



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MAY 4, 2021

MILPITAS, CA

5:30 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

City Council meeting is held via teleconference /Zoom webinar only (no physical meeting space).
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 by first registering for the zoom meeting in advance by providing email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of Zoom Meetings. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_ukaYHD1RQjaLHHNIJ0ZL6Q

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 or staff 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. online written comment form previously used is no longer available for public comment.

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 (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director

Bargaining Units: LIUNA (MEA, MIDCON, PROTECH), MPOA, IAFF, Unrepresented

One item regarding MEA

One item regarding all groups listed

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,

Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Cost Dispute with Tributary Agencies (Burbank Sanitary District, Cupertino Sanitary District, West Valley Sanitation District, County Sanitation District 2-3) Regarding Legal Expenses

(d) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9 (d)(2)

One Potential Case

Agenda Item 18 Appeal of Planning Commission's Denial of a Site Development Permit and

Conditional Use Permit Amendment for an Automatic Car Wash at 554 South Main Street

(e) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Legal Risk Associated with Potential Hazard Pay Ordinance

(f) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor Rich Tran

Employee: City Attorney

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 (7:00 PM)

INVOCATION (Councilmember Chua)

PRESENTATIONS

- National Mental Health Awareness Month (Proclamation)
- Older Americans Month (Proclamation)
- Asian Pacific American Heritage Month (Proclamation)
- Economic Development Week (Proclamation)

PUBLIC FORUM

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

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:15 PM)

Members of the City Council may make brief announcements or 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 subsequent 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 City Council Calendar of Meetings for May 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

C2. Approve City Council meeting minutes of the April 20, 2021, Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve meeting minutes of the April 20, 2021, Regular City Council Meeting.

C3. Waive the Second Reading and Adopt Ordinance No. 38.841 Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Off-Street Parking Requirements for Hotels and Other Lodging Uses (Staff Contact: Rozalynne Thompson, Senior Planner, 408-586-3278)

Recommendation: Move to waive the second reading and adopt Ordinance No. 38.841 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to off-street parking requirements for hotels and other lodging uses.

C4. Move to Waive the Second Reading and Adopt Ordinance No. 209.5 to the Milpitas Municipal Code (Staff Contact: Steve Erickson, City Engineer/Engineering Director 408-690-7121)

Recommendation: Move to waive the second reading beyond the title and adopt Ordinance No. 209.5 amending a section of Title XI of the Milpitas Municipal Code.

C5. Adopt a Resolution Granting Acceptance of Trash Removal Devices, Phase 2, Project No. 3713, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City Engineer to Issue a Notice of Final Acceptance (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Adopt a Resolution Granting Acceptance of Trash Removal Devices, Phase 2, Project No. 3713, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City Engineer to Issue a Notice of Final Acceptance.

- C6. Adopt a Resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 to be Funded by SB1 The Road Repair and Accountability Act of 2017 Funding (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a Resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 to be Funded by SB1 The Road Repair and Accountability Act of 2017 Funding.

- C7. Adopt a Resolution to Approve Project Plans and Specifications for Street Resurfacing Project 2021, City Project Nos. 4283 & 4298; Award Construction Contract to DeSilva Gates Construction, LP for Street Resurfacing Project 2021, City Project Nos. 4283 & 4298, Federal Project No. STPL-5314(012); and Approve Related Budget Appropriations (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a Resolution to: (1) Approve Street Resurfacing Project 2021 Plans & Specifications; (2) Award the Construction Contract to DeSilva Gates Construction, LP, in the amount of \$2,388,223.00 for the Street Resurfacing Project 2021, City Project Nos. 4283 & 4298, Federal Project No. STPL-5314(012); (3) Authorize the City Manager to Execute the Construction Contract with DeSilva Gates Construction, LP; (4) Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$238,822.30 for the Project; (5) Approve \$916,488 Budget Appropriation of One Bay Area Grant Cycle 2 (OBAG2) to CIP 4298; and (6) Approve \$127,586 Budget Appropriation of Transportation Development Act (TDA) Article 3 Grant to CIP 4283.

- C8. Adopt a Resolution of Intent to Annex Property Located at 1380-1400 South Main Street into Community Facilities District No. 2008-1 and Set a City Council Public Hearing Date of June 15, 2021, to Consider the Annexation (Annexation No. 21) (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Adopt a Resolution of Intent to Annex Property Located at 1380-1400 South Main Street into Community Facilities District No. 2008-1 and Set a City Council Public Hearing Date of June 15, 2021, to Consider the Annexation (Annexation No. 21).

- C9. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Municipal Plan Check Services for Building Safety Services for a Total Amount Not to Exceed \$295,000 (Staff Contact: Sharon Goei, Building, Safety, and Housing, 408-586-3260)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Municipal Plan Check Services for building safety services, increasing the total not-to-exceed amount from \$95,000 to 295,000.

- C10. Approve and Authorize the City Manager to Execute Two Agreements and related amendments with the County of Santa Clara for (1) Collection of AB939 Implementation Fees and for (2) Administration of the Countywide Household Hazardous Waste (HHW) Collection Program (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)**

Recommendation: Approve and Authorize the City Manager to Execute Two Agreements and related amendments with the County of Santa Clara for (1) Collection of AB939 Implementation Fees and for (2) Administration of the Countywide Household Hazardous Waste (HHW) Collection Program covering July 1, 2021 – June 30, 2024.

- C11. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Maintenance Services Agreement with Executive Facilities Services for Daytime Custodial Services (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and Authorize the City Manager to execute the amendment with Executive Facilities Services for Daytime Custodial Services in the amount of \$144,000 for Daytime Custodial Services, for a new contract amount not-to-exceed of amount \$239,000 and extend the agreement term through December 31, 2021.

- C12. Approve and Authorize the City Manager to Execute Amendment No.2 to the Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas, for Joint Use Areas of McCandless Park and Mabel Mattos School (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Approve and Authorize the City Manager to Execute Amendment No.2 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

- C13. Receive Monthly Report for Unhoused Services (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Receive March 2021 report for unhoused services.

- C14. Adopt modifications to the City Council's Alcoholic Beverage Purchase and Consumption Policy (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Recommendation: Adopt modifications to the City Council's Alcoholic Beverage Purchase and Consumption Policy.

- C15. Approve and Authorize the Mayor to Sign a Letter Opposing Proposed Increases to Santa Clara Valley Water District's Groundwater Production Charges (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Approve and Authorize the Mayor to sign a letter of opposition to Santa Clara Valley Water District's Increases to Groundwater Production Charges.

PUBLIC HEARINGS (7:35 PM)

- 16. Conduct a Public Hearing to Discuss Allocation Amounts for FY21-22 Community Development Block Grant Funding and to Approve an Amendment to the FY20-21 Annual Action Plan (Staff Contact: Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Recommendation: Move to continue the public hearing to May 7, 2021 at 3:00 PM.

- 17. Vehicle Miles Traveled Policy to Implement Senate Bill 743 (Staff Contact: Ned Thomas, Director of Planning, 408-586-3273)**

Recommendation: Move to continue the public hearing to the regular City Council meeting of May 18, 2021.

- 18. Conduct a Public Hearing and Consider Adopting a Resolution Denying the Appeal and Upholding the Planning Commission's Denial of a Site Development Permit and Conditional Use Permit Amendment to Demolish an Existing Manual Coin-operated Car Wash and Construct a New, Fully Automatic 3,189-square foot Car Wash with an Additional 2,301-square foot Canopy Area on a .46 Acre Site Located at 554 South Main Street (Staff Contact: Rozalynne Thompson, Senior Planner, 408-586-3278)**

Recommendations: (1) Conduct a public hearing, receive public comment, and move to close the hearing; and (2) Adopt a Resolution denying the appeal and upholding Planning Commission's denial of a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) and an increased front setback of 37 feet, 7 inches.

- 19. Adopt a Resolution Approving the Fiscal Year 2021-22 Master Fee Schedule (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)**

Recommendation: Adopt a Resolution Approving the Fiscal Year 2021-22 Master Fee Schedule

COMMUNITY DEVELOPMENT (9:15 PM)

- 20. Receive Report on the Community Identification and Brand Study (Phase II) and Provide Direction on the Community Mark/Logo and the Evaluation and Exploration of the City Seal/The Minuteman (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Recommendations: (1) Receive report on the Community Identification and Brand Study (Phase II); (2) provide direction to staff on the Community Mark/Logo for Citywide use; and (3) provide direction to staff on the evaluation and exploration of the City Seal/The Minuteman.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:45 PM)

- 21. Receive an Update and Presentation from Santa Clara Valley Water District Staff on Flood protection projects within the City of Milpitas (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Receive an Update and Presentation from Santa Clara Valley Water District Staff on Flood Protection Projects within the City of Milpitas.

LEADERSHIP AND SUPPORT SERVICES (10:05 PM)

- 22. FY 2020-21 Third Quarter Financial Status Report (Staff Contact: Lauren Lai, Finance Director/Risk Manager, 408-586-3111)**

Recommendation: Review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending March 31, 2021.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (10:30 PM)

- 23. Receive and Direct Staff on 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 on a form, at a Council meeting, or through the City Manager. Direct items to a City Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. 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.

24. Per Mayor Tran, Discuss and Provide Direction to Staff on Potential Hero/Hazard Pay Ordinance (Contact: Mayor Tran, 408-586-3029)

NEXT AGENDA PREVIEW (10:55 PM)

25. Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on May 18, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive list of anticipated agenda items for the May 18, 2021 regular City Council meeting.

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 408-586-3003 for more information.

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

April 2021						
S	M	T	W	T	F	S
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Milpitas City Council Calendar

May 2021

June 2021						
S	M	T	W	T	F	S
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20	21	22	23	24	25	26
27	28	29	30			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 5:30 PM -Park Marker (PRCR) Subcommittee 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	4 5:30 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) 6:00 PM -Climate Action Plan Virtual Workshop	7 3:00 PM -Special City Council	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 -Special Council Meeting – Budget Study Session	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) 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 -City Council Finance Subcommittee (RT/CM)	15
16	17 5:30 PM -Science, Technology, and Innovation Commission (RT) 7:00 PM -Library and Education Commission (EC)	18 7:00 PM -Closed Session 7:00 PM -City Council	19 6:00 PM -Energy and Environmental Sustainability Commission (EC)	20 4:00 PM -Treatment Plant Advisory Committee (CM) 6:30 PM -Bay Area Water Supply Conserv Agency (CM) 7:00 PM -Public Safety and Emergency Preparedness Commission (KD)	21	22
23	24 5:30 PM -Park Marker (PRCR) Subcommittee 7:00 PM -Arts Commission (RT)	25 5:30 PM -Affordable Housing and Building Safety Month Virtual Event	26 7:00 PM -Planning Commission	27 4:00 PM -Silicon Valley Regional Interoperability Authority (SVRIA) (KD) 6:00 PM -Main Street Community Conversations – Conversations about Housing	28 4:00 PM -City/School Collaborative Subcommittee (RT/CM)	29
30	31  City Hall Closed					

**Finance Subcommittee will meet only as needed*

CITY OF MILPITAS MEETING MINUTES

Minutes of: Meeting of the Milpitas City Council
and the Public Finance Authority
Date: Tuesday, April 20, 2021
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 6:00 PM. City Clerk Wood called the roll. The meeting took place via teleconference/zoom webinar.

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

ABSENT: None

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Jeannine Seher, Human Resources Director
Bargaining Units: LIUNA (MEA and ProTech)

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,

Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Cost Dispute with Tributary Agencies (Burbank Sanitary District, Cupertino Sanitary District, West Valley Sanitation District, County Sanitation District 2-3)
Regarding Legal Expenses

(d) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code §54956.9(d)(1)

Alok Jain, et al. vs. City of Milpitas, et al; Santa Clara County Superior Court, Case No. 18CV325365

(e) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9 (d)(2)

One Potential Case

Agenda Item 22 Appeal of Planning Commission's Denial of a Site Development Permit and Conditional Use Permit Amendment for an Automatic Car Wash at 554 South Main Street

City Council reconvened to the public portion of the meeting at 7:15 PM.

**CLOSED SESSION
ANNOUNCEMENT**

City Attorney Diaz announced that the City Council provided direction to staff in Closed Session but there was no reportable action.

PLEDGE

Mayor Tran led all in the Pledge of Allegiance.

INVOCATION

Councilmember Dominguez introduced Emerald Rubio and asked her to lead the Invocation.

PRESENTATION

Mayor Tran proclaimed April 22, 2021, as Earth Day, proclaimed May as Affordable Housing and Building Safety Month, and proclaimed April as National Autism Acceptance Month and Parkinson's Awareness Month.

PUBLIC FORUM

The following spoke during Public Comment:

1. Voltaire Montemayor
2. Emerald Rubio

**ANNOUNCEMENTS &
FUTURE AGENDA ITEMS**

City Manager McHarris announced the following:

1. The City is hosting a climate reality presentation this Thursday, April 22, at 6:00 p.m. Everyone is encouraged to join and learn about modeling the effect of climate-conscience behavior and policymaking. You can register to participate by following the link on the Earth Day page on the City's website.
2. Planning and Economic Development have teamed together in hosting the first of three virtual "community conversations" related to the revitalization of Main Street. The first conversation will be next Thursday, April 29, at 6:00 p.m. It will be focused on Business and Economic Development. The next conversation will be in May and will focus on issues and opportunities related to housing. The third conversation will be in June which will focus on historic resources. You can participate by registering for any of these events on our City's webpage. Everyone is invited to participate. Simultaneous translation will be provided in both Spanish and Vietnamese.
3. The first Milpitas Santa Clara County Mobile Vaccination site will be at the Milpitas Sports Center supported by the Recreation and Community Services Department. The new vaccination site will provide 500 vaccinations on Wednesday, April 28 in an all-day vaccination clinic. The site is run by Santa Clara County and is primarily walk-up; however, 100 vaccines will be reserved for the at-risk and most vulnerable residence. They are being coordinated through our recreation community services, social services staff, and our non-profit community partners. Additional site dates and locations are also being discussed and those dates will be made available soon.
4. The budget survey is still open, and we encourage everyone who has not had a chance to take the Milpitas budget challenge to visit the City's website and follow the link provided. The survey closes on April 30. Your feedback will be submitted to the City Council to help guide the annual budget development process as part of the May 11 Budget Study Session.

Mayor Tran spoke about the vaccinations and how the City has shifted from testing to taking part in the vaccination process. He stated that this will be a positive impact on the community and encouraged everyone to get a vaccination.

Mayor Tran stated that he spoke with a local worker's group and made a request to agendize emergency grocery worker's pay as a temporary emergency item. He would like to see this policy be for larger corporations, not small businesses. He stated that he would send more information and have it agendized for the next meeting.

Councilmember Chua spoke about the following:

1. The Youth Advisory Commission is hosting its first event tomorrow April 21. The event is "Mental Health Awareness Huddle" and will take place from 5:00 – 6:00 p.m. via Zoom.

2. Valley Water has an opportunity for low-income seniors to reduce their property tax. There is an exemption for 65 and older if the household is not making more than \$60,330. Qualified residents could reduce their parcel tax by approximately \$60. She requested that staff inform residents on social media.
3. Requested a closed session presentation from a member of the executive team to receive an update on the City's preparedness against cyber-crime and stated that she would like it soon.

Councilmember Phan requested that the City Council consider adopting an American with Disabilities Act (ADA) plan as part of the Capital Improvement Plan (CIP) discussions. He would like the sidewalks and public infrastructure to be earmarked to have legal protection and ensure that people under the ADA have adequate necessities.

Vice Mayor Montano spoke about the following:

1. Mini-libraries and how they can help increase literacy with children and close the achievement gap. She requested that the City have mini-libraries in the low-income areas of the City.
2. Earth Day clean-up and requested that the Recreation Department coordinate one in the future.
3. Santa Clara Valley Water increasing water rates and requested that the City write a letter to Santa Clara Valley Water to strongly oppose a rate increase.
4. Santa Clara Valley Transportation "bike to anywhere" and would like to have an event in the City of Milpitas in the future to help bring the community together. She also commented on the former bicycle transportation commission and requested that it be incorporated in another commission.

Mayor Tran requested that the library item go to the Library and Education commission and the bicycle item go to the Parks, Recreation, and Cultural Resources commission.

Councilmember Dominguez asked for consideration and support for a policy on human trafficking awareness training, modeling the program Santa Clara County Valley Transit Authority (VTA) has in place. She requested support for a policy that makes human trafficking training mandatory in the hospitality industry and would like this item to move forward for discussion and action. City Attorney Diaz stated that he would review the VTA policy to verify if it is legal and work with the City Manager to add the item to the Councilmembers request list if appropriate.

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 or reportable campaign contributions. By roll call, no conflicts of interest or contributions were reported.

CODE OF CONDUCT

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Mayor Tran stated that item 22 would be continued to May 4, 2021.

Councilmember Dominguez asked that item 29 be moved up on the agenda.

Motion: to approve the April 20, 2021, meeting agenda, noting that item 22 to conduct a public hearing and consider adopting a resolution denying the appeal and upholding the Planning Commission's denial of a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area on a .46 acre site located at 554 South Main Street, will be continued to the May 4, 2021, City Council meeting and item 29 will be moved up on the agenda to be heard after item 24.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5

NOES: 0

CONSENT CALENDAR

Mayor Tran asked to move items 28 and 30 to the consent calendar.

Councilmember Chua commented on item 18, thanking the local businesses that help support emergency hotel stays for the unhoused and staff for making her proposal implementable and legally compliant.

Vice Mayor Montano asked to pull items C3 and C4 off of the Consent Calendar for discussion.

The following items were added to the Consent Calendar:

1. Agenda Item No. 29: Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers
2. Agenda Item No. 30: Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on May 4, 2021

The following items were removed from the Consent Calendar:

1. Agenda Item No. C3: Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to Gizmo Art Productions, Inc.; and Authorize Consulting Services Agreement Amendment No. 4 with Page & Turnbull, Inc., for the Alviso Adobe Renovation, (Phase V – Exhibits), Project No. 5055
2. Agenda Item No. C4: Adopt a Resolution to Approve Project Plans & Specifications; Award the Construction Contract to McGuire and Hester; and Authorize Design Services Agreement Amendment No. 3 with IBI Group Architectural Planning for McCandless Park, Project No. 2005, 5102, 7076

Motion: to approve the modified Consent Calendar, including Items No. C1, C2, C5 – C21, and Items No. 28 and 30.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

C1. Council Calendar	Received the City Council calendar of upcoming meetings for April and May 2021.
C2. Meeting Minutes	Approve meeting minutes of the April 6, 2021, Regular City Council Meeting.
C3. Resolution - Approve Project Plans, Specifications, and Construction Contract for the Alviso Adobe Renovation	Removed from the Consent Calendar for discussion by Vice Mayor Montano.
C4. Resolution - Approve Project Plans, Specifications; and Construction Contract and Design Services Agreement Amendment for McCandless	Removed from the Consent Calendar for discussion by Vice Mayor Montano.
C5. Resolution – Releasing Unclaimed Checks and Credits with a Value less than \$15	Adopted Resolution No. 9058 , releasing unclaimed checks and credits with a value less than \$15 and transfer a total of \$1,561.10 in unclaimed checks and credits to the General Fund.

C6. Letter of Support for Assembly Bill No. 271 - Anderson Dam Project	Authorized the Mayor to send a letter of support for Assembly Bill No. 271 in support of the Anderson Dam Project.
C7. Stormwater Management Facilities Operation and Maintenance Agreement - 765 Montague Expressway	Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Lago Vista Milpitas, LLC for the Edge Project at 765 Montague Expressway.
C8. Stormwater Management Facilities Operation and Maintenance Agreement - 80 Cedar Way	Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas Phase I, LP for the South Main Senior Lifestyles Project at 80 Cedar Way.
C9. Stormwater Management Facilities Operation and Maintenance Agreement - 1401 South Milpitas Blvd.	Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Pulte Home Corporation for the Metro Project at 1401 South Milpitas Boulevard.
C10. Improvement Agreement Building Development at 205 N. McCarthy Blvd.	Approved and authorized the City Manager to execute the Improvement Agreement between the City of Milpitas and Bridge Point Milpitas LLC.
C11. Amendment No. 1 to the Fee Reimbursement Agreement with Anton Milpitas 730 LLC and Anton Milpitas 750 LLC	Approved and authorized the City Manager to execute Amendment No. 1 to the Fee Reimbursement Agreement with Anton Milpitas 730 LLC and Anton Milpitas 750 LLC for reimbursement for the actual cost of crosswalk improvements on E. Capitol Avenue, and approve the budget appropriation of \$145,000 from TASP to the non-departmental operating budget.
C12. Fee Credit Agreement Amendment for Transit Area Specific Plan Public Facilities and Public Improvements - 1425 S. Milpitas Blvd	Approved and authorized the City Manager to execute the Fee Credit Agreement Amendment for Transit Area Specific Plan Public Facilities and Public Improvements at the 1425 S. Milpitas Blvd. project by Pulte Homes Corporation, and approve the budget appropriation of \$242,000 from TASP to a non-departmental operating budget.
C13. Improvement Agreement Parking Lot Development at 1207 N. McCarthy Blvd.	Approved and authorized the City Manager to execute the Improvement Agreement between the City of Milpitas and Creekside Milpitas 3, LLC.
C14. Five-Year General Services Agreement with DataProse LLC	Approved and authorized the City Manager to execute the five-year General Services Agreement with DataProse LLC to provide utility bill printing and mailing services for the amount not to exceed \$337,150.
C15. Professional Services Agreement with David J. Powers & Associates, Inc. for the S. Milpitas Boulevard Bridge, Project No. 2016	Approved and authorized the City Manager to execute a Professional Services Agreement with David J. Powers in the amount of \$184,785 for environmental review and permitting services for the S. Milpitas Boulevard Bridge and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek Projects, Project No. 2016 and 2018.
C16. Increase the Purchasing Amount with Crayon Software Experts LLC	Increased the purchasing amount for \$277,620.00 with Crayon Software Experts LLC by \$32,285 to cover the cost of 75 additional Microsoft Office 365 licenses.
C17. Authorize Auction of One Surplus Ford 675D Tractor/Backhoe (300U)	Authorized the Purchasing Agent to sell a Ford 675D Tractor/Backhoe (300U) at auction as surplus City property.
C18. Accept Robson Homes Donation of \$5,000	Accepted a \$5,000 donation from Robson Homes to Recreation and Community Services' Social Services Programs for the purpose of providing emergency housing for

unhoused persons and approved an appropriation of \$5,000 from donations to community promotions for FY 2021-22.

C19. Authorize the Mayor to send a letter opposing Senate Bill 278

Authorized the Mayor to send a letter opposing Senate Bill 278 - Public Employees' Retirement System: Disallowed Compensation. Benefit Adjustments.

C20. Authorize the Mayor to Send a Letter Opposing Senate Bill 210

Authorized the Mayor to send a letter opposing Senate Bill 210 relating to Automated License Plate Recognition Systems: Use of Data.

C21. Accept Commissioner Resignation

Accepted commissioner Ashish Kathapurkar's resignation from the Community Advisory Commission and confirm the noticing of the unscheduled vacancy.

PUBLIC HEARINGS

22. Resolution - Denying the Appeal and Upholding the Planning Commission's Denial of a Site Development Permit and Conditional Use Permit Amendment on Site Located 554 South Main Street

This item was continued to the May 4, 2021, City Council meeting during the approval of the agenda as follows:

Motion/Second: Mayor Tran / Councilmember Chua

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

23. Ordinance - Amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code

(1) Motion: to open the public hearing.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

Engineering Director/City Engineer Erickson presented the report on amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code.

The following spoke during Public Comment:
1. Voltaire Montemayor

(2) Motion: to close the public hearing.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 Councilmember Chua

After Council discussion, City Attorney Diaz read aloud the title of Ordinance No. 209.5 "An Ordinance of the City Council of the City of Milpitas amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code."

(3) Motion: to waive the first reading beyond the title and introduce Ordinance No. 209.5 amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code.

Motion/Second: Vice Mayor Montano / Councilmember Chua

Motion carried by a vote of:

AYES: 5
NOES: 0

24. Ordinance No. 38.841
Amending Sections of
Chapter 10 of Title XI of the
Milpitas Municipal Code
Relating to Off-Street
Parking Requirements for
Hotels and Other Lodging

Planning Director Thomas introduced the item and gave a brief background. Senior Planner Thompson presented the staff report for Ordinance No. 38.841 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to off-street parking requirements for hotels and other lodging uses. Consultant Holly Pearson from Michael Baker International provided additional information.

(1) Motion: to open the public hearing.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5
NOES: 0

The following spoke during Public Comment:

1. Voltaire Montemayor

(2) Motion: to close the public hearing.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 5
NOES: 0

After Council discussion, City Attorney Diaz read aloud the title of Ordinance No. 38.841 "Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Off-Street Parking Requirements for Hotels and Other Lodging Uses and Making Findings of CEQA Exemption."

(3) Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.841 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to off-street parking requirements for hotels and other lodging uses and making findings of CEQA exemption.

Motion/Second: Mayor Tran / Councilmember Chua

Motion carried by a vote of:

AYES: 4
NOES: 1 Councilmember Dominguez

COMMUNITY DEVELOPMENT

25. Receive report on Main
Street Revitalization

Assistant City Manager Kantak presented the staff report on Main Street revitalization providing information on the short-term approach and long-term strategy.

The following spoke during Public Comment:

1. John Agg
2. Voltaire Montemayor
3. Urviskumar Mehta

Council discussed some concerns with the project, had a consensus that they would like the plan to include long-term permanent items, and provided direction to have the Vice Mayor and Mayor, work with the City Manager or Assistant City Manager to bring back another version of this plan.

Motion: to move this item forward to the next available council meeting.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of:

AYES: 5
NOES: 0

**COMMUNITY SERVICES AND
SUSTAINABLE
INFRASTRUCTURE**

26. Amandalynn Design
Proposal for Montague
Pedestrian Overcrossing
Public Art Selection

Director of Recreation and Community Services Lorentzen introduced the item. Milpitas Community Services Engagement and Inclusion Administrator McLane presented the staff report on the public art proposal candidates for the Montague Pedestrian Overcrossing Public Arts Project.

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. John Agg
3. Voltaire Montemayor

Council commented on concerns with the design proposals, discussed the City doing more community engagement to get additional input, and provided direction to staff to bring this item back to a future meeting with each of the design proposals the commission reviewed along with feedback from the community.

No motion was made for this item.

**LEADERSHIP AND SUPPORT
SERVICES**

27. Legislative Advocacy Policy
and Legislative Guiding
Principles

Assistant City Manager Kantak presented the staff report on a proposed Legislative Advocacy Policy and Legislative Guiding Principles.

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor

Motion: to move forward with the proposed Legislative Advocacy Policy and Legislative Guiding Principles and bring back for Council consideration.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of:

AYES: 5
NOES: 0

**ITEMS PULL OFF OF
CONSENT CALENDAR**

- C3. Resolution - Approve
Project Plans,
Specifications, and
Construction Contract for
the Alviso Adobe
Renovation

Vice Mayor Montano asked a clarifying question.

Engineering Director/City Engineer Erickson responded.

Motion: (1) to adopt **Resolution No. 9056** to approving project plans and specifications; (2) award the construction contract to the lowest responsible bidder submitting a responsive bid Gizmo Art Productions in the amount of \$792,573; (3) authorize the City Manager to execute the construction contract with Gizmo Art Productions; (4) authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$198,000 for the Alviso Adobe Renovation (Phase V – Exhibits), Project No. 5055; and (5) approve and authorize the City Manager to execute Amendment No. 4 to the Consulting Services Agreement with Page & Turnbull, Inc. to increase compensation by \$10,000 for construction support services.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by a vote of:

AYES: 5
NOES: 0

C4. Resolution - Approve Project Plans, Specifications; and Construction Contract and Design Services Agreement Amendment for McCandless	Vice Mayor Montano asked a clarifying question. Engineering Director/City Engineer Erickson responded. Motion: to (1) adopt a Resolution No. 9057 to approve project plans & specifications; (2) award the construction contract to the lowest responsible bidder submitting a responsive bid, McGuire and Hester, in the amount of \$6,303,700; (3) authorize the City Manager to execute the construction contract with McGuire and Hester; (4) authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$945,000 for McCandless Park, Project No. 2005, 5102, 7076; and (5) approve and authorize the City Manager to execute Amendment No. 3 to the Design Services Agreement with IBI Group Architecture Planning for construction support services. Motion/Second: Vice Mayor Montano / Mayor Tran Motion carried by a vote of: AYES: 5 NOES: 0
<u>REPORTS</u>	
C28. List of Agenda Items Requested by City Councilmembers	Reviewed the list of items that have been requested by City Councilmembers This item was moved onto the Consent Calendar and approved as follows. Motion/Second: Mayor Tran / Councilmember Chua Motion carried by a vote of: AYES: 5 NOES: 0
*29. Discuss Distribution of COVID-19 Vaccines and Consider Drafting a Letter to the County of Santa Clara	councilmember Dominguez provided a memo that was distributed as an additional attachment. She resented information on COVID-19 Vaccines, the Santa Clara County mobile vaccination site, and discussed submitting a formalized letter to Santa Clara County. The following spoke during Public Comment: 1. Voltaire Montemayor 2. Urvishkumar Mehta Council discussed the mobile vaccination site at the Milpitas Sports Center, partnerships with other organizations, the availability of information in other languages, and how the City can partner with the County to support them in their efforts. <u>Motion</u>: to direct the City Manager to write a formal letter to thank the County for the partnership with the new mobile vaccination site at the Milpitas Sports Center. Councilmember Phan requested the letter include an inquiry about language disparity, asking the County if they plan to address it in Milpitas specifically, and find out how the City can add to the partnership. Motion/Second: Mayor Tran / Councilmember Chua Mayor Tran and Councilmember Chua accepted the request as a friendly amendment to the motion. Motion carried by a vote of: AYES: 5 NOES: 0
*This item was taken out of order after Item 24	
C30. Preview Agenda Items	Received a list of anticipated agenda items for the April 20, 2021, regular City Council meeting.

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Chua

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

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:15 PM.

Draft meeting minutes submitted by City Clerk, Wendy Wood



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive the Second Reading and Adopt Ordinance No. 38.841 Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Off-Street Parking Requirements for Hotels and Other Lodging Uses
Category:	Public Hearings-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Rozalynne Thompson, Senior Planner, 408-586-3278
Recommendation:	Move to waive the second reading and adopt Ordinance No. 38.841 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to off-street parking requirements for hotels and other lodging uses.

Background:

This Ordinance was introduced at the April 20, 2021 City Council meeting. The Ordinance is now ready for its second reading and adoption.

Fiscal Impact:

There is no fiscal impact to the proposed Ordinance adoption.

California Environmental Quality Act:

Adoption of the proposed Ordinance would not be an activity with potential to cause significant effect on the environment because it lowers the required number of parking spaces for hotels, motels, and similar lodging uses and would encourage guests walk or use public transit, guest shuttles, or bicycles instead of driving and parking a private/rental vehicle on site, thereby lowering the number of vehicle trips corresponding to each hotel room.

Moreover, the introduction and adoption of this Ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) because the proposed ordinance creates incentives for new development to improve access to and use of public transit, shared passenger shuttles, bicycling, and walking as alternatives to driving private vehicles, consistent with several General Plan policies. Therefore, the proposed Amendment is consistent with the General Plan. Therefore, the proposed Amendment is consistent with the General Plan and is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines.

Recommendation:

Move to waive the second reading and adopt Ordinance No. 38.841 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to off-street parking requirements for hotels and other lodging uses.

Attachments:

1. Ordinance No. 38.841

REGULAR

NUMBER: 38.841

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTIONS OF CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO OFF-STREET PARKING REQUIREMENTS FOR HOTELS AND OTHER LODGING USES AND MAKING FINDINGS OF CEQA EXEMPTION

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of April 20, 2021, upon motion by Mayor Tran and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City’s Zoning Code, Chapter 10 of Title XI of the Milpitas Municipal Code, contains minimum off-street parking requirements for new development projects and for expansions or changes to existing properties based on the type of land use, which are intended to ensure an adequate supply of parking to serve residences, businesses, and other establishments; and

WHEREAS, Planning Department staff have observed, based on recent applications for new hotel development projects, that the current off-street parking requirements for hotels in the Zoning Code are excessive compared to the actual demand for parking at hotels in the City, causing an inefficient use of land on sites of new hotel projects and an unnecessary burden and expense for developers of hotel projects; and

WHEREAS, travel patterns and preferences for business and leisure travelers in the San Francisco Bay Area have shifted in recent years, away from traveling by or renting private vehicles and toward using on-demand rideshare services such as Uber and Lyft and/or using public transportation such as BART and VTA Light Rail; and

WHEREAS, according to the Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition, the peak period parking demand for hotels (based on survey data for actual hotels) is 0.64 parking spaces per occupied hotel room in urban areas, and 0.9 parking spaces per occupied hotel room in suburban areas; and

WHEREAS, according to the ITE Parking Generation Manual, 4th Edition, the average weekday hotel occupancy rate ranges from 62 percent to 69 percent, and the average weekend hotel occupancy rates are 72 percent on Saturdays and 51 percent on Sundays; and

WHEREAS, Planning Department staff has consulted with developers of recent hotel projects in Milpitas to seek input about actual parking demand for hotels and possible approaches to amending the City’s off-street parking requirement for hotels, including incentives for parking demand management measures to be incorporated into hotel development projects; and

WHEREAS, parking demand management measures, such as shared parking programs, shared transportation shuttles, shared bicycles, and methods to lower to cost and increase the convenience of using public transportation, have been shown to be effective in reducing the demand for parking for a variety of residential and commercial land uses; and

WHEREAS, the City has prepared a Zoning Amendment (“Amendment”) to Title XI, Chapter 10 of the City’s Municipal Code, including refinements to Section 2 (“Definitions”) and Subsection 53.09 (“Off-Street Parking Required by Land Use”) and a new Subsection 53.15 (“Allowed Reductions to Required Parking for Lodging Uses”); and

WHEREAS, the proposed amendments reduce the base requirement for off-street parking for hotels, motels and other lodging uses and allows for further discretionary reductions to required off-street parking through implementation of parking demand management measures; and

WHEREAS, on February 24, 2021, the Planning Commission for the City of Milpitas held a lawfully noticed public hearing to solicit public comment and consider the proposed Amendment, take public testimony, and make a recommendation to the City Council on the project; and

WHEREAS, this Ordinance is exempt from the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”), each as a separate and independent basis, pursuant to CEQA Guidelines Section 15183 (projects consistent with the General Plan) and Section 15061(b)(3) (no possibility of significant environmental effect).

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

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Based on its review of the entire record, including the staff report, public comments and testimony presented to the Planning Commission and City Council, and the facts outlined below, the City Council hereby finds and determines that this ordinance is categorically exempt from the California Environmental Quality Act under CEQA Guidelines, §15061(b)(3), also known as the “common sense exemption”, which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. This Ordinance would reduce the required number of parking spaces for hotels, motels and other lodging uses. Under the standard, widely used methodology for evaluating potential traffic impacts of proposed development projects, the number of vehicle trips associated with a hotel is based on the number of guest rooms, not by the number of parking spaces; therefore, this ordinance would not result in any increase in vehicle trips or traffic impacts associated with hotel development projects. The number of vehicle trips associated with a hotel would either remain the same (e.g., if hotel guests travel locally by taxi or on-demand rideshare service such as Uber or Lyft instead of driving their own private or rental vehicle) or decrease (e.g., if hotel guests travel locally via shuttle service, public transit, walking or bicycling instead of driving their own private or rental vehicle). Therefore, it can be seen with certainty that there is no possibility that this Ordinance would have a significant effect on the environment; accordingly, this Ordinance is exempt from CEQA review.

Moreover, the City Council hereby finds that the introduction and adoption of this Ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Section 15183 of the CEQA Guidelines provides that projects that are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Circulation Element has several policies and guidelines related to encouraging and promoting multimodal transportation in Milpitas, including public transit and non-motorized travel modes such as bicycling and walking. The proposed ordinance creates incentives for new development to improve access to and use of public transit, shared passenger shuttles, bicycling, and walking as alternatives to driving private vehicles. Therefore, the proposed Amendment is consistent with the General Plan. Therefore, the proposed Amendment is consistent with the General Plan and is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines.

Accordingly, this Ordinance is exempt from CEQA review pursuant to Sections 15061(b)(3) and 15183 of the CEQA Guidelines, each as a separate and independent basis.

SECTION 3. GENERAL PLAN CONSISTENCY

The proposed Amendment is aligned with several important goals and policies of the former and updated General Plan. The Circulation Element includes policies and guiding principles related to creating a balanced, accessible, multimodal transportation network and increasing bicycling, walking and use of public transit. The Amendment helps accomplish all these objectives because it sets forth a system of regulations and incentives for private developers to design and operate hotels and other lodging uses in a manner that encourages use of alternative transportation modes such as shared shuttles, public bus and rail transit, bicycling and walking, while discouraging use of private vehicles. Therefore, the proposed Amendment is consistent with the General Plan.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 2

Title XI, Chapter 10, Section 2 (Definitions), Subsection XI-10-2.03 (Definitions) of the Milpitas Municipal Code is hereby amended to read as follows:

XI-10-2.03 - Definitions

"Boarding House" means an establishment where lodging is provided for compensation, generally for stays of more than 30 days, for up to 8 persons. Boarding houses typically have individual rooms for guests, shared bathroom facilities and a single common kitchen. Meals may be served for guests and included as part of the cost of lodging.

"Extended Stay Hotel" means a commercial establishment providing lodging for a fee for guests, generally marketed to long-term visitors on a temporary basis, which contain furnishings and facilities for sleeping, bathing, food preparation and cooking. Kitchen facilities within individual units may include, but are not limited to, counters, refrigerators, stoves, and ovens.

"Hotel" means a commercial establishment providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or less, with access to rooms or units primarily from interior lobbies, courts or halls. A hotel may include limited facilities for storage and preparation of food and beverages within individual rooms, such as coffee makers, mini refrigerators and microwave ovens.

"Micromobility Device" means a small, lightweight vehicle operating at a speed typically below 15 miles per hour and driven by the individual user, such as bicycles, e-bikes, and electric scooters.

"Motel" means a building or group of attached or detached buildings providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or less, with access to each room or unit through an exterior door. Motels are distinguished from hotels primarily in that the former provide direct independent access to, and adjoining parking for, guest rooms and do not provide 24-hour guest services.

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 53, TABLE XI-10-53.09-1

Title XI, Chapter 10, Section 53 (Off-Street Parking Regulations), Subsection XI-10-53.09 (Off-Street Parking Required by Land Use}, Table XI-10-53.09-1 (Number of Parking Spaces Required) of the Milpitas Municipal Code is hereby amended to read as follows:

**Table 53.09-1
Number of Parking Spaces Required**

Use	Minimum Parking Spaces Required
A. Commercial Uses	
Commercial Services ¹ (floral shops, barber shops, dry cleaners, Laundromats, photocopy shops)	1 per 200 sq. ft.
Furniture and appliance stores and other bulky item retail	1 per 350 sq. ft.
General Retail and Convenience Stores	1 per 200 sq. ft.
Mortuary, funeral parlor	1 per 4 seats and 1 per employee
Plant nursery	1 per 200 sq. ft.
B. Entertainment and Recreation	
Arcade and amusement	1 per 200 sq. ft.
Billiards	1 per 200 sq. ft.
Bowling Alleys including incidental accessory uses (eating and drinking, billiards, etc.)	6 per alley or lane
Clubs and Lodges	1 per 200 sq. ft.
Commercial Athletic Facility (indoor)	1 per 150 sq. ft.
With outdoor or indoor sports courts	
Small courts (tennis, badminton)	2 per court plus required parking for other uses on site.
Large courts (basketball, volleyball)	5 per court plus required parking for other uses on site.
Golf Course	6 per hole plus parking for ancillary uses
Miniature Golf	1.25 per tee, plus 1 per employee

Use	Minimum Parking Spaces Required
Motion Picture Theater (indoor)	1 per 3.5 seats
Nightclub	1 per 30 sq. ft.
C. Health and Veterinarian Uses	
Convalescent Homes	1 per 2 beds or 1 per 1,000 sq. ft, whichever is greater
Hospital	1 per bed or 1 per 220 sq. ft., whichever is greater
Kennel, indoor	1 per 1,000
Massage Establishments	Two per treatment room or if no treatment room, one per 2 chairs or 2 tables
Medical and dental Clinic and Office	1 per 225 sq. ft.
Veterinary Clinic and Animal Grooming	1 per 250 sq. ft.
D. Industrial Uses	
Distribution Manufacturing Warehousing	1 per 1,500 sq. ft.
Mini Storage	1 per 5,000 sq. ft., plus 1 per resident manager
Wholesale	1 per 500 sq. ft.
Research and Development Medical Laboratories High employee demand uses	1 per 300 sq. ft.
Office space within an industrial building (to be combined with categories above)	1 per 350 sq. ft.
E. Lodging	
Extended Stay Hotels	0.7 per guest room or unit ⁵
Hotels	0.7 per guest room ⁵
Motels	0.7 per guest room ⁵
F. Professional Offices, Financial Institutions and Related Uses	
Automated Teller Machine (free standing)	2 per machine
Financial institutions (banks, savings and loans, etc.)	1 per 180 sq. ft.

Use	Minimum Parking Spaces Required
Offices, administrative and business services	1 per 240 sq. ft.
G. Public, Quasi-Public and Assembly Uses	
Adult Day Care	1 per 500 sq. ft.
Auditoriums and theaters and places of meeting and assembly	1 per 4 seats
<i>Child Care Uses^{2,3}:</i>	
Day Care School	1 per classroom or 1 per 500 sq. ft., whichever is greater.
Small family child care home	Same as required for underlying residential use
Large Family Child Care Home and Child Care Centers	1 per 1.5 employees
Community Center	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes
Museums	1 per 400 sq. ft.
Public Utilities	1 per 400 sq. ft.
Religious Institutions	1 per 5 seats in the main area of assembly plus parking for classrooms and offices in this table. Where there are no seats, then 1 seat equals 7 sq. ft.
<i>Educational Institutions:</i>	
School-elementary (K-8 Private)	1 per classroom, plus 1 per 240 sq. ft. of office
School-secondary (9-12 Private)	1 per classroom, plus 1 per 240 sq. ft. of office, plus 1 per 5 students
Vocational School, including business, professional, technical and trade	1 per 200 sq. ft.
Instructional Studios (Dance, Yoga)	1 per 150 sq. ft.
Private instruction, personal enrichment (tutoring)	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces.
Stadiums and arenas	1 per 4 seats
H. Restaurants or Food Service	

Use	Minimum Parking Spaces Required
Banquet facilities	See restaurants below
Bars, Drinking Establishments	1 per 30 sq. ft.
Drive thru	See "Vehicle Related Uses" section.
<i>Restaurants:</i>	
Sit down:	
Indoor and outdoor:	1 per 39 square feet of dining area.
Take out:	1 per 2.5 seats (indoor/outdoor) plus 1 per 60 sq. ft. GFA for the ordering or take out area.
I. Residential Uses	
Single Family and Duplexes:	
3 bedrooms or fewer	2 per unit ⁴
4 or more bedrooms	3 per unit, plus 1 per each additional bedroom ⁴
Multi-Family (R3—R5 zones):	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2—3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered). ⁴
Guest parking	
Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of the total required
Boarding houses, dormitories, sororities and fraternities	1 per each room rented
Live-Work Units	<i>Single family and duplexes</i> parking requirements shall apply, plus 1.5 for the commercial component
<i>Mixed Use buildings or sites</i>	
Residential use	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit

Use	Minimum Parking Spaces Required
2—3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered). ⁴
Guest parking	
Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of total required
Commercial use	
Ground Floor Retail	1 per 250 sq. ft.
Office	If building is 1,000 sq. ft. or smaller: 1 per 250 sq. ft. If building is larger than 1,000 sq. ft.: 3.3 per 1,000 sq. ft.
Short-Term Rentals	1 per unit
Other uses	Refer to specific uses within this table
Bicycle parking	5% of total required
Mobile Homes	Refer to Section 13.07, Mobile Homes
Senior Housing	1 per unit plus 2 per manager's unit
Single Room Occupancy (SRO)	1 per unit
J. Vehicle Related Uses	
Auto rental agency	1 per 400 sq. ft. plus 1 per rental vehicle
Auto repair (tire, oil change, smog check, etc.)	3 per service bay
Car Wash	1 per 200 sq. ft. of building area and reservoir space outside of building equal to two (2) times the maximum capacity of facility
<i>Gas & Service Stations:</i>	
With Retail	1 per 200 sq. ft.
With Auto Repair	3 per service bay
<i>Auto dealerships:</i>	
Sale or lease of vehicle	1 per 200 sq. ft. of showroom
Office	1 per 200 sq. ft.

Use	Minimum Parking Spaces Required
With Service Bays	3 per service bay
Window service or drive-thru in conjunction with any other use	The required parking for primary use (restaurant, or other use providing window service) plus queuing of 5 vehicles which do not interfere with any on-site parking spaces

¹ Refer to Subsection 2.03, Definitions, of this Chapter for a full description of "Commercial Services."

² For loading and unloading: One (1) parking space per six (6) children up to five (5) spaces and thereafter one (1) space per ten (10) children. Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.

³ Exceptions for Child Care Requirements: The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.

⁴ Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after April 7, 2009. Existing projects or projects either entitled or submitted active planning applications prior to April 7, 2009 shall use the parking regulations in effect at the time of entitlement or application submittal. For R4, R5, MXD/MXD2/MXD3 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to April 7, 2009.

⁵ Refer to Subsection XI-10-53.15, Parking Standards for Hotels and Motels, of this Chapter for allowed reductions to minimum parking requirements.

SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 53

Title XI, Chapter 10, Section 53 (Off-Street Parking Regulations) of the Milpitas Municipal Code is hereby amended to add Subsection XI-10-53.15 (Allowed Reductions to Required Parking for Lodging Uses) to read as follows:

XI-10-53.15 – Allowed Reductions to Required Parking for Lodging Uses

- A. Allowed Reductions to Minimum Required Parking. The required parking for lodging uses, including hotels, motels, and extended stay hotels, may be reduced by up to 30 percent at the discretion of the decision-making authority based on a demonstrated program to reduce demand for on-site parking and maximize the efficient use of parking areas. A reduction in required parking shall be granted based on a point system as described in Subsection XI-10-53.15.C.
- B. An applicant requesting a reduction to the minimum required parking for a lodging use shall submit a written description of all proposed parking demand reduction and site design measures and a written justification of the anticipated reduction in parking demand that would result from implementation of such measures.
- C. Point System for Calculation of Parking Reduction. The decision-making authority may grant a reduction in the required number of parking spaces for lodging uses, as outlined in Table 53.15-1, according to the total number of points scored for implementation of parking demand reduction and site design measures.

Table 53.15-1
Point System for Parking Reduction for Lodging Uses

Total Points	Allowed Parking Reduction
60 points or more	30 percent
40 points or more	20 percent
20 points or more	10 percent

1. Parking Reduction for Lodging Near Fixed Guideway Transit. A parking reduction may be granted for a lodging establishment within one-half (0.5) mile of a fixed guideway transit station. Fixed guideway transit means a public transit facility that uses and occupies a separate right-of-way or rail line for the exclusive use of public transit vehicles (15 points).
2. On-Site Parking Demand Reduction and Site Design Measures for Lodging Uses. Any combination of the following measures may be incorporated into the site plan and operational plan for a hotel, motel, or extended stay hotel to support a reduction in the minimum required on-site parking:
 - a. Shared parking agreement with owners of other property or properties in the vicinity of the lodging establishment pursuant to Subsection XI-10-53.11, Shared Parking, of this Chapter. The shared parking spaces must be located within 0.25 mile of the lodging use. (10 points for a number of shared parking spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 15 points for a number of shared parking spaces totaling more than 20 percent of the base parking space requirement for the lodging use)
 - b. Providing free monthly transit passes for employees. To qualify for this measure a lodging use must be located within 0.5 mile of a transit route (bus or rail) with service frequency of every 15 minutes or less between the hours of 7:00 am and 7:00 pm. (10 points)
 - c. Providing free 24-hour airport guest shuttle service (10 points)
 - d. Providing free guest shuttle service to other key destinations (including but not limited to BART and VTA light rail stations, San Jose Diridon Caltrain Station, Levi's Stadium, and major commercial centers). (5 points for shuttle service serving one or two destinations, 10 points for shuttle service serving three or more destinations)
 - e. Providing free shared cars for guest use with dedicated, permanent on-site parking spaces for the shared cars . To qualify for this measure the lodging use must provide at least one shared car for every 50 guest rooms (when applying this calculation, any fractional number of required shared cars shall be rounded up to the nearest whole number). (10 points)
 - f. Providing on-site, free micromobility devices for guest use. To qualify for this measure the lodging use must provide at least one shared micromobility device for every 50 guest rooms (when applying this calculation, any fractional number of required shared micromobility devices shall be rounded up to the nearest whole number). The operator of the lodging establishment shall obtain approval from the Planning Director or designee for the proposed placement and use of micromobility devices prior to commencing operations. The operator of the lodging establishment shall maintain micromobility devices in good working order at all times. (5 points)
 - g. Providing valet parking (on-site or at an off-site shared parking location). (5 points for a number of valet parking spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 10 points for a number of valet parking spaces totaling more than 20 percent of the base parking space requirement for the lodging use)
 - h. Mechanical lifts for vehicles (if provided, lifts must be operated by staff of the lodging establishment). (5 points for a number of mechanical lift spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 10 points for a number of

- mechanical lift spaces totaling more than 20 percent of the base parking space requirement for the lodging use)
- i. Charging a daily fee of \$25 or more for on-site parking of guest vehicles (10 points)
 - j. Offering prepaid transit cards (Clipper) to guests (5 points)
 - k. Featuring public transportation information and links on lodging establishment's website (schedules and route maps for Valley Transportation Authority [VTA] bus and light rail and/or Bay Area Rapid Transit [BART] regional rail) (3 points)
 - l. Providing dedicated on-site passenger pickup/dropoff zones (3 points)
 - m. Active marketing of guest shuttle services, on-site shared cars, and/or on-site shared micromobility devices, via the lodging establishment's website and other electronic and/or print advertising materials (3 points)
 - n. Other measures as proposed by lodging establishment operator (points to be determined by the decision-making authority based on the potential for parking demand reduction of the proposed measure.)

SECTION 7. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part has no effect on the validity of the remainder.

SECTION 8. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Move to Waive the Second Reading and Adopt Ordinance No. 209.5 Updating Title XI to the Milpitas Municipal Code
Category:	Consent Calendar-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Steve Erickson, City Engineer/Engineering Director (408) 690-7121
Recommendation:	Move to waive the second reading beyond the title and adopt Ordinance No. 209.5 amending a section of Title XI of the Milpitas Municipal Code.

Background:

On April 20, 2021, the City Council voted to introduce Ordinance No. 209.5 to make an update to a section of Titles XI of the Milpitas Municipal Code. A detailed discussion of the changes proposed by the Ordinance can be found in the staff report heard during the April 20 City Council meeting.

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

Fiscal Impact

There is no fiscal impact to the proposed Ordinance adoption and providing additional data to FEMA.

California Environmental Quality Act:

Adoption of the proposed Ordinance is not a project subject to the California Environmental Quality Act (CEQA) as it can be seen with certainty that the ordinance does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is more akin to an administrative activity of the government pursuant to CEQA Guidelines Section 15378.

Recommendation

Move to waive the second reading and adopt Ordinance No. 209.5 amending a section of Title XI of the Milpitas Municipal Code to an update.

Attachment

Ordinance No. 209.5 for adoption

REGULAR

NUMBER: 209.5

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTION XI-15-4.3 (DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR) OF CHAPTER 15 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of April 20, 2021, upon motion by Vice Mayor Montano and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Milpitas and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City of Milpitas was accepted for participation in the National Flood Insurance Program on { October 1, 1991 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Parts 59 and 60, necessary for such participation; and

WHEREAS, pursuant to the California Health and Safety Code, Division 13, Part 1.5 and Part 2.5, the City of Milpitas is required to administer and enforce the *California Building Standards Code*, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the City Council has determined that, in order to ensure compliance with NFIP requirements as specified in Title 44 Code of Federal Regulations, Parts 59 and 60, it is in the public interest to adopt the proposed amendments to the City's floodplain management regulations that are coordinated with the *California Building Standards Code*. .

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

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 15, SECTION XI-15-4.3 “Duties and Responsibilities of the Floodplain Administrator”

Title XI (Zoning, Planning and Annexation), Chapter 15 (Floodplain Management Regulations), Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of the Milpitas Municipal Code is hereby amended to read as follows:

XI-15-4.3 - Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- (a) Permit Review. Review all development permits to determine that:
 - (1) Permit requirements of this Chapter have been satisfied;
 - (2) All other required State and Federal permits have been obtained;
 - (3) The site is reasonably safe from flooding; and
 - (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- (b) Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section XI-15-3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any

base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Section XI-15-5. Any such information shall be submitted to the City Council for adoption.

- (c) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (d) Notification of Other Agencies. In alteration or relocation of a watercourse:
 - (1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - (2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (e) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
 - (1) Certification required by Section XI-15-5.1(c)(1) (floor elevations);
 - (2) Certification required by Section XI-15-5.1(c)(2) (elevation or floodproofing of nonresidential structures);
 - (3) Certification required by Section XI-15-5.1(c)(3) (wet floodproofing standard);
 - (4) Certification of elevation required by Section XI-15-5.3(b) (subdivision standards);
 - (5) Certification required by Section XI-15-5.6(a) (floodway encroachments).
- (f) Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section XI-15-6.
- (g) Remedial Action. Take action to remedy violations of this Chapter as specified in Section XI-15-3.3.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of Trash Removal Devices, Phase 2, Project No. 3713, Authorizing the City Engineer to File a Notice of Completion, and Authorize the City Engineer to Issue a Notice of Final Acceptance
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendations:	Adopt a Resolution granting acceptance of Trash Removal Devices, Phase 2, Project No. 3713, authorizing the City Engineer to File a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.

Background:

On November 19, 2015, San Francisco Bay California Regional Water Quality Control Board issued Order R2-2015-0049 of the Municipal Regional Stormwater NPDES Permit (MRP) to jurisdictions. The section C.10 of the MRP requires Permittees such as the City of Milpitas to reduce trash load from its municipal storm drain system by 70% by July 2017; 80% by July 2019; and “No Visual Impact Equivalent” by July 2022. In February of 2017 the City conducted a feasibility study which recommended to install 267 trash capture devices in various storm drain inlets located in high trash generating areas throughout the City to meet this mandate. The overall project installed a total of 267 trash capture devices in two phases: Phase 1 installed 94 devices and was completed by June 30, 2017. Phase 2 installed 164 devices by June 30, 2019. Private development projects under construction, prevented access to the storm drain inlets needed for the installation of the remaining 9 devices. These 9 devices were installed in March 2021, when site access became available.

On March 19, 2019, the City Council awarded a construction contract to Storm Water Inspection and Maintenance Services, Inc. (SWIMS) for Phase 2 of the Trash Removal Devices, Project No. 3713 in the amount of \$290,195 (“Project”). The Project installed 173 trash removal devices and provided semi-annual maintenance of the installed devices for a period of one year.

Analysis:

The Project (Phase 2) was successfully completed on-time and within Project budget. Staff recommends that City Council adopt a resolution granting acceptance of the Project and authorizing the City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code. Staff also recommends the City Council authorize the City Engineer to issue a notice of final acceptance after the one-year 173 warranty period without further City Council action, provided that all warranty work is completed to the satisfaction of the City Engineer.

Policy Alternative:

Alternative: Do not adopt Resolution and deny Project acceptance, deny filing a notice of completion and not begin the one-year warranty.

Pros: None

Cons: A denial would result in the City being unable to commence the one-year warranty, release the retention to the Contractor and release any funds remaining back into the Project budget.

Reason not Recommended: Denial would result in the City being unable to close out the Project and release any funds remaining back into the Project budget.

Fiscal Impact:

The cost for the maintenance of the Trash Capture devices was added to the Public Works Operating budget as part of the FY 20/21 adopted budget. There are no additional operating impacts associated with this Council action.

California Environmental Quality Act: Source control actions taken to meet California Regional Water Quality Control, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, Order Number R2-2015-0049 NPDES Permit No. CAS612008 November 19, 2015, are exempt from CEQA Guidelines Sections 15307 and 15308 as actions takes to assure the maintenance, restoration, enhancement, or protection of the environment.

Recommendations:

Adopt a Resolution granting acceptance of Trash Removal Devices, Phase 2, Project No. 3713 authorizing the City Engineer to file a Notice of Completion and authorizing the City Engineer to issue a Notice of Final Acceptance.

Attachment:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS GRANTING
ACCEPTANCE OF THE TRASH REMOVAL DEVICES, PHASE 2, PROJECT NO. 3713**

WHEREAS, the City of Milpitas has heretofore entered into a contract with Storm Water Inspection and Maintenance Services, Inc., for the Trash Removal Devices, Phase 2, Project No. 3713 in the amount of \$290,195 (“Project”), and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

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 of Milpitas does hereby accept said improvement as completed on this 4th day of May, 2021, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day’s labor or force account.
3. The City Council authorizes the City Engineer to issue the Notice of Final Acceptance after the one-year warranty period without further City Council action, provided all required warranty repairs are completed to the satisfaction of the City Engineer; and nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the contractor or its surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Wendy Wood, City Clerk

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

APPROVED:

Rich Tran, Mayor

Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: City Clerk

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

CITY OF MILPITAS
NOTICE OF COMPLETION
(Civil Code Section 9204)

NOTICE IS HEREBY GIVEN:

1. On or about March 19, 2019 the City Council of the City of Milpitas, a municipal corporation of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of: **Trash Removal Devices, Phase 2, Project No. 3713**
2. A description of the site of which the City is owner for said work of improvement is: Various storm drain inlets in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The name and address of the direct contractor is: **Storm Water Inspection and Maintenance Services, Inc., P.o. Box 1627 Discovery Bay, CA 94505 .**
4. A general statement of the kind of work done or materials furnished to the City is as follows: **The improvements include installation and maintenance of 173 trash capture devices in storm drain inlets at various locations in the City of Milpitas.**
5. Said work of improvement was accepted by the Milpitas City Council as complete on March 30, 2021.

I, the undersigned, declare that I am the **City Engineer** of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on _____ at Milpitas, California.

Steve Erickson,
Engineering Director/City Engineer
City of Milpitas

NOTE: RECORD WITHIN 15 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF
SANTA CLARA COUNTY



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

Item Title:	Adopt a Resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 to be Funded by SB1 The Road Repair and Accountability Act of 2017 Funding
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Adopt a Resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 to be Funded by SB1 The Road Repair and Accountability Act of 2017 Funding

BACKGROUND:

California Senate Bill 1 (SB1) Road Repair and Accountability Act of 2017 (RMRA) (Chapter 5, Statute of 2017) was signed into law by the Governor in April 2017 to address significant statewide transportation funding shortfalls. The SB 1 funding to local jurisdictions for road maintenance is allocated on a population based formula. The City of Milpitas is estimated to receive \$1.4 Million in SB 1 funding for fiscal year 2021-2022.

ANALYSIS:

The Adopted 2022-2026 Capital Improvement Program includes Project No. 4298 Street Resurfacing Project 2020-2021 and Project No. 4303, Street Resurfacing Project 2021-2022. These Projects are scheduled to be funded with \$1.4M in SB 1 allocations. As required by the SB 1 RMRA program, staff recommends the City Council adopt a Resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 to be funded using SB 1 funds in Fiscal Year 2021-2022. Once Council adopts the Resolution, staff will submit it to the California Transportation Commission (CTC) no later than July 1, 2021, as required by law.

The street locations listed below for each project were selected based on their pavement condition index (PCI) and the pavement management program recommendations designed to maintain the City's overall pavement condition goal of good or better condition. Currently, the citywide PCI is a 70, which means the City's pavement condition is in "Good Condition".

Project No. 4298 Street Resurfacing 2020-2021

Project No. 4298 will provide street and sidewalk repairs on the following streets:

- Landess Avenue from Piedmont Road to Dempsey Road;
- Milmont Drive from California Circle to Dixon Landing Road;
- Streets bounded by Milmont Drive, Penetencia Creek, and Dixon Landing Road;
- Streets bounded by railroad tracks, Milmont Drive, Penetencia Creek, and Calera Creek,
- Piedmont Road from Landess Avenue to Yosemite Drive; and
- Streets bounded by Piedmont Road, Yosemite Drive, Landess Avenue, Ben Rodgers Park, and Hillcrest Park.

Project No. 4303 Street Resurfacing Project 2021-2022

Project No. 4303 will provide street and sidewalk repairs on the following streets:

- Traugher Street from N Park Victoria to eastern end;
- Prada Drive;
- Stemel Way;
- Stemel Court;
- Fanyon Street;
- N. Gadsden Drive;
- Lynne Avenue;
- N. Temple Drive;

- Prada Court;
- Topham Court;
- Simas Drive;
- Quail Drive;
- Ramos Court;
- Serpa Drive;
- Old Evans Road;
- Michael Street;
- Brian Court;
- Fair Hill Drive;
- Michael Court.
- Spring Valley Lane;
- Ellise Avenue;
- Adams Avenue;
- Dennis Avenue;
- Carl Avenue;
- Braly Avenue;
- Golden Hills Drive;
- View Drive;
- Arana Court;
- Santos Court; and

POLICY ALTERNATIVES:

Alternative 1: Do not adopt a resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 are to be funded by SB 1.

Pros: None.

Cons: The adoption of a resolution designating projects to use SB 1 funding is a requirement for receiving SB 1 allocations.

Reason not Recommended: SB 1 funding is needed to help offset the cost of the annual street resurfacing program to maintain the condition to the City's pavement infrastructure.

FISCAL IMPACT:

The receipt of annual SB 1 funding for use in the City's pavement maintenance program is needed to help offset the cost and to reduce the need for funding from other City sources such as the General Fund. It is anticipated the City will receive \$1.4M in SB 1 funds to be used in Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022.

Project No. 4298 is funded by Gas Tax Fund (\$1.3 million), Measure B (\$1.4 million), SB1 RMRA (\$1.4 million) and Vehicle Registration Fee (\$ 0.5 million) with an available balance of \$4.6 million as of March 31, 2021. Project No. 4303 is scheduled to be funded by Gas Tax Fund (\$986,000), Measure B (\$500,000), SB1 RMRA (\$1.5 million) and Vehicle Registration Fee (\$764,000) starting in FY 2021-22.

California Environmental Quality Act (CEQA): (if applicable)

The project is categorically exempt under Section 15301 of the California Environmental Quality Act guidelines for maintenance of existing facilities.

RECOMMENDATION:

Adopt a Resolution designating Project No. 4298 Street Resurfacing 2020-2021 and Project No. 4303 Street Resurfacing Project 2021-2022 to be Funded by SB1 The Road Repair and Accountability Act of 2017 Funding

Attachments:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City of Milpitas are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Milpitas must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Milpitas, will receive an estimated \$1.4 Million in RMRA funding in Fiscal Year 2021-22 from SB 1; and

WHEREAS, this is the fourth year in which the City of Milpitas is receiving SB 1 funding and will enable the City of Milpitas to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Milpitas has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Milpitas used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Milpitas maintain and rehabilitate 131 center lane miles of streets/roads throughout the City of Milpitas this year and similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City of Milpitas's streets and roads are in an "good" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "very good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, and will have significant positive co-benefits statewide.

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 following project will be funded in-part or solely with Fiscal Year 2021-22 Road Maintenance and Rehabilitation Account revenues:

Project No. 4303 Street Resurfacing 2022

This project consists of pavement repairs, microsurfacing, concrete work upgrading existing curb ramps to comply with ADA requirements, curb and gutter repair, striping, and adjusting utility covers to finished grade. The following are the proposed locations for the work:

- Traughber St from N Park Victoria to eastern end,
- The entirety of Prada Dr, Santos Ct, Stemel Way, Stemel Ct, Prada Ct, Topham Ct, Simas Dr, Quail Dr, Ramos Ct, Serpa Dr, Old Evans Rd, Michael St, Michael Ct, Brian Ct, Fanyon St, N. Gadsden Dr, Lynne Ave, N. Temple Dr, Spring Valley Ln, Ellise Ave, Adams Ave, Dennis Ave, Carl Ave, Braly Ave, Golden Hills Dr, View Dr, Arana Ct, and Fair Hill Dr.

Project is estimated to begin May 2022 and completed December 2022
Estimated Project Useful Life: 7-14 years

3. The following previously proposed and adopted projects may also utilize Fiscal Year 2021-22 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City of Milpitas is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

Project No. 4298 Street Resurfacing 2021

This project consists of pavement repairs, microsurfacing, concrete work upgrading existing curb ramps to comply with ADA requirements, curb and gutter repair, striping, and adjusting utility covers to finished grade. The following are the proposed locations for the work:

- Landess Ave from Piedmont Rd. to Dempsey Rd
- Milmont Dr from California Circle to Dixon Landing Rd

- Streets bounded by Milmont Dr, Penetencia Creek, and Dixon Landing Rd
- Streets bounded by railroad tracks, Milmont Dr, Penetencia Creek, and Calera Creek
- Piedmont Rd from Landess Ave to Yosemite Dr
- Streets bounded by Piedmont Rd, Yosemite Dr, Landess Ave, Ben Rodgers Park, and Hillcrest Park.

Project is estimated to begin June 2021 and completed December 2021.

Estimated Project Useful Life: 10-15 years

PASSED AND ADOPTED by the City Council of the City of Milpitas, State of California 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 AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Approve Project Plans and Specifications for Street Resurfacing Project 2021, City Project Nos. 4283 & 4298; Award Construction Contract to DeSilva Gates Construction, LP for Street Resurfacing Project 2021, City Project Nos. 4283 & 4298, Federal Project No. STPL-5314(012); and Approve Related Budget Appropriations
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Adopt a Resolution to: 1. Approve Street Resurfacing Project 2021 Plans & Specifications; 2. Award the Construction Contract to DeSilva Gates Construction, LP, in the amount of \$2,388,223.00 for the Street Resurfacing Project 2021, City Project Nos. 4283 & 4298, Federal Project No. STPL-5314(012); 3. Authorize the City Manager to Execute the Construction Contract with DeSilva Gates Construction, LP; 4. Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$238,822.30 for the Project; and 5. Approve \$916,488 Budget Appropriation of One Bay Area Grant Cycle 2 (OBAG2) to CIP 4298. 6. Approve \$127,586 Budget Appropriation of Transportation Development Act (TDA) Article 3 Grant to CIP 4283.

Background:

Project Nos. 4283 & 4298, Street Resurfacing Project 2021 ("Project") is included in the adopted 2022-2026 Capital Improvement Program. The Project provides for the construction of asphalt concrete street repairs, micro-surfacing seal coat, installation of Americans with Disabilities Act (ADA) compliant curb ramps, concrete sidewalk repair, curb & gutter repair, new class II bike lanes, and pavement delineation. The Engineer's Construction Estimate for the Project is \$3,907,000, and the following streets are included in the Project:

- Cresthaven Street from Moulton Drive to Piedmont Road
- Jurgens Drive from Milmont Drive to Larkwood Court
- Larkwood Court from Jurgens Drive to end
- Milmont Drive from Dixon Landing Road to Berryessa Creek overcrossing
- Piedmont Road from Yosemite Drive to Landess Avenue
- Pinard Street from Chipman Drive to Piedmont Road
- Entirety of: Aspenridge Drive, Balboa Drive, Bliss Avenue, Cascade Street, Chipman Drive, Dubois Street, Edgell Way, Elkwood Drive, Farmcrest Street, Gingerwood Drive, Lynwood Terrace, Mesa Verde Drive, Moulton Drive, Pacifica Way, Palisades Drive, Petersburg Drive, Ridgemont Drive, Seaclyff Drive, Seaside Drive, Seaside Way, Shiloh Avenue, Summerwind Drive, Summerwind Way, Woodruff Way

Analysis:

The Project plans and specifications are complete and ready for City Council approval. The plan title sheet (**Attachment 2**) is included in the Council's agenda packet, and the complete set of plans and specifications are available electronically upon request to the City Engineer.

The Project was advertised on digital construction trade publications and in the Milpitas Post. Bid opening was on March 30, 2021, and five sealed bid proposals were received. The lowest responsible bidder submitting a responsive bid is DeSilva Gates Construction, LP, in the amount of \$2,388,223.00. No bid protests were filed with the City regarding this Project.

The following summary of bid results is included as **Attachment 3**.

Bidder	Total Base Bid
Engineers Estimate	\$3,907,000.00
DeSilva Gates Construction, LP	\$2,388,223.00
G. Bortolotto & Co., Inc.	\$2,417,546.10
O'Grady Paving, Inc.	\$2,425,337.80
Radius Earthwork, Inc.	\$2,670,700.00
Joseph J. Albanese, Inc.	\$2,855,535.10

The base bid pricing submitted varies between 27%-39% under the Engineer's Estimate. The variation in pricing may be due to the current construction market which is likely influenced by COVID-19.

The Contractor, DeSilva Gates Construction, LP, is the lowest responsible bidder submitting a responsive bid, and staff recommends City Council award a construction contract for the base bid amount of \$2,388,223.00.

As previously approved for the successful completion of recent projects with tight completion schedules, staff is requesting the use of the same change order policy, see **Attachment 4**. This policy allows for a timely completion of the Project, while addressing the need to respond swiftly to construction conditions and approve necessary change orders to limit potential claims or risks to the City. The construction contingency established for this Project is \$238,822.30, which is 10% of the total contract value as allowed on Federal-Aid projects per the Caltrans Local Assistant Procedures Manual. This change order authority will not be exceeded without prior City Council approval.

The City Council adopted Resolution No. 8695 at the September 15, 2017 Council Meeting accepting One Bay Area Grant Cycle 2 (OBAG-2) grant funding totaling \$1,609,000 to fund future street repair projects. \$692,512 of the total grant amount was used last year to complete Project No. 4296 Street Resurfacing Project 2020. This year, staff submitted a grant funding request for the remaining \$916,488 for use in completing Project No. 4298. Staff recommends the approval of a Budget Change to appropriate \$916,488 OBAG-2 grant funding into the construction phase of Project No. 4298, **Attachment 5**.

On August 7, 2018, the City Council adopted Resolution No. 8808 requesting the City of Milpitas allocation of the FY 2018-19 Transportation Development Act (TDA) Article 3 grant funding totaling \$127,587 to fund the completion of pedestrian and bicycle facilities projects. Staff recommends the approval of a Budget Change to appropriate \$127,587 in TDA Article 3 grant funding into the construction phase of Project No. 4283, **Attachment 5**.

Policy Alternatives:

Alternative 1: Deny approval of Project plans and specifications and award of the construction contract.

Pros: None.

Cons: A denial would cause delay in completing the needed annual repairs to the City's pavement infrastructure.

Reason not Recommended: Delay in award of the construction contract will delay Project completion, prolong construction activities through the rainy season, and potentially results in higher total construction costs.

Alternative 2: Deny approval of the appropriation of Federal OBAG-2 funding into the Project.

Pros: None.

Cons: If the appropriation of the OBAG-2 funding is not approved, additional City funding from another source such as the General Fund would be required to complete the Project.

Reason not Recommended: The Federal OBAG-2 funding can only be used on street projects. A denial would result in the unused OBAG-2 funds being returned to the federal funding program and the City would need to reapply for future allocations of this funding.

Alternative 3: Deny approval of the appropriation of the TDA Article 3 funding into the Project.

Pros: None.

Cons: If the appropriation of the TDA Article 3 funding is not approved, additional City funding from another source such as the General Fund would be required to complete the Project.

Reason not Recommended: The TDA Article 3 funding can only be used on pedestrian and bicycle projects. A denial would result in unused TDA Article 3 funds expiring in 2021. The expired Article 3 funds cannot be reutilized by the City.

Fiscal Impact:

Staff recommends the appropriation of \$916,488 of OBAG-2 grant funding into the construction phase of Project No. 4298. Staff further recommends the appropriation of \$127,587 in TDA Article 3 funding into the construction phase of Project No. 4283.

Currently, Project No. 4283 is funded by the Gas Tax Fund (\$1.5 million) and TDA Article 3 funds (\$84.2k). Project No. 4298 is funded by the Gas Tax Fund (\$1.3 million), Measure B (\$1.4 million), SB1 RMRA (\$1.4 million) and Vehicle Registration Fee funds (\$500k).

Available funding for the Project upon approval of the attached resolution:

CP 4283	\$708,662
CP 4298	\$4,591,839
OBAG2 Grant	\$916,488
TDA Article 3 Grant	\$127,587
Total Fund Balance Available	\$6,344,576

Summary of Estimated Construction Cost:

DeSilva Gates Construction, LP	\$2,388,223.00
10% Contingency	\$238,822.30
Administration and Inspection	\$100,000.00
Total Estimated Construction Cost	\$2,727,045.30

There are sufficient funds available to award the construction contract and complete the Project.

California Environmental Quality Act:

The Project is exempt under Section 15301 (Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) was filed with the County of Santa Clara on October 6, 2020.

Recommendation:

Adopt a resolution to:

1. Approve Street Resurfacing Project 2021 Plans & Specifications;
2. Award the Construction Contract to DeSilva Gates Construction, LP, in the amount of \$2,388,223.00 for the Street Resurfacing Project 2021, City Project Nos. 4283 & 4298, Federal Project No. STPL-5314(012);
3. Authorize the City Manager to Execute the Construction Contract with DeSilva Gates Construction, LP;
4. Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$238,822.30 for the Project; and
5. Approve \$916,488 Budget Appropriation of OBAG-2 funds to CIP 4298.
6. Approve \$127,586 Budget Appropriation of TDA Article 3 funds to CIP 4283.

Attachments:

Attachment 1: Resolution

Attachment 2: Title Sheet & Location Map

Attachment 3: Bid Tabulation

Attachment 4: Change Order Policy

Attachment 5: Budget Change Form – OBAG 2 and TDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS FOR STREET RESURFACING PROJECT 2021, CITY PROJECT NOS. 4283 & 4298; AWARDING THE CONSTRUCTION CONTRACT TO DESILVA GATES CONSTRUCTION, LP, IN THE AMOUNT OF \$2,388,223.00 FOR THE STREET RESURFACING PROJECT 2021, CITY PROJECT NOS. 4283 & 4298, FEDERAL PROJECT NO. STPL-5314(012); AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH DESILVA GATES CONSTRUCTION, LP; AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$238,822.30 FOR THE PROJECT; APPROVING THE BUDGET APPROPRIATION OF ONE BAY AREA GRANT CYCLE 2 FUNDING TO CITY PROJECT NO. 4298; AND APPROVING THE BUDGET APPROPRIATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 GRANT FUNDING TO CITY PROJECT NO. 4283

WHEREAS, the Street Resurfacing Project 2021, City Project Nos. 4283 & 4298, Federal Project No. STPL-5314(012) ("Project") will include localized repair of asphalt concrete pavement, resurface asphalt concrete pavement, install ADA compliant curb ramps, repair damaged concrete sidewalk, repair curb & gutter, install new class II bike lanes, and reinstall pavement delineation at the following locations:

- Cresthaven Street from Moulton Drive to Piedmont Road
- Jurgens Drive from Milmont Drive to Larkwood Court
- Larkwood Court from Jurgens Drive to end
- Milmont Drive from Dixon Landing Road to Berryessa Creek overcrossing
- Piedmont Road from Yosemite Drive to Landess Avenue
- Pinard Street from Chipman Drive to Piedmont Road
- Entirety of: Aspenridge Drive, Balboa Drive, Bliss Avenue, Cascade Street, Chipman Drive, Dubois Street, Edgehill Way, Elkwood Drive, Farmcrest Street, Gingerwood Drive, Lynwood Terrace, Mesa Verde Drive, Moulton Drive, Pacifica Way, Palisades Drive, Petersburg Drive, Ridgemont Drive, Seacliff Drive, Seaside Drive, Seaside Way, Shiloh Avenue, Summerwind Drive, Summerwind Way, Woodruff Way

WHEREAS, the Engineer's Estimate for the base bid Project work is \$3,907,039; and

WHEREAS, the Project was advertised on digital construction trade publications and in the Milpitas Post; and

WHEREAS, on March 30, 2021, five sealed bid proposals were received. The bid pricing ranged from \$2,388,223.00 to \$2,855,535.10. The lowest responsible bidder submitting a responsive bid is DeSilva Gates Construction, LP, in the amount of \$2,388,223.00; and

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

WHEREAS, sufficient funds to award the Project are available in the Project budget; and

WHEREAS, staff recommends the City Council approve the Project plans and specifications; and

WHEREAS, staff recommends the City Council award a construction contract to DeSilva Gates Construction, LP, the lowest responsible bidder submitting a responsive bid for the Project, and authorize the City Manager to execute a contract in the amount of \$2,388,223.00 for the Project; and

WHEREAS, staff recommends the City Council authorize the Director of Engineering/City Engineer to negotiate and execute change order(s) in an amount not to exceed \$238,822.30, ten percent (10%) of the total contract value, due to the Project's tight completion schedule and staff's capability to respond swiftly to unanticipated construction conditions to limit potential claims or risk to the City; and

WHEREAS, staff recommends the City Council approve the budget appropriation of \$916,488 in One Bay Area Grant Cycle 2 ("OBAG-2") funding into City Project No. 4298 as set out in the accompanying Budget Change Form; and

WHEREAS, staff recommends the City Council approve the budget appropriation of \$127,586 in Transportation Development Act ("TDA") Article 3 Grant funding into City Project No. 4283 as set out in the accompanying Budget Change Form.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby approves the Project plans and specifications.
3. The City Council hereby awards the construction contract to and authorizes the City Manager to execute the contract and related documents with the lowest responsible bidder submitting a responsive bid, DeSilva Gates Construction, LP, in the amount of \$2,388,223.00 for the Project.
4. The City Manager is hereby authorized to execute the construction contract with DeSilva Gates Construction, LP for the Project.
5. The Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$238,822.30 for the Project.
6. The City Council hereby approves the budget appropriation of OBAG-2 funding to City Project No. 4298 as set out in the accompanying Budget Change Form.
7. The City Council hereby approves the budget appropriation of TDA Article 3 Grant funding to City Project No. 4283 as set out in the accompanying Budget Change Form.

PASSED AND ADOPTED this ____ day of May, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Wendy Wood, City Clerk

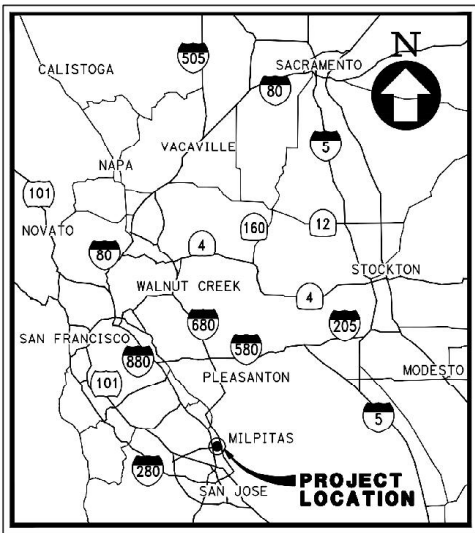
APPROVED:

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS
STREET RESURFACING 2021
CITY PROJECT No. 4283 & 4298
FEDERAL PROJECT No. STPL-5314(012)



VICINITY MAP
NO SCALE

ABBREVIATIONS:

AB	AGGREGATE BASE	JT	JOINT TRENCH
ABN	ABANDON	LG	LIP OF GUTTER
AC	ASPHALT CONCRETE	MH	MANHOLE
Adj	ADJUST	MOD	MODIFIED
AP	ANGLE POINT	NB	NORTH BOUND
ARV	AIR RELEASE VALVE	NTS	NOT TO SCALE
ASB	AGGREGATE SUBBASE	SB	SOUTH BOUND
Beg	BEGIN	SC	SAWCUT
BFP	BACKFLOW PREVENTER	SD	STORM DRAIN
BO	BLOW OFF	SDDI	STORM DRAIN DRAINAGE INLET
BW	BACK OF WALK	SDMH	STORM DRAIN MANHOLE
CB	CATCH BASIN	SF	SQUARE FEET
CL	CENTER LINE	SHLD	SHOULDER
CL	CLASS	SS	SANITARY SEWER
C&G	CURB & GUTTER	SSMH	SANITARY SEWER MANHOLE
CONC	CONCRETE	STA	STATION
COM	CITY OF MILPITAS	STD	STANDARD
CY	CUBIC YARDS	SW	SIDEWALK
DI	DRAINAGE INLET	TC	TOP OF CURB
DIP	DUCTILE IRON PIPE	Tele	TELEPHONE
DWG	DRAWING	TG	TOP OF GRATE
Dwy	DRIVEWAY	Typ, TYP	TYPICAL
EC	END CURVE	Var, VAR	VARIES
EL	ELEVATION	VCP	VITRIFIED CLAY PIPE
Elect	ELECTRICAL	WM	WATER METER
EP	EDGE OF PAVEMENT	WS	WELDED STEEL PIPE
ETW	EDGE OF TRAVELED WAY	O.C.	ON CENTER
Exist, (E)	EXISTING	OG	ORIGINAL GROUND
FC	FACE OF CURB	OH	OVERHEAD
FDC	FIRE DEPARTMENT CONNECTION	(P)	PROPOSED
FG	FINISH GROUND	PCC	PORTLAND CEMENT CONCRETE
FH	FIRE HYDRANT	POC	POINT OF CURVE
FO	FIBER OPTIC	POT	POINT OF TANGENCY
FC, FOC	FACE OF CURB	PL	PROPERTY LINE/PLASTIC
FS	FINISHED SURFACE	PPB	PEDESTRIAN PUSH BUTTON
FT	FEET	PRC	POINT OF REVERSE CURVE
Gas	GAS LINE	PRF	PAVEMENT REINFORCING FABRIC
GB	GRADE BREAK	RAC	RUBBERIZED ASPHALT CONCRETE
GV	GATE VALVE	RCP	REINFORCED CONCRETE PIPE
HDPE	HIGH DENSITY POLYETHYLENE	RET	RETAINING
HMA	HOT MIX ASPHALT	RP	REDUCED PRESSURE BACKFLOW DEVICE
IN	INCHES	R/W	RIGHT OF WAY
INV	INVERT		



LOCATION MAP
NO SCALE

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57-67	SS-1 TO SS-11	STRIPING PLAN

PROJECT DESCRIPTION:

THE STREET RESURFACING 2021 PROJECT PHASE 2 CONSISTS OF REHABILITATING VARIOUS STREETS THROUGHOUT THE CITY WITHIN THE LIMITS AS SHOWN ON THESE PLANS. STREET RESURFACING SHALL INCLUDE AC DIGOUT/REPAIR, AND MICROSURFACING. IN ADDITION, MINOR CONCRETE WORK: UPGRADING EXISTING CURB RAMPS TO COMPLY WITH CURRENT ADA REQUIREMENTS; CURB AND GUTTER REPAIR; STRIPING; AND ADJUSTING UTILITY COVERS TO FINISHED GRADE SHALL BE COMPLETED ACCORDING TO THESE PLANS AND ALL ASSOCIATED CONTRACT DOCUMENTS.

NOTE: CONTRACTOR'S LICENSE

A PRIME CONTRACTOR BIDDING ON THIS PROJECT SHALL POSSESS A CLASS A OR C12 LICENSE FROM THE CONTRACTOR'S STATE LICENSE BOARD.



Designer Stamp: 	Record Drawings	Drawn By: <u>AL</u> Date: 10/28/20 Checked By: <u>MC</u> Date: 10/28/20 Designed By: <u>BS</u> Date: 10/28/20	Revisions					CITY OF MILPITAS ENGINEERING DIVISION		PROJECT No. 4283 / 4298
	Designers: _____ Date: _____									
	Public Works Inspector: _____ Date: _____									
	Utility/Facility Dept. Head: _____ Date: _____									
	Project Engineer: _____ Date: _____									
	Public Improvements Initially Accepted by the City Council on: _____ Res. No.: _____									
								TITLE SHEET		
RECOMMENDED FOR BIDDING BY: <u>Steven M. Chan, T.E., Transportation Manager</u> DATE: <u>3-8-2021</u>								APPROVED FOR BIDDING BY: <u>Steven P. Erickson, P.E., City Engineer</u> DATE: <u>3-2-21</u>		
										Rec. Dwg No. T-1
										SCALE: AS SH
										54
										SHEET 1 OF 67

CITY OF MILPITAS STREET RESURFACING 2021
CITY PROJECT NO. 4283 & 4298
FEDERAL PROJECT NO. STPL-5314(012)
Bid Results from 3/30/2021 Bid Opening @ 2:00pm

BID ITEMS				TOTALS	Engineer's Estimate		DeSilva Gates Construction LP		G. Bortolotto & Company, Inc.		O'Grady Paving, Inc.		Radius Earthwork, Inc.		Joseph J. Albanese, Inc.		Average	% Difference of Lowest Bidder (DeSilva Gates)	
ITEM NO	SPEC SECT	ITEM DESCRIPTION	UNIT	TOTAL QUANTITY	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	from Avg	From Engineer's Estimate
1	E-03	Mobilization (10% Maximum)	LS	1	\$358,000.00	\$358,000.00	\$210,000.00	\$210,000.00	\$22,000.00	\$22,000.00	\$52,000.00	\$52,000.00	\$215,669.45	\$215,669.45	\$84,000.00	\$84,000.00	\$116,733.89	80%	-41%
2	E-01	Encroachment Permits	LS	1	\$2,500.00	\$2,500.00	\$500.00	\$500.00	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$3,300.00	\$3,300.00	\$1,760.00	-72%	-80%
3	E-04	Traffic Control	LS	1	\$135,000.00	\$135,000.00	\$122,000.00	\$122,000.00	\$150,000.00	\$150,000.00	\$100,000.00	\$100,000.00	\$170,000.00	\$170,000.00	\$175,000.00	\$175,000.00	\$143,400.00	-15%	-10%
4	E-10	Water Pollution Control Program	LS	1	\$85,000.00	\$85,000.00	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$2,500.00	\$2,500.00	\$7,000.00	\$7,000.00	\$7,900.00	90%	-82%
5	E-11	Hot Mix Asphalt	TON	7,225	\$130.00	\$939,250.00	\$91.00	\$657,475.00	\$107.00	\$773,075.00	\$100.00	\$722,500.00	\$105.00	\$758,625.00	\$109.00	\$787,525.00	\$102.40	-11%	-30%
6	E-12	Base Repair (3")	SF	105,146	\$5.00	\$525,730.00	\$3.00	\$315,438.00	\$3.20	\$336,467.20	\$3.25	\$341,724.50	\$3.47	\$364,856.62	\$3.85	\$404,812.10	\$3.35	-11%	-40%
7	E-12	Manhole Pavement Repair	EA	6	\$1,000.00	\$6,000.00	\$1,150.00	\$6,900.00	\$750.00	\$4,500.00	\$2,000.00	\$12,000.00	\$2,500.00	\$15,000.00	\$1,585.00	\$9,510.00	\$1,597.00	-28%	15%
8	E-13	3" Cold Plane	SY	42,814	\$10.00	\$428,140.00	\$4.00	\$171,256.00	\$5.60	\$239,758.40	\$4.60	\$196,944.40	\$5.72	\$244,896.08	\$6.00	\$256,884.00	\$5.18	-23%	-60%
9	E-14	Curb and Gutter Removal and Replacement	LF	42	\$120.00	\$5,040.00	\$90.00	\$3,780.00	\$110.00	\$4,620.00	\$110.00	\$4,620.00	\$60.00	\$2,520.00	\$235.00	\$9,870.00	\$121.00	-26%	-25%
10	E-14	Sidewalk Removal and Replacement	SF	809	\$40.00	\$32,360.00	\$15.00	\$12,135.00	\$25.00	\$20,225.00	\$17.00	\$13,753.00	\$20.00	\$16,180.00	\$35.00	\$28,315.00	\$22.40	-33%	-63%
11	E-14	Curb ramp Removal and Replacement	EA	95	\$7,000.00	\$665,000.00	\$4,600.00	\$437,000.00	\$4,800.00	\$456,000.00	\$5,400.00	\$513,000.00	\$4,926.31	\$467,999.45	\$6,000.00	\$570,000.00	\$5,145.26	-11%	-34%
12	E-15	Adjust Water Valve Cover to Grade [Non-Participating]	EA	65	\$500.00	\$32,500.00	\$850.00	\$55,250.00	\$600.00	\$39,000.00	\$800.00	\$52,000.00	\$400.00	\$26,000.00	\$1,175.00	\$76,375.00	\$765.00	11%	70%
13	E-15	Adjust Monument Cover to Grade	EA	35	\$500.00	\$17,500.00	\$850.00	\$29,750.00	\$600.00	\$21,000.00	\$800.00	\$28,000.00	\$300.00	\$10,500.00	\$1,175.00	\$41,125.00	\$745.00	14%	70%
14	E-15	Adjust Drainage Manhole to Grade	EA	3	\$1,000.00	\$3,000.00	\$1,150.00	\$3,450.00	\$600.00	\$1,800.00	\$1,000.00	\$3,000.00	\$7,500.00	\$22,500.00	\$1,585.00	\$4,755.00	\$2,367.00	-51%	15%
15	E-15	Adjust Sewer Manhole to Grade [Non-Participating]	EA	46	\$1,000.00	\$46,000.00	\$1,150.00	\$52,900.00	\$1,000.00	\$46,000.00	\$1,200.00	\$55,200.00	\$1,500.00	\$69,000.00	\$1,585.00	\$72,910.00	\$1,287.00	-11%	15%
16	E-16	Micro-Surfacing	SY	80,140	\$6.00	\$480,840.00	\$2.80	\$224,392.00	\$2.80	\$224,392.00	\$3.00	\$240,420.00	\$2.75	\$220,385.00	\$3.00	\$240,420.00	\$2.87	-2%	-53%
17	E-17	6" Thermoplastic Stripe	LF	22,621	\$2.00	\$45,242.00	\$1.00	\$22,621.00	\$0.90	\$20,358.90	\$0.90	\$20,358.90	\$0.80	\$18,096.80	\$1.00	\$22,621.00	\$0.92	9%	-50%
18	E-17	6" Yellow Thermoplastic Stripe	LF	4,696	\$4.00	\$18,784.00	\$1.00	\$4,696.00	\$0.90	\$4,226.40	\$1.00	\$4,696.00	\$0.80	\$3,756.80	\$1.00	\$4,696.00	\$0.94	6%	-75%
19	E-17	8" Thermoplastic Stripe	LF	1,738	\$5.00	\$8,690.00	\$2.00	\$3,476.00	\$1.80	\$3,128.40	\$1.75	\$3,041.50	\$1.60	\$2,780.80	\$2.00	\$3,476.00	\$1.83	9%	-60%
20	E-17	Thermoplastic Pavement Marking	SF	8,472	\$6.00	\$50,832.00	\$3.25	\$27,534.00	\$3.40	\$28,804.80	\$3.50	\$29,652.00	\$3.25	\$27,534.00	\$4.00	\$33,888.00	\$3.48	-7%	-46%
21	E-17	Thermoplastic Green Pavement Markings	SF	410	\$20.00	\$8,200.00	\$8.00	\$3,280.00	\$10.00	\$4,100.00	\$9.00	\$3,690.00	\$8.00	\$3,280.00	\$9.00	\$3,690.00	\$8.80	-9%	-60%
22	E-17	Paint Red Curb	LF	235	\$5.00	\$1,175.00	\$2.00	\$470.00	\$4.00	\$940.00	\$2.50	\$587.50	\$20.00	\$4,700.00	\$3.00	\$705.00	\$6.30	-68%	-60%
23	E-17	Blue Reflectorized Pavement Marker	EA	46	\$6.00	\$276.00	\$20.00	\$920.00	\$25.00	\$1,150.00	\$25.00	\$1,150.00	\$20.00	\$920.00	\$23.00	\$1,058.00	\$22.60	-12%	233%
24	E-18	Portable Changeable Message Signs	EA	4	\$3,000.00	\$12,000.00	\$2,000.00	\$8,000.00	\$2,000.00	\$8,000.00	\$4,000.00	\$16,000.00	\$500.00	\$2,000.00	\$3,400.00	\$13,600.00	\$2,380.00	-16%	-33%
Total Base Bid					\$3,907,059.00		\$2,388,223.00		\$2,417,546.10		\$2,425,337.80		\$2,670,700.00		\$2,855,535.10		\$2,551,468.40	-6%	-39%
CONTINGENCY - 10% (Per Caltrans LAPM)					\$390,705.90		\$238,822.30		\$241,754.61		\$242,533.78		\$267,070.00		\$285,553.51				
TOTAL PROJECT CONSTRUCTION COST					\$4,297,764.90		\$2,627,045.30		\$2,659,300.71		\$2,667,871.58		\$2,937,770.00		\$3,141,088.61				
SUBCONTRACTORS	Trucking (5, 6, 8)						Chavez Trucking / Eighteen Trucking (11.23% DBE)		All Cities Trucking (10.34% DBE)		All Cities Trucking (7.32% DBE)		Golden State Trans (12.17% DBE)		San Jose Transport (1.84% DBE)				
	Traffic Control (3)								Hernandez Engineering (1.03% DBE)		Hernandez Engineering (1.31% DBE)		CMC Traffic Control (3.00% DBE)		Western Traffic (3.36% DBE)				
	WPCP (4)								Tully Consulting Group (0.03% DBE)		Tully Consulting Group (0.27% DBE)								
	Tack Coat (5)												Pacific Northwest Oil						
	Manhole Pavement Repair (7)						JCC, Inc.												
	Cold Plane (6, 8)										ABSL Construction (7.01% DBE)		ABSL Construction (1.91% DBE)		ABSL Construction (8.61% DBE)				
	Concrete (9-11)						Rosas Bros.		Rosas Bros.		Rosas Bros.		R&R Mahger Construction						
	Adjust Valve/Monument/Manhole to Grade (12-15)						JCC, Inc.								Johnson Const. Corp.				
	Microsurfacing (16)						Graham Contractors		VSS International		Graham Contractors		Graham Contractors		Graham Contractors				
	Striping and Markers (17-23)						Chrisp Co.		Chrisp Co.		Chrisp Co.		Chrisp Co.		Chrisp Co.				
Material Supplier (Aggregates)														DeSilva Gates					
Total DBE Participation						11.23%		11.40%		15.91%		17.08%		13.81%		DBE Goal = 17%			

ATTACHMENT 4

Construction Change Order Policy for Street Resurfacing Project 2021, CP 4283 & 4298, Federal Project No. STPL-5314(012)

2007 City Council Approved Construction Change Order Policy

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

Street Resurfacing Project 2021, CP 4283 & 4298, Federal Project No. STPL-5314(012)

<u>Contract Award Amount</u>	<u>Individual Administrative Change Order Authority</u>	<u>Cumulative Change Order Authority</u>
\$2,388,223.00	N/A	\$238,822.30 (10%)

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one:				
☒ Budget Appropriation	311-9514298153555	\$916,488	311951429874800	\$916,488
	310-2931	\$916,488	310-3999	\$916,488
	310-2931	\$127,587	310-3999	\$127,587
☐ Budget Transfer	311-9514283153565	\$127,587	311-951428374800	\$127,587

Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to DeSilva Gates Construction, LP for Street Resurfacing Project 2021, City Project No.'s 4283 & 4298, Federal Project No. STPL-5314(012); and Approve related Budget Appropriations.

Background:

Project No. 4283 & 4298, Street Resurfacing Project 2021 (Project) is included in the adopted 2021-2026 Capital Improvement Program. The Project provides for the design and construction of asphalt concrete street repairs, micro-surfacing seal coat, installation of Americans with Disabilities Act (ADA) compliant curb ramps, concrete sidewalk repair, curb & gutter repair, new class II bike lanes, and pavement delineation. The Engineer's Construction Estimate for the Project is \$3,907,000, and the following streets are included in the Project for repair:

- Cresthaven Street from Moulton Drive to Piedmont Road
- Jurgens Drive from Milmont Drive to Larkwood Court
- Larkwood Court from Jurgens Drive to end
- Milmont Drive from Dixon Landing Road to Berryessa Creek overcrossing
- Piedmont Road from Yosemite Drive to Landess Avenue
- Pinard Street from Chipman Drive to Piedmont Road
- Entirety of: Aspenridge Drive, Balboa Drive, Bliss Avenue, Cascade Street, Chipman Drive, Dubois Street, Edgehill Way, Elkwood Drive, Farmcrest Street, Gingerwood Drive, Lynwood Terrace, Mesa Verde Drive, Moulton Drive, Pacifica Way, Palisades Drive, Petersburg Drive, Ridgemont Drive, Seacliff Drive, Seaside Drive, Seaside Way, Shiloh Avenue, Summerwind Drive, Summerwind Way, Woodruff Way

Analysis:

The Project Plans and Specifications are complete and ready for City Council approval. The Plan title sheet (**Attachment 2**) is included in the Council's agenda packet, and the complete set of plans and specifications are available electronically upon request to the City Engineer.

The project was advertised on digital construction trade publications on March 10, 2021 and in the Milpitas Post on March 19, 2021. Bid opening was on March 30, 2021 and five sealed bid proposals were received. The lowest responsible and responsive bidder was DeSilva Gates Construction, LP, in the amount of \$2,388,223.00. No bid protests were filed with the City regarding this project.

The following summary of bid results is included as **Attachment 3**.

Bidder	Total Base Bid
Engineers Estimate	\$3,907,000.00

DeSilva Gates Construction, LP	\$2,388,223.00
G. Bortolotto & Co., Inc.	\$2,417,546.10
O'Grady Paving, Inc.	\$2,425,337.80
Radius Earthwork, Inc.	\$2,670,700.00
Joseph J. Albanese, Inc.	\$2,855,535.10

The base bid pricing submitted varies between 27%-39% under the Engineer's Estimate. The variation in pricing may be due to the current construction market which likely have been influenced by the COVID.

The Contractor, DeSilva Gates Construction, LP is deemed the lowest responsible and responsive bidder, and staff recommends City Council to award a construction contract for the base bid amount of \$2,388,223.00.

As previously approved for the successful completion of recent projects with tight completion schedules, staff is requesting the use of the same change order policy, see **Attachment 4**. This policy allows for a timely completion of the Project, while addressing the need to respond swiftly to construction conditions and approve necessary change orders to limit potential claims or risks to the City. The construction contingency established for this Project is \$238,822.30, which is 10% of the total contract value as allowed on Federal-Aid projects per the Caltrans Local Assistant Procedures Manual. This change order authority will not be exceeded without prior City Council approval.

The City Council adopted Resolution No. 8695 at the September 15, 2017 Council Meeting accepting One Bay Area Grant Cycle 2 (OBAG-2) grant funding totaling \$1,609,000 to fund future street repair projects. \$692,512 of the total grant amount was used last year to complete Project No. 4296 Street Resurfacing Project 2020. This year, staff submitted a grant funding request for the remaining \$916,488 for use in completing the Project No. 4298 Street Resurfacing Project 2021. Staff recommends the approval of a Budget Change to appropriate \$916,488 OBAG-2 grant funding into the construction phase of Project No. 4298, **Attachment 5**.

On August 7, 2018, the City Council adopted Resolution No. 8808 requesting the City of Milpitas allocation of the FY 2018-19 Transportation Development Act (TDA) Article 3 grant funding totaling \$127,587 to fund the completion of pedestrian and bicycle facilities projects. Staff recommends the approval of a Budget Change to appropriate \$127,587 in TDA Article 3 grant funding into the construction phase of Project No. 4283, **Attachment 6**.

Policy Alternative:

Alternative 1: Deny approval of project plans and specifications and award of the construction award.

Pros: None.

Cons: A denial would cause delay in completing the needed annual repairs to the City's pavement infrastructure.

Reason not Recommended: Delay in award of construction contract will delay project completion, prolong construction activities through the rainy season, and potentially results in higher total construction cost.

Alternative 2: Deny approval of the appropriation of Federal OBAG-2 funding into the Project.

Pros: None.

Cons: If the appropriation of the OBAG-2 funding is not approved, additional City funding from another source such as the General Fund would be required to complete the Project.

Reason not Recommended: The Federal OBAG-2 funding can only be used on Street Projects. A denial would result in the unused OBAG-2 funds to be returned to the Federal Program and the City would need to reapply for future use this funding.

Alternative 3: Deny approval of the appropriation of the TDA Article 3 funding into the Project.

Pros: None.

Cons: If the appropriation of the TDA Article 3 funding is not approved, additional City funding from another source such as the General Fund would be required to complete the Project.

Reason not Recommended: The TDA Article 3 funding can only be used on pedestrian and bicycle projects. A denial would result in unused TDA Article 3 funds that would expire this year in 2021 and cannot be reutilized.

Fiscal Impact:

Staff recommends the appropriation of \$916,488 of One Bay Area Grant Cycle 2 ("OBAG2") grant funding into the construction phase of Project No. 4298 Street Resurfacing Project 2021. Staff further recommends the appropriation of \$127,587 in Transportation Development Act ("TDA") Article 3 funding into the construction phase of Project No. 4283 ADA Curb Ramp Transition Program.

Currently, Project No. 4283 is funded by Gas Tax Fund \$1.5 million and TDA Article III \$84.2k. Project No. 4298 is funded by Gas Tax Fund \$1.3 million, Measure B \$1.4 million, SB1 RMRA \$1.4 million and Vehicle Registration Fee \$500k.

Available funding for the Project Upon Approval of this AR:

CP 4283	\$708,662
CP 4298	\$4,591,839
OBAG2 Grant	\$916,488
TDA Article 3 Grant	\$127,587
Total Fund Balance Available	\$6,344,576

Summary of Estimated Construction Cost:

DeSilva Gates Construction, LP	\$2,388,223.00
10% Contingency	\$238,822.30
Administration and Inspection	\$100,000.00
Total Estimated Construction Cost	\$2,727,045.30

There are sufficient funds available to award the construction contract and complete the Project.

California Environmental Quality Act:

The project is exempt under Section 15301 (Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) was filed with the County of Santa Clara on October 6, 2020.

Recommendations:

Adopt a resolution to:

- 1) Approve Street Resurfacing Project 2021 Plans & Specifications;
- 2) Award the Construction Contract to the Lowest Responsible, and Responsive Bidder, DeSilva Gates Construction, LP, in the amount of \$2,388,223.00 for the Street Resurfacing Project 2021, City Project No. 4283 & 4298, Federal Project No. STPL-5314(012);
- 3) Authorize the City Manager to Execute the Construction Contract with DeSilva Gates Construction, LP;
- 4) Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Order(s) in an Aggregate Amount Not to Exceed \$238,822.30 for the Project; and
- 5) Approve \$916,488 Budget Appropriation of One Bay Area Grant Cycle 2 (OBAG2) to CIP 4298.
- 6) Approve \$127,586 Budget Appropriation of Transportation Development Act (TDA) Article 3 Grant to CIP 4283.

Attachments:

Attachment 1: Resolution Attachment 2: Title Sheet & Location Map Attachment 3: Bid Tabulation Attachment 4: Change Order Policy Attachment 5: Budget Change Form – OBAG 2 and TDA		
☐ Check if City Council Approval required.		
Meeting Date: May 04, 2021		
Requested by:	Department Head: Steve Erickson	Date: May 04, 2021
Reviewed by:	Finance Director: Lauren Lai	Date: May 04, 2021
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

Form 30-222 (Rev. 1/92)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution of Intent to Annex Property Located at 1380-1400 South Main Street into Community Facilities District No. 2008-1 and Set a City Council Public Hearing Date of June 15, 2021, to Consider the Annexation (Annexation No. 21)
Category:	Consent Calendar-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Adopt a Resolution of Intent to Annex Property Located at 1380-1400 South Main Street into Community Facilities District No. 2008-1 and Set a City Council Public Hearing Date of June 15, 2021, to Consider the Annexation (Annexation No. 21)

Background:

On October 16, 2018, the City Council approved General Plan Amendment No. GP17-0001, Special Plan Amendment No. ST17-0002, Zoning Amendment No. ZA17-0002, Site Development Permit No. SD17-0013, Conditional Use Permit No. UP17-0018, Density Bonus No. DB17-0002, Lot Combination No. LC17-0002, and Environmental Assessment No. EA17-0005 for a 220-unit residential project located at 1380-1400 South Main Street.

The project is located on a 2.14-acre site (the "Property") within the Transit Area Specific Plan ("TASP") area. This project is known as Main Street Milpitas, and the developer is South Main Plaza, LLC, a Delaware Limited Liability Company ("Developer"). A condition of approval for the project requires that, prior to issuance of a building permit, the site shall be annexed into Communities Facilities District 2008-1 (CFD 2008-1) to allow for the levy of special taxes to fund public services that benefit the development.

Analysis:

The City previously formed CFD 2008-1 pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, commencing with section 53311 of the California Government Code (the "Act") for the purpose of financing certain public services. Annexation of properties into CFD 2008-1 is subject to the provisions of the Act. The Property previously consisted of two parcels (Assessor Parcel Numbers 083-36-006 and 083-36-007), a lot combination to merge the two parcels was approved by the City and recorded with the County of Santa Clara Office of the Recorder on November 25, 2020. The Property is known as "Parcel 21" and is proposed to be annexed into CFD 2008-1.

Pursuant to the Act and previously proceedings undertaken by the City Council, territory within the "Future Annexation Area" of CFD 2008-1 can be annexed into CFD 2008-1 through a streamlined process. This has been the case for previous annexations. A portion of the Property is located outside the Future Annexation Area. Pursuant to the Act, annexation can be authorized, with the following actions:

1. Adopt a resolution of intent (ROI) to declare the City's, acting as the legislative body of CFD 2008-1, intention to annex the Property, and fix a time and a place for a public hearing date to consider the resolution of intention not less than 30 nor more than 60 days after the adoption of the resolution of intention; and
2. Conduct the public hearing, submit the question of levying the special tax within the Property to the qualified electors of the Property, conduct an election, consider a resolution to certify the election

results and annex the Property to CFD 2008-1 if two-thirds of the votes cast by the qualified electors are in favor of levying the special tax.

Staff recommends adopting the attached ROI to annex the Property and set June 15, 2021, as the public hearing date. Following adoption, staff will proceed with following the procedures required under the Act, such as, recording the annexation map approved in the ROI, publishing notice of the public hearing and, if consent of Developer is received, conducting the election for annexation of the Property to CFD 2008-1 immediately following the public hearing at the June 15th City Council meeting.

Prior to public hearing, the City will obtain a Certificate of Registrar of Voters from the County of Santa Clara certifying that there are no registered voters residing within the boundaries of the Property. Thus, the qualified elector for the annexation will be Developer.

Policy Alternatives:

Alternative 1:

Deny the ROI to annex the Property into CFD 2008-1.

Pros: None. The annexation allows the levy of special taxes to fund public services and is a condition of approval for the residential project.

Cons: Denying the ROI would prevent the City from levying special taxes on the Property to fund public services.

Reason not recommended: To adequately fund the perpetual maintenance of improvements and services for the Property, staff recommends adopting the ROI to annex the Property into CFD 2008-1.

Fiscal Impact:

Adding the Property to the CFD No. 2008-1 would allow the City to levy special taxes on this parcel to fund public services to support the development.

California Environmental Quality Act:

This project is covered under the scope of activities approved under the Transit Area Specific Plan Environmental Impact Report, SCH2006032091, which was certified by City Council on June 3, 2008. On October 16, 2018, the City Council found that the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (projects consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15182 (residential projects consistent with a specific plan); and CEQA Guidelines Section 15168 (projects within the scope of a program EIR).

Recommendation:

Adopt a Resolution of Intent to Annex Property Located at 1380-1400 South Main Street into Community Facilities District No. 2008-1 and Set a City Council Public Hearing Date of June 15, 2021, to Consider the Annexation (Annexation No. 21)

Attachments:

Resolution of Intent (Annexation Map and Rate and Method of Apportionment included as exhibits)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING
ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY TO
COMMUNITY FACILITIES DISTRICT NO. 2008-1**

(ANNEXATION NO. 21)

WHEREAS, the City Council of the City of Milpitas, California (the “City Council”) has previously formed City of Milpitas Community Facilities District No. 2008-1 (Public Services) (“CFD 2008”) pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”) for the purpose of financing certain public services; and

WHEREAS, certain territory known as [1380-1400 South Main Street] is proposed to be annexed to CFD No. 2008-1 and such territory shall be known and designated as “City of Milpitas Community Facilities District No. 2008-1 (Public Services), Annexation No. 21” (the “Territory”); and

WHEREAS, pursuant to the Act, territory may be annexed to an existing CFD if the City Council determines that public convenience and necessity require that territory be added to the existing CFD; and

WHEREAS, a map showing the Territory and designated as Annexation Map No. 21 (the “Annexation Map”), a copy of which is attached as Exhibit A hereto and incorporated herein by this reference, has been submitted to this legislative body; and

WHEREAS, this legislative body now desires to proceed to adopt its resolution of intention to annex the Territory to CFD No. 2008-1, to describe the territory included in CFD No. 2008-1 and the Territory proposed to be annexed thereto, to specify the services to be financed from the process of the levy of special taxes within the Territory, to set and specify the special taxes that would be levied within the Territory to finance such services, and to set a time and place for a public hearing relating to the annexation of the Territory to CFD No. 2008-1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas that:

1. Recitals. The above recitals are all true and correct.
2. Legal Authority. These proceedings for annexation are initiated by this City Council pursuant to the authorization of the Act.
3. Intent to Annex; Description of Territory; Approval of Annexation Map. This legislative body hereby determines that public convenience and necessity requires that the Territory be added to CFD No. 2008-1 and this City Council declares its intention to annex the Territory to CFD No. 2008-1. The Annexation Map is hereby approved and adopted. A certificate shall be endorsed on the original and on at least one (1) copy of the Annexation Map, evidencing the date and adoption of this Resolution, and within fifteen (15) days after the adoption of this Resolution, a copy of the Annexation Map shall be filed with the correct and proper endorsements thereon with the Santa Clara County Recorder (the “County Recorder”), all in the manner and form provided for in Section 3111 of the Streets and Highways Code of the State of California.

A description of the boundaries and Territory proposed to be annexed is as follows:

All that Territory proposed to be annexed to CFD No. 2008-1, as such property is shown on a map entitled “Annexation Map No. 21 of City of Milpitas Community Facilities District No. 2008-1 (Public Services),

County of Santa Clara, State of California,” a copy of which is on file in the Office of the City Clerk and shall remain open for public inspection.

A general description of the territory included in CFD No. 2008-1 is hereinafter described as follows:

All that property and territory as originally included within and previously annexed to CFD No. 2008-1, as such property is shown on maps of the CFD No. 2008-1 and territory previously annexed as approved by this City Council and designated by the name of CFD No. 2008-1 and Annexation Nos. 1 through 20. A copy of such maps are on file in the Office of the City Clerk and have also been filed in the Office of the County Recorder.

4. Name. The proposed annexation shall be known and designated as “City of Milpitas Community Facilities District No. 2008-1 (Public Services), Annexation No. 21.”

5. Services Authorized to be Financed by CFD No. 2008-1. The services that are authorized to be financed by CFD No. 2008-1 from the proceeds of special taxes levied within the CFD No. 2008-1 are certain services which are in addition to those services that were provided in or required for CFD No. 2008-1 prior to the formation of CFD No. 2008-1 and did not replace services already available in CFD No. 2008-1 at the time of formation of CFD No. 2008-1. A general description of the services authorized to be financed by CFD No. 2008-1 is as follows:

- (a) Police protection services, including, but not limited to criminal justice services. However, criminal justice services shall be limited to providing services for jails, detention facilities, and juvenile halls.
- (b) Fire protection and suppression services, and ambulance and paramedic services.
- (c) Maintenance and lighting of parks, parkways, streets, roads, street landscaping, and open space.
- (d) Flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems.
- (e) Services with respect to removal or remedial action for the cleanup of any hazardous substance released or threatened to be released into the environment.

CFD No. 2008-1 shall finance all direct, administrative and incidental annual costs and expenses necessary to provide such monitoring, maintenance, operation and management of such public property.

The same types of services which are authorized to be financed by CFD No. 2008-1 from the proceeds of special taxes levied within CFD No. 2008-1 are the types of services to be financed from the proceeds of special taxes levied within CFD No. 2008-1. If and to the extent possible such services shall be provided in common within CFD No. 2008-1 and the Territory.

6. Special Taxes. It is the further intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for such services and related incidental expenses authorized by the Act, secured by recordation of a continuing lien against all non-exempt real property in the Territory, will be levied annually within the boundaries of such Territory. For further particulars as to the rate and method of apportionment of the proposed special tax, reference is made to the attached and incorporated Exhibit B (the “Rate and Method”), which sets forth in sufficient detail the method of

apportionment to allow each landowner or resident within the proposed Territory to clearly estimate the maximum amount that such person will have to pay.

The special tax proposed to be levied within the Territory shall be equal to the special tax levied to pay for the same services in CFD No. 2008-1, except that a higher or lower special tax may be levied within the Territory to the extent that the actual cost of providing the services in the Territory is higher or lower than the cost of providing those services in CFD No. 2008-1. Notwithstanding the foregoing, the special tax may not be levied at a rate which is higher than the maximum special tax authorized to be levied pursuant to the Rate and Method.

The special taxes herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes. Any special taxes that may not be collected on the County of Santa Clara tax roll shall be collected through a direct billing procedure by the Treasurer.

The maximum special tax rate in CFD No. 2008-1 shall not be increased as a result of the annexation of the Territory to CFD No. 2008-1.

7. Public Hearing. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING HAS BEEN SCHEDULED TO BE HELD ON JUNE 15, 2021 AT THE HOUR OF 7:00 P.M., OR AS SOON THEREAFTER AS PRACTICABLE, IN MILPITAS, CALIFORNIA, AT WHICH TIME THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, WILL CONSIDER THE AUTHORIZATION FOR THE ANNEXATION OF THE TERRITORY TO CFD NO. 2008-1, THE PROPOSED RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX TO BE LEVIED WITHIN THE TERRITORY AND ALL OTHER MATTERS SET FORTH IN THIS RESOLUTION.

PURSUANT TO THE CALIFORNIA GOVERNOR'S EXECUTIVE ORDER N-29-20, IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, MEMBERS OF THE CITY COUNCIL AND STAFF MAY PARTICIPATE IN THIS MEETING VIA TELECONFERENCE. IN ACCORDANCE WITH SUCH ORDER, THE PUBLIC MAY VIEW THE MEETING ON TELEVISION AND/OR ONLINE AND NOT IN THE COUNCIL CHAMBERS.

HOW TO WATCH: City Council meeting is held via teleconference/Zoom webinar only (no physical meeting space). Council meeting will be livestreamed and may be watched without providing public comment by accessing it via the following links:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

HOW TO SUBