528,217	1,380,763
Roll off	841,173	768,687	833,148
Total Collection	3,410,666	3,971,678	3,815,153
Landfill	1,132,935	1,063,243	1,146,732
Transfer	670,129	777,754	771,316
Recycling	64,245	86,389	92,634
E&P	271,887	256,262	159,438
Intermodal and other	118,396	121,137	139,896
Intercompany	(709,889)	(814,397)	(787,994)
TOTAL	\$5,388,679	\$4,922,941	\$5,445,990

Facilities by Service Area

Hauling Operations	311
Landfills	92
Transfer Stations	185
Intermodal Facilities	6
Recycling Facilities	68
E&P Liquid Waste Injection Wells	23
E&P Waste Treatment and Oil Recovery	19
TOTAL	704

Collection and Street Sweeping Operations

Collection and street sweeping operations are the primary operational requirements under the Agreement, and Waste Connections needs to demonstrate adequacy in providing these services to be deemed fit for assignment. To evaluate Waste Connections' qualifications and fitness to perform collections and street sweeping services, R3 reviewed:

- » MSI Annual Reports to determine nothing in there was beyond the scope of Waste Connections;
- » List of California operations and assets;
- » Waste Connections Sustainability Report; and
- » Waste Connections Northern California Organization Chart (**Attachment 1**);

Based on their national and statewide size and experience in all aspects of solid waste management, their depth, training, California Operations, and safety program make them qualified operationally to perform the services required by the franchise agreement.

Staffing

According to Waste Connections, the current General Manager of Milpitas Sanitation, Inc., Mr. Sal San Filippo, will continue to manage the day-to-day operations of Milpitas Sanitation, Inc. Mr. San Filippo will report to Mr. Bret Faulkner, the District Manager for Waste Connections of California, Inc. d/b/a GreenTeam of San Jose. Mr. Faulkner, in turn, reports to Mr. Paul Nelson, the Division Vice President for Waste Connections of California, Inc. Mr. Nelson, in turn, reports to Mr. Dan Schooler, the Regional Vice President for the Western Region of Waste Connections, Inc.

Descriptions of Key Waste Connections staff are as follows:

Dan Faulkner – District Manager. Prior to the Green Team, Mr. Faulkner was District Manager of San Luis Obispo beginning in 2010. He has more than 15 years of experience in the solid waste industry and over 35 years of experience in the transportation industry. He holds a degree in finance from the University of Wisconsin-Milwaukee.

Paul Nelson – Division Vice President. Paul Nelson has been Division Vice President overseeing the Bay Area Division since 2006. Prior to that, Mr. Nelson was District Manager of Green Team of San Jose beginning in 2002. Mr. Nelson has more than 32 years of experience in the solid waste industry and holds a B.S. degree in Business Administration from the University of California, Berkeley.

Dan Schooler – Regional Vice President. Dan Schooler has been the Western Region Vice President for Waste Connections since February 2018, with oversight for eighty-six companies within eight states including Alaska, Washington, Oregon, California, Nevada, Idaho, Montana, and Western Wyoming. From November 2008 to that date, Mr. Schooler served as Division Vice President with responsibility for multiple companies in Washington State from 2008 to 2011, multiple companies in the State of New York from 2011 to 2013 and multiple companies again in Washington State from 2013 to 2018. From June 2001 to November 2008, Mr. Schooler managed a large hauling, transfer and recycling operation in Vancouver, Washington. Mr. Schooler joined Waste Connections in September 1999 as a controller managing the finances of several companies in Oregon and Washington, with a focus on day-to-day operations and mergers and acquisitions. Prior to joining Waste Connections, Mr. Schooler held various operations and controller positions and has over 32 years of experience in the solid waste industry. He holds a B.S. degree in Accounting from Valparaiso University.

California Qualifications

Waste Connections, Inc. and its subsidiaries have been providing municipal solid waste and recycling collection, disposal, and processing services in the United States since 1997 and in California since 1998. Waste Connections, through various operating subsidiaries, currently provides solid waste and recycling collection services in the following municipalities in California, all of which are required to comply with AB 939 and SB 1386.

Because of this, the City has much more access to statewide expertise and programs being implemented by the Company elsewhere to gain more expertise that can be used locally. The Company is also in the process of acquiring Garden City Sanitation which services parts of San Jose.

California Municipality Served	Waste Connections Subsidiary
Avila Beach Community Services District	South County Sanitary Service, Inc.
Bishop, City of	Preferred Septic & Disposal, Inc.
Cambria Community Services District	Mission Country Disposal
Cameron Park Community Service District	WC of California, Inc. d/b/a El Dorado Disposal Service
Campbell, City of	West Valley Collection & Recycling, LLC
Clearlake, City of	Clearlake Waste Solutions, Inc.
El Dorado County	WC of California, Inc. d/b/a El Dorado Disposal Service
El Dorado Hills Community Service District	WC of California, Inc. d/b/a El Dorado Disposal Service
Grover Beach, City of	South County Sanitary Service, Inc.
Inyo County	Madera Disposal Systems, Inc. d/b/a Bishop Waste Disposal
Inyo County	Preferred Septic & Disposal, Inc.
Lake County	Lake County Waste Solutions, Inc.
Lassen County	C&S Waste Solutions of Lassen County, LLC
Los Gatos, Town of	West Valley Collection & Recycling, LLC
Los Osos Community Services District	South County Sanitary Service, Inc.
Mammoth Lakes, Town of	Mammoth Disposal Company
Mono County	Mammoth Disposal Company
Monte Sereno, City of	West Valley Collection & Recycling, LLC
Morro Bay, City of	Morro Bay Garbage Service
Nipomo Community Services District	South County Sanitary Service, Inc.
Oceano Community Services District	South County Sanitary Service, Inc.
Placerville, City of	WC of California, Inc. d/b/a El Dorado Disposal Service
Red Bluff, City of	WC of California, Inc. d/b/a Green Waste of Tehama
San Jose, City of	WC of California, Inc. d/b/a GreenTeam of San Jose
San Luis Obispo, City of	San Luis Garbage Company
San Luis Obispo, County of	South County Sanitary Service, Inc.
Saratoga, City of	West Valley Collection & Recycling, LLC
Tehama County	WC of California, Inc. d/b/a Green Waste of Tehama
Ukiah, City of – Hauling	Ukiah Waste Solutions, Inc.
Ukiah, City of – Transfer	Solid Waste Systems, Inc.

Safety and Employee Engagement

Safety is critical to an effective solid waste management operation. It impacts cost, customer service, employee morale, and other factors. Our experience has been that a company that has an effective focus on safety tends to pay attention to the other aspects of its operation.

As reported by the Company, in 2020, their behavior-based approach to safety resulted in a reduction in the incident rate by approximately 12%, with over 60% of its operating locations posting zero safety-related incidents or reduced incident frequency over the prior year. To reinforce safe driving skills and safe work practices throughout Waste Connections, they require both initial training for all new driver employees and reinforcement training each year.

Areas of focus in training include: “Target 4” defensive driving, Smith System driving fundamentals, Injury & Illness prevention, and Safe Work Practices training. They further emphasize the importance of safety through regular tailgate safety meetings and rollout safety instructions for its drivers, and through the utilization of electronic safety communication boards, safety alerts, and other communications to heighten awareness and maintain focus every day on the importance of safety. While they attribute the successful safety record to the culture and behavior-based approach, they recognize that advances in fleet design and technology can be important tools in identifying risky behaviors and providing coaching opportunities to further their efforts to achieve the long-term aspirational target of a 25% reduction in incident rates as described in the 2020 Sustainability Report (**Attachment 3**). (www.wasteconnections.com/sustainability).

To that end, in 2020, they initiated a two-year, \$10 million fleet-wide upgrade of its on-board event recording technology and introduced Freightliner EonicSD trucks with an overhauled cab design that incorporates many of the safety features already included in passenger vehicles, as well as an integrated collision mitigation system, enhanced visibility, and several ergonomic improvements.

Waste Connections expanded their training programs to increase employee knowledge and awareness toward increasingly important subjects such as Diversity and Inclusion and Cybersecurity. In 2020, they deployed a new Learning Management System (“LMS”) to expand their reach to additional employees and provide mobile and tablet-based trainings. The efforts were timely given the need to limit in-class participation during the COVID-19 pandemic and this significantly increased both course count and employees that participated in training courses. A copy of their Health & Safety Policy Statement is included as **Attachment 4**.

Waste Connections has established safety programs that includes tracking, analyzing, and reporting workers’ compensation, and automobile/general liability safety metrics. An electronic record is maintained of the dates, topics, locations, and participants of all Waste Connections training events. An overview of their Preventative Maintenance Program is included as **Attachment 5**.

Self-Insurance

Waste Connections is self-insured for its workers’ compensation risk that covers workers injured on the job. Claims above \$1 million are fully insured to limit the exposure and risk. Because it is self-insured, Waste Connections does not have an experience modification factor generated by external rating agencies or its excess workers’ compensation carrier. As described in its Annual Report, because of its insurance policies, the Company is effectively self-insured for automobile liability, general liability, employer’s liability, environmental liability, cyber liability, employment practices liability, and directors’ and officers’ liability as well as for employee group health insurance, property and workers’ compensation.

The Company’s insurance accruals are based on claims filed and estimates of claims incurred but not reported and are developed by the Company’s management with assistance from its third-party actuary and its third-party claims administrator. The insurance accruals are influenced by the Company’s past claims experience factors and by published industry development factors.

Employee Recruiting

In the current environment where finding qualified employees is so difficult, it is important that the Company maintain a comprehensive program. In 2020, Waste Connections hired 4,417 employees through its network of internal recruiters operating on a regional basis out of 10 locations. The internal recruiting team partners with hiring managers to continuously improve efforts with respect to marketing, screening, interviewing, onboarding, and employee retention. In addition to recruiting locally in the communities they serve, Waste Connections uses job fairs, open house events, employee referral programs, social media channels, local radio and television advertising, and school to work partnerships. The job opportunities are hosted on www.careers.wasteconnections.com, posted on www.indeed.com, as well as state and provincial job boards to expand diversity-oriented and military-focused recruiting.

Violations

Using the CalRecycle website, the inspections for their Potrero Hills landfill (the Company’s only northern California Facility) were reviewed. While there were periodic minor violations, no enforcement actions have been taken in the last 15 years.

Customer Service

Delivering a positive customer experience is an important goal for solid waste management companies providing services. Customer satisfaction is impacted not just by the quality of the performance of services but also by every touchpoint for the customer, covering a variety of topics over a variety of communication channels. Handling customer interactions effectively and consistently requires adequate technology, staffing, training, processes, and management.

A copy of the Table of Contents for a subsidiary customer service training manual is included as **Attachment 7** to give the reader a sense of the training programs comprehensiveness.

Community Engagement

Waste Connections provides opportunities for their employees to get involved in their communities and to also give back through charitable donations or sponsoring community events. For example:

Giving Locally – Waste Connections and its employees support more than a thousand organizations through direct contributions, volunteering and/or fundraising at a local level. Each year, they donate millions of dollars to various charities, including an increasing number of organizations identified by frontline employees that focus on racial inequities at a local or national level, and that support women and children at risk in disadvantaged communities.

Company-wide Culture of Giving – In 2019, they achieved a 20-year Christmas Promise goal one year ahead of schedule, as employees across the Company assembled and donated over 10,000 bicycles to children, bringing the total donated since inception to approximately 65,000 bicycles. In addition, despite canceling the 2020 Annual Waste Connections Golf Classic for Kids due to COVID-19-related safety concerns, they were able to hold virtual auctions and in aggregate raise over \$1 million for charities that support at-risk youth and their families.

Sustainability and Giving – Waste Connections aligns its major financial contributions with its goal to further advance environmental sustainability. For example, the first major grant helped establish the Global Waste Research Institute (GWRI), developed in conjunction with California Polytechnic State University, San Luis Obispo.

As described in its 2020 Annual Report, Waste Connections views its Environmental, Social and Governance ("ESG") efforts as integral to its business, with initiatives consistent with its objective of long-term value creation. In 2020, the Company introduced long-term, aspirational ESG targets and committed over \$500 million for investments to meet or exceed such sustainability targets. These investments primarily focus on reducing emissions, increasing resource recovery of both recyclable commodities and clean energy fuels, reducing reliance on off-site disposal for landfill leachate, further improving safety through reduced incidents and enhancing employee engagement through improved voluntary turnover and Servant Leadership scores. For more information, visit the Waste Connections website at www.wasteconnections.com/sustainability.

As described in their 2020 Sustainability Report, Waste Connections believes that sustainability initiatives align with and support the efforts of their customers and the communities they serve. The Company works with customers to increase resource recovery and facilitate their pursuit of *zero waste* goals. Whether providing services like composting of yard waste and food waste or supporting the introduction of new technologies, such as anaerobic digesters, they partner with communities and industrial customers to advance the objective to reduce the reliance on landfills, decrease waste disposal costs and reduce emissions. Their reporting and analytics tool, Recycle 360°, enables customers to develop waste management plans and track ongoing performance against waste education and recycling targets.

References

To determine the satisfaction level of jurisdictions served as well as the services performed under the various Agreements held by Waste Connections, R3 staff contacted other jurisdictions serviced by their subsidiaries. R3 has found that the cities and agencies Waste Connections serves are generally satisfied with Waste Connections' services. 4 of the 4 jurisdictions that answered the question, "Would you recommend Waste Connections?" said "yes". Other jurisdictions have been contacted but responses have not yet been received.

R3 contacted 11 jurisdictions, many of which had been provided by Waste Connections and others which were identified by R3. The tables on the next pages show the meaning of scores assigned to responses from reference jurisdictions, the average scores and other responses to the survey questions and displays the services provided under the agreements between Waste Connections and the various agencies surveyed.

Ratings

KEY	
5	Very Satisfied/Very Confident
4	Somewhat Satisfied/Somewhat Confident
3	Ambivalent
2	Somewhat Dissatisfied/Somewhat Unconfident
1	Very Dissatisfied/Very Unconfident

Summary of Reference Scoring

Question		Rating / Answer
1.	How would you rate your satisfaction with Waste Connections' overall collection service?	4.25
2.	How satisfied are you with Waste Connections' recycling diversion programs?	4.25
3.	How satisfied are you with Waste Connections' organic waste diversion programs?	4.25
4.	How satisfied are you with Waste Connections' collection vehicles and containers used (cleanliness, appearance, etc.)?	4.13
5.	How would you rate your confidence in the validity of information received from Waste Connections?	4
6.	How satisfied are you with the quality and amount of the Waste Connections' education and outreach programs?	4.17
7.	How satisfied are you with Waste Connections' customer service (responsiveness, complaints received, resolution of complaints)?	4.5
8.	Have you ever had to assess liquidated damages?	2 out of 4 said "no"
9.	Has Waste Connections ever asked for non-scheduled and unexpected rate increases?	2 out of 4 said "no"
10.	Would you recommend Waste Connections?	4 out of 4 said "yes"

Services Provided

SERVICE	JURISDICTION			
	San Jose	Mammoth Lakes	Los Gatos	Tehama County
Split-body Collection Vehicles	No	No	Yes	No
Garbage, Recycling, and Green Waste	Yes	Yes	Yes	Yes
Residential Food Scraps	Yes	No	Yes	No
Commercial Food Scraps	Yes	Yes	Yes	No
Curbside Battery Collection	No	No	Yes	Yes
Curbside Motor Oil/Filter Collection	Yes	No	Yes	Yes
Special Event Collection Services	Yes	Yes	Unknown	Yes
Portable Toilet Service for Special Events	No	Yes	Unknown	No
Bulky Waste at Curbside	Yes	No	Yes	Yes
Bulky Waste at Drop-off	Yes	Yes	Yes	Yes
Community Cleanup/Illegal Dumping	Yes	Yes	Yes	Yes
Street Sweeping	No	No	Unknown	Yes
Street Cans	Unknown	Unknown	Yes	Unknown

Some representatives of the jurisdictions surveyed provided the following comments:

- » “Waste Connections is an excellent, trustworthy partner, and we have a great working relationship.”
- » “They're very responsive and have good communication. Green Team (now owned by Waste Connections) still feels like a small hauler.”
- » “Having Mammoth Disposal connected to a large waste management company means they have good resources and industry knowledge.”
- » “They are good at addressing collection problems quickly, whether it's their fault or not.”
- » “In previous years, communication was the biggest problem and I had to work directly with their supervisors to fix issues, such as when complaints were resolved they did not respond to customers to let them know. We also had to work on phone line availability for customer service. They even developed an app for reporting problems but didn't communicate well to customers that it existed. There was a disconnect between staff, managers, and customer service, however these issues have significantly improved the past couple of years, and we haven't had customer complaints about these issues for a while.
- » “We just renegotiated the Franchise Agreement but needed no major changes. Waste Connections is enhancing the services already available and there is a new sustainability coordinator to improve outreach and education.”
- » “I'm very happy with the improvements they have made in communications the last couple of years, even their response during COVID. For example, they automatically reduced services which everyone appreciated during the close downs as it reduced costs for customers. While there have been some transitions issues with going back to normal and we've had to continue to closely manage communications, they have overcome a lot of challenges.”
- » “So far the transition with SB 1383 has been very positive, with support from our consultant. They have implemented a more robust and impressive outreach system with SB 1383 roll-out, including distribution of free compost bins to residents.”

4. TRANSITION ACTIVITIES

Per Waste Connections – This Assignment should be invisible to customers within the City of Milpitas. This is purely a change of shareholder. Waste Connections is taking all existing employees currently providing service to the customers today. We are bound by all terms, conditions, and amendments to the Franchise Agreement with the City of Milpitas.

At approximately (3 to 4) months following the closing, Waste Connections will convert the existing customer billing and interface system to Waste Connections Route Manager® System. We will run this billing side by side with the existing system to ascertain data integrity. This should not affect any customer service or billing.

R3 will provide the City with additional assistance and deliverables related to the transition in the following areas:

- » Preparing Franchise Agreement amendments, as necessary;
- » Participating in meetings related to the assignment request and any new Waste Connections staff;
- » Overseeing transition activities, if necessary;
- » Conducting operational performance reviews if requested by City in the future;
- » Reviewing additional requests (i.e., rate changes, customer service, billing audits, etc.);
- » Assist with staff report for City Council;
- » Assist in drafting the City Council resolution accepting, denying, or deferring MSI's request for assignment; and
- » If assignment is to be approved, an amendment to the Franchise Agreement accepting assignment, and any other prerequisites to assignment of the Agreement as determined by the City (including provisions in the Agreement that refer to insurance provisions, as Waste Connections is self-insured).

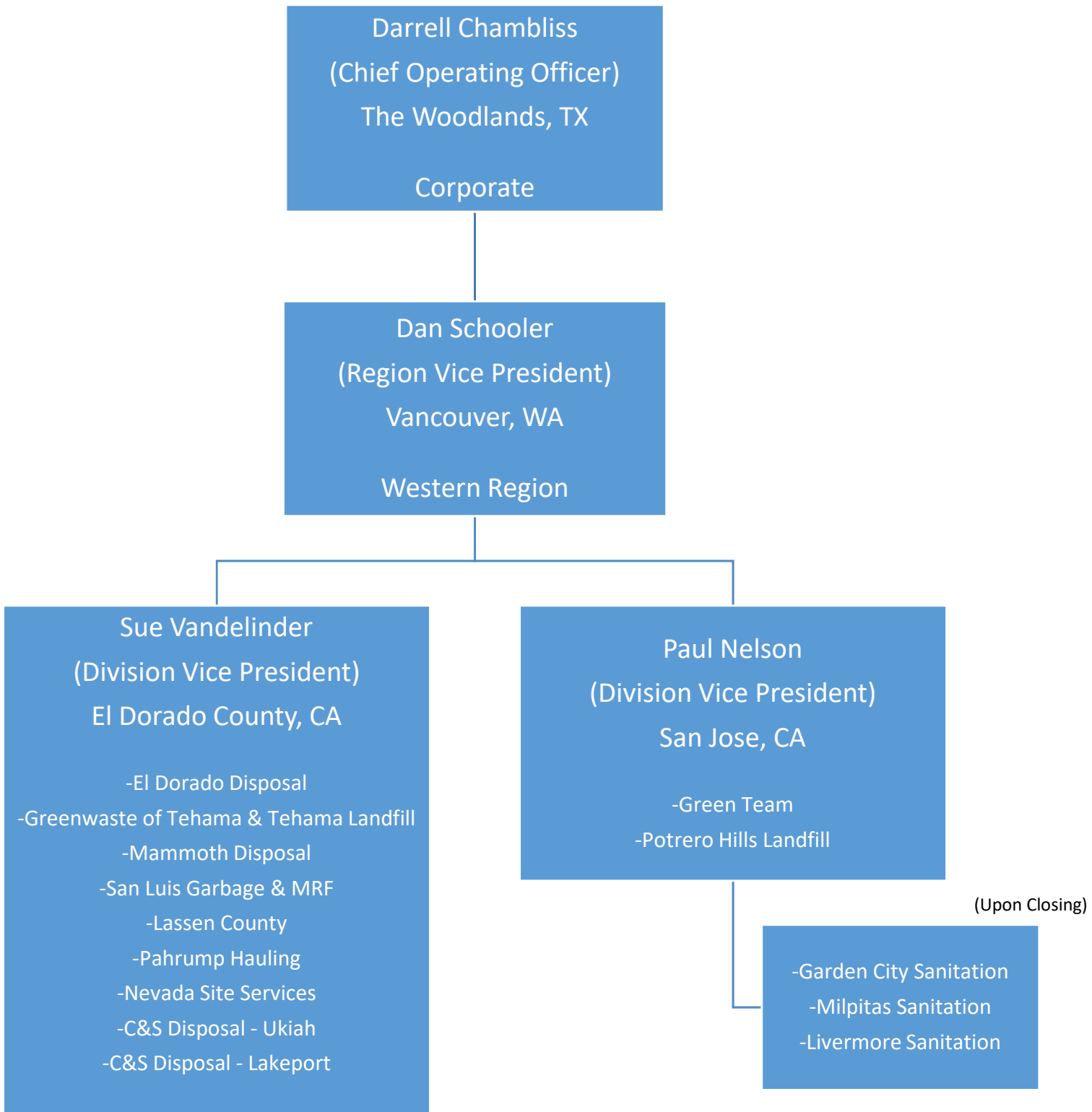
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ATTACHMENT 1

Waste Connections Northern California Organization Chart



ATTACHMENT 2

Good Standing Letter from Bank of America



Timothy Laurion
Managing Director

Environmental Services Corporate Banking
MA5-100-10-18 100 Federal Street
Boston, MA 02110
Timothy.Laurion@bofa.com

November 30, 2021

To: City of Milpitas, CA

Waste Connections has been a client of our bank in good standing for over 20 years. They currently maintain credit facilities of \$2.5 billion, with approximately \$1.1 billion currently unused and available for borrowing.

The relationship has been handled as agreed in all respects.

Sincerely;

A handwritten signature in blue ink, appearing to read "Timothy M. Laurion".

Timothy M. Laurion
Managing Director
Environmental Services Corporate Banking

ATTACHMENT 3

2020 Sustainability Report



ABOUT WASTE CONNECTIONS

Waste Connections is an integrated solid waste services company that provides non-hazardous waste collection, transfer and disposal services, along with resource recovery primarily through recycling and renewable fuels generation. The Company serves more than eight million residential, commercial and industrial customers in mostly exclusive and secondary markets across 44 states in the U.S. and six provinces in Canada. Waste Connections also provides non-hazardous oilfield waste treatment, recovery and disposal services in several basins across the U.S., as well as intermodal services for the movement of cargo and solid waste containers in the Pacific Northwest. For more information, visit Waste Connections at www.wasteconnections.com.

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OUR PURPOSE

Honoring our commitments provides our stakeholders peace of mind and establishes us as the premier waste services company in the markets we serve. This creates a safe and rewarding environment for our employees while protecting the health and welfare of the communities we serve, thereby increasing value for our shareholders.

SUSTAINABILITY INITIATIVES THAT BENEFIT ALL STAKEHOLDERS



ENVIRONMENTAL

Committed to environmental protection, compliance and the advancement of new technologies.



SOCIAL

Investing in our people by enhancing safety, training and inclusion; supporting communities through charitable programs.



GOVERNANCE

Maintaining sound governance policies that align the interests of shareholders with the Board and Management.



LETTER FROM THE CHIEF EXECUTIVE OFFICER

The challenges of 2020 highlighted the critical roles of culture, values and leadership at all levels as we navigated the COVID-19 pandemic within the context of increased focus on environmental and social justice. We are proud of the accomplishments of our 19,000 employees as they met those challenges and drove continuous improvement not only in our business, but also towards our sustainability objectives.

We view efforts to minimize our impact on the environment and drive continuous improvement in employee safety, welfare, engagement and inclusion as integral to our business, driving long-term value creation for all of our stakeholders.

We are proud to report our progress towards achievement of the fifteen-year aspirational sustainability targets we introduced in 2020, as well as other initiatives we have undertaken to further our efforts to address climate change. We achieved an 8% absolute reduction in Scope 1 and Scope 2 emissions in 2020. We also increased our offsets generated from our services provided led by a 7% increase in landfill gas collected and converted to renewable energy and a 5% increase in recycling tons processed. These efforts further

improved our net negative carbon footprint, reflecting the benefits of both reducing emissions and increasing our offsets to such emissions. Put simply, through our services offered in 2020, we were able to avoid 18.2 million metric tons of CO₂e, a figure that exceeded our emissions generated from operations by over 3.2 times. Going forward, we are well positioned to achieve our aspirational climate-related targets through a growing pipeline of projects under development, including renewable natural gas plants, leachate treatment plants and state-of-the-art greenfield recycling facilities.

In 2020, we also saw a reduction in employee turnover and safety-related incident rates, already below the industry average, plus a further increase in employee engagement. Recognizing



WE HAVE POSITIONED OURSELVES FOR CONTINUED PROGRESS TOWARDS ACHIEVEMENT OF OUR SUSTAINABILITY TARGETS WITH A GROWING PIPELINE OF PROJECTS UNDER DEVELOPMENT

the importance of putting employees first, our safety-focused, servant leadership-based culture guided our decision-making and facilitated our differentiated execution during the COVID-19 pandemic in 2020, and continues to do so. Our ongoing employee support since the onset of COVID-19 brings our investment to over \$40 million, largely focused on the health and welfare of frontline employees and their families. While the pandemic and associated restrictions impacted our traditional approach to providing in-person leadership training and personal development opportunities, we overcame these challenges with an online Learning Management System with increased emphasis on frontline education, significantly expanding the percentage of employees receiving training.

We also introduced a minimum wage target of \$15/hour in 2020, expanded our Employee Scholarship Program that supports the educational goals of our employees' children, and increased our commitments to local food banks and organizations with a focus on families at risk and racial inequities. Building on these efforts, we look forward to rolling out our "Waste Connections Cares Day" to provide employees paid time off for community service, celebration of cultural heritage, or personal time.

Employees can also donate this time to support coworkers in need through our Employee Relief Fund.

As a leading environmental services company, sustainability is not a new concept for us. In fact, many of the initiatives detailed in the following report highlight key areas that we have been pursuing since our inception in 1997, and are now a component of long-term incentive compensation.

As you consider our 2021 updates on sustainability, we hope that you will recognize the value of our track record for creating a culture of accountability, environmental stewardship, and safety, along with the inclusiveness of a servant leadership-driven organization.

We appreciate your interest in sustainability at Waste Connections and invite you to learn more at wasteconnections.com/sustainability.

Worthing F. Jackman
President and Chief Executive Officer

SUMMARY PERFORMANCE STATISTICS¹

	2018	2019	2020
Health and Safety			
Employee Hours	40,460,877	44,637,413	46,279,544
Reportable Incident Rate ²	16.3	17.4	15.4
Total Recordable Injury Rate (TRIR)	2.8	2.9	2.9
Experience Modifier Rate	0.72	0.54	0.62
People			
Total Employees as of Year End	16,356	18,204	18,933
Voluntary Turnover	17.8%	17.8%	14.6%
% of Employees that are Women ³	16.0%	16.0%	16.0%
% of Employees that are Ethnic Minorities ³	41.0%	40.0%	38.0%
% of Employees from Armed Services ³	9.0%	8.0%	8.0%
Training/Leadership Development			
# of Sessions	173	168	231
Employees in Virtual or in-Person Training Sessions	4,444	5,215	12,474
% of Total Employees	27.2%	28.6%	65.9%
Financial Statistics (\$000s USD)			
Revenue	\$ 4,922,941	\$ 5,388,679	\$ 5,445,990
Net Cash Provided by Operating Activities	\$ 1,411,235	\$ 1,540,547	\$ 1,408,521
Facilities			
Hauling Operations	279	300	311
Landfills	93	97	92
Transfer Stations	162	175	185
Intermodal Facilities	6	6	6
Recycling Facilities	64	66	68
E&P Liquid Waste Injection Wells	22	23	23
E&P Waste Treatment and Oil Recovery Facilities	19	19	19
Total	645	686	704



	2018	2019	2020
Fleet			
Total Routed Collection Vehicles	7,221	8,089	8,912
Total Routed CNG Collection Vehicles	1,070	1,119	1,166
Routed CNG Trucks as % of Routed Trucks	14.8%	13.8%	13.1%
Landfill Tons (tons per year)			
Municipal Solid Waste	27,158,637	28,922,292	27,831,800
Special Waste	11,539,499	11,943,036	10,773,600
C&D	6,821,864	7,098,672	6,284,600
Total	45,520,000	47,964,000	44,890,000
Recycled Commodities (tons per year)			
Old Corrugated Cardboard	436,971	452,668	524,787
Old Newspaper	60,460	39,939	39,368
Mixed/Other Paper	232,863	395,511	316,445
Glass	117,277	108,034	108,629
Metal	137,361	64,459	84,247
Aluminum	5,268	5,726	5,922
Plastics	27,219	95,134	90,119
Commingled/Other	519,625	538,046	611,289
Total	1,537,044	1,699,517	1,780,806
Landfill Gas Recovery Systems			
# of Landfill Gas Recovery Systems	52	53	53
# of Power Generation Systems	23	25	28
Annual Standard Cubic Feet Collected for Energy (billions) ⁴	26.2	26.6	28.5
LFG Sales as % of Revenue	1.4%	1.0%	1.1%

¹ All data provided here has been subject to internal review and is believed to be correct at the time of reporting. No third party assessment of the data was obtained.

² 12-month rolling incident rate, defined as the number of all reportable incidents per 200,000 employee hours worked, preventable and non-preventable.

³ WCN began tracking diversity statistics on 12/31/2018; % of calculation excludes individuals that did not disclose; 2020 % of minorities decreased due to impact from more employees self-disclosing.

⁴ Prior values have been updated to reflect detailed performance data.





OUR OPERATING VALUES

Safety

We strive to assure complete safety of our employees, our customers and the public in all of our operations. Protection from accident or injury is paramount in all we do.

Integrity

We define integrity as “saying what you will do and then doing it.” We keep our promises to our customers, our employees and our shareholders. Do the right thing, at the right time, for the right reason.

Customer Service

We provide our customers the best possible service in a courteous, effective manner, showing respect for those we are fortunate to serve.

To Be A Great Place To Work

We maintain a growth culture where our employees can maximize their potential personally and professionally. Our objective is to provide an environment where people enjoy what they do and take pride in their work. We wish to embody a work hard, play harder culture.

To Be The Premier Waste Services Company In The U.S. and Canada

We continue to provide superior returns, remain environmentally responsible, and grow in a disciplined way, deploying resources intelligently and benefiting communities we live in. We remain a “different breed”.

PROGRESS TOWARD OUR TARGETS:

Sustainability initiatives with clear objectives are not new to Waste Connections. In fact, they have been an integral part of our business model as a leading environmental services company.

As part of our commitment to provide increased transparency on our sustainability efforts, we introduced fifteen-year aspirational sustainability targets in 2020, along with a commitment of \$500 million towards their achievement. Our targets reflect our sustainability priorities, and they are integral to and consistent with our strategy and focus on value creation for our shareholders.

Our 2020 results show progress towards all of our sustainability priorities, including an 8% reduction in Scope 1 and Scope 2 greenhouse gas emissions. We also increased our offsets generated from our services provided, led by a 7% increase in landfill gas collected and converted to renewable energy and a 5% increase in recycling tons processed. These efforts further improved our net negative carbon

footprint, reflecting the benefits of both reducing emissions and increasing our offsets to such emissions. Put simply, through our services offered in 2020, we were able to avoid 18.2 million metric tons of CO₂e, a figure that exceeded our emissions generated from operations by over 3.2 times.

We also increased the throughput of on-site leachate processing by 13%, and improved our safety incident rate, voluntary turnover and employee engagement as measured by Servant Leadership scores. Our efforts positioned ourselves for continued progress towards achievement of our long-term objectives with a growing pipeline of projects under development, including high Btu Renewable Natural Gas (RNG) plants at our landfills, leachate treatment plants and state-of-the-art greenfield recycling facilities.



ENVIRONMENTAL



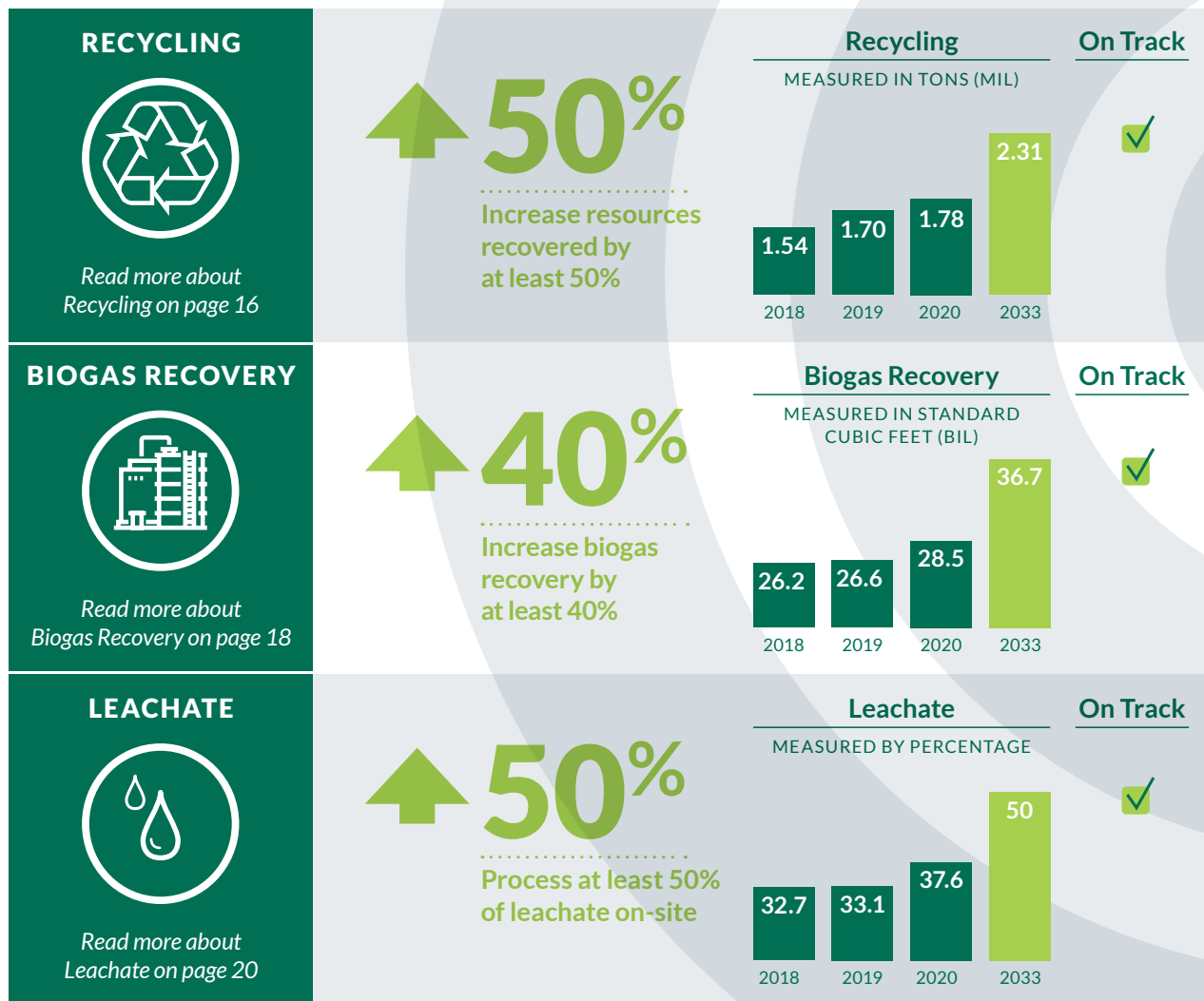
SOCIAL

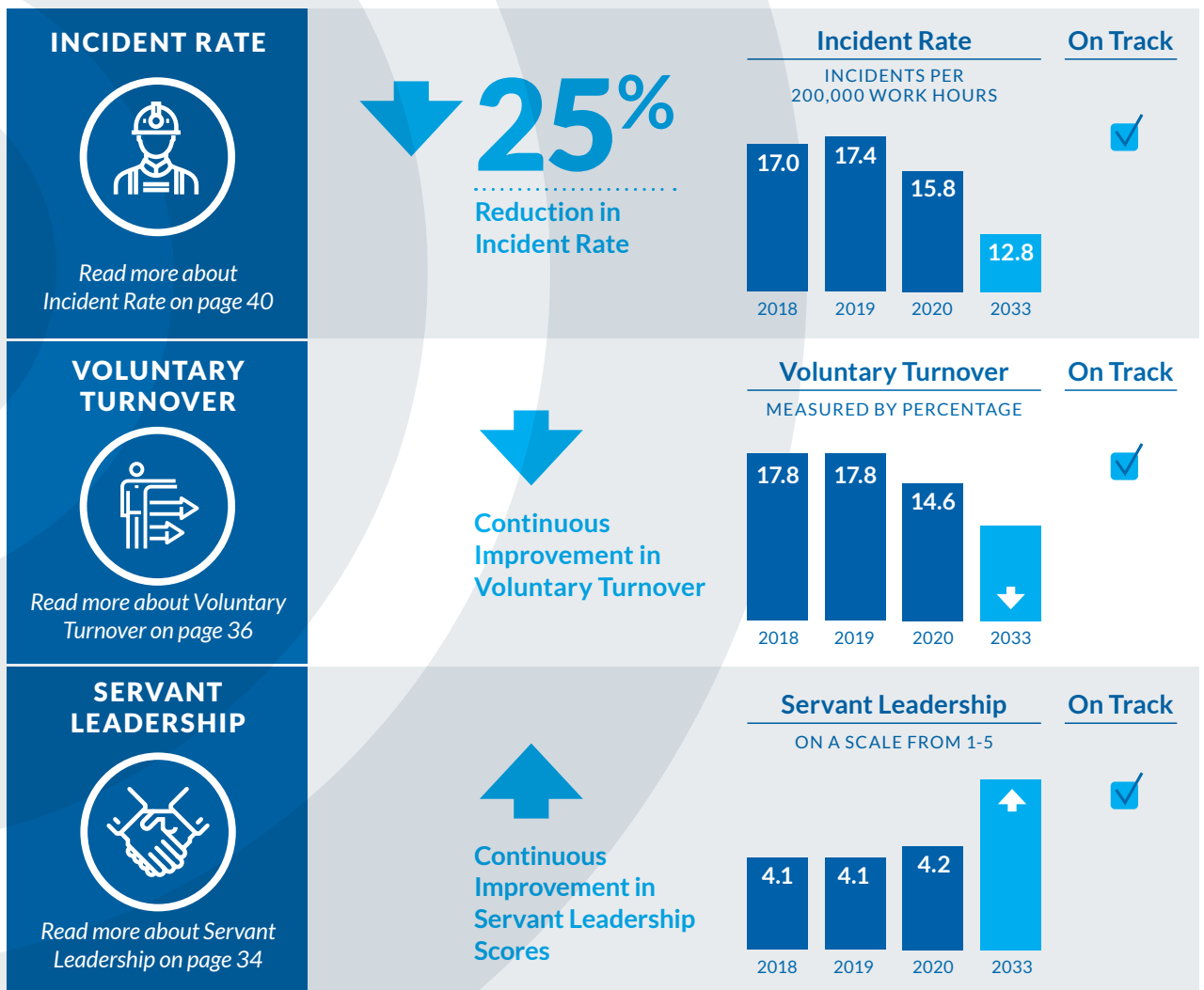


GOVERNANCE

OUR SUSTAINABILITY TARGETS:

The following metrics represent our fifteen-year, aspirational targets, with 2018 as the baseline year. We have been pursuing many of these initiatives since our inception in 1997, and are now incorporating them into long-term incentive compensation. We are pleased to report progress across all metrics in 2020, versus the prior year.





Incident Rate represents same store data from 2018 levels.

Environmental Stewardship



As an environmental services company, Waste Connections is committed to environmental stewardship and we consider it integral to managing and responsibly growing our business. In addition to our Environmental Policy that effectively serves as a guidepost for our standards, we emphasize training, accountability, employee engagement and oversight in order to achieve our environmental objectives. We recognize the importance of minimizing our impact on the environment and the communities we are privileged to serve. As such, our objectives emphasize environmental compliance, resource efficiency, incorporation of biodiversity into site-closure plans along with communication and collaborations with our stakeholders.

Organizationally, our Vice President–Engineering and Sustainability has responsibility for oversight of our Environmental Management System and management of many of our sustainability efforts. Progress towards achievement of our

fifteen-year aspirational targets is incorporated into management compensation and reviewed by our Board of Directors.

With a net negative carbon footprint by a factor of over three times, and an 8% reduction in Scope 1 and Scope 2 emissions in 2020, our environmental targets are consistent with our efforts since our founding. We anticipate further improvements and are committed to expanding our resource recovery capacity through a number of investments, including enhanced optical sorting technology, robotics and new screening equipment at recycling facilities, and construction or acquisition of additional resource recovery facilities. We are also expanding landfill gas recovery and Renewable Natural Gas (RNG) production through enhanced gas collection systems and facilitating the development of additional beneficial use facilities. In addition to these post-collection initiatives, we continue to evaluate the potential for fully electric, zero emission collection trucks, in the future.

OUR NET NEGATIVE CARBON FOOTPRINT

The activity of collecting our customers' solid waste as well as the biodegradation process for certain waste streams within a landfill generates carbon emissions. We recognize the impact that emissions have on climate change and therefore we employ multiple strategies to mitigate these emissions. The proof is in our results, with operational enhancements reducing Scope 1 and Scope 2 greenhouse gas emissions by 8% in 2020. Moreover, consistent with our Environmental Policy, we actively promote the efficient use of resources and in many instances beneficially reuse or divert materials from landfill disposal. For instance, in 2020, we were able to reclaim over four million gallons of petroleum from our E&P waste operations for beneficial reuse in other applications. In addition to processing recyclables at our MRFs, we also segregate additional materials at many landfills and in 2020, we beneficially reused over 170,000 tons of tires, concrete, asphalt and dimensional lumber, and diverted over 136,000 tons of additional material from landfills.

We also actively pursue projects to increase offsets to our emissions, including recycling and the beneficial use of landfill gas. In addition to carbon that is permanently sequestered in our landfills, our recycling services and beneficial reuse of landfill gas avoided 18.2 million metric tons of CO₂e in 2020. These offsets exceeded our emissions generated from operations by over 3.2 times, putting us in a net negative carbon footprint position.

Our largest potential source of emissions results from our landfill operations in which our customers' putrescible waste breaks down over time and produces landfill gas, which we actively work to recover and beneficially reuse. To that end, we install gas collection and control systems when operationally feasible, often in advance of regulatory requirements. In order to mitigate fugitive emissions, we deploy drones at several of our landfills to detect potential breaches, utilize temporary cover systems to encapsulate the gas for beneficial reuse and modernize and expand gas collection systems. Where feasible, we beneficially convert the gas to electricity or renewable natural gas (RNG) that can be injected into a gas transmission pipeline.

Given the aforementioned initiatives, we experienced an 8% reduction in Scope 1 and Scope 2 operational greenhouse gas emissions and further solidified our net negative carbon footprint.





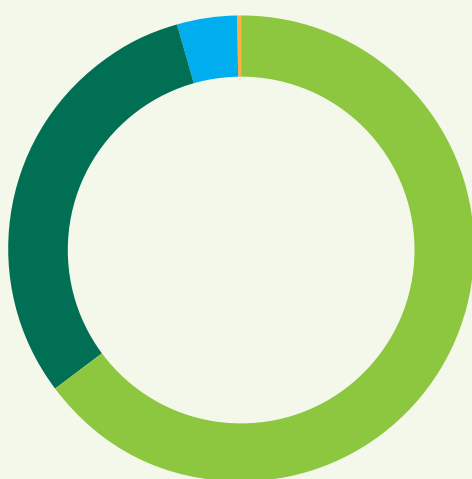
OUR CARBON OFFSETS FROM SERVICES PROVIDED:

Achieving our Targets

We generate carbon offsets through the services that we provide, including recycling and biogas recovery. Therefore, our fifteen-year target to increase carbon offsets, excluding sequestration, by 50% is linked to achievement of our recycling and biogas recovery targets. Given our growing pipeline of these projects under development, we are well positioned to achieve our recycling, biogas recovery and carbon offset targets.

Offsets from Services Provided

MEASURED IN METRIC TONS (MIL)



- Sequestration
- Recycling
- Landfill Gas
- Alt Fuel Vehicles

Total Offsets: 18.20

Emissions from Operations

MEASURED IN METRIC TONS (MIL)



- Scope 1
- Scope 2

Total Emissions: 5.66**> 3.2 x**

RESOURCE RECOVERY: RECYCLING

At Waste Connections, resource recovery is a key element of sustainability and includes recycling through our material recovery facilities (MRFs). An integral part of our service offerings, we recycle or divert over 50% of our collected waste volumes in many markets, in some cases over 70%, and we continue to expand these efforts.

In fact, in spite of numerous challenges to the recycling industry including volatility in commodity prices and recent headwinds stemming from COVID-19-related operating challenges, Waste Connections has added recycling processing capacity through the acquisition of state-of-the-art facilities and the enhancement of operating capabilities at our existing MRFs through technology additions.





RECYCLING:

Achieving our Targets

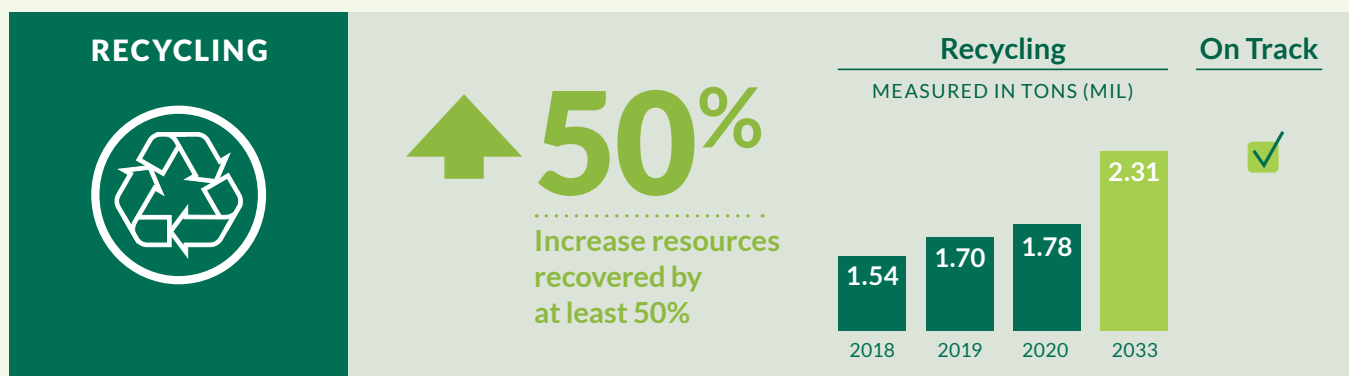
The quality of recycled commodities is largely dependent on front-end source separation efforts, which can vary widely and impact MRF processing costs. Source separation education includes local training efforts, coupled with our WasteConnect app that helps customers confirm if a waste stream is recyclable.

At the plant level, we are investing in additional optical sorters and robotics to manage headcounts at MRFs, increase productivity and improve the quality and value of recycled commodities through reduced contamination rates. Beyond these enhancements at our existing facilities, we are positioned to achieve our targeted expansion of resource recovery by over 50% through increased recycling capacity. We have opportunistically acquired distressed recycling operations. We also plan to construct select greenfield recycling facilities within our footprint to complement or enhance our competitive

KEY 2020 ACCOMPLISHMENTS

In 2020, we expanded our use of robotics including the deployment of 25 robots to seven Material Recovery Facilities. We utilize robotics in various sorting capacities, which increases productivity, and the value of the end commodity through reduced contamination. In response to these additions, as well as select acquisitions, our recycling tons processed in 2020 increased by 5% versus the prior year. Going forward, we are actively pursuing the development of state-of-the-art greenfield recycling projects within our existing markets to more fully integrate our operations. These initiatives position us to achieve our long-term recycling target.

positioning. Moreover, we continue to acquire recycling processing capabilities in conjunction with acquisitions of integrated solid waste operations.



RESOURCE RECOVERY: LANDFILL GAS

Resource recovery also extends to our landfills, where we deploy gas recovery systems and provide renewable energy to many of the communities we serve. We have installed gas collection systems for the capture of landfill gas generated at over 50 of our solid waste landfills with most of our remaining sites accepting substances such as construction and demolition debris or contaminated soils that do not generate sufficient methane gas for recovery.

In many instances, our gas recovery systems exceed regulatory requirements, creating the opportunity to convert additional landfill gas to a renewable energy source and mitigate the environmental impact. From 28 of these gas recovery systems, including one of the largest such recovery plants in North America, we provide the landfill gas to generate electricity for local households, fuel local industrial facilities, and/or to create RNG that can power alternative fuel vehicles. These projects create salable environmental attributes such as carbon emission credits, Renewable Energy Credits (RECs) or Renewable Identification Numbers (RINs).





LANDFILL GAS RECOVERY:

Achieving our Targets

The environmental benefits of utilizing landfill gas to generate electricity or produce pipeline-grade RNG is compelling, with the economic benefit dependent on several factors, including landfill size, age, gas generation rates, and infrastructure costs, as well as the value of the energy produced. At our 28 existing landfill gas recovery systems, we annually process approximately 28.5 billion Standard Cubic Feet (SCF) of gas for conversion to energy, or the equivalent needed to power roughly 289,000 homes.

KEY 2020 ACCOMPLISHMENTS

In 2020, we increased biogas recovery and conversion to energy by 1.9 billion standard cubic feet or approximately 7%. We are actively pursuing a number of additional opportunities for high Btu RNG systems at existing landfills and anticipate completion of another three to five facilities over the next three to five years. Given this outlook, we believe we have solid visibility on achieving our fifteen-year aspirational target to expand biogas recovery by at least 40% from 2018 levels.

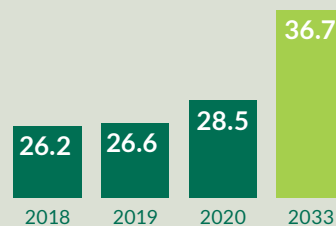
BIOGAS RECOVERY

↑ **40%**

.....
Increase biogas
recovery by
at least 40%

Biogas Recovery

MEASURED IN STANDARD
CUBIC FEET (BIL)

**On Track**

LEACHATE MANAGEMENT

When it rains or snows, water infiltrates the buried materials within uncovered sections of landfills and mixes with the liquids and soluble substances contained in municipal solid waste, resulting in leachate. Leachate is contained by an impervious liner system constructed at the bottom of the landfill and is collected through a network of perforated drains. Subsequently, leachate is collected and either sent to a third-party disposal facility, such as a municipal or industrial wastewater treatment plant, or treated on-site through wastewater treatment facilities or evaporation.





LEACHATE MANAGEMENT:

Achieving our Targets

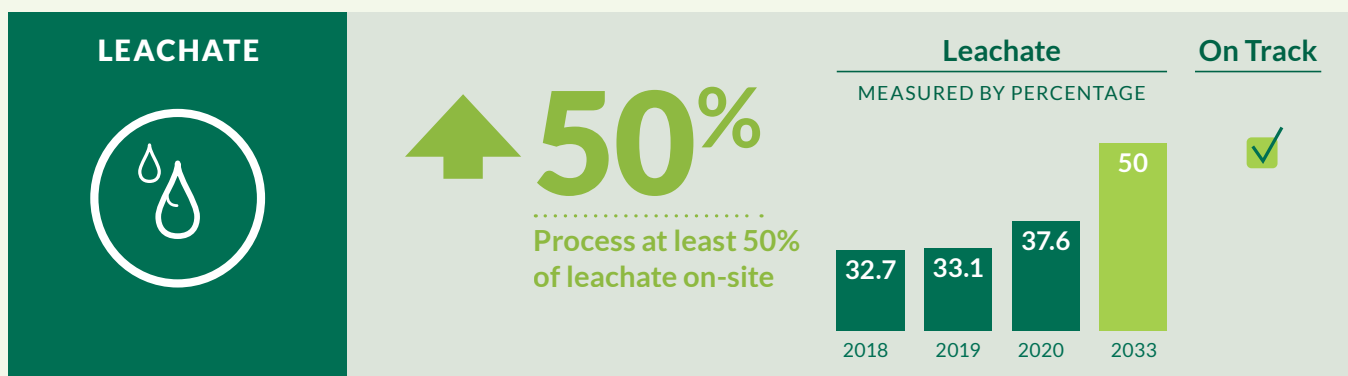
Through our current operations, we generate over 600 million gallons of leachate per year, over two-thirds of which has historically been disposed of off-site. Our fifteen-year aspirational target is to mitigate the environmental impact of transporting and disposing of leachate by enhancing our ability to dispose of leachate using our own facilities to over 50% of leachate generated. Reducing reliance on third parties allows us to more effectively manage the costs and mitigate the impacts associated with the transportation and off-site treatment and disposal of leachate.

In order to further increase our leachate self-sufficiency, we will expand utilization of evaporator technology at some landfills and pursue other landfill practices such as reducing working face size or installation of temporary cover to minimize infiltration of rain or snow. We also will install on-site wastewater plants where applicable.

KEY 2020 ACCOMPLISHMENTS

We expanded on-site leachate treatment by 13% in 2020, bringing our percentage processed on-site to 38%. We also recently began construction on additional leachate treatment facilities that we expect to come on line in 2022 and will further contribute towards achievement of our 50% target.

Always looking for a more cost effective and environmentally conscious way to treat and/or dispose of leachate and other waste, we are independently funding research into new leachate treatment methods with an annual commitment of \$1 million over a five-year period.



FLEET EMISSIONS AND EFFICIENCY

As a route-based business, a portion of our carbon footprint is linked to our fleet, and therefore we look to selectively utilize alternative fuel vehicles as part of our efforts to reduce fleet emissions. In addition to utilizing Compressed Natural Gas (CNG) trucks, we will soon begin beta testing fully electric collection trucks.

In addition, we focus our efforts on reducing consumption of fuel and petroleum-based products through replacement of older trucks

with newer, more efficient trucks, utilizing transfer station networks to consolidate waste onto fewer trucks, installing controls to minimize idling time, and switching to synthetic motor oils with longer replacement intervals, as well as reducing emissions by installing more advanced engine filters. In addition, we utilize technology, including on-board tablets and route optimization software, to minimize driving time, and engine diagnostics software to anticipate issues to avoid downtime.





Innovation

With the expected payload and route capacity of electric collection trucks comparable to diesel trucks, we look forward to beta testing fully electric vehicles, particularly given our encouraging experience from utilization of a hybrid unit in 2021. Although at a significant initial cost premium, the fully electric trucks operate quietly, generate zero emissions and are expected to provide considerable savings in fuel and maintenance expenses relative to comparable diesel trucks. We look forward to expanding the use of alternative fuel vehicles in Waste Connections' fleet over time.



ZERO WASTE

We believe our sustainability initiatives align with and support the efforts of our customers and the communities we serve. We regularly work with customers to increase resource recovery and facilitate their pursuit of zero waste goals. Whether providing services like composting of yard waste and food waste or supporting the introduction of new technologies, such as anaerobic digesters, we partner with communities and industrial customers to advance their objectives to reduce their reliance on landfills, decrease waste disposal costs and reduce emissions. Our easy-to-use reporting and

analytics tool, Recycle 360°, enables our customers to develop waste management plans and track ongoing performance against waste reduction and recycling targets.



MATERIAL RECOVERY AND REUSE: EXPLORATION AND PRODUCTION (E&P) WASTE

With over thirty exploration and production waste treatment and disposal facilities across the United States, Waste Connections is one of the largest providers of non-hazardous E&P waste disposal. Through our E&P subsidiary R360 Environmental Solutions, we help customers responsibly treat, recycle or dispose of drill cuttings, drilling fluids, produced water and other non-hazardous E&P waste, representing an attractive and safe alternative to disposal at the drilling site. Our processes and technology can recover and transform

many of our customers' waste streams into reclaimed oil, recycled produced water and reusable drilling fluids. In fact, since 2018, our E&P waste operations have collectively reclaimed nearly 18 million gallons of base oil, and tons sequestered in landfills and injected into deep formations give R360 a net negative carbon footprint. Pictured below is a night view of our state-of-the-art thermal processing facility near Stanton, Texas, that diverts hydrocarbons from landfills and offers a circular lifecycle to many of our E&P customers.



BIODIVERSITY AND SITE-CLOSURE

We approach our relationships with the communities we serve as long-term partnerships with an eye towards the future and respect for the environment. From the permitting process to operating protocols and eventual site closure, we consider the environmental impact that our businesses have on local habitats and the surrounding communities. At many of our larger landfills, we establish buffer property that utilizes local plants and vegetation to encourage and promote local wildlife and aesthetically blend with other local vegetation. As a part of the permitting process, we engage with local communities to establish a closure plan. As we

anticipate that facilities will ultimately transition into closure, we ensure that closure plans are effective at restoring the land to a condition that is consistent with the biodiversity of the surrounding environment.

Pictured below is our Lachenaie landfill in Terrebonne, Quebec. Since 2019, Lachenaie has supported local pollinating insects by planting a variety of flowers on available land. Each year, the favorable living environment hosts approximately 320,000 honeybees – an example of our commitment to the local ecology and balance between human activity and nature.





ENVIRONMENTAL MANAGEMENT SYSTEM

As detailed in our Environmental Policy, we maintain a robust Environmental Management System (EMS) as part of our operating practices and risk mitigation strategy. Our EMS is an all-encompassing approach to environmental protection and regulatory compliance with oversight by our Vice President–Engineering and Sustainability, along with our Executive Vice President–Engineering and Disposal, and Associate General Counsel–Director of Compliance. It is managed by our Corporate Environmental Manager along with more than 70 trained professionals in the field. Our EMS is designed to prioritize environmental protection and promote the rapid flow of information from the field to those overseeing the EMS.

In order to ensure and track regulatory compliance, we utilize a proprietary compliance-tracking tool called the Cube to provide notifications, tracking and reporting of regulatory and permit-related tasks. The Cube notifies facility managers of upcoming tasks, documents their completion and uploads

to each respective site’s operating record. Monthly progress reports are provided to corporate environmental managers, resulting in follow up at multiple levels of management.

Annually, one or more of our environmental professionals audits each disposal site, reviewing operating records, infrastructure and the physical conditions, with potential risks of non-compliance tracked in the Cube for remediation and documentation. Our EMS also regulates the day-to-day handling and documentation of waste streams generated from operations, with all wastes disposed or recycled by third party customers inventoried and tracked through our audit function to demonstrate proper handling.

All sites incorporate emergency response planning, which, depending on geography, may incorporate contingencies for responding to various natural disasters or addressing other regional or local needs. We provide emergency action plan training in order to enhance response plans.

Employee Engagement

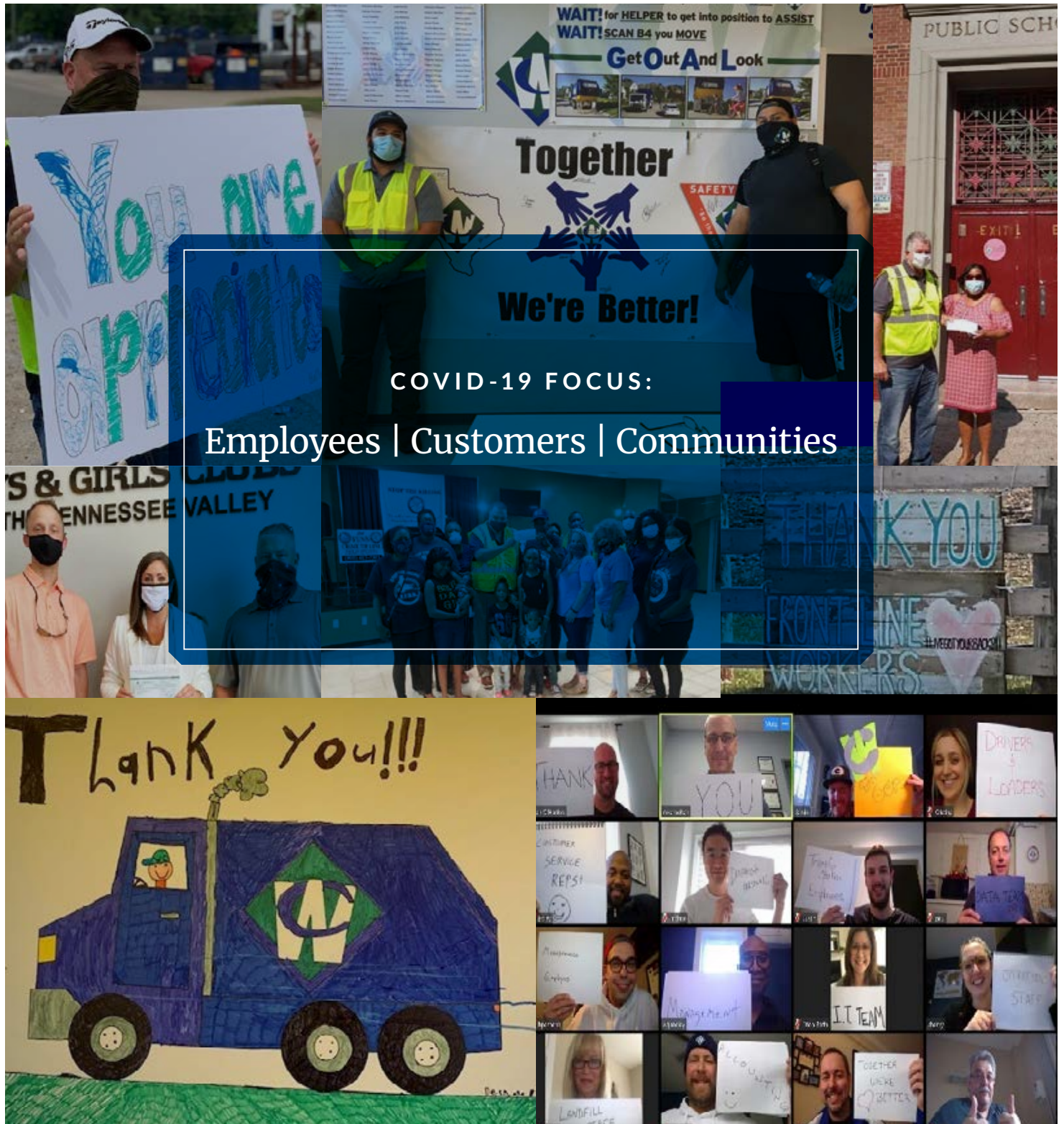


Waste Connections has a track record of superior results since its founding in 1997. We attribute that success to a differentiated strategy and a purposeful culture. Our market selection strategy, along with disciplined capital allocation, has produced superior financial results and shareholder returns. However, we believe that while strategy may have positioned us for success, it is our culture of accountability and commitment to excellence that has driven the value creation.

We maintain that our greatest differentiator is not our physical or financial assets; instead, it is our people and our purposeful culture. Our foundation is built on caring for our 19,000 employees, prioritizing safety as our #1 Value and integrating the principles of Servant Leadership – a philosophy we have embraced and expanded upon for over fifteen years – into our day-to-day operations.

CULTURE MATTERS

AT WASTE CONNECTIONS,
WE BELIEVE OUR CULTURE
DRIVES DIFFERENTIATED
RESULTS, AND THEREFORE
INVESTING IN OUR PEOPLE,
OUR GREATEST ASSET,
IS ALWAYS OUR PRIORITY.





RECOGNIZING THE IMPORTANCE OF PUTTING EMPLOYEES FIRST, OUR SAFETY-FOCUSED, SERVANT LEADERSHIP-BASED CULTURE GUIDED OUR DECISION-MAKING AND FACILITATED OUR DIFFERENTIATED EXECUTION DURING THE COVID-19 PANDEMIC IN 2020, AND CONTINUES TO DO SO.

At Waste Connections, we believe that our safety-focused, Servant Leadership-driven culture leads to differentiated results, and therefore investing in our people, our greatest asset, is always our highest priority. As an essential services provider, we recognized from the onset of the COVID-19 pandemic that our communities would count on us and we on each other to honor our commitments; therefore, protecting the health, safety and welfare of our 19,000 employees has guided every decision we have made.

To support and protect our employees, we established protocols and implemented operational changes focused on the health and safety of our frontline employees and achieved seamless transitions to remote work environments for customer service representatives and other support personnel. In addition, we looked to provide a safety net for our employees on issues of income and family health. To that end, we provided full wages for employees feeling ill, under quarantine, or caring for family members, and two-thirds wages for up to 12 weeks for those with childcare issues. Through these

efforts, we enabled our employees to make the right decisions about the health of their families and the well-being of their colleagues, which resulted in continuity of service to the communities we serve.

Recognizing the potential for financial hardship and the challenges unique to this period, we incurred over \$40 million in incremental COVID-19-related costs, primarily supplemental wages which have been provided to all hourly employees, whether union or non-union, remote or on site, as well as temporary workers. We also expanded our Employee Relief Fund for those experiencing financial hardship, launched the Waste Connections Scholarship Program to assist our employees' children in pursuing their educational goals, fully covered COVID-19 related testing and medical costs, improved medical benefits and extended access to medical benefits.

In addition to our near-term COVID-19-related financial commitments, we raised our minimum hourly wage target to \$15/hour in 2020, which

exceeds state and local wage requirements and will positively impact the earnings of over 800 employees. Looking beyond our people, we also recognized the needs of the communities where we live and work, increasing the level of charitable contributions to assist food banks, families at risk, and organizations with a focus on addressing racial inequities at a local or national level, providing meals for healthcare workers and higher risk populations, and donating critical personal protective equipment.

We recognized that reducing employee concerns regarding income, healthcare and family obligations during the pandemic would be critical to providing continuity of service and a bit of normalcy for customers. As we migrate into a new normal with reopening economies amid a lingering risk of infection, we understand the playbook to maintain safety in our operations and remain diligent with safety-related protocols. Unlike many organizations that have eliminated financial assurances, we continue to offer a safety net to our employees. We also recognize the importance of vaccination in reducing transmission of COVID-19 and strongly encourage employees and members of their families get vaccinated. Our strong operating performance during this chaotic and unprecedented period reflects the benefit of this focus and is a testament to the dedication and tireless efforts of every Waste Connections employee, whether in the field or working remotely.

SUPPORTING OUR FRONTLINE



\$40M

Discretionary COVID-19 related expenses, primarily for supplemental employee wages.



\$15/hr

Increased our minimum hourly wage target in 2020.



WASTE CONNECTIONS



THE SERVANT LEADERSHIP JOURNEY

Servant Leadership has defined our Company since 2006. The Servant Leadership concept inverts the traditional management hierarchy, positioning leaders to serve their employees both professionally and personally. The philosophy empowers employees by prioritizing their needs, sharing responsibility and driving personal development.

Our leadership development efforts include multi-day Servant Leadership training sessions, district management training, dozens of varying leadership webinar topics, and other safety, sales, maintenance, operations and financial training courses engaging every employee level throughout the Company.

As an organization, we look to continually raise the level of accountability through our annual Servant Leadership survey, which provides

employees the opportunity to grade their managers on an anonymous basis. The score, along with several other metrics such as talent development, are incorporated into the leader’s compensation plan. We raise our level of accountability by putting Servant Leadership into action, not just words. Accordingly, we are targeting continuous improvement in Servant Leadership scores as an element of our long-term, aspirational goals.

Recognizing that we have a responsibility to those we have the privilege to lead, we look to position our employees for success, which begins with our most important value: safety. Holding every employee accountable for safety and scoring our leaders on Servant Leadership has driven accountability and produced results, evidenced by industry-leading financial metrics as well as safety and employee turnover levels that are significantly better than the industry average.





RECOGNIZING THE
IMPORTANCE OF PUTTING
OUR EMPLOYEES FIRST,
OUR SAFETY-FOCUSED,
SERVANT LEADERSHIP-BASED
CULTURE GUIDED OUR
DECISION-MAKING
IN 2020.

ENGAGEMENT → RELATIONSHIPS = RESULTS

We identified Engagement as the foundation of our 2020 Vision, as we looked to position Waste Connections for the future with continued focus on the core values that have been integral to our success. That vision of engagement included expanding our offerings for training and development of our leaders and frontline employees, and innovating new technology platforms to increase connectivity with our employees, customers and communities in which we operate.

Our 2020 focus on engagement was timely, as the COVID-19 pandemic necessitated the use of remote alternatives to in-person training and development

and highlighted the importance of connectivity both inside and outside of the Company. We believe that our investment in technology to enhance connectivity and its effectiveness during the pandemic will result in a stronger, more engaged team as we emerge from this period, and over time, lower voluntary turnover.

Our team has responded and recognized Waste Connections externally with a series of employee-nominated awards, including Glassdoor's Employee Choice Awards – Top CEOs as well as Comparably's Best Leadership Team, Best CEO for Women, Best HR Team, Best Sales Team and Happiest Employees.



VOLUNTARY TURNOVER AND ENGAGEMENT :

Achieving our Targets

At Waste Connections, we recognize that employee turnover and engagement metrics can be driven by intentional or unintentional corporate decisions over a protracted period. As such, we purposefully emphasize culture, employee training and development, and accountability in order to drive continuous improvement in both retention and Servant Leadership scores – our reflection of engagement.

Below are several of the engagement-driven efforts launched in 2020:

- :: Launch of *Workplace*, our internal social networking application designed to facilitate communication, connection, recognition, celebrate successes and build relationships across our over 650 facilities;
- :: Implementation of our enhanced Learning Management System to expand content and increase access and visibility on training and development opportunities;

KEY 2020 ACCOMPLISHMENTS

Our engagement focus, coupled with our COVID-19-related response to employee health and financial wellness, resulted in an 18% improvement to voluntary turnover in 2020. More than 80% of our employees responded to our annual Servant Leadership survey – our proxy for engagement – with manager scores further improving in 2020.

- :: Expansion of employee resource groups, including the Waste Connections Women's Network and the Veterans S.E.R.V.E. Network;
- :: Expansion of training and onboarding tools for new employee transition and development; and,
- :: Launch of a wellness website in the U.S. and wellness-related initiatives within Canada

VOLUNTARY TURNOVER



Continuous Improvement in Voluntary Turnover

Voluntary Turnover

MEASURED BY PERCENTAGE



On Track



DIVERSITY AND INCLUSION

At Waste Connections, we are committed to building and developing diverse teams that function in an environment of mutual respect, where employees feel empowered to contribute. Operating across hundreds of markets in the United States and Canada, we recognize the benefits of diversity and the importance of ensuring that employees feel respected and included, encouraged to bring their unique perspectives, ideas and best skills to work each day. In keeping with our efforts to support and encourage diversity and inclusion, we have undertaken several initiatives, including the 2019 introduction of a formal Diversity Policy for our Board of Directors and Senior Management with aspirational targets for female Board representation and additional disclosure on workforce composition.



We also incorporated diversity and inclusion topics into Servant Leadership training and manager assessments in order to ensure that all employees are valued, feel empowered to contribute and are positioned for advancement opportunities. Following our leadership summit that focused on understanding and mitigating unintended biases, we enhanced recruiting practices to ensure the broadest candidate pools, offered monthly diversity and inclusion training modules, established financial commitments to organizations that focus on racial inequities and that support women and children at risk, and supported the development of resource groups including our Women's Network and Veterans' S.E.R.V.E. Network.

Waste Connections is a signatory to the *CEO Action for Diversity & Inclusion*, the largest CEO-driven business commitment to advance diversity and inclusion within the workplace.

DIVERSITY STATISTICS

Workforce Composition (U.S. and Canada)	Unit	Gender		Ethnicity	
		Female	Male	Caucasian	Ethnic Minority
Board of Directors*	Percentage (%)	25%	75%	88%	13%
Top Management Positions**	Percentage (%)	18%	82%	91%	9%
Total Workforce	Percentage (%)	16%	84%	62%	38%

Workforce Ethnic Composition (U.S. Only)*	Percentage
Caucasian	60%
Hispanic	22%
Black	14%
Multiracial	2%
American Indian or Alaska Native	1%
Asian	1%
Native Hawaiian or Other Pacific Islander	1%

Age Breakdown (U.S. and Canada)	Percentage
29 and Under	15%
30 to 49	51%
50 and Over	34%

Employees by Payment Type (U.S. and Canada)	Percentage
Hourly	85%
Salaried	15%

*Board of Directors Ethnicity and Workforce Ethnic Composition does not equal 100% due to rounding.

** Top management positions reflect employees within two levels of the CEO.

TAKING SAFETY TO THE NEXT LEVEL

We believe that safety is the responsibility of each and every employee; it is ingrained in our commitment-based, safety-driven culture. Moreover, as servant leaders are responsible for each employee's success at work and beyond, safety is an integral component of this commitment. We have relied on those

relationships along with tools to develop employee risk-profile rankings and to facilitate effective communication and behavior-based coaching. In 2020, our behavioral-based approach to safety resulted in over 60% of our operating locations either posting zero safety-related incidents or reducing incident frequency versus the prior year.



SAFETY:

Key Initiatives

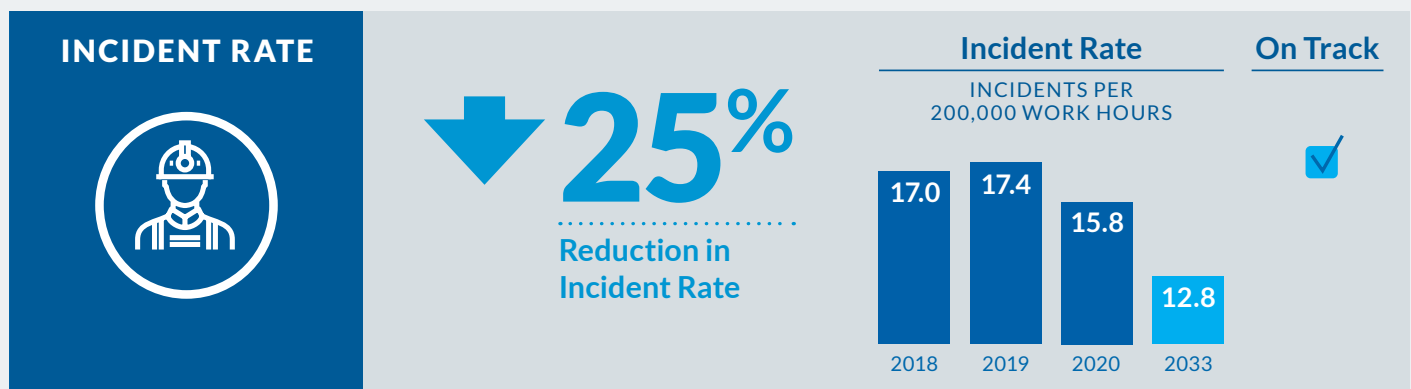
While we attribute our successful safety record to our culture and behavioral-based approach, we acknowledge that technology can be an important tool in identifying risky behaviors and providing coaching opportunities to address them.

In 2020, we launched a \$10 million fleet-wide upgrade of our onboard camera systems, which are the foundation for establishing our risk-based scoring approach to encouraging safe driving practices. In contrast to existing systems, which largely track inertial movements in vehicles, the next generation systems utilize artificial intelligence and “Machine Vision” to identify additional risks both inside and outside of the cab. Such risk factors inside the cab include unbelted drivers, as well as distracted driving from handheld devices, food and beverages and smoking. Outside of the cab, the units can detect lane departures, rolling stops, unsafe following distances and other critical distances.

KEY 2020 ACCOMPLISHMENTS

The fleet-wide upgrade to next generation camera telematics is well underway with expected completion in early 2022. This technology, combined with lower traffic levels stemming from pandemic-driven restrictions in 2020, led to a 12% reduction in the number of incidents. Further, over 60% of our operating locations either posted zero incidents in 2020 or experienced year-over-year improvement.

Another addition to our safety program was the introduction to our fleet of Freightliner EonicSD trucks with an overhauled cab design that incorporates many of the safety features already included in passenger vehicles, as well as an integrated collision mitigation system, enhanced visibility, and several ergonomic improvements.



EMPLOYEE TRAINING AND DEVELOPMENT

At Waste Connections, we continue to expand our training programs to educate our employees beyond pertinent topics such as safety and environmental compliance that foster increased job performance. We also seek to increase employee knowledge and awareness toward increasingly important subjects such as Diversity and Inclusion and Cybersecurity. In 2020, we deployed a new Learning Management System (“LMS”) in order to expand our reach to additional employees and provide mobile and tablet-based trainings. The efforts were timely given the need to limit in-class participation during the COVID-19 pandemic and we significantly increased both course count and employees that participated in training courses. Below are a few notable new training programs:

Diversity and Inclusion Mini Series

We provided monthly Diversity and Inclusion learning modules through our LMS to all employees. Our leaders utilized the mini courses and underlying discussion guides to have a deeper conversation on the topic with their teams. Topics have included unconscious bias, how to practice inclusiveness, breaking down stereotypes, creating psychological safety for employees and teams, allyship, and fostering belonging.

Training the Trainer

We developed a Driver Trainer Certification Course that focuses on how we can best serve our trainees beginning their Waste Connections driving career. The driver trainers learn next level skills to enhance current training strategies. Routing, documentation, distractions, normalization of deviance, Target 4 (safety) and conversation styles highlight the learning content delivered virtually or in-person.

Business Acumen

Business Acumen financial training links expertise in certain roles to Waste Connections strategic priorities. The six-hour online workshop or three day in person session aligns operations to corporate strategy and focuses on the development of the five business drivers – Cash, Profit, Assets, Growth and People.

Cybersecurity training

We offer a five-part training course designed to improve employee cybersecurity awareness and educate users on today’s threats. We also provide digital courses that focus on phishing awareness and common cybersecurity attacks.



THE LAUNCH OF OUR NEW LMS WITH INCREASED EMPHASIS ON FRONTLINE EDUCATION SIGNIFICANTLY EXPANDED THE PERCENTAGE OF EMPLOYEES RECEIVING TRAINING.

Community Impact



GIVING BACK AND MAKING AN IMPACT

At Waste Connections, we also attribute our success to the support we receive from communities we serve, where our employees also live and work. We provide opportunities for our employees to get involved in their communities and consider it a privilege for Waste Connections to also give back through charitable donations or sponsoring community events.

Giving Locally – Waste Connections and our employees support more than a thousand organizations through direct contributions, volunteering and/or fundraising at a local level. Each year, we donate millions of dollars to various charities, including an increasing number of organizations identified by our frontline employees that focus on racial inequities at a local or national level, and that support women and children at risk in disadvantaged communities.

Our Company-wide Culture of Giving – In addition to our local efforts, we are proud of our Company-wide traditions. In 2019, we achieved a 20-year Waste Connections Christmas Promise goal one year ahead of schedule, as employees

across the company assembled and donated over 10,000 bicycles to deserving children, bringing our total donated since inception of Christmas Promise to approximately 65,000 bicycles. In addition, despite canceling our 2020 Annual Waste Connections Golf Classic for Kids due to COVID-19-related safety concerns, we were able to hold virtual auctions and in aggregate raise over \$1 million for charities that support at-risk youth and their families.

Sustainability and Giving – Waste Connections aligns its major financial contributions with its goal to further advance environmental sustainability. For example, our first major grant helped establish the Global Waste Research Institute (GWRI), developed in conjunction with California Polytechnic State University, San Luis Obispo.

The GWRI's mission is to advance state-of-the-art research and development of sustainable technologies and practices to more effectively manage existing and emerging wastes and byproducts. We also regularly contribute to the Environmental Research Education Foundation and fund over \$1 million per year in research related to the environmental industry.

SELECT ORGANIZATIONS WE SUPPORT:

Alzheimer's Resource of Alaska	Chippewas of the Thames First Nation	Hope Ministries
American Cancer Society	Coalition of Communities of Color	Inner City Outreach
American Heart Association	Columbia River Mental Health Foundation	Inspiration Ranch
American Red Cross	Eloy Food Bank	Interfaith of The Woodlands
Angel Reach	Emergency Food Network	Juvenile Diabetes Research Foundation
Beyond Batten Disease	Empire Club of Canada	Kids Meals
Big Brothers Big Sisters	Empower Tehama	Kids 'n Kinship
Boys and Girls Clubs	Equal Justice Initiative	Leukemia & Lymphoma Society
Bridge the Gap	Fondation – CSSS Du Sud De Lanaudiere	Lighthouse for Grieving Children
Bridge to Home	Feed the Front Line	Loaves and Fishes Family Kitchen
Canadian Club of Toronto	Genesis House	Lotus House
CASA Child Advocates	Habitat for Humanity	Love Fosters Hope
Cayuga Seneca Community Center	Henry's Home	Low County Food Bank
Centre for Young Black Professionals	Homeless Youth Connections	Make-a-Wish Foundation
Charleston Area Justice Ministry	Homes4Families	March of Dimes
Children's Home Society		Meals on Wheels



Mission of Hope	St. Jude Children's Research Hospital	Winter Center for Autism
Montgomery County Food Bank	Step by Step	Wreaths Across America
Multiple Sclerosis Foundation	Tent Mission STL	YES to Youth
National Women's Hall Of Fame	The 30-Days Foundation	Young Men's Educational Network (YMEN) Chicago
Northwest Association for Blind Athletes	The Black Coalition for AIDS Prevention	Youth Alliance
Oklahoma Children's Hospital	The Conservation Fund	Youth First
Pink Lemonade Project	The Salvation Army	
Police Association of Ontario	The Wishing Well Foundation	
Redeemed Ministries	Toby Keith Foundation	
Roger Clemens Foundation	United Negro College Fund	
Ronald McDonald House Charities	United Way	
Seneca Falls Fire Department	Veterans Emergency Relief Fund	
Sommet socio-économique pour le développement des jeunes des communautés noires	Volunteer Prince William	
Special Angels	Westborough Police Foundation	
Special Olympics	Win Victim Services	
	Women's Institute for Leadership and Learning	



GIVING BACK TO EMPLOYEES

In 2017, we created the Waste Connections Employee Relief Fund to help employees and their immediate families who have experienced significant financial hardship following a natural disaster or other catastrophic event. In 2020, we expanded its applicability to address unexpected hardships experienced during COVID-19. Through contributions from Waste Connections, our employees and vendors, we assist impacted employees by helping to pay for essential living expenses, such as food, clothing, utilities,

temporary housing, property repairs, and other basic necessities.

In 2020, we also introduced the Waste Connections Scholarship Program, which awards renewable scholarships of \$2,500 each per academic year for up to four years to assist our employees' children to pursue and achieve their vocational, technical and university education goals. Now in its second year, the scholarship program has more than doubled the number of award recipients.



COMMUNITY ENGAGEMENT

Now more than ever it is critical to increase engagement within our communities and connectivity with our customers. Through our WasteConnect app, customers can confirm their collection dates, search our Waste Wizard database to confirm if a waste stream is recyclable, pay their bills, and communicate with their local service provider. We have also simplified the customer onboarding process with streamlined online sign-up and service routed through our proprietary artificial intelligence-enhanced C2O software.

We partner with our communities and in many instances deploy recycling coordinators to schools, community events and residences to provide educational sessions about the benefits of recycling and proper waste management. In 2019, we launched the *Bob Davis Award for Leadership in Sustainability* to recognize employees who demonstrate exemplary leadership in advancing sustainability through implementing or serving on community projects, programs, outreach, education, initiatives or services that benefit their community, customers, coworkers or Waste Connections.



Governance and Ethics

KEY GOVERNANCE ADDITIONS FOR 2021

- Environmental Policy
- Human Rights
- Cybersecurity
- Incentive compensation
now integrating ESG targets

WASTE CONNECTIONS

Since our inception, we have been committed to well-defined principals of corporate governance. Our Corporate Governance Guidelines and Board Charter align the Board of Directors and its four distinct committees with management in order to promote the best interests of the Company. More recently, the Board of Directors adopted a Diversity Policy for the Board of Directors and senior management, which provides for annual progress reviews by the Board. Similarly, the Board provides oversight of our aspirational ESG targets introduced in 2020, with management compensation tied to progress against our ESG targets beginning in 2021.

**Highlights of what we believe exemplify our adherence
to sound principles of corporate governance include:**

- :: Directors are elected individually;
- :: Majority voting policy for the election of our Directors;
- :: Separate CEO and Chairman of the Board of Directors, or Board Chairman positions;
- :: Having a strong Lead Independent Director serve on the Board of Directors;
- :: Women account for 33% of independent Board members and 25% of total Board members;
- :: Annual Board of Directors and committee evaluation processes;
- :: Board of Directors' oversight of risk;
- :: Robust risk management program related to compensation;
- :: Share ownership requirement for Directors and corporate officers;
- :: Diversity Policy including aspirational targets for Board of Directors composition;
- :: Regular executive sessions of only independent directors; and
- :: Director retirement policy.

Our Board of Directors has four standing committees: the Executive Committee, the Audit Committee, the Compensation Committee, and the Nominating and Corporate Governance Committee. Except for the Executive Committee, the committees are composed entirely of independent, non-employee directors.

The Board's Role in Risk Oversight

The Board of Directors and its committees have an active role in overseeing management of the Company's risks. The Board of Directors regularly reviews information from members of senior management regarding the Company's safety performance, employee retention, financial performance, financial outlook, balance sheet, credit profile and liquidity, as well as the risks associated with each. The Board of Directors also receives reports from members of senior and regional management on areas of material risk to the Company, including market-specific, operational, legal, information technology (including cybersecurity), regulatory and strategic risks. The Board of Directors, with recommendations from the Audit and Compensation Committees, approves and maintains a succession plan for the CEO and other senior management of the Company, including policies and principles for selecting and evaluating a new CEO in the event of an emergency or retirement of the CEO. The Audit Committee

oversees management of financial, financial reporting and internal controls risk. The Compensation Committee assesses and monitors risks relating to the Company's corporate officer compensation policies and practices. The Nominating and Corporate Governance Committee is responsible for overseeing the management of risks associated with the independence of the Board of Directors and potential conflicts of interest.

The Board of Directors receives reports on information technology risks, including cybersecurity and data security risks. Day-to-day management of data security is the responsibility of our Chief Information Officer, who reports directly to the Chief Executive Officer. The Board periodically reviews cybersecurity and data security risks and mitigation strategies with the Chief Information Officer.

The Board of Directors and its committees also have an active role in the Company's efforts to advance sustainability and diversity and inclusion, including the development and approval of targets, monitoring achievement towards such objectives, and evaluating the effectiveness of policies and targets. In addition, the Board added ESG targets as a performance measure in long-term incentive compensation beginning in 2021.

Communications with the Board

Shareholders and other interested parties may communicate with the Board of Directors generally, with the non-employee directors as a group or with a specific director at any time by writing to the Board of Directors, the non-employee directors or a specific director, care of the Company's Secretary, at our principal administrative offices located at Waste Connections, Inc., 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380.

Shareholder Outreach

We believe that our relationship with and accountability to shareholders are critical to our success. Engaging with our shareholders helps us to understand how they view us, to set goals and expectations for our performance, and to identify emerging issues that may affect our strategies, sustainability initiatives, corporate governance, compensation practices or other aspects of our operations. Our shareholder and investor outreach includes investor road shows, analyst meetings, investor meetings and investor conferences, either virtually or in person. We also communicate with shareholders and other interested parties through various media, including our annual and quarterly reports, sustainability reports, proxy statements and other SEC and Canadian securities filings, press releases and our website. Our conference

calls for quarterly earnings releases and major corporate developments are open to all. These calls are available in real time and are also archived as webcasts on our website. Our President and CEO, Chief Financial Officer and other senior management also regularly engage with investors to discuss our strategy, financial and business performance, and ESG efforts and to update investors on key developments.

Code of Conduct and Ethics

We have adopted a Code of Conduct and Ethics that applies to all of our directors, officers and employees. Our Code of Conduct and Ethics details Company principles to guide employee decision-making in many areas, including:

:: *Conflicts of Interest*

No officer, director or employee may be subject to influences, interests or relationships that conflict with the best interests of the Company.

:: *Full, Fair and Accurate Disclosure*

It is the Company's policy that the information in its public communications, including its SEC filings and filings with the Canadian Securities Administrators, be full, fair, accurate, timely and understandable.

:: *Compliance with Laws, Rules and Regulations*

It is the Company's policy to comply with all laws, rules and regulations applicable to the Company and its operations. The Company's

strict compliance policy also extends to all other applicable laws and regulations, including compliance with the U.S. Foreign Corrupt Practices Act (FCPA), the Canadian Corruption of Foreign Public Officials Act (CFPOA), and other applicable anti-corruption laws; antitrust laws; tax laws; environmental and safety regulations; equal opportunity; non-discrimination and fair employment; and foreign asset control regulations.

:: *Prohibited Accounting Practices*

The Company's policy is to make and keep books, records and accounts that accurately and fairly reflect the transactions of the Company.

:: *Whistleblowing – Reporting Illegal or Unethical Behavior*

All officers, directors and employees should promptly report to senior management all actual or potential illegal or unethical behavior of Company personnel that they observe. The Company encourages and expects full and open communication with senior management even when it appears that less candor may be desirable to protect the Company or members of management. It is the Company's policy and the responsibility of each officer, director and employee to comply with all whistleblower protection laws, rules and regulations.

:: *Compliance and Discipline*

Violations of this Code by officers, directors

or employees will result in disciplinary action that may include termination, referral for criminal prosecution and reimbursement to the Company for any losses or damages resulting from the violation.

:: *Fair Dealing; Moral and Ethical Standards*

Each officer, director and employee must endeavor to deal fairly with the Company's customers, suppliers, competitors and employees and not to take unfair advantage of anyone through manipulation, concealment, abuse of privileged or misappropriated confidential information, misrepresentation of material facts or any other unfair dealing practice. More generally, each officer, director and employee must adhere to and comply with the highest moral and ethical standards of our society in conducting business on behalf of the Company.

:: *Human Rights*

It is the Company's policy and the responsibility of each officer, director and employee to comply with all laws, rules and regulations related to the protection and advancement of human rights, including, but not limited to, laws, rules and regulations governing the use of child labor, compulsory or forced labor, slavery and human trafficking, and freedom of association and collective bargaining.

:: *Insider Trading*

Buying or selling securities, directly or



indirectly through family members or other persons or entities, while possessing material nonpublic information or selectively disclosing such information to others who may trade based on it is prohibited by applicable securities laws.

:: **Contributions**

Officers, directors and employees may not (directly or indirectly) contribute Company funds to, or spend Company funds in support of, any kind of political party, political action committee or other committee in the United States or Canada or to any candidate for, or holder of, any office of any national, state or local government in the United States, or any national, provincial or local government in Canada. Exceptions may be permitted for state, provincial and local contributions in jurisdictions that permit corporate political contributions, but only upon approval by the Company's Chief Executive Officer and in consultation with the General Counsel. In countries other than the United States or Canada, the policy will be determined in accordance with local law and practice as well as laws applicable to the Company.

No political contribution by any officer, director or employee may be made, or even appear to be made, with the Company's funds, or be reimbursed from the Company's funds; nor should

the selection of a candidate or a party be, or seem to be, coerced by the Company. Officers, directors and employees are prohibited from using their positions to induce, coerce or in any way influence any person, including subordinates, to support or contribute time or money to any political party, to the campaign of any candidate for office or to any charitable activity.

The Nominating and Corporate Governance Committee is responsible for, among other matters, the development and implementation of the Company's corporate governance principles, including the review of and compliance with our Corporate Governance Guidelines and Board Charter and our Code of Conduct and Ethics. The Nominating and Corporate Governance Committee is responsible for monitoring the implementation of the Company's diversity policy on a periodic basis, and at least annually, to assess its effectiveness, monitoring and reviewing the Company's progress in achieving its aspirational targets and reporting the results to the Board, and making recommendations to the Board regarding any revisions to this policy that may be necessary or appropriate.

The Board is responsible for reviewing strategy, policies and performance related to the Company's management of environmental, social and

governance (ESG) issues, including reviewing any reports on the Company's performance against ESG targets, any ESG programs, products and disclosures, and any corporate responsibility policies and programs, in coordination with other committees of the Board, as appropriate.

Copies of our Corporate Governance Guidelines and Board Charter and our Code of Conduct and Ethics are available on our website at <http://wasteconnections.investorroom.com>. A copy of the Corporate Governance Guidelines and Board Charter and our Code of Conduct and Ethics may also be obtained, free of charge, by writing to our Secretary or Investor Relations at our principal administrative offices located at Waste Connections, Inc., 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380.

Integration of ESG metrics into Management Compensation

In October 2020, the Company adopted long-term, aspirational sustainability targets and committed over \$500 million for investments to meet or exceed such targets. These targets primarily focus on reducing emissions, increasing resource recovery of both recyclable commodities and clean energy fuels, reducing reliance on off-site disposal for landfill leachate, increasing employee engagement, and further improving

our industry-leading safety performance. The Company views its ESG/sustainability initiatives to be consistent with its objective of long-term value creation. As such, the Compensation Committee introduced continuous improvement towards the Company's sustainability targets as an additional performance measure of long-term incentive compensation beginning in 2021.

Data Security and Privacy

We maintain, log and monitor all information and technology assets – data, systems, and applications – that are critical to the operations and success of Waste Connections. We have incorporated a defensive and offensive security strategy built on people, process, and technology with a focus on threat intelligence and security operations.

Waste Connections continues to maintain a robust security posture in response to today's ever-evolving threat landscape. The prime directive of this initiative is the safety and security of our customers' and employees' information. Our security model refers to an information security approach in which security mechanisms and controls are strategically layered throughout our infrastructure to secure our data's confidentiality, integrity, and availability. We have the same expectations for our information technology service providers and all third parties that support the business.



Managing Data Security Risk

We employ the widely recognized National Institute of Standards & Technology Framework for Improving Critical Infrastructure Cybersecurity (The NIST Cybersecurity Framework) to manage cybersecurity risk. This voluntary guidance was developed with private sector input in 2014 and provides a framework for organizations to manage cybersecurity risk. We regularly assess our technologies and monitor our systems and other technical security controls, maintain information security policies and procedures, including an incident response plan, ensure maintenance of backup and valuable systems, and have a team of security personnel managing our efforts and initiatives.

Policies have been put in place to protect our customers and employees from fraudulent activity by building processes that require continuous education, phishing simulations, real-time threat monitoring, and detection. We use vulnerability scanning tools to regularly assess potential data security risks across our businesses. We correlate the results and prioritize any actions based on threat modeling analysis and monitor any actions in-progress with the system owners based on assigned timelines for remediation. In addition, we actively monitor the web for any suspicious domain registrations, social media disinformation, and fraudulent

campaigns being initiated against its customers and/or employees.

Upholding Data Privacy

We strive to protect personal data through reasonable technical and organizational security measures including technical security tools, restrictions on access to data, and physical security measures to help prevent unauthorized or unlawful access, disclosure, loss, destruction, or damage. We access and use personal data for legitimate business purposes and maintain appropriate access controls and use limitations.

Our employees are required to follow all applicable privacy, information security, and data protection laws, including the California Consumer Privacy Act. Our Data Privacy Policy sets forth the principles that govern our treatment of personal data, while our Policy on the Acceptable Use of Systems and Data governs the use and protection of information about our company and information that is stored on our computers and mobile devices. Our policies restrict individuals' access to personal data to those that need access to accomplish a business objective and allow access only for so long as it is necessary.

We endeavor to follow data privacy best practices and have established specific governance structures

to regularly review and improve upon our data privacy processes.

Environmental Policy

Waste Connections is committed to environmental protection and compliance. In order to realize and communicate these commitments to our employees and contractors, Waste Connections has developed an Environmental Policy which applies to all of our employees and contractors. Waste Connections' management, including our Vice President – Engineering and Sustainability, is responsible for communicating, implementing and reviewing this policy annually. A full copy of our Environmental Policy can be found on our website. Below are highlights of our policy:

:: *Environmental Compliance*

Comply with or exceed all local, state and federal environmental laws and regulations in order to manage and mitigate air, water and land-based pollution.

:: *Environmental Management System or “EMS”*

Utilize and continually improve our EMS (The Cube, the Environmental Compliance Audit Center, and/or other future systems) in order to track, audit and promote environmental compliance on a site-by-site basis.

:: *Biodiversity and Site – Rehabilitation*

As facilities are transitioned into closure, ensure that site construction, and closure plans

are effective at restoring the land to a condition that is consistent with the biodiversity of the surrounding environment.

:: *Emergency Preparedness*

Establish emergency response action plans on a site-by-site basis including processes to guide site personnel and local community service providers during emergency events.

:: *Resource Efficiency*

Minimize internal waste generation and incorporate new technologies where applicable to mitigate our environmental impact.

:: *External Communication*

Promote the benefits of proper waste management including resource recovery to local stakeholders and customers.

:: *Stakeholder Engagement*

Partner with and engage the public as part of our environmental decision-making processes in order to promote the fair treatment and the opportunity for meaningful involvement of all people within the communities we serve.

:: *Environmental Performance Measurement*

Report our environmental progress through our annual Sustainability Report, and, as required with regulatory agencies.

:: *Employee Training*

Provide adequate training, oversight and resources to our employees to promote awareness and successful implementation of this Policy.

GLOBAL REPORTING INITIATIVE EMISSIONS DISCLOSURE

EMISSIONS DISCLOSURE

Waste Connections emissions disclosure was developed using the Global Reporting Initiative (GRI) G4 Sustainability Reporting Guidelines. Waste Connections GHG Inventories were prepared by a third-party, independent environmental services firm with the conclusions audited and verified by a separate third-party. The data was prepared in a manner consistent with The Climate Registry (TCR) General Reporting Protocol (GRP) Version 2.1 dated January 2016 and its associated updates and clarifications.

In 2018, Waste Connections began using the SWICS calculation methodology. This methodology is more reflective of modern landfill design and industry

practices, and was utilized for comparison purposes relative to the solid waste peer group.

The impact of carbon sequestration in our landfills is significant and well documented in scientific literature. Due to anaerobic conditions that exist within landfills, lignins and hemicellulosic materials remain undecomposed. They represent approximately 50% of biogenic carbon in the waste stream. Waste Connections disposed of 36,020,954 and 34,116,400 tons of Municipal Solid Waste and Construction & Demolition debris in 2019 and 2020, respectively. In total, our landfills sequestered 12,340,905 and 11,790,884 MT CO₂e in 2019 and 2020, respectively.

G4-EN15:

Direct (Scope 1) greenhouse gas (GHG) emissions

MT CO ₂ e		
2018	2019	2020
5,089,083	6,006,643	5,609,964

G4-EN16:

Energy indirect (Scope 2) GHG emissions

MT CO ₂ e		
2018	2019	2020
53,993	55,442	51,506

G4-EN17: Other indirect (Scope 3) GHG emissions

Emissions Source	MT CO ₂ e		
	2018	2019	2020
Purchased goods and services	821,606	861,763	744,323
Capital goods	233,539	292,218	233,961
Waste generated in operations	117,871	151,342	77,359
Upstream transportation and distribution	429,847	503,351	498,960
Business travel (air and vehicle)	53,166	51,142	49,977
Use of sold products	54,785	84,119	48,436
Total	1,710,814	1,943,936	1,653,017

**G4-EN18: GHG emissions intensity**

	Unit	2018	2019	2020
Gross Revenue	\$ US Dollars Millions	\$ 4,923	\$ 5,389	\$ 5,446
Scope 1 Emissions	MT CO ₂ e	5,089,083	6,006,643	5,609,964
MT CO ₂ e/\$M Revenue		1,034	1,115	1,030
Scope 2 Emissions	MT CO ₂ e	53,993	55,442	51,506
MT CO ₂ e/\$M Revenue		11	10	9
Scope 1 & 2 Emissions	MT CO ₂ e	5,143,076	6,062,085	5,661,470
MT CO ₂ e/\$M Revenue		1,045	1,125	1,040

G4-EN19: Reduction of GHG emissions

Waste Connections has undertaken several initiatives to reduce GHG emissions. The Company collected landfill gas for use at landfill gas-to-energy facilities at 28 landfills in 2020. The beneficial reuse of landfill gas at these facilities resulted in annual avoided GHG emissions estimated at 690,492 and 746,092 MTCO₂e in 2019 and 2020, respectively. The estimate of avoided emissions assumed that natural gas was the fuel replaced by the use of landfill gas. The avoided emissions were calculated using default methodologies from TCR included CO₂, CH₄ and N₂O emissions.

Waste Connections diverts over 50% of collected waste volumes in certain markets, in some cases over 70%. The estimated avoided GHG emissions in 2019 and 2020 from recycling was 5,037,064 and 5,645,326 MT CO₂e, respectively. These values were calculated using the USEPA Waste Reduction Model (WARM).

Over the past several years, Waste Connections has deployed vehicles using alternative fuels such as compressed natural gas (CNG) and biodiesel as a means of reducing its GHG footprint. Waste Connections currently deploys approximately 1,200 CNG vehicles. The estimated annual

reduction in GHG emissions from CNG vehicles was 22,803 and 21,824 MT CO₂e in 2019 and 2020, respectively. The calculation uses an equivalent diesel vehicle as a baseline.

G4-EN22: Water discharge by quality and destination

In 2019, Waste Connections collected 703,342,262 gallons of leachate with 470,251,239 gallons being sent to third parties for treatment. In 2019, Waste Connections also collected 659,722,620 gallons of E&P produced water for on-site treatment. A total of 31,764,417 gallons of E&P produced water was sent to third parties for treatment in 2019.

In 2020, Waste Connections collected 696,531,341 gallons of leachate with 434,295,795 gallons being sent to third parties for treatment. In 2020, Waste Connections also collected 581,936,547 gallons of E&P produced water for on-site treatment. A total of 21,201,290 gallons of E&P produced water was sent to third parties for treatment in 2020.

Our E&P waste water treatment technologies allow us to process and dispose 100% of drilling-related waters without discharging to surface waters. The majority of waste fluids are injected into brine formations via deep wells.

SUSTAINABILITY ACCOUNTING STANDARDS BOARD DISCLOSURE



SASB APPENDIX

Greenhouse Gas Emissions

	Unit	2019	2020
Gross global Scope 1 emissions	MT CO ₂ e	6,006,643	5,609,964
Scope 1 coverage under emissions-limiting regulations	Percentage (%)	85%	78%
Scope 1 coverage under emissions-reporting regulations	Percentage (%)	85%	78%
Total landfill gas recovered	Million British Thermal Units (MMBtu)	21,547,648	22,939,938
Landfill gas flared	Percentage (%)	39%	40%
Landfill gas used for energy	Percentage (%)	61%	60%

Fleet Fuel Management

	Unit	2019	2020
Fleet fuel consumed	Gigajoules (GJ)	10,501,924	10,743,000
Natural gas as a % of fuel consumed	Percentage (%)	8.0%	7.8%
Alternative fuel vehicles as % of routed collection fleet	Percentage (%)	13.8%	13.1%

Air Quality

	Unit	2019	2020
NO _x (Excluding N ₂ O)	Metric Tons (t)	265	285
SO _x	Metric Tons (t)	62	67
Volatile organic compounds (VOC)	Metric Tons (t)	N/A	7.7
Hazardous air pollutants (HAP)	Metric Tons (t)	N/A	10.9
Number of facilities in or near dense population centers	Number	7	7
Non-compliant air emissions issues	Number	2	2

Management of Leachate

	Unit	2019	2020
Total leachate collected	Gallons (000)	703,342	696,531
Total leachate treated by third parties	Gallons (000)	470,251	434,296
Corrective actions implemented for landfill releases	Number	0	0
Incidents of non-compliance associated with environmental impacts	Number	0	0

Labor Practices

	Unit	2019	2020
Active workforce covered under collective bargaining agreements	Number	3,159	3,172
Work stoppages	Number	0	1
Impacted employees as a percent of total workforce	Percentage	0.00%	0.76%
Total days idle	Days	0	6

Workforce Health & Safety

	Unit	2019	2020
Total recordable incident rate (TRIR) ¹	Rate	2.91	2.90
Incident rate (I-Rate)	Rate	17.4	15.4
Fatality rate	Rate	0.00	0.02

¹ BASIC score definitions are unclear and can be inconsistent; WCN prefers to use TRIR and Incident Rate as a better barometer of safety.



Recycling & Resource Recovery

	Unit	2019	2020
Waste incinerated	Metric Tons (t)	0	0
Hazardous waste incinerated as percent of waste incinerated	Percentage (%)	0%	0%
Energy recovery from waste incinerated	Percentage (%)	0%	0%
Customers receiving recycling	Percentage (%)	50%	50%
Customers receiving composting	Percentage (%)	27%	25%
Amount of material recycled	Metric Tons (t)	1,541,792	1,615,536
Amount of material composted	Metric Tons (t)	210,757	201,991
Amount of material processed as waste-to-energy	Metric Tons (t)	N/M	N/M
Amount of electronic waste collected	Metric Tons (t)	N/M	N/M
Percentage of electronic waste recovered through recycling	Percentage (%)	N/M	N/M

Activity Metrics

	Unit	2019	2020
Customers	Number		
Municipal Contracts	Number	2,000	2,100
Commercial	Number	600,000	720,000
Industrial	Number	100,000	135,000
Residential	Number	6,500,000	7,425,000
Other	Number	200,000	220,000
Vehicle fleet size ³	Number	8,089	8,912
Landfills	Number	97	92
Transfer stations	Number	175	185
Recycling centers	Number	66	68
Composting centers	Number	6	7
Incinerators	Number	0	0
All other facilities	Number	342	352

² Waste Connections does not measure materials managed by customer type.

³ Represents routed vehicles



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WASTE CONNECTIONS
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USA
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Health & Safety Policy Statement



It is Waste Connections, Inc.'s policy to conduct all operations in a safe and healthful manner. The Safety and Health of every employee is a fundamental consideration in every business decision and plan, and all reasonable precautions will be taken to protect employees from injury and illness. We are equally committed to protecting the public, company property, and our customers from events that could cause harm or economic losses due to our operations.

Our goal is to prevent the occurrence of all work-related injuries, illnesses and property losses. It is our philosophy that, by striving to eliminate unsafe conditions and actions, we will eventually achieve this goal.

In the event of occupational injury or illness our goals include:

- Prompt, quality medical care;
- Return to gainful employment;
- Prompt payment of appropriate benefits;
- Vigorous resistance of fraudulent claims.

The Waste Connections Corporate Safety and Health Manual contains specific requirements, which are based on the following principles in providing an effective safety program:

- Managers and Supervisors are responsible for the safety of operations under their control and will be evaluated according to their safety record and performance.
- A safe work environment will be provided by eliminating or controlling hazards with appropriately designed equipment and Facilities, safe operating procedures, and personal protective equipment where called for.
- All applicable safety regulations, codes and accepted work practices will be followed. Specific rules and procedures will be established and followed at every operation.

- Each employee working in operations will be medically qualified, informed of any hazards associated with his or her job and trained in safe work procedures, the use of personal protective equipment and other means intended to provide required protection.
- All employees are responsible for performing their job activities in a safe and reasonable manner and in accordance with local safety rules, any safety related instructions given to them, and the training they have received.
- All unsafe acts, conditions and incidents must be reported to Supervisors and investigated and corrected immediately.
- Employees are responsible to promptly report to their Supervisor any occupational injury or illness and to cooperate in a medical treatment plan

All employees are expected to support and participate in the Safety and Health Program. Together, through teamwork, we can eliminate workplace injuries, accidents and illnesses.

Active Behavioral Connections Standard

PURPOSE

The objective of Active Behavioral Connections (ABC) is to build a relationship between the frontline employee and their manager or supervisor that reinforces positive behaviors, eliminates risky behaviors and allows the manager or supervisor to ensure that we are consistent with our operating values of Safety, Integrity, Customer Service, Creating a Great Place to Work and that we are the Premier Company in our industry. It is the Waste Connections Way of doing business.

Waste Connections is committed to the safety of our employees and the general public. We hold no organizational value higher than safety. Waste Connections' culture of safety is built upon the safe actions of every employee and ownership of our safety values at all levels within the organization. To foster and support our culture, Waste Connections has developed a system of employee observations known as Active Behavioral Connections (ABC). The ABC system is designed to enable the manager/supervisor to connect with their frontline employees on a regular basis to ensure that we are constantly reinforcing our operating values and continuing to raise their level of awareness.

Definitions

The following is a list of approved Active Behavioral Connections to be utilized and tracked:

In-cab: Ride with the employee for a period not less than two hours during which time you are reinforcing positive behavior, coaching risky behaviors and evaluating their customer service, vehicle condition, morale, etc.

Route Shadow: Follow the employee on route for a period not less than 30 minutes during which time you will monitor their positive behavior, risky behavior, customer service, paperwork, licenses, vehicle condition, morale, etc. At the conclusion, you will meet with the employee to discuss the findings and recognize, coach or counsel as appropriate.

Post Collection Stops: Observe the employee in the process of their duties at a post collection facility (landfill, transfer station or MRF). This generally takes less than 30 minutes during which time you will monitor their positive behavior, risky behavior, vehicle condition, morale, etc. At the conclusion, you will meet with the employee to discuss the findings and recognize, coach or counsel as appropriate.

Tailgate Talks: Take an opportunity to observe the employees as they prepare themselves and their vehicles or equipment in the yard. Following the observation, you will meet with the employee to discuss the findings and recognize, coach or counsel as appropriate.

Gate Checks: Take an opportunity to greet your employees as they exit the yard to begin their workday. Discuss things like the skills to avoid Target 4 incidents, difficult stops, vehicle condition, paperwork, licenses and evaluate their morale and preparedness for the day. Recognize, coach or counsel as appropriate.

Fuel Island Stops (Cab Inspections): Take an opportunity to greet your employees as they come into the yard at the conclusion of their workday. Discuss things like difficult stops, vehicle condition, near misses or specific events from the day and evaluate their morale. Recognize, coach or counsel as appropriate.

REQUIREMENTS TO BUILD AN EFFECTIVE RELATIONSHIP WITH EACH EMPLOYEE

Each district is required to have a minimum number of Active Behavioral Connections (Employee Observations/Interactions) between the manager or supervisor and the frontline safety sensitive employee, based on the employee's category rating.

Categories of employees:

Category	Years Employed	Employment Duration Description	Behavior Criteria
A	One Year +	Employees who have been with the company greater than one year	No preventable incidents; No identified risky behaviors and No more than 8 Drivecam/3rd Eye points in the previous three months.
B	6-12 months	Employees who have been with the company more than six months, but less than one year	No preventable incidents; No identified risky behaviors -or- ANY driver who has: accumulated 9 - 17 Drivecam/3rd Eye points in the previous three months. Changed systems in the previous three months

Category	Years Employed	Employment Duration Description	Behavior Criteria
C	New <6 months	Employees who have been with the company less than six months or;	Any employee who has been involved in a preventable incident in the previous six months or; observed performing risky behaviors in the previous six months or; accumulated 18 or more Drivecam/3rd Eye points in the previous three months.

Frequency and type of (ABC) required by employee category type:

- Category A – Manager or supervisor will meet with the employee once a month utilizing any of the approved methods listed below. An in-cab or route shadow ABC must be completed at least once per quarter.
- Category B – Manager or supervisor will meet with the employee once a month utilizing any of the approved methods listed below. An in-cab or route shadow ABC must be completed at least twice per quarter.
- Category C – An ABC must be performed each week for; 1) new employees during their first 90 days, 2) 4 weeks following any preventable incident or 3) 4 weeks when the accumulation of 18+ Drivecam points occurs during the previous three months. Manager or supervisor will meet with the employee once a month utilizing an in-cab or route shadow for any of the 3 situations in Category C.

Target Four



At Waste Connections, our safety goals are to:

- Create the safest work environment in the industry;
- Develop a world-class culture of safety; and
- Be viewed as a great place to work.

Waste Connections' safety processes are effective. Many of you have been using these processes with great success for many years and have reaped the benefits of fewer accidents and injuries. Now is the time for us to transition to the next level of safety. It will start with a program known as the "Target Four."

The key to success in any behavior/risk based safety process is the managers and supervisors taking personal ownership. In short, the wellbeing of our employees, our company, and the public we serve and work around, depends on us doing it right and doing it safe.

The "Target Four" program is designed to reduce, eliminate and ultimately eradicate the four most frequent, serious, costly and often life-changing preventable incidents that occur in our industry. These incidents are as follows:

- Intersection collisions
- Backing collisions
- Rear collisions
- Rollovers

The goal of the program is to equip our frontline employees with a heightened level of awareness and skills needed to avoid "Target Four" incidents. As managers we must take a zero tolerance approach to these incidents. In other words, we must ensure that every employee understands the

importance of avoiding them and has the skills to do so. We must take appropriate corrective action when unsafe behaviors occur and when those unsafe behaviors result in incidents.

We are confident that these durable and proven processes, when properly executed and embraced in a disciplined and sustainable approach, will help us to realize the goals stated.

We are very excited about these tools and the team we have in place to deploy them. Waste Connections is known for having the best people, who produce the best results. We cannot and will not fail to do the right thing and create the safest organization in the industry.

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TARGET FOUR DEFINITIONS

INTERSECTION

An intersection incident is an incident that occurs where the road surfaces of two or more roads meet, such as a “T” or 4-way intersection. These can be controlled or uncontrolled and include turning into and out of driveways and entrances.

An example of an intersection incident would include two vehicles colliding while one of the vehicles is exiting an alley, a parking lot, a driveway. Another example is the traditional type of intersection incident, two or more vehicles colliding at a stop light or stop sign.

REAR COLLISIONS

A rear collision incident is when a Waste Connections vehicle makes impact with another vehicle that is traveling in the same direction as a result of the Waste Connections vehicle not being able to stop in time.

These types of incidents are generally the result of speed, driver inattention and failure to maintain a safe and proper following distance.

ROLLOVER

A rollover incident is defined as when a Waste Connections vehicle comes to rest with one or more of its wheels not having contact with the ground.

This would include a truck, which veered off the road, and although not on its side, the wheels on one side or the other are not making contact with the road surface and it requires a tow truck or other vehicle to assist in getting it upright.

BACKING

A backing incident occurs when an Waste Connections vehicle is involved in an incident while in reverse or moving backwards, regardless of the location of the driver or helper.

This would include those incidents wherein the driver exited the vehicle failing to properly set the brake and the Waste Connections vehicle rolls backward into another vehicle or property.

GUIDANCE

The reporting requirements for “Target Four” incidents include the following:

Target Four incidents (Intersections, Backing, Rear Collision and Rollover) involving losses as defined below will require immediate notification (within 2 hours) to the appropriate Region Safety Manager utilizing the reporting form.

Additionally, each incident will have a follow-up conference call scheduled within 72 hours. Required participants for the call will include the District Manager/Site Manager, Division VP, Region Safety Manager and Shawn Mandel (NOTE: the RVP, Director of Risk and others may be invited to participate on the call as optional).

ALL Target Four incidents involving any of the following will require this reporting process:

- Total incident cost exceeds \$5K (includes internal and third party claim cost)
- Bodily injury requiring medical treatment
- Any vehicle Rollover incident

This reporting requirement will be in addition to the current reporting requirements as determined by the Corporate Risk Department and/or the Region.

Health and Safety Program Elements (PA-P001)

Purpose

This document describes the basic elements of the health and safety programs (HSP) for all operating locations to meet regulatory requirements and implement the company safety values.

Applies To

The Health and Safety programs in this manual apply to all Waste Connections Inc.'s subsidiaries' landfill, hauling and recycling operations.

The term landfill, hauling and recycling operations as used in these programs, means any district, facility, satellite location or other site owned or operated by the Company. Landfill, hauling and recycle operations include, but are not limited to: treatment, storage or disposal facilities, energy production facilities, transfer facilities, recycling facilities, collection and transportation operations, and bio-solids land application projects.

Company operations not covered in this manual will continue to operate under their current health and safety manuals unless notified.

HSP Program Implementation Responsibilities

The HSP Program is provided to guide the successful implementation of the company safety and compliance values. Effective safety and compliance programs are characterized by:

- Management support for the programs;
- Recognition throughout the organization that accidents and injuries to personnel can be prevented;
- Understanding that poor safety performance is an indication of deficiencies in management ability;
- Positive, proactive relations with regulatory agencies.

Management Responsibilities

Region, Division and District management are responsible and accountable for the HSP performance of each unit. The measures for accountability are: accident and injury cost control; regulatory citations and fines; and program implementation. Short-term and long-term goals must be established which reflect the unit plan for achieving continuous improvement in each measurable area.

HSP Programs should be managed just like any other critical component of the business. Program implementation should be planned and budgeted. The plan and success in implementation should be reviewed as a segment of the monthly operating review.

Employee's Responsibilities

Employees are responsible to work without injuring themselves, their co-workers, or third parties. They are also responsible to report unsafe conditions, observe the company rules and policies and to operate company equipment safely and prudently. Accidents and injuries must be reported to supervision immediately regardless of the severity of the incident.

Incentive and Disciplinary Programs

Recognition and discipline are effective tools in the promotion of safety awareness and positive behavior patterns. Incentive programs must be equitably implemented to motivate and reward outstanding safety and compliance performance. Disciplinary measures must be progressive and applied consistently with respect to the severity and frequency of the infraction.

HSP performance should be a significant component in performance evaluations and incentive and compensation decisions made for managers and supervisors (poor HSP performance will result in higher claims costs, lower productivity, and/or additional expenses for correcting problems).

HSP related misconduct includes intentional or negligent actions that cause non-compliance, or serious health or safety risks. HSP related misconduct also includes actions that deceive the company or a governmental agency regarding compliance issues. These actions are subject to the company progressive disciplinary procedure standard, which can result in termination of employment. Disciplinary actions should also address repeated errors or poor judgment leading to accidents.

Training

Personnel must be provided adequate training and/or possess sufficient experience, to work without injury or damaging facilities, equipment or property. Training required by the regulations or the company is defined in PA-004.

Program Assessments

Program effectiveness is directly related to the planning for implementation and effective use of resources. To effectively set objectives, use resources and maintain continuous improvement, one must know the current status relative to the standards. Accordingly, a requirement is established for each District to annually evaluate program status versus the standards using the assessment tool in REG-P002. A formal assessment by Corporate, or Regional safety personnel may take the place of this requirement.

Program Clarification and Regulatory Interpretation

Questions about the program requirements or regulatory interpretations should be directed to the Corporate Safety Director.

District Safety Program (PA-P002)

Purpose

The purpose of this policy is to describe the components and responsibilities for a District safety program in order to provide a safe and healthy work environment for company employees.

Typical Safety Program Description

The following is a description for a typical district safety program:

1. Major Responsibilities:

- The District will serve as the primary resource to guide the implementation of the WCI Health and safety programs.

2. Key Functions:

- Develop the District specific programs required for compliance with regulatory requirements and company policy and as required to achieve the company values.
- Conduct or arrange for the training of District personnel.
- Maintain District statistical information.
- Coordinate the investigation of accident and incidents and the settlement of District assumed claims.
- Maintain a current copy of Federal, state and local health and safety regulations.
- Coordinate the conduct of monthly facility inspections.

Safety Budget Considerations

The following budget accounts are usually associated with safety:

- Safety Bonus
- Worker Compensation Claims
- Uninsured Losses
- Safety Program Expense
- Seminars and Education
- Security
- Shop Supplies

The following items are some of the safety-related items that are most often needed at the Districts and should be considered when formulating the budget:

Vehicles and Equipment

- Back-Up Alarms – Strobe Lights
- Back-Up Cameras

- Fire Extinguishers
- Midway Turn Signals
- Roll-Off Rear Window Protection
- Forks-Up, Frame-Up, Tailgate/Body-Up Alarms/Lights
- Battery Disconnects
- In-cab Video Recording Technologies (DriveCam, 3rd Eye, etc.)

Safety Supplies

- First-Aid Kits
- Bloodborne Pathogen Kits
- Spill Response Kits
- Signs / Posters
- MVR Check annually
- Safety Manuals
- Heat Stress Relief
- Employee Handbooks and other printed documents

Personal Protective Equipment

- Respiratory Protection
- Gloves
- Backbelts
- Safety Glasses, goggles, faceshields
- Boot/Shoe Allowance
- Rain Slickers
- Hi-Visibility Vests
- Hard Hats
- Welding Leathers

Safety Programs

- Smith System Driver Training
- 901T Driver Safety Training
- New Employee Orientation, Refresher Training
- Monthly Safety Meetings
- Safety Designate Training
- Safety Incentive / Award Programs
- OSHA & DOT Regulatory Compliance Programs, Supplies, Aids, Etc.

Training Supplies

- Television(s), Projectors
- DVD Players and/or Similar Devices
- Videos, DVDs, Films, Videotape Rental
- Flipcharts / White Board
- Chairs / Tables

Medical Examinations

- D.O.T. Medical Exams
- Drug / Alcohol Testing
- Respirator Physical Exams
- Audiometric Exams
- Safety Designate Training

Regulatory Considerations

- Copies of OSHA Regulations
- Copies of Federal and State DOT Regulations

Safety Rules and Discipline Program (PA-P003)

Purpose

The purpose of this policy is to define the work and safety rules and describe the disciplinary process. The rules are established to identify acceptable and unacceptable behavior and to protect the employees, the customers, the general public and the company assets. The rules are derived from the company Employee General Policies and Benefits Handbook and Drug and Alcohol Policies.

Work/Safety Rules

In order to ensure employee health, safety and fairness, and to provide for mutual protection, the following actions on the part of the employee are contrary to the health and safety of company employees and the public. Waste Connections and its subsidiaries personnel, therefore, are prohibited from these actions:

1. Reporting to work while under the influence of alcohol or drugs. The presence in any employee of any drug or alcohol, in any amount that exceeds the threshold level established by the company, while performing company business or on company property, is a violation of these work rules.
2. Use of any illegal drug
3. Possession or storing of alcohol or drugs on company property.
4. Failure to comply with the Company's alcohol and drug free workplace policy and testing requirements.
5. Theft or unauthorized appropriation (actual or attempted) of any property or items owned by the Company, another employee or a customer.
6. Failing to report incidents and injuries to a supervisor or company official on the day of occurrence regardless of severity.
7. Fighting or attempting to inflict bodily injury upon an employee, visitor, or customer or while on duty, on Company property or at a Company function.
8. The possession or use of any weapon such as a firearm, knife, club, etc. while on Company property, in Company equipment or vehicles, at a customer location, or otherwise on duty unless authorized in writing by Management.
9. Sexually harassing an employee or customer.
10. Leaving the scene of an incident.
11. Committing a felony involving the use of a Company vehicle or equipment.
12. Negligently operating or driving a Company vehicle that was involved in an incident resulting in a fatality, serious injury or major property damage.
13. Intentionally or maliciously destroying property belonging to the Company, another employee or a customer.
14. Offenses leading to disqualification of drivers as codified in 49 CFR 383.51 or 391.15.
15. Using abusive, obscene or threatening language toward another employee or customer.

16. Failing to immediately notify the Company if the privilege to operate a motor vehicle has been revoked, suspended, denied, withdrawn or expired.
17. Failing to maintain a valid and current commercial drivers license with proper endorsements issued by one State or Province.
18. Falsifying any records, including but not limited to submitted medical statements, DOT documentation or Company records.
19. Absence for three (3) consecutive workdays without properly notifying Company management.
20. Failing to notify a supervisor or company official if unable to report for work. The employee must call in and speak to a manager. Leaving a voicemail message is not acceptable notification and will be counted as a "no-call, no-show" occurrence.
21. Tampering with a time card, or other time keeping record or device, or permitting another person to punch or tamper with your time card, or other time keeping record or device.
22. Failing to punch time card at the beginning and/or end of each work shift, unless otherwise authorized by the Company.
23. Leaving Company premises or scheduled work area/route during working hours without authorization.
24. Transporting unauthorized passengers in any Company vehicle or heavy equipment.
25. Stopping work prior to completion of shift without permission of supervisor or company official. This is considered by the Company to be a voluntary resignation.
26. Failing to comply with written or verbal instructions issued by a supervisor.
27. Riding on the rear step, or on any outside portion of the vehicle, while that vehicle is backing.
28. Driving with the hydraulic cylinders extended. For example:
 - a. Rear door is in raised position
 - b. Tilt frame raised
 - c. Rear load truck packing cylinder extended toward rear of unit
 - d. Front load truck arms must be at the proper level with the forks in an retracted position
29. Standing, walking or positioning oneself behind a roll-off truck whose tilt frame is in a raised position unless the wheels are chocked and there is no container on the tilt frame.
30. Standing, walking or positioning oneself under any raised tailgate unless the gate is blocked open.
31. Standing, walking or positioning oneself in the path of a rear swing door that is latched in the open position while the tilt frame is raised.
32. Entering the body of any vehicle unless the vehicle is locked out and all hazardous energy has been dissipated, removed and/or controlled.
33. Reversing the direction of travel, or backing up, without being aware of the location of all helpers.
34. Dismounting from any moving vehicle.
35. Disclosing, misusing or removing Company records without proper authorization.
36. Sleeping or appearing to be sleeping on duty.
37. Excessive absenteeism and/or tardiness as defined by the facility policy.
38. Packing "on-the-run."
39. Failing to notify a supervisor or company official prior to the start of the shift if any prescribed or over-the-counter medication is being taken that may affect job performance.

40. Scavenging or salvaging any item intended to be disposed of for personal acquisition or use.
41. Failing to report a known unsafe condition or an observed unsafe act to a supervisor.
42. Exceeding posted speeds.
43. Driving any vehicle declared and marked "Out of Service".
44. Operating a motor vehicle when the following emergency equipment is not in place and ready for use.
 - a. A gauge readable fire extinguisher with a rating of 10 BC or more
 - b. Three (3) bi-directional emergency reflective triangles
45. Failing to use and complete the driver's log on any day where the combined time between two consecutive off-duty periods of 10 hours or more exceeds 12 hours.
46. Failing to properly perform pre-trip and/or post-trip inspections of equipment, failing to inspect equipment after each loading and unloading, and/or failing to operate and maintain equipment in reasonable good appearance.
47. Failing to complete a VCR (Vehicle Condition Report).
48. Smoking except at designated smoking areas at landfills, material resource receiving and/or transfer facilities
49. Failing to wear seat belts at all times when the vehicle or piece of equipment is in operation except on manual residential collection routes. This exclusion for manual collection residential routes only applies if all of the following conditions are met:
 - a. The truck is solely engaged in intrastate operations,
 - b. State law provides a specific exemption for waste collection drivers
 - c. The driver is the only occupant of the cab
 - d. The driver is engaged in collection activity that requires exit and entry from the cab at each stop
 - e. The speed of travel does not exceed 10 mph, and
 - f. The distance traveled is less than 2/10 mile (approximately 2 city blocks) between stops requiring exiting the cab for service.
50. Operating vehicles if any tire is:
 - a. flat
 - b. leaking
 - c. has exposed belt or ply
51. Placing or allowing placement of decals, labels, stickers, or any other vision reducing material on windshields, mirrors or windows.
52. Making right or left turns or changing lanes without providing the proper signal.
53. Failing to use 4-way emergency flashers when:
 - a. It is necessary to stop the vehicle on the shoulder due to a malfunction
 - b. Due to a heavy load or going up an incline cause the vehicle to decrease speed
 - c. It is necessary to communicate your presence due to low visibility weather condition.
 - d. Engaging in work requiring the vehicle to travel in "creep" speed such as residential work.
54. Failing to clean debris in front of the blade at least daily.
55. Failing to clean cabs on a daily basis

56. Using the Company's radio/telephone communication system for purposes other than business or emergency.
57. Operating vehicles against traffic flow or zigzagging.
58. Pushing disabled (stuck, bogged down) vehicles.
59. Driving vehicles in convoy.
60. Loading containers whose product is smoldering or suspected of being a "hot" load.
61. Failing to keep hands and feet clear from the hopper during the cycling process.
62. Tampering with tachography, service recorders, in-cab recording devices, governors and/or safety equipment.
63. Failing to complete the company required reports or forms properly and accurately before the end of the current work shift.
64. Failing to adhere to the appropriate dress code as prescribed by the Company.
65. Loitering during work hours.
66. Doing personal work or personal business while on duty unless authorized by supervisor.
67. Soliciting during working time, unless authorized by a supervisor or company official.
68. Operating a vehicle without using the headlights.
69. Failing to wear prescribed personal protective equipment.
70. Failing to follow routing as designated or instructed.
71. Engaging in horseplay while on duty.
72. Failing to adhere to a company or site safety requirement.
73. Entering a restricted area without authorization.
74. Removing or disturbing any coverings, guards, or safety devices placed on vehicles, gears, moving equipment, or machinery except to service or repair such equipment after which all guards must be properly replaced before returning the equipment to service.
75. Altering a vehicles steering wheel or use of a steering knob.
76. Driving a vehicle with helpers on the rear step or riding on the rear step when the vehicle is driven in excess of 10 mph or the travel distance exceeds 0.2 miles between stops.
77. Failure to comply with established safe work practices or safe driving practices.

Incident/Injury Improvement

Waste Connections has established a policy to respond to preventable/at-fault incidents and injuries. This policy was put in place to identify dangerous situations and to correct unsafe behavior. Proper investigation of incidents and injuries by district management is the key to this process.

The following steps are a guideline for post incident/Injury counseling:

1. Incident/Injury Improvement Program Form: Following a preventable incident or injury, use the Incident/Injury Improvement Program form (PA-F001) to document disciplinary action, additional work observations and additional training that will be conducted. Form should be signed by supervisors and driver.

2. Observation Form: If an unsafe act is identified by a supervisor, the work/route observation form (RPT-F004 to RPT-F007 and RPT-F011) should be used to provide documentation of corrective action. The supervisor should provide immediate instruction to the employee so he/she can safely perform the task/activity.
3. Additional Training: Employees should be given additional training/retraining on any subject identified through observation or incident investigation.
4. Written Warning: After a preventable/at-fault incident or injury occurs, the employee may be placed on written warning. The written warning may outline the performance standard expected of all WCI employees.
5. Termination of Employment Employees may be terminated for failure to work safely. As a guideline, any combination of three preventable/at-fault incidents/injuries in a 12-month period is grounds for termination.

The disciplinary sequence can be modified at the discretion of Management depending upon the seriousness and / or the consequence of the transgression. Even the first violation can result in termination of employment.

Incident Repeater Policy

Waste Connections, Inc. is committed to employing professional, competent drivers with driving records that reflect their dedication to driver safety. This policy has been developed in order to define this District's standard for driver performance, and it applies to any employee who may, at any time during the course of their normal duties, operate any vehicle owned, operated, leased or rented by Waste Connections, Inc.

1. Standards of Proficiency
 - a. No more than four (4) moving violations in a consecutive 3 year period.

A MOVING VIOLATION IS ANY TRAFFIC TICKET (CITATION) WHICH RESULTS IN A CONVICTION AND WHICH WAS RECEIVED FOR DRIVING WHEN THE VEHICLE IS IN MOTION, BASED ON LOCAL STATE MOTOR VEHICLE LAWS. IT MATTERS NOT IF THE CITATION WAS ISSUED WHILE DRIVING A PERSONAL VEHICLE OR OTHERWISE.
 - b. No more than two (2) preventable incidents within a consecutive 12 month period. A preventable incident is one in which the driver failed to do everything reasonable he/she could have done to prevent the incident. There is no minimum or maximum dollar amount associated with an incident.
2. One (1) major violation and/or incident could be cause for immediate termination at management's discretion. A major violation or incident is one that demonstrates gross negligence or disregard for hazard to life or property. Examples of this are
 - a. Driving under the influence of drugs or alcohol.

- b. Driving on a suspended or revoked license.
- c. Reckless driving.
- d. Hit and run.
- e. Major vehicle incident.

Disciplinary Program

The principles of progressive disciplinary action will be adhered to in every case except those classified as “Major Violations and Incidents.” Progressive disciplinary action for substandard driving performance will be based on a review of the driver’s Motor Vehicle Record, personnel file and fleet incident records for a consecutive 12 month period.

The supervisor will decide how best to address concerns regarding an employee’s performance or conduct. The following steps are a guideline for performance counseling situations:

1. **Verbal Warning:** If a concern is noted by a supervisor, the supervisor may first meet with the employee to discuss the situation. A time frame may be set during which the employee will need to meet performance standards. The discussion may be noted on an Employee Meeting Notice form.
2. **Written Warning:** If standards are not met after a verbal warning, the employee may be placed on written warning. The written warning may outline the performance standard and the time frame in which the employee must correct the concern.
3. **Termination of Employment.**

The disciplinary sequence can be modified at the discretion of Management depending upon the seriousness and / or the consequence of the transgression. Even the first violation can result in termination of employment.

Guidelines for Evaluating New Drivers

1. No incidents in the last 12 months classified as preventable with property damage over \$2,500, a personal injury, or a fatality
2. No preventable incidents involving major property damage (over \$5,000) or serious injury to other persons in the last 3 years.
3. No more than two moving violations in the last 12 months or three moving violations in the last 2 years.
4. No license suspensions for excessive moving violations within the last 3 years.
5. No convictions for DUI (alcohol, schedule 1 drugs, or other controlled substances) during the last 5 years.
6. No felony convictions during the last 5 years.

Discipline Guidelines for Current Drivers

1. During the first three months of employment, a driver is in a probationary status and any at-fault incident can result in termination.
2. No more than three at-fault incidents within any one-year period. Suggested discipline for each at fault incident should progress as follows:
 - a. **1st at-fault incident – Written Warning:** For every moving violation or preventable incident, the minimum disciplinary action will be a written warning and counseling by the Operations Manager and the District Manager, and retraining and check rides. Other disciplinary action, up to and including suspension or termination if appropriate depending on the circumstances, may occur.
 - b. **2nd at-fault incident – Three Day Suspension Without Pay:** For two preventable incidents, the minimum disciplinary action will be a written warning and counseling by the Operations Manager and the District Manager, and retraining and check rides. Other disciplinary action up to and including suspension or termination if appropriate depending on the circumstances, may occur.
 - c. **3rd at-fault incident – Termination:** For three (3) preventable incidents within a 12 month period or five (5) moving violations in a three (3) year period, the minimum disciplinary action will be termination. Reclassification to a non-driving position is not acceptable as an alternative to termination.
3. Any driver that has an at-fault incident, resulting in more than \$2,500 worth of property damage, an injury or a fatality will be put on probation for a six-month period. Any work rules violation or at-fault incident during the probationary period will result in termination.
4. Any driver that is **charged** with a work-related Driving Under the Influence of Alcohol or a Controlled Substance (DUI) is suspended without pay until the resolution of his/her court case.
5. Any driver that receives a **conviction** for a non-work related offense (off duty) that is alcohol related (ex: DUI is plead down to “wet and reckless”) will be placed on a one-year probation and must attend our Employee Assistance Program (EAP). Any work rules violation or at-fault incident during the probationary period will result in termination.
6. Any driver that receives a conviction for a work related offense (on duty) that is alcohol related will be terminated.
7. Any DUI **conviction** will result in immediate termination.

Training and Safety Meetings (PA-P004)

Purpose

The purpose of this policy is to provide guidance on the conduct and required documentation for employee training to ensure employees are properly informed and educated on proper workplace procedures and the identification of safety and health hazards.

Requirements

1. Provide orientation training for employees prior to initial job assignment and when an employee changes jobs.
2. Conduct Safety meetings at least once per month to provide refresher training
3. Document training (PA-F002, *Employee Training Record*, for initial training and PA-F003, *Safety and Training Meeting Record*, for safety meetings).
4. Provide make-up training sessions to assure complete employee attendance. Make-up training must have the same content as the original training.

Reference

USA

The following list identifies training required by the Occupational Safety and Health Administration (OSHA). This list is taken from OSHA Appendix H: Training Requirement References for General Industry and Construction.

General Industry 29 CFR 1910

Personnel covered by the general industry requirements may also be covered by the construction standards when performing construction activities.

- Employee Emergency Plans and Fire Plans 1910.38(a)(i)(ii)(iii), 1910.38(b)(4)(i)(ii)
- Operations Training 1910.66(i)(ii through iv)
- Care and Use appendix C, Sec. 1 1910.66(e)(v)(i)
- Personal Protection 1910.94(9)(I), 1910.94(9)(vi)
- Inspection Maintenance, and Installation 1910.94(11)(v)
- Hearing Protection 1910.95(l)(4)
- Training Program 1910.95(k)(i)
- Ionizing Radiation 1910.96(l)
- Testing 1910.96(3)(viii)
- Flammable and Combustible Liquids (1910.106(b)(5)(vi)(v)(2)and(3)
- Explosives and Blasting Agents 1910.109(d)(3)(i)
- 1910.109(d)(3)(iii)
- 1910.109(g)(3)(iii)(a)
- 1910.109(g)(6)(ii)
- Bulk Delivery and Mixing Vehicles 1910.109(3)(d)(iii)

- Storage and Handling of Liquefied Petroleum Gases 1910.110(b)(6)(12)(i)
- 1910.111(b)(13)(ii)
- Process Safety Management of Highly Hazardous Chemicals 1910.119(g)(1)(i)and(ii) and 1910.119(g)(3)
- Contract Employer Responsibilities 1910.119(h)(3)(ii)(iii)(iv)
- Mechanical Integrity 1910.119(j)(3)
- Hazardous Waste Operations and Emergency Response 1910.120(e), 1910.120(o)(i), 1910.120(p)(8)(iii), 1910.120(q)(4), 1910.120(q)(5), 1910.120(q)(6)(i)(ii)(iii)(iv)(v)
- Respiratory Protection 1910.134(a)(3) 1910.134(b)(3)
- Control of Hazardous Energy (lockout/tagout) 1910.147(a)(3)(ii)
- Medical Services and First-Aid 1910.151(a)(b)
- Fire Protection 1910.155(iv)(41) • Fire Brigades 1910.156(b)(1)
- Portable Fire Extinguishers 1910.157(g)
- Fixed Extinguishing Systems 1910.160(b)(10)
- Fire Detection Systems 1910.164(c)(4)
- Powered Industrial Trucks 1910.178
- Mechanical Power Presses 1910.217(e)(3)
- Oxygen-Fuel Gas Welding and Cutting 1910.253(a)(1)(4)
- Arc Welding 1910.254(a)(3)
- Resistance Welding 1910.255(a)(3)
- Hazard Communication 1910.1200
- Bloodborne Pathogens 1910.1030(g)(2)(i)through(ix)
- Occupational Exposure to Hazardous Chemicals in Laboratories 1910.1450(f)(4)(l)(C)
- Permit Required Confined Space Entry 1910.146(g)(1); (or as shown in 1926.21 below)
- Heat Stress / Cold Stress OSHA General Duty Clause

Construction 29 CFR 1926

Construction personnel may also require training per the General Industry requirements.

- General 1926.21
- Medical Services and First Aid 1926.50(C)
- Compressed Air 1926.803(a)(1)and(2)
- Fire Protection 1926.150(a)(5), 1926.352(e)
- Hand tools 1926.302(e)(1)(2)
- Gas welding & cutting 1926.350(d)
- Arc Welding 1926.351(d)(1-5)
- Scaffolding 1926.451(a-d)(g,h,k)
- Hoists 1926.552(a)
- Material handling equipment 1926.602(c)(i)
- Excavations 1926.605(l)
- Overhead cranes 1926.955(b)(3)

- Ladders 1926.1053(b), 1926.1060

Federal Highway Administration, DOT Transportation 49 CFR 382

- Substance Abuse Training 49 CFR 382.601 (a)
- Entry-level Driver Training Requirements 49 CFR 380.503

Safety Committees (PA-P005)

Purpose

The purpose of this policy is to describe the function and conduct of a District safety committee.

General

Safety committees are instituted to provide employee participation in the safety program and to help identify unsafe conditions. The express purpose of the committee is to deal with matters of safety and not with conditions of employment. The committee will gather and disseminate information without specific proposals to be adopted or acted upon by management.

The committee exists for the sole purpose of gathering and disseminating information.

Organization

1. The committee should be composed of an employee from each of the functional areas on the facility (e.g. maintenance, drivers, office, and operations) and a representative of management.
2. The committee members will serve on the committee for one year. When the committee is initially formed half the committee will serve for only 6 months.
3. A committee member should not succeed himself. A minimum period of 1 year should be observed to provide opportunities for a greater number of people to participate in the program.
4. In the event of a vacancy, a new member will be appointed by the committee to complete the term of office.
5. The committee will select a chairperson and recording secretary.
6. Meeting frequency will be determined by the committee, but will be held a minimum of once a month.
7. The date, hour, location and agenda for the meetings will be determined by the committee in conjunction with operations and posted one week prior to the meeting.
8. The length of each meeting will vary by location. The committee should allow a minimum of 1 hour for the Accident/Injury Reviews, new business and old business. Additionally, a minimum of 1 hour should be allowed for facility and vehicle inspections.
9. Minutes of the meeting should contain the names of attendees and a summary of the discussion.
10. Copies of the minutes should be provided to management and be posted on the board for employee review.

Activities

Safety committees typically perform functions such as:

1. Conduct facility, vehicle and equipment safety inspections with appropriate supervisor(s).
2. Assist in accident investigation to uncover trends.
3. Review accident reports to determine methods to identify causal factors.

4. Safety committees typically do not determine accident preventability, as that is a function of the management team.
5. Promote and publicize safety.

Safety committees do not discuss bargainable issues, or any issues related to collective bargaining agreements.

Meeting Plan

1. Ensure that all members are aware of the time and place of the meetings. A sign-off sheet attached to the meeting announcement provides the best documentation.
2. To enhance the effectiveness of the committee, attendance is considered to be mandatory for all committee members.
3. Set the preliminary agenda for the next meeting before ending the current meeting. Bargainable issues are not to be discussed.
4. When possible, handouts, pictures, diagrams, or posters to illustrate topics and concerns should be used.

Recommended Agenda

1. Call to order - the chairperson calls the meeting at a specific time.
2. Approval of Minutes - the minutes of the prior meeting are read and reviewed and then approved with any changes noted by the committee secretary.
3. Old Business - discussion and progress report on issues that have been raised at previous meetings. Receive status reports from persons assigned to follow issues to resolution.
4. New Business - Discussion of new or recent issues. A plan for action is developed and a person appointed for follow-up of the issue. Facility inspections - Divide the group equally and have one group perform a facility inspection while the other group inspects vehicles.
5. Meet as a group to discuss findings.
6. Review Incident and accident, injury, hazard observation and inspection reports.
7. As the report is reviewed a course of follow-up action is determined. The committee should be looking for trends or common causal factors.
8. Any special requests or unusual business is discussed and acted upon.
9. Adjournment - The chair adjourns the meeting, after determining the date and time of the next meeting and developing a tentative agenda. The committee secretary records the time the meeting ends.
10. Follow-up - Meeting minutes are typed, posted and distributed to appropriate individuals.

Safety Meeting Annual Schedule

Training materials provided for each training topic.

	Collection	Shop	Office	Post Collection
January	Slips/Trips/Falls Housekeeping	Slips/Trips/Falls Housekeeping	Slips/Trips/Falls Housekeeping	Slips/Trips/Falls Housekeeping
February	Emergency Action Plans Fire Extinguishers	Emergency Action Plans Fire Extinguishers	Emergency Action Plans Fire Extinguishers	Emergency Action Plans Fire Extinguishers
March	Incident Reporting/Procedure Safety Belts Video - What To Do If You Are In An Accident	Incident Reporting/Procedure Safety Belts Video - What To Do If You Are In An Accident	Incident Reporting/Procedure Safety Belts Video - What To Do If You Are In An Accident	Incident Reporting/Procedure Safety Belts Video - What To Do If You Are In An Accident
April	Hot Weather/Heat Illness Material Handling	Hot Weather/Heat Illness Material Handling	Hot Weather/Heat Illness Material Handling	Hot Weather/Heat Illness Material Sorting & Baling Operator Safety Material Handling
May	Lock Out/Tag Out - Except Oregon & Washington Sites Confined Space- Except Oregon & Washington Sites	Lock Out/Tag Out - Except Oregon & Washington Sites Confined Space- Except Oregon & Washington Sites	Lock Out/Tag Out - Except Oregon & Washington Sites Confined Space- Except Oregon & Washington Sites	Lock Out/Tag Out Confined Space
June	Respiratory Protection Hearing Conservation	Respiratory Protection Hearing Conservation	First Aid	Respiratory Protection Hearing Conservation

	Collection	Shop	Office	Post Collection
July	Hours of Service Driver Wellness	Cranes/Hoists/Slings/ Chains	Stress Management	Post Collection Inspection Asbestos
August	Bloodborne Pathogens Employee Rights to Access Records Form Spill Response	Bloodborne Pathogens Employee Rights to Access Records Form Spill Response	Bloodborne Pathogens Employee Rights to Access Records Form Spill Response	Bloodborne Pathogens Employee Rights to Access Records Form Spill Response
September	Cold Stress Winter Preparation	Cold Stress Electrical Safety Winter Preparation	Cold Stress Electrical Safety Winter Preparation	Cold Stress Electrical Safety Trenching Winter Preparation
October	Driving in Adverse Weather Distracted Driving	Weld/Cut/Brazing Powered Platforms Distracted Driving	Ergonomics & Stretching Distracted Driving	Ergonomics & Stretching Distracted Driving Powered Industrial Platforms
November	Hazard Communication	Hazard Communication	Hazard Communication	Hazard Communication
December	PPE Personal Protective Equipment Hazard Evaluation	PPE Personal Protective Equipment Hazard Evaluation	PPE Personal Protective Equipment Hazard Evaluation	PPE Personal Protective Equipment Hazard Evaluation

Waste Connections PM Program Overview



PM Training



- What is Preventative Maintenance?
 - Preventive Maintenance is a schedule of planned maintenance actions aimed at the prevention of breakdowns and failures.
 - Preventive Maintenance (PM) is based on a cause-and-effect relationship between scheduled maintenance and operating reliability.

PM Training



Preventive Maintenance Schedule - Waste Connections, Inc.				
PM Name & Type	Days Interval Standard Oil	Days Interval Extended or Synthetic Oil	Hours Interval	Oil Sample Requirement
PM A - Lubrication	21 Days	N/A	150, 175, 185, 195	NA
PM B - Diesel - Lube, Oil, Filters = 15/40	42,63,84,105,126,147 Days	Spare unit 357 days 500 hours	300, 350, 400,450-500,600,700	At time of Oil Change
PM B - Diesel or CNG Lube, Oil, Filters = 10/30	147 or 168 Days	NA	700 or 900	Mid-Drain Sample 350 or 450
PM C - Auto Transmission	168 - Dextron 111/Mercon	714 - TransSynd (synthetic)	N/A	NA
PM D1 - Hydraulic Filter / Sample	168	N/A	N/A	Every 168-Days
PM D2 - Rear End	357 - All Purpose Gear Oil - 85W/140	1092 - SynGear Oil - 80W140	N/A	NA
PM D3 - Adj Intake & Exhaust Valves	714	Or manufacturer specs	Or manufacturer specs	NA
PM D4 - Winterization	357	N/A	N/A	NA
PM E - DOT/BIT	357	N/A	N/A	NA
PM F - Rods & Mains	714	Or manufacturer specs	Or manufacturer specs	NA
PM G - Trailer	Hydraulic / Motorized - 42 days	Non Hyd/ Non motorized - 84 days	N/A	NA
PM H - Hydraulic Oil Change	357 Non Synthetic	903 Synthetic	N/A	At time of Oil Change or 168-days
PM L - License Renewal	357	N/A	N/A	NA
PM M - Manual Transmission	357 Non Synthetic	1806 - Synthetic	N/A	NA
PM PU - Pick Up	42, 63, 84, 105, 126 days for 3-5,000 miles		147, 168 days for 7,000 miles syn	NA
PM E1 - DPF Filter Service	357 Days	N/A	N/A	NA
PM Y - Forklift/Manlift and Scissorlift	A=84 day 100 hours = B=168 day 250 hrs. PM-E = 357 day or 1,000 hrs. PM-F = 714 day or 2,000 hrs.	N/A	N/A	NA
Hydraulic Hose PM Service - (optional service)	462-days & 546-days & 903-days	N/A	N/A	NA
Automated Arm	Included with your PMA & PMB Service	N/A	N/A	NA
CNG Tank Certification	1092	Or 36,000 Miles or 58k KM	N/A	NA
Periodic Safety or Safety Compliance Insp.	Quebec = 4-months	N/A	N/A	NA
Periodic Safety or Safety Compliance Insp.	British Columbia & Manitoba = 6-months	N/A	N/A	NA
Periodic Safety or Safety Compliance Insp.	COMAR = 6-months	N/A	N/A	NA
Periodic Safety or Safety Compliance Insp.	Alberta & Ontario 12-months	N/A	N/A	NA

PM Training



- How do we know when a PM is due?
 - RTA using engine hours and days
 - Oil analysis results
 - Major component rebuild/replacement

PM Training



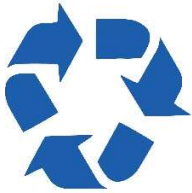
- Why do we do PM's?
 - The primary goal of preventive maintenance is to help prolong the life of the vehicle and reduce vehicle failures therefore providing a worry free driving experience.
 - Maintain the safety aspect set forth by the OEM.
 - Maximize the return to our investors.

PM Training



- Who has the most important job in the shop?





Pacific Disposal

Customer Service Training Manual

Updated 08/24/2021

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ASSIGNMENT AND CONSENT FRANCHISE AGREEMENT

THIS ASSIGNMENT AND CONSENT (this “Agreement”) is made this [_____] day of December, 2021, by and between the CITY OF MILPITAS, a municipal corporation (the “City”), MILPITAS SANITATION, INC., a California corporation (the “Contractor”), and WASTE CONNECTIONS US, INC., a Delaware corporation (“Waste Connections”), collectively, “the Parties,” with reference to the following:

A. The City and the Contractor are parties to that Franchise Agreement for Collection of Solid Waste and Collection and Processing of Recyclable Materials and Organic Materials, dated December 8, 2016, as such has been amended from time to time (the “Franchise Agreement”);

B. The Contractor, Waste Connections and other parties have entered a Securities Purchase Agreement, dated [____], 2021 (the “Purchase Agreement”);

C. At a closing (the “Closing”) to be held on or about December 31, 2021, in accordance with the Purchase Agreement, the current shareholders of Contractor will sell all the shares in the Contractor (the “Contractor Shares”) to Waste Connections, which will result in a change in majority control of the Contractor from the current owners of the Contractor; and

D. The Parties wish to document the terms and conditions upon which the City relies in consenting to the sale of the Contractor Shares to Waste Connections (the “Assignment”), and to confirm the status of the Franchise Agreement, on the terms herein.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants hereinafter set forth and other consideration the receipt and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

1. Consent to Assignment. From and after the Closing, the Contractor shall continue to possess all of its right, title and interest in the Franchise Agreement. The Contractor hereby agrees to keep, perform, fulfill and be bound by all of the terms, covenants and conditions required to be kept, performed, and/or fulfilled under the Franchise Agreement from and after the Closing.

2. Condition to Approval. As a condition of the City’s approval of the Assignment, Waste Connections, the Contractor and the City agree as follows.

(a) Waste Connections’ Acquisition Costs. Waste Connections agrees that amounts it pays to the current owners of the Contractor under the Purchase Agreement or any other costs incurred by the Contractor or Waste Connections in acquiring or selling stock or real property under the Purchase Agreement shall not, in calculating rates or adjustments to rates, be considered as an expense or otherwise affect rates charged by the Contractor for performing waste collection services in the City pursuant to the Franchise Agreement.

(b) Payment of Assignment Fee. Contractor shall pay the City an assignment fee equal to [insert total amount] as required by Section 12.6 of the Agreement upon the closing of the sale of the Contractor Shares. Contractor understands and agrees that this payment include

an additional One Hundred Fifty Thousand Dollars (\$150,000) in addition to the two percent of Gross Receipts (as defined in the Franchise Agreement) required under the Franchise Agreement.

3. Additional Obligations. Waste Connections and the Contractor hereby affirm and warrant:

(a) that Waste Connections has at least ten (10) years of Solid Waste Transfer and Disposal management experience on a scale equal to or exceeding the scale of operations conducted by the Contractor under this Agreement;

(b) that in the last five (5) years, Waste Connections has not been the subject of any administrative or judicial proceedings initiated by a federal, State or local agency having jurisdiction over its operations due to an alleged failure to comply with federal, State or local laws;

(c) that Waste Connections conducts its operations in a safe and environmentally conscientious manner; and

(d) that Waste Connections conducts its operations in accordance with sound Solid Waste management practices in full compliance with all federal, State and local laws regulating the Transfer and Disposal of Solid Waste and all Environmental Laws.

4. Franchise Agreement in Effect. The Franchise Agreement is in full force and effect and, except as provided herein, has not been modified, altered or amended in any respect and contains the entire agreement between the City and the Contractor with respect to the subject matter thereof. Any breach of this Agreement shall be a breach of the Franchise Agreement.

5. Governing Law. This Agreement shall be governed by, and interpreted and enforced under, the laws of the State of California, without giving effect to conflict of laws principles. Venue shall be as provided for in the Franchise Agreement, which provision is incorporated by reference.

6. Fourth Amendment to Franchise Agreement. City and Contractor are concurrently executing that certain Fourth Amendment to the Franchise Agreement, which is incorporated by reference. City's consent to the Assignment is expressly conditioned on Contractor's execution of the Fourth Amendment in the form approved by City. Contractor's failure to do so prior to the Closing shall void this Agreement.

7. Counterparts. This Agreement may be signed in three (3) or more counterparts, each of which shall be deemed an original but when taken together shall constitute one and the same instrument. Counterparts may be sent for signature by email. Signatures on PDF copies thereof shall be deemed original signatures for all purposes and such PDF copies shall be admissible as evidence of the agreement in any and all administrative or judicial proceedings.

8. No Third-Party Beneficiaries. The Parties intend this Agreement for the sole benefit of the Parties and do not intend to confer any rights under this Agreement or any right to enforce this Agreement on any person or entity who is not one of the Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the day and year first above written.

CITY OF MILPITAS

MILPITAS SANITATION, INC.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

WASTE CONNECTIONS US, INC.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Date: _____

Date: _____

APPROVED AS TO CONTENT:

By: _____
Name: _____
Title: _____

Date: _____

FOURTH AMENDMENT TO FRANCHISE AGREEMENT

THIS FOURTH AMENDMENT TO FRANCHISE AGREEMENT (the “Amendment”), for reference purposes dated _____, is made and entered into by and between the City of Milpitas (“City”), and Milpitas Sanitation, Inc. (“Contractor”).

WHEREAS, City and Contractor entered into that Franchise Agreement between City of Milpitas and Milpitas Sanitation, Inc. for Collection of Solid Waste and Collection and Processing of Recyclable Materials and Organic Materials dated December 16, 2016, as amended by the First Amendment to Franchise Agreement dated March 21, 2017, the Second Amendment to the Agreement dated October 17, 2017, and the Third Amendment to the Agreement dated November 29, 2018 (collectively, the “Agreement”); and

WHEREAS, Section 13.4 of the Agreement provides that any amendment of the Agreement must be in a writing executed by the parties; and

WHEREAS, City and Contractor desire to amend the Agreement to modify certain provisions and make certain other changes.

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Figure 4-1 in Article 4 is hereby amended to revise the row entitled “Single-Family Premises with 1-4 units” as follows:

Single-Family Premises with 1-4 units	Split-Carts: {Solid Waste / Food Scraps}/ unit Total Capacity: 38-gal, 45-gal (64-gal cart with 26-gal insert solid waste), 64-gal, 96-gal Food Scraps Capacities: 19-gal (38-gal cart with solid waste insert) and 29-gal (96-gal cart) Solid Waste Cart: 96-gal Food Scrap Cart: 21-gal	None
---------------------------------------	---	------

2. Item “Containers” set forth in Section 4.1.A of the Agreement is amended to read in full as follows:

“Containers: Contractor-Provided Carts and split-Carts {Solid Waste/Food Scraps}”

3. Item “Container Sizes” set forth in Section 4.1.A of the Agreement is amended by adding the underlined below to that Section:

“...The 64-gallon split-Cart will have 45 gallons of solid waste capacity and the 96-gallon split-Cart will have 67 gallons of solid waste capacity. 96-gallon Carts with a dedicated 21-gallon Food Scraps Cart. The default Solid Waste split-Cart shall be 64 gallons.”

4. Item “Other Requirement” set forth in Section 4.1.B of the Agreement is amended by adding the underlined below to that Section:

“Other Requirements: Contractor shall accept household batteries in the Recyclables Materials program. Batteries to be collected in a bag placed on the cart. Contractor shall collect oversized cardboard that is flattened and cut into sections no larger than 3ft x 3ft and bundled or neatly stacked next to the recycling cart.”

5. Item “Containers” set forth in Section 4.1.C.2 of the Agreement is amended to read in full as follows:

“Containers: Contractor-Provided Carts, Split-Carts {Solid Waste (described in Section 4.1.A/Food Scraps} and 2-gallon kitchen pails.”

6. Item “Container Sizes” set forth in Section 4.1.C.2 of the Agreement is amended to read in full as follows:

“Container Sizes: 64-gallon or 96-gallon split-Carts {Solid Waste/Food Scraps}, 19-gallon Cart (as requested by Customer). The default Food Scraps Cart shall be the 64-gallon split-Cart. 64-gallon Cart provides 19-gallons of Food Scraps capacity and the 96-gallon Cart provides 29 gallons of Food Scrap capacity.”

7. Item “Service Level” in Section 4.1.F and 4.2.D of the Agreement is amended to replace “one (1)” with “three (3)” as set forth below:

“Service Level: Up to three (3) cubic yards of Solid Waste, Recyclable Materials, Organic Materials, Reusable Materials, C&D, and E-Waste OR up to three (3) Appliances or Bulky Items.”

8. Item “Other Requirements” in Section 4.1.F of the Agreement is amended by adding the underlined below to that Section:

“Other Requirements: Contractor shall offer a “Voucher Program” as an alternative to the On-Call Curbside Bulky Item/Reuse Materials Collection. The Voucher will allow a Customer to self-haul and dispose any Acceptable Materials including concrete at

Mission Trails Transfer Station in Santa Clara, or other City approved facility, during normal business hours.”

9. Item “Unscheduled Service” in Section 4.15.B.2 is amended to replace “11,000” with “12,500” as set forth below:

“Contractor shall sweep up to 12,500 Curb Miles per calendar year, including both scheduled service and unscheduled service.”

10. Sections 8.D and 8.E are hereby added to Exhibit B to read in full as follows:

“D. Host two (2) compost giveaway events per year within the City at locations designated by City. Attendees at each event may pick up to four (4) [size] bags of compost per event. Contractor shall provide at least [insert] tons of compost for each event.

E. Deliver up to one hundred (100) [size] bags of compost to a location designated by City once each month. Compost can be picked by City residents at each location.”

11. Pursuant to Section 8.2.A of the Agreement, Contractor hereby adds the following rates to the Maximum Services Rates:

[insert]

12. The costs associated with the service and other changes in this Amendment will be included in the Actual Allowable Total Annual Cost of Operations for the next cost-based Rate adjustment under the Agreement (i.e., for Rate Period Eight).

13. This Amendment will become effective only upon City’s consent to the assignment resulting from the sale of Contractor’s outstanding shares of stock to Waste Connections US, Inc. and the closing of such sale.

14. Except as otherwise modified by this Amendment, the Agreement remains in full force and effect.

CITY OF MILPITAS

MILPITAS SANITATION, INC.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

WASTE CONNECTIONS US, INC.

By: _____
Name: _____
Title: _____

Date: _____

By: _____
Name: _____
Title: _____

Date: _____

APPROVED AS TO CONTENT:

By: _____
Name: _____
Title: _____

Date: _____



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	American Rescue Plan Act (ARPA) Workforce Development Programming
Category:	Community Development
Meeting Date:	12/14/2021
Staff Contact:	Alex Andrade, Director of Economic Development, 408-586-3046 Eddie Truong, Economic Development Specialist, 408-586-3047
<u>Recommendation:</u>	1. Approve ARPA Workforce Development funding to be deployed at \$150,000 annually for two years for grants to non-profit organizations that have been adversely impacted and/or responding to the COVID-19 public health emergency. 2. Approve ARPA Workforce Development grants for ARPA beneficiaries providing workforce development and education services, addressing the negative economic impacts of the COVID-19 public health emergency, in the amount of \$150,000: a. \$40,000 for Milpitas Youth Force, a community service program for low-income youth including salaries and wraparound services. b. \$50,000 for Evergreen Valley College to implement the Amazon Cloud Practitioner Program for cloud computing initiatives. c. \$40,000 for First 5 Santa Clara County, a non-profit organization to support an early childhood education teacher apprenticeship program. d. \$20,000 to be divided between Rising Sun Center for Opportunity and Build It Green, community-based organizations to implement a green building certification training program and climate careers externships. 3. Direct staff to return for City Council consideration of the remaining \$150,000 for additional ARPA beneficiary grants by summer 2022.

Background:

The COVID-19 pandemic and resulting economic recession have dramatically reshaped Milpitas' economy and workforce. Business closures and associated layoffs caused by the COVID-19 pandemic have forced the City of Milpitas to take a more proactive role to rebuild and develop a vibrant local economy.

At the June 8, 2021 and June 21, 2021 meetings, the City Council expressed a desire to assist the Milpitas community with a workforce development initiative to be funded through the American Rescue Plan Act (ARPA), as part of the Economic Vitality Investment Framework with the goals of rebuilding the local economy and helping residents return to the workforce or improve skillsets to move into career ladder employment opportunities. In addition, the City Council agreed to explore funding to support low-income youth, as well as expand Milpitas Youth Force (the City's summer youth employment initiative) to introduce and prepare youth for future career opportunities, build occupational skills, and to earn supplemental income for their families. On August 9, 2021, the City Council approved the ARPA Investment Plan and directed staff to return to City Council with program details for consideration with an appropriation amount of \$300,000 to be deployed for workforce development initiatives and programs annually at \$100,000 for three years.

At the November 2, 2021 City Council meeting, staff conducted research and presented a landscape of workforce development services to be funded through ARPA in the following categories:

- At-Risk Youth Programs
- Youth & Adult Programs
- Green/Clean/Sustainable Employment Opportunities
- Childcare Workforce

At this meeting, the City Council expressed a general interest in the following:

- Focus workforce development activities on low-income youth, adults, and residents seeking occupational opportunities
- Mentoring, tutoring and community leadership
- Internal City Department needs to fill vacancies, specifically: Public Works entry-level positions and Public Safety Dispatchers
- Alignment with industry needs & Economic Development strategic goals, such as: advanced manufacturing, emerging technologies, healthcare, telecommunications, etc.
- Pathways for careers and financial literacy
- Daycare workforce training such as Transitional Kindergarten Teachers
- Job training opportunities in Clean/Green/Sustainable arena
- Solid outreach/marketing strategy that results in fair and transparent selection process

The motion also included partnering with the local unhoused population on community beautification efforts.

These ARPA workforce development initiatives and programs will complement the Office of Economic Development's Workforce Development and Education Strategy under the May 5, 2020 adopted Economic Development Strategy, which outlines broader trends, opportunities, and concerns around the future of the local workforce, with an emphasis on building skills and opportunities for Milpitas residents.

Analysis:

Based on City Council direction at the November 2, 2021 meeting, staff conducted outreach to 20 organizations, businesses, and City Departments to identify suitable programs to achieve the City Council's objectives to facilitate workforce development recovery through ARPA grants to beneficiaries that are working to address the negative economic impacts of the public health emergency. The stakeholder outreach has informed staff recommendations with the goal of achieving as many Council priorities as possible, while optimizing for budgetary constraints. For the full list of stakeholder outreach, see Attachment A.

One key takeaway from the stakeholders is that an initial deployment of \$100,000/annually is not significant enough to have a meaningful impact in the workforce development ecosystem. Thus, one of the staff recommendations is to amend the previous City Council approved appropriation for ARPA Workforce Development funding to be deployed at \$150,000 annually for two years instead of \$100,000 annually for three years.

After several weeks of extensive stakeholder outreach, staff has conducted research on a wide variety of options for ARPA workforce development programming and how it aligns with City Council directed priorities. Staff has formulated cost-effective and high-impact recommendations to meet as many City Council directed priorities as possible. The City has established criteria that identifies ideal ARPA beneficiaries that are already providing workforce programs to assist Milpitas residents that have been negatively impacted by COVID-19.

Low-Income & At-Risk Youth

Based on interest from the City Council to survey internal City Department needs and to identify potential work experience opportunities, staff conducted initial outreach to the Department of Public Works and the Milpitas Police Department. After speaking with Public Works and Police Department Executive Leadership Team, staff proactively met with other City Departments to identify additional internal needs: Building, Safety and Housing; and Recreation and Community Services.

The conversations yielded the following insights:

- Public Works has seasonal openings for 4-6 positions in weed abatement and storm cleaning that may start at a cost of approximately \$22-23 per hour, which can potentially be ideal employment opportunities for the Milpitas unhoused population, based on eligibility requirements.
- The Police Department has 3 current Public Safety Dispatcher vacancies.
- Recreation and Community Services has part-time openings for numerous positions in varying program areas like afterschool programs, events, aquatics, and administrative counter positions throughout the year. The Department also leads the successful Milpitas Youth Force program, which provides youth employment opportunities. Staff discussed customizing the program enrollment practices to benefit low-income and at-risk youth, and importantly, to provide salaries to supplement household income.
- The Department of Building, Safety and Housing could potentially provide opportunities for 2 Administrative Assistant positions to work in the Permit Center through Milpitas Youth Force.

After outreach to Public Works and Milpitas Police Departments, staff has learned that Du-All Safety is a potential ARPA beneficiary to support employment training for the local unhoused population and this will be discussed later in the Agenda Report. Additionally, staff has learned that it would be challenging to develop a workforce development pipeline for Public Safety Dispatchers because current recruits are not completing their training programs due to stress factors associated with multi-tasking, typing speed requirements and communication skills, to name a few. After further discussions with other City Departments, Milpitas Youth Force was identified as an internal City program that can be enhanced to achieve City Council priorities for ARPA workforce development and assist low-income youth with supplemental family income.

The Milpitas Youth Force program is a community service of the City of Milpitas that offers high-school aged Milpitas youth valuable work experience and to build networking connections in a career path of interest. Currently, students earn school service credit hours for their participation, which is typically 12+ hours per week over a period of 8 weeks. Participating employers contribute to a workforce pipeline of potential future employees. The program's first year was fully funded to include paying youth hourly rates when working through the program, at an hourly rate that of minimum wage. Due to budget adjustments in response to COVID-19, the paid hourly rate was discontinued.

Staff recommends investing \$40,000 of ARPA funds to support the re-instatement of an hourly wage rate as part of the program. By offering an hourly wage to help benefit underserved youth, the Milpitas Youth Force program addresses an equity issue and allows greater participation from youth of the highest need. This funding will allow 12-15 Milpitas youth to participate in Summer 2022. The youth will be paid \$15.65 per hour for an 8-week program (12-15 hours per week). The ARPA funding recommendation will also allow youth to receive wraparound services such as transportation passes, professional attire stipends, professional job developer services (career coaches), and access to industry mentorships.

Staff recommends that beneficiaries of the Milpitas Assistance Program be given the first opportunity to apply for participation in Milpitas Youth Force. A successful implementation of Milpitas Youth Force will help fulfill the City's Memorandum of Understanding (MOU) commitment with the Milpitas Unified School District (MUSD) regarding the "MUSD Alliance Partners for Future-Ready Learners Program", and specifically to increase employment opportunities for Milpitas residents.

Additionally, as part of staff's due diligence to survey potential programs to benefit low-income youth and Milpitas residents, communication to Goodwill Silicon Valley took place to learn more about their re-entry programs. Goodwill Silicon Valley provides a wide range of training services, including but not limited to, digital literacy, safety training, job search, resume development, interview preparation, janitorial certification, and more. On December 6, 2021, staff met with representatives from MUSD Adult Education and learned that a pilot apprenticeship program is in development through the South Bay Consortium for Adult Education. Staff also discussed a workforce skills training proposal in beginning office skills, office specialist certification, and Google Suite/Workplace Productivity training. At this time, no recommendation is being made for the re-entry program or Adult Learners program. Should the City Council desire more background and research on these programs, staff would conduct additional due diligence to identify a potential actions, cost, and schedule.

Unhoused Population Employment Training & Community Beautification

At the November 2, 2021 meeting, the City Council directed staff to explore workforce development programming to bridge unhoused members of our community with job training opportunities for community beautification. Staff conducted outreach to Goodwill Silicon Valley, a local nonprofit that partnered with the City of San José to create the “San José Bridge” program – a partnership that employs unhoused residents in job training, career planning, and in housing search and placement programs. The San José Bridge Program results in community beautification by employing the unhoused to do trash/litter abatement and provides wraparound services to allow program participants to access potential job opportunities.

Goodwill Silicon Valley estimates that the monthly cost for a trash/litter abatement crew of 10 members and 1 driver would cost between \$16,000 to \$20,000 per month. This accounts for a full-time driver, at 40 hours per week, and 10 crew members working 20 hours per week. Preliminary conversations revealed that Goodwill Silicon Valley would need to create a new program, specifically for the City of Milpitas, and startup costs are not currently known at this time. Given the complexities of administering a new program and the significant monthly cost estimates, staff believes that this program *may not* be the most cost-effective investment of ARPA funding.

In addition, staff conducted additional due diligence by reaching out to CityTeam and Du-All Safety for unhoused employment safety training for community beautification programs. CityTeam has not responded to staff’s outreach as of the writing of this Agenda Report, while a representative from Du-All Safety shared that their training programs assist with environmental, construction, and general industry compliance. Du-All Safety’s training programs can provide community beautification services, cleanup of hazardous materials, Cal/OSHA compliance for worker safety, hand tools training, and more; however, Du-All Safety has never provided training services for the unhoused population and would need to create an entirely new program outside of their professional expertise. This is another reason why staff does not recommend ARPA funding for employing local unhoused persons, as seasonal and maintenance Public Works employees, because safety training costs and schedules are currently not known.

Childcare Workforce

Childcare providers create unique opportunities to facilitate economic recovery and a healthy economy. According to the U.S. Chamber of Commerce Foundation: childcare challenges affect parents’ participation in the workforce; affect employer’s ability to recruit and retain skilled workers; and impact state/regional economies. These challenges also contribute to parents postponing school and training programs, passing up promotion opportunities, and sometimes leaving the workforce entirely. According to First 5 Santa Clara County, one qualified early childhood education (ECE) teacher can generally allow as many as 20 families to participate in the regional workforce and economy.

Staff met multiple times with representatives from First 5 Santa Clara County to better understand the childcare workforce landscape and to identify the negative economic impacts of COVID-19. The organization identified a ECE Teacher Apprenticeship position at a cost of approximately \$32,000 per year. This option may not be the most cost-effective investment of ARPA funding, and therefore after some consideration, First 5 returned with new opportunities that can broadly be categorized as: 1) Strategies for Retaining Early Learning Workforce and 2) Strategies for Recruiting Early Learning Workforce (Attachment B).

First 5 is leading a pilot ECE Teacher Apprenticeship program that may support as many as 20 Milpitas residents to obtain an industry-recognized credential: Child Development Associate Teacher Permit. The program duration is 22-months commencing Fall of 2022. Staff recommends an initial investment in the pilot program to benefit low-income Milpitas residents through subsidizing a portion of college tuition, textbooks, laptops, permitting fees, and transportation assistance. The full cost of the pilot program is \$881,688 for a cohort of 20 ECE teacher apprentices, which includes the cost of college tuition, wraparound services, and apprenticeship wages as an “earn and learn” program (Attachment C). Given the significant costs associated with fully subsidizing the entire program, staff recommends a targeted ARPA grant of \$40,000 to partially subsidize the program for low-income Milpitas residents and to encourage them to join the childcare workforce or expand their knowledge to become Transitional Kindergarten (TK) Teachers.

Green/Clean/Sustainable Jobs

According to Green America, a green job is any job that supports environmental and social responsibility. An emerging trend is in clean-tech jobs, which utilize technology related to renewable energy and energy efficiency/reduction. As emerging technologies drive the next wave of innovation in the Silicon Valley ecosystem, the role of cloud-based computing technology and the Internet of Things (IoT) will become more critical towards sustainability initiatives and green jobs.

Evergreen Valley College (EVC), in collaboration with Amazon Web Services, has partnered to launch a regional consortium to prepare students for jobs in one of the fastest-growing, and highest-paying areas in the technology field: cloud computing. The Amazon Cloud Practitioner Program is a cross-sector, industry-recognized credential curriculum applicable to industries such as Green and Clean Jobs; Telecommunications; IT; Advanced Manufacturing; and Transportation. The Cloud Practitioner Program promotes skills development adaptable to a wide variety of emerging industries and promotes intersectionality of skills. EVC students enroll in 16 units of courses and successful program completion results in an Amazon Cloud Practitioner Industry Approved Certification, which opens job opportunities such as a Cloud Engineer or Cloud Architect. Staff met with Amazon representatives on December 6, 2021 to discuss a potential workforce development initiative to help Milpitas program participants attain jobs in the cloud computing industry or in a clean tech job. The preliminary conversation was productive, and staff is in active conversations with Amazon to discuss how they can potentially support job placements for Milpitas program completers.

EVC has expressed a willingness to expand their existing program for Milpitas residents at a cost of \$12,500 per course for a cohort of 60 Milpitas students, while EVC provides additional wraparound support services such as direct Academic Counselor for the project, Industry Connection Mentor to employment, food assistance (CalWorks, Second Harvest Food Bank, and food pantry), Emergency Grant Vouchers, and textbook and laptop loans. Staff recommends leveraging \$50,000 of ARPA grants to implement this program to benefit Milpitas residents.

Rising Sun Center for Opportunity is a non-profit organization that operates a youth program, known as Climate Careers – a two-part youth empowerment program that addresses climate change by employing youth to provide energy efficiency services to residential households. The organization has expressed an interest in expanding opportunities in Santa Clara County, of which Milpitas may be considered. Climate Careers is funded by the California Public Utilities Commission and other partners, which provides youth wages. Staff maintains that the Climate Careers program can be adapted to benefit low-income Milpitas residents, if the City leverages ARPA grant funding to aid Climate Careers in expanding a youth externship program that can tackle climate resiliency needs. This effort can be coordinated alongside the City's Climate Action Plan, currently led by the Public Works Department. Staff recommends making a \$10,000 grant to support a youth externship through Rising Sun Center, with the intention of bringing the Climate Careers program to Santa Clara County to benefit Milpitas residents of the highest need.

Build It Green is a non-profit organization that operates a Certified Green Building Professional (CGBP) training program that can be customized to provide certification for a cohort of up to 25 low-income Milpitas residents. The training program introduces participants to the overarching principles of green building and the systems approach to the design, construction, and operation of residential buildings. Participants will develop an understanding of energy efficiency, resource conservation, water conservation, and indoor air quality. The program is an online course, with an open-book online exam and requires a minimum of 80% for a passing grade. Staff recommends investing \$10,000 of ARPA grants to run a green building certification program and to create a local, career pathway into the industry for Milpitas residents.

Next Steps for ARPA Workforce Development

After extensive stakeholder outreach and research, staff has determined that one organization or program alone cannot provide all of the services and workforce development initiatives directed by the City Council, so staff recommends a combination of services by the City and various community-based organizations to develop a combination of cost-effective, high-impact investments to optimize benefits for low-income Milpitas residents.

The City Council will have an opportunity to discuss the proposed ARPA workforce development investments, initiatives and programs at the December 14, 2021 meeting and provide direction to staff on cost and programmatic execution. Staff expects to return to the City Council for a programmatic update by summer 2022 and recommend the next round of \$150,000 of ARPA investments for workforce development programs to benefit Milpitas residents.

Based on the current interpretation of the U.S. Department of Treasury ARPA guidance, ARPA grants must be used to directly address a negative economic impact of the COVID-19 public health emergency. Job training, work experience, and certification programs to assist unemployed and low-income Milpitas residents would be an eligible use of ARPA funding as outlined by this Agenda Report. Staff anticipates deploying the first round of \$150,000 in ARPA grants beginning in Fiscal Year (FY) 2021-2022. When staff returns to the City Council with recommendations for the second round of ARPA grants, staff anticipates deploying those grants beginning in FY 2022-2023.

Policy Alternatives:

Alternative 1: Do not approve staff recommendation to implement ARPA Workforce Development programs and initiatives.

Pros: The City of Milpitas may re-appropriate \$300,000 of ARPA funding for other priorities approved by the City Council through the Economic Vitality Investment Framework established during the June 8, 2021, June 21, 2021, and August 9, 2021 City Council meetings.

Cons: The City Council approved the Economic Development Strategy – Workforce Development and Education Resources, to ensure that workforce development solutions were implemented in Milpitas to assist residents and businesses with COVID-19 impacts. If the City of Milpitas does not proceed with the recommended ARPA Workforce Development program implementation, then local residents and businesses will continue to struggle for resiliency and recovery, which negatively impacts the short and long-term health of the Milpitas economy.

Reason not recommended: To implement a major pillar of the Economic Development Strategy, Workforce Development and Education Resources, the ARPA Workforce Development initiatives are critical so that residents and business can continue their path towards resiliency and recovery due to negative COVID-19 pandemic impacts.

Fiscal Impact:

The ARPA Workforce Development programs are fully funded under the City Council's ARPA Investment Plan. On August 9, 2021, the City Council approved the ARPA Investment Plan and allocated a total of \$300,000 for workforce development programs spanning three years. The staff recommendation for this Agenda Report is to amend the program service delivery and appropriation to \$150,000 per year over two years. Council approval of the above ARPA Workforce Development grants beneficiaries providing workforce development and education services, addressing the negative economic impacts of the COVID-19 public health emergency, totals \$150,000.

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).

Recommendation:

1. Approve ARPA Workforce Development funding to be deployed at \$150,000 annually for two years for grants to ARPA beneficiaries that have been adversely impacted and/or responding to the COVID-19 public health emergency.
2. Approve ARPA Workforce Development grants for ARPA beneficiaries providing workforce development and education services, addressing the negative economic impacts of the COVID-19 public health emergency, in the amount of \$150,000:

- a. \$40,000 for Milpitas Youth Force, a City program for low-income youth including salaries and wraparound services.
 - b. \$50,000 for Evergreen Valley College to implement the Amazon Cloud Practitioner Program for cloud computing initiatives.
 - c. \$40,000 for First 5 Santa Clara County to support an early childhood education teacher apprenticeship program.
 - d. \$20,000 to be divided between Rising Sun Center for Opportunity and Build It Green to implement a green building certification training program and climate careers externships.
3. Direct staff to return for City Council consideration of the remaining \$150,000 for additional ARPA beneficiary grants by summer 2022.

Attachments:

1. Stakeholder Outreach List for ARPA Workforce Development beneficiaries
2. Strategies for Childcare Workforce Retention and Recruitment
3. Budget Estimates for Childcare/ECE Teacher Apprenticeship Program

Attachment A

List of Stakeholder Outreach for ARPA Workforce Development

1. Amazon/Amazon Web Services
2. Build It Green
3. Cisco
4. CityTeam
5. Department of Building, Safety & Housing
6. Department of Public Works
7. Department of Recreation & Community Services
8. Du-All Safety
9. Evergreen Valley College
10. First 5 Santa Clara County
11. Goodwill Silicon Valley
12. Milpitas Police Department
13. Milpitas Unified School District Adult Education
14. NOVAworks
15. PG&E
16. Rising Sun Center for Opportunity
17. San Jose City College
18. SEMI Foundation
19. Silicon Valley Clean Energy
20. View

Attachment B

ARPA Funding – Potential Expenditures in Care Sector
Prepared for City of Milpitas by FIRST 5 Santa Clara County
11-17-21

ARPA Child Care Stabilization Fund/CCBDG Supplemental Funding:

Strategies for Retaining Early Learning Workforce:

- 1) Partner with FIRST 5 Santa Clara County to administer flat rate retention allowance for current early learning and care staff (both CSPP preschool/FCCH providers) in recognition of service and hardships resulting from COVID-19 crisis. (Suggested amount: \$2,500/person)
- 2) Partner with FIRST 5 Santa Clara County to underwrite co-pays for families to access QUALITY MATTERS Family Child Care Home provider sites.
- 3) Partner with FIRST 5 Santa Clara County to strengthen network of Milpitas Family Child Care providers through increased access to educational and business supports for these microbusinesses.
- 4) Provide scholarships to access higher education or credentials for current CSPP educators and FCCH providers in Milpitas. Provide grants for materials, technology, and supplies.

Strategies for Recruiting Early Learning Workforce:

- 1) Partner with FIRST 5 Santa Clara County Apprenticeship Pilot program to include Milpitas Child Development Centers. (See attached budget for suggested amounts)
- 2) Partner with FIRST 5 Santa Clara County to encourage regulation-exempt Family, Friend, Neighbor (FFN) caregivers towards opening regulated Family Child Care Home businesses. Additional partner is Santa Clara County Office of Education's Resource & Referral network, which provides guidance, and required health and safety courses. Underwrite cost of FCCH licensing for Milpitas participants.

Attachment C – Budget for Pilot ECE Teacher Apprenticeship Program

Industry-Recognized Credential: CD Assoc. Teacher Permit Program Duration: 5 semesters (22 months)	Family Child Care Associate Teacher	ECE Associate Teacher Apprenticeship
	Cost Per Cohort of 20	Cost Per Cohort of 20
Program Costs & Participant Supports		
College coursework (4 courses \$8,500)	\$ 34,000	\$ 34,000
Textbooks (\$150 x 4 courses x 20 students)	\$ 16,000	\$ 16,000
Laptops, software, mouse, keyboard, case (\$750/apprentice)	\$ 15,000	\$ 15,000
Student supports (permit fees, Livescan, transportation; \$200/apprentice)	\$ 4,000	\$ 4,000
Non-credit bearing training (CPR, 1st Aid, soft skills, tech; \$200/apprentice)	\$ 4,000	\$ 4,000
Embedded tutoring services (5 hrs/wk x 64 wks @ \$40/hr)	\$ 12,800	\$ 12,800
In-program child care: classes & tutoring (5 hrs/64 wks @ \$25/hr x 2 staff)	\$ 16,000	\$ 16,000
Program Staff & Consultant Costs (Cohort of 20)		
Coaching (2 hrs/mo x 22 mos x 20 students @ \$40/hr, including benefits)	\$ 35,200	\$ 35,200
Mental Health Consultant (8 hrs/22 mos @ \$80/hr)	\$ 14,080	\$ 14,080
Cooperating Teacher Stipend (\$100/mos x 22 mos x 20 students)	\$ 44,000	\$ 44,000
Project Director/Success Coordinator (15% FTE x 24 mos, including benefits)	\$ 55,000	\$ 55,000
Project staff mileage and travel	\$ 6,000	\$ 6,000
SUB-TOTAL	\$ 256,080	\$ 256,080
Indirect Costs @ 10%	\$ 25,608	\$ 25,608
TOTAL PROGRAM COST	\$ 281,688	\$ 281,688
PER PARTICIPANT COST	\$ 14,084	\$ 14,084
Participant Stipends or Wages (Employer)		
Associate Teacher Apprentices salaries (2000 hrs@\$15/hr x 20 apprentices)	\$ 600,000	\$ 600,000
TOTAL STIPENDS/WAGES COST	\$ 600,000	\$ 600,000
PER PARTICIPANT COST	\$ 30,000	\$ 30,000



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an Update on the American Rescue Plan Act and Provide Direction to Staff
Category:	Leadership and Support Services
Meeting Date:	12/14/2021
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053 Lauren Lai, Director of Finance, 408-586-3111
Recommendations:	1. Receive an Update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements. 2. Provide direction to staff.

Background:

In March 2020, due to the rampant spread of the Coronavirus (Pandemic), a state of emergency was declared at the local, state, and federal levels and stay-at-home orders issued, which had an enormous impact on the local, state and national economy as well as the City's finances.

On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion stimulus package, to counteract the economic impacts of the pandemic. The City's ARPA allocation of \$16,736,815 is available in two tranches; the first half was received in June 2021, and the second half will be provided in June 2022. Funds need to be either expended or encumbered by December 31, 2024, with all funds to be expended by December 31, 2026.

On May 11 ([link to staff report](#)), staff presented preliminary information on ARPA's Coronavirus State and Local Fiscal Recovery Funding. Staff also provided information on other funding through ARPA that could benefit the Milpitas community since the Coronavirus Local Fiscal Recovery Funding (CLFRF) is only a portion of the total ARPA funding. Staff received Council input on ARPA Plan spending priorities in May and June ([June 8 Council Meeting agenda report](#)). A majority of the spending priorities were related to financial assistance and social services to those impacted by the pandemic, economic vitality, infrastructure, public safety, and technology.

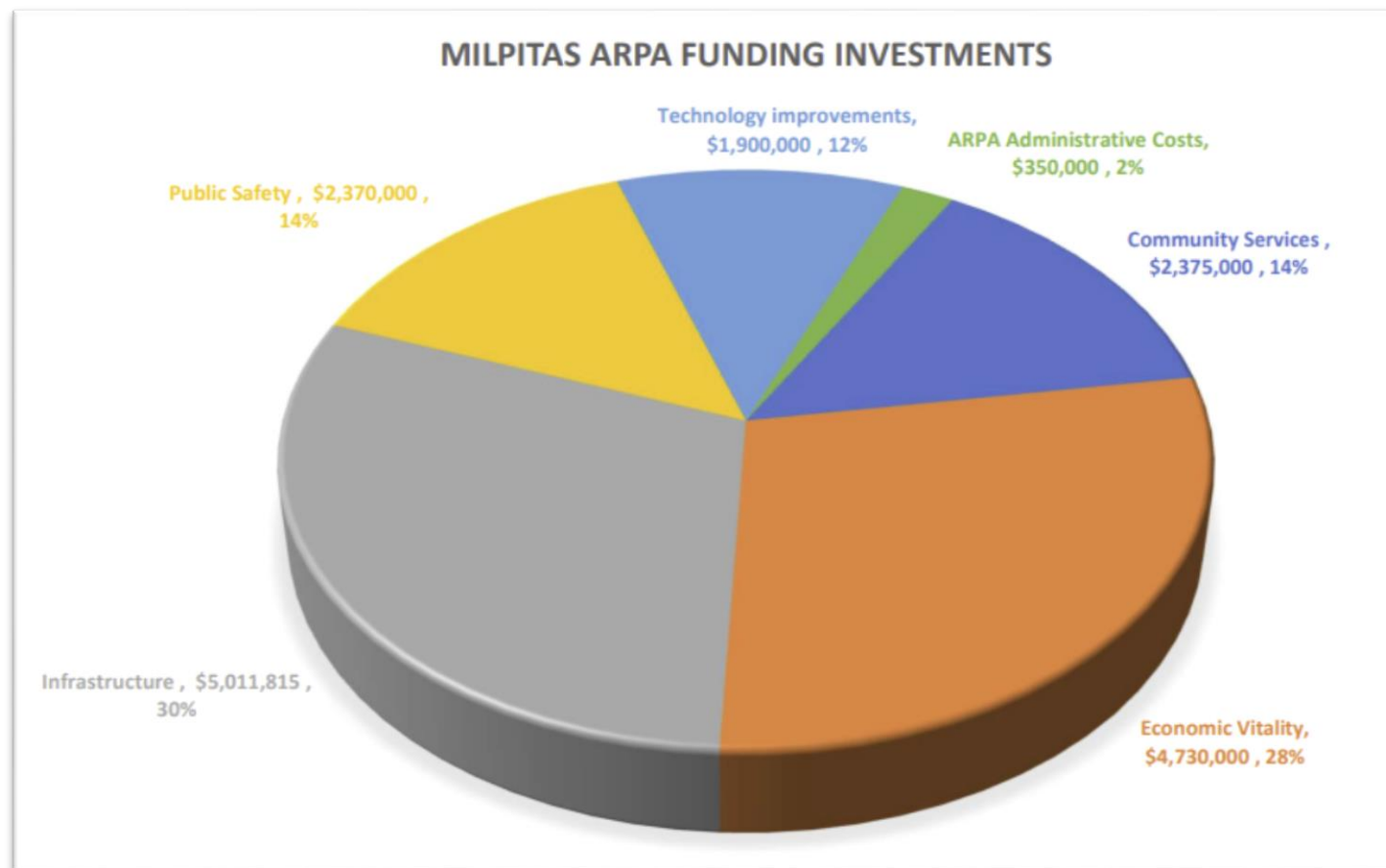
On June 21 ([link to the agenda report](#)), Council approved the ARPA Investment Framework including the Fiscal Guidelines and Five Investment Areas. Fiscal Guidelines include the following:

1. Identify and promote **other ARPA or State funding sources** to the extent possible before dedicating local ARPA funds.
2. Use one-time ARPA funds for **one-time expenditures** such as investment in infrastructure or technology with minimum ongoing operating costs.
3. **Avoid ongoing General Fund commitments** with additional programs and positions.
4. **Avoid creating a structural budget deficit** if restoring any reduced services.
5. Leverage **regional agencies, non-profit partners, and existing programs** to maximize efficiency in delivering programs and services.

On August 9 ([link to the agenda report](#)), Council approved funding for 25 programs in the ARPA Investment Plan and delegated authority to the City Manager to proceed with appropriation actions and contract approvals.

up to the approved amount for each program approved by Council, once compliance with ARPA procurement, contracting, and reporting requirements are confirmed. This will allow the funding to go to residents and businesses significantly impacted by the pandemic, in an efficient and expeditious manner.

Funding for the Five Investment areas of **Community Services**, **Economic Vitality**, **Infrastructure**, **Public Safety**, and **Technology** is as follows:



Analysis:

In accordance with the August 9 Council direction and delegation, the City Manager and staff proceeded with the various ARPA programs as summarized in this first quarterly ARPA update to the City Council. As noted in prior Council discussions related to ARPA, the adopted ARPA Investment Plan is not required to be submitted to the Department of Treasury and allows flexibility to modify programs based on evolving needs and efficiencies.

Milpitas ARPA Website

The City's Information Technology staff developed and launched the Milpitas ARPA Website ([link](#)) to provide information about the Milpitas ARPA programs and user-friendly grant application to residents, businesses and non-profits. As programs are launched, the Milpitas community is encouraged to check this website often for updates, open applications, and deadlines. In addition, staff will be conducting public outreach to increase awareness and engagement with the various Milpitas ARPA programs.

ARPA Applications

In addition to the Milpitas ARPA Website, members of the Milpitas community may apply for the Milpitas ARPA programs in-person utilizing paper applications that are available at City Hall Fiscal Services. These applications are available in the following languages: English, Spanish, Chinese, Vietnamese, Tagalog and

Korean. This approach enhances the City's reach of public members who may not have access and/or proficiency necessary for the online applications.

Program Updates

For the purpose of the quarterly ARPA updates, programs will be summarized briefly with the full program descriptions available on the August 9 agenda report ([link to the agenda report](#)) and/or the Milpitas ARPA Website ([link](#)).

Community Services (\$2,375,000)

1. Rental and mortgage assistance to low and moderate income residents (\$1,200,000)

Staff anticipates issuing the fiscal agent/administrator procurement request for proposal (RFP) in Spring 2022. Additional information on the proposed program, including program parameters, guidelines, procedures and required staffing resources will be brought forward to Council at a future date.

2. Social services (\$500,000)

Due to staff focusing on other high priority initiatives, the social services program implementation funded through ARPA is scheduled for spring 2022.

The Council allocated \$25,000 of ARPA funds to the City's Senior Nutrition program. Due to the onerous Federal procurement requirements, staff recommends allocating the ARPA funding for senior nutrition to At-Risk Youth programs and use the freed up General Fund dollars from the At-Risk Youth programs to the Senior Nutrition program. This change will allow for the Senior Nutrition and At-Risk Youth programs to be rendered with more efficiency. Staff will administer the budget amendment in accordance with the Council delegation of ARPA budget appropriation and contract authority to the City Manager on August 9, 2021.

3. Financial Assistance to Low and Moderate Income Residents (\$400,000)

Currently, the Milpitas Assistance Program (MAP) provides financial assistance for utility payments, and ARPA provides additional funding for the on-going program. Staff modified MAP to increase the utility subsidies using ARPA funds.

Due to staff focusing on other high priority initiatives, the childcare subsidy program implementation is scheduled for spring 2022. Staff needs to develop a program in compliance with U.S. Treasury Guidelines and hire temporary staff to administer this program.

4. (4a) Beautify Milpitas Program & (4b) Weed Abatement (\$190,000)

With the ARPA funding, the Beautify Milpitas Program was expanded. Staff initially utilized budgeted funds and is in the process of purchasing materials for the Beautify Milpitas Litter Kits and Graffiti Removal Kits anticipated for distribution for events scheduled for the next 6 months.

Staff has been working with the Human Resources department to hire the temporary staff to render weed abatement services. It is anticipated that temporary personnel will be hired by mid-January.

5. Pilot Curbside Trash Pick-Up Program (\$85,000)

At the December 14th City Council meeting, the City Council is scheduled to consider approval of the Fourth Amendment of Franchise Agreement between the City of Milpitas and Milpitas Sanitation, Inc. for Collection of Solid Waste and Collection and Processing of Recyclable Materials and Organic Materials. As part of the Fourth Amendment, MSI agreed to provide the curbside trash pick-up program permanently for three bulky items per household annually. If the amendment is approved, the allocated ARPA funds will not be needed, anymore; and staff will bring forward an allocation recommendation as part of the next quarterly ARPA update.

Economic Vitality (\$5,011,815)

6. Small Business Assistance Program (\$1,500,000)

Staff issued the fiscal agent/administrator procurement request for proposal (RFP) in August 2021 and are currently finalizing the vendor contract. The RFP was issued consistent with Federal 2CFR Part 200 regulations with outreach to woman and minority-owned business enterprises from a national database of such businesses. The 2022 Milpitas Small Business Assistant Grant Program outreach and program launch will begin in early 2022. Program funding and appropriation will be modified to \$1,500,000 distribution in one tranche in 2022 to enhance program effectiveness and efficiency. Staff will administer the budget amendment in accordance with the Council delegation of ARPA budget appropriation and contract authority to the City Manager on August 9, 2021.

Previously some City Council members expressed interest in providing grants to local daycare centers including commercial and home-based daycare businesses. Staff would need to explore ARPA grant eligibility for daycare businesses including federal reporting and compliance among other provisions. If the City Council is interested in providing grants to local commercial and home-based daycare businesses, the City Council should direct staff to conduct due diligence on eligibility at the Dec. 14th meeting in order to prepare for the deployment of small business grants in early 2022.

7. Assistance to Local Hotels (\$200,000)

The 20 hotels in Milpitas may apply as Milpitas ARPA beneficiaries for grant funding via the Milpitas ARPA website beginning in mid-December 2021. Outreach to hotels will occur in December and January.

8. Accessory Dwelling Units (ADU) Program (\$1,500,000)

ADUs can provide affordable housing options, foster economic growth through increased construction activity, and result in increased property values. Staff is evaluating a program that would be a combination of fee waivers to encourage new ADUs and legalization of unpermitted ADUs as well as a technology tool that would make prototype designs available and simplify the process for building ADUs. Staff anticipate providing ADU grants in spring/summer 2022. Similar to the Social Services program, in order to simplify the procurement process of the technology system, staff is evaluating other funding options and will bring forward recommendations in early 2022.

9. Main Street Revitalization (\$500,000)

A pilot storefront improvement grant program, funded by the Community Benefit fund, is currently underway. The ARPA funded storefront improvement grant program will be developed, based on lessons learned from the pilot program and will be brought forward for Council consideration in Spring 2022. \$500,000 has been allocated towards Main Street Revitalization, with \$400,000 allocated for storefront improvements and \$100,000 allocated to support ongoing activation of Main Street.

10. Community Events (\$200,000)

Per the schedule of events provided to Council as part of the August 9, 2021 ARPA staff report, the first ARPA funded event to be held is scheduled for Spring 2022 and the recruitment for an Event Program Coordinator funded through ARPA funds for FY 2021-22 is underway.

11. Financial Assistance to the Chamber of Commerce (\$200,000)

The Milpitas Chamber of Commerce (Chamber) may apply as a Milpitas ARPA beneficiary to provide support and programs Milpitas businesses. The Chamber has committed to the following events and business assistance activities: Crab Feed, Art and Wine Festival, Business Workshops, and Job Fair(s). The ARPA funding will be utilized for an Event Planner to assist with these events and activities and will be tied to performance metrics or milestones.

12. Workforce Development (\$300,000)

Staff will bring forward recommendations for workforce development programs and non-profit beneficiaries for Council consideration on December 14. Program funding and appropriation will be modified to \$150,000/annually over two years to enhance program effectiveness. Staff will administer the budget amendment in accordance with the Council delegation of ARPA budget appropriation and contract authority to the City Manager on August 9, 2021.

13. Limited term Economic Development Specialist position (\$330,000)

The two-year limited term position has been filled. The incumbent is dedicated to all the Economic Vitality ARPA programs as existing Economic Development staff is focused on other items included in the adopted Economic Development Strategy as well as business resiliency and recovery for businesses adversely impacted by COVID-19.

Infrastructure (\$5,011,815)

14. Parks Rehabilitation (\$4,386,815)

The ARPA allocation is expected to address short-term repairs and improvements at 20 of the City's 36 parks. The implementation of these repairs and improvements will address health and safety repairs and improve the condition of parks noted as in critical and poor condition per the City's Park Master Plan Update scheduled for approval at the December 14, 2021 City Council meeting. The investment of ARPA funds addresses just over half of the short-term improvements identified for the next five years.

Staff have been working through the project planning phase for use of the approved ARPA park funding. Due to staffing shortages, current workload including projects already underway, staff anticipates starting the park ARPA project design phase and presenting professional service contract(s) to the City Council for approval in Spring 2022. The project design phase will require 12-16 months to complete and then staff will issue an Invitation for Bids to construct the improvements.

15. Public Safety Facilities' Improvements (\$250,000)

One of the Fire Department's rehabilitation projects is the retrofitting of the majority of apparatuses' vehicle exhaust filtration systems, which will remove carcinogen causing particulates from the exhaust. Staff anticipates issuing the contract procurement request for proposal (RFP) in summer 2022.

16. Mobile Emergency Operations Center (\$375,000)

Staff is finalizing the procurement bid specification and researching lease/financing options versus purchasing the equipment.

Public Safety (\$2,370,000)

17. Funding for 6 Public Safety positions for One Year (\$1,200,000)

At this time, it is anticipated that the two vacant police officer positions, which were defunded as part of the approval of the FY 2021-22 Adopted Budget, will be filled in FY 2022-23. Per the Information Memorandum titled Firefighter and Firefighter/Paramedics Recruitment dated October 15, 2021, staff is

in the process of filling the four Firefighter/Paramedics positions, which were defunded as part of the approval of the FY 2021-22 Adopted Budget. Currently the candidates for these four positions are undergoing background checks and are scheduled to go through the Fire Academy starting in February 2022. Staff intends to use the ARPA allocation to fund the Academy and the salary and benefits for the recruits.

18. Fire Engine (Pumper) (\$920,000)

On August 9, Council authorized \$920,000 for 1 fire engine pumper and 4 command/deployment vehicles with the remaining costs for the acquisition of this equipment funded through community development funds, which have not been received yet. Currently, there are qualifying Federally solicited fire apparatus vendor contracts which the City may leverage to expedite the pumper purchase, which is not the case for the 4 command vehicles. After research and given the complex, time-consuming Federal procurement, staff recommends applying the \$920,000 to the 1 fire engine pumper (estimated to cost almost \$1 million) and evaluating the 4 command vehicles in the next fiscal year (2022-23) budget development.

19. Emergency Management Planning Documents (\$200,000)

On August 5, 2021 Council approved the Emergency Operations Plan (EOP). The EOP, which is the overarching emergency management document, is scheduled to include 19 annexes, which are plans written to respond to specific hazards. Staff initiated the vendor procurement request for proposal (RFP) process to identify a consultant to assist staff with the completion of some annexes.

20. Virtual Reality Simulator Training Equipment (\$50,000)

Staff continues to evaluate available systems and solicit feedback from other public safety agencies.

Technology (\$1,900,000)

21. Human Resources Information System (\$1,100,000)

Staff anticipates completing a procurement request for proposal by the end of FY21-22.

22. Financial Management System (\$100,000)

The City's financial management system is 24 years old (implemented in 1997) and needs to be evaluated for potential modernization, process improvement and efficiencies. \$100,000 funding is available for this evaluation. Staff anticipates bringing forward recommendations, based on the evaluation, for Council consideration in FY22-23.

23. Cybersecurity Improvements and Training (\$300,000)

\$300,000 was allocated for maintaining current systems to prevent cyberattacks and also to provide disaster recovery and business continuity support. Employee security training procurement is planned for winter 2021, and staff continues to research network threat remediation systems with an anticipated Spring 2022 implementation timeline.

24. Technology Improvements (\$400,000)

\$400,000 was allocated for technology improvements to enable hybrid public meetings and a hybrid work environment. 150 laptops and desktops have been procured and are in the process of being deployed.

Administration (\$350,000)

25. Administration (\$350,000)

The administration of ARPA funds and programs is complex, comprehensive and spans the length of the spending period (i.e., possibly till 2026). Treasury ARPA guidance is complex and comprehensive. Moreover, Federal funding requires that ARPA program procurement be in full compliance with the rigorous Federal 2 CFR Part 200 legislation. Following the federal procurement limits and guidelines ensures a fair and competitive procurement process. It also requires the City conduct extensive outreach to woman and minority-owned business enterprises from a national database of such businesses. Any procurement over \$10,000 requires competitive bidding with few exceptions.

Due to the complexity of the ARPA funding, monitoring and reporting requirements, staff is recommending the addition of a limited term, full time Senior Buyer position. The position will be benefited and is anticipated to be needed until the ARPA funds are expended and reporting requirements satisfied. Staff will bring the amended position resolution forward during the mid-year budget process.

Staff developed the Federal procurement process, updated contract templates consistent with 2 CFR Part 200 and consults with two Federal procurement and emergency response administrative experts. In addition to procurement, administration includes development of grant programs, applications and agreements – some of which are underway as programs are being developed and launched.

TABLE 1: SUMMARY OF ARPA INVESTMENT PLAN

No.	Program/Activity	Proposed Funding	FY 21-22 Funding	Estimated Time
Community Services				
1.	Rent relief and mortgage assistance to low and moderate income residents – related to pandemic	\$1,200,000	\$600,000	2 years
2.	Social services – mental health services, services for domestic violence and abuse victims and LGBTQ plus community, senior nutrition program	\$500,000	\$125,000	3 years
3.	Financial assistance to low and moderate income residents for utility payments, recreation classes, and digital access	\$400,000	\$100,000	3 years
4a.	Beautify Milpitas program	\$100,000	\$25,000	4 years
4b.	Weed Abatement	\$90,000	\$90,000	1 year
5.	Pilot curbside trash pickup program	\$85,000	\$85,000	3 months
	Subtotal	\$2,375,000	\$1,025,000	
Economic Vitality				
6.	Small business assistance – related to pandemic	\$1,500,000	\$1,500,000	1 year
7.	Assistance to hotels	\$200,000	\$200,000	1 year
8.	Accessory Dwelling Unit program	\$1,500,000	\$500,000	3 years
9.	Main Street Revitalization	\$500,000	\$250,000	2 years
10.	Community events	\$200,000	\$100,000	2 years
11.	Financial assistance to the Chamber of Commerce	\$200,000	\$100,000	2 years
12.	Workforce development	\$300,000	\$150,000	2 years
13.	Limited term Economic Development Specialist position	\$330,000	\$165,000	2 years
	Subtotal	\$4,730,000	\$2,165,000	
Infrastructure				
14.	Parks Rehabilitation	\$4,386,815	\$2,000,000	4 years
15.	Public Safety Facilities' Rehabilitation	\$250,000	-	1 year (FY 22-23)
16.	Mobile Emergency Operations Center (in lieu of COVID Safe Facilities Improvements)	\$375,000	\$375,000	1 year
	Subtotal	\$5,011,815	\$2,375,000	
Public Safety				
17.	Public Safety staffing (funding for 2 Police and 4 Fire positions for one year)	\$1,200,000	\$800,000	2 years
18.	Fire Vehicles (fire pumper)	\$920,000	\$920,000	1 year
19.	Implementation of High Priority Emergency Management Program Assessment Study	\$200,000	\$100,000	2 years
20.	Virtual Reality Simulator Training Equipment	\$50,000	\$50,000	1 year
	Subtotal	\$2,370,000	\$1,870,000	
Technology				
21.	Human Resources Information System	\$1,100,000	\$100,000	TBD
22.	Financial Management System	\$100,000	\$100,000	1 year
23.	Cybersecurity programs and training	\$300,000	\$100,000	4 years
24.	Technology infrastructure	\$400,000	\$200,000	4 years
	Subtotal	\$1,900,000	\$500,000	
Recommendations for Unassigned Allocation				
25.	ARPA Funds Administration	\$350,000	\$100,000	4 years
	Subtotal	\$350,000	\$100,000	
	Grand Total	\$16,736,815	\$8,035,000	

*Changes from August 9 FY21-22 Funding and/or Estimated Time in blue text.

Reporting Requirements

In addition to the procurement requirements, Treasury also has record retention and reporting requirements. Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. The City is required to submit quarterly project and expenditure reports regarding utilization of Coronavirus State and Local Fiscal Recovery Funds. Furthermore, the subaward recipients of grants greater than or equal to \$50,000 will be subject to mandatory monitoring and reporting requirements, such as project detail, expenditure reporting, additional programmatic performance indicators and others.

Key Compliance Considerations

Procurement and Contract Requirements will be governed by the “Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards” in accordance with the Code of Federal Regulation 2 CFR Part 200. This regulation will also stipulate the financial reporting and audit requirements for the federal awards. These comprehensive and strict requirements need staff resources to ensure compliance for each ARPA program/activity. The Interim Final Rule remains the guiding principles until the Final Rule is published and eligible use(s) are subject to change.

The risks of not meeting the full requirements of 2 CFR Part 200 can be significant and potentially, have ramifications such as adverse audit findings and future de-obligation (forfeiting) of federal funds. Procurement deficiencies are consistently the number one reason for de-obligations (forfeiting) of federal funds following federal audits conducted by the Office of Inspector General. For these reasons, staff analyzes the efficiency of service delivery with Federal or non-Federal funds. At times, it may be more efficient to exchange federal funding with non-federal funding sources when existing contracts may be leveraged and/or procurement can be streamlined (i.e., switching the senior nutrition program (via existing vendor contract). Staff will continue to analyze and present these opportunities to Council when appropriate.

Policy Alternative:

Alternative 1: Not approve the funding re-allocation for senior meals, workforce development and/or fire pumper.

Pros: Retains Council original August 9th direction.

Cons: May diminish the potential services and recipient benefits of the Milpitas ARPA programs.

Reason for not Recommending: It is in the best interest of the City to seek optimal services and recipient benefits of the ARPA allocations to the City to the extent possible.

Fiscal Impact:

The ARPA allocation to the City is in the amount of \$16,736,815. \$8,368,407.50 has been received on June 1, 2021 and \$8,368,407.50 is scheduled to be received in June FY 21-22. As of the date of this quarterly report, \$211,845 has been encumbered and \$41,002 expended.

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)(2) as an administrative activity which is defined in the CEQA Guidelines to include the purchase of supplies and personnel related actions. It is further exempt under CEQA Guideline 15378(b)(4) as it is a government fiscal activity that does not involve a 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, future environmental analysis will be conducted for the various potential projects prior to the City making any commitment or approval of any project, or it is covered by the CEQA Guideline 15061(b)(3) and/or 15378(b)(2).

Recommendations:

1. Receive an Update on the American Rescue Plan Act (ARPA), including compliance and reporting requirements and
2. Provide direction to staff

Attachments: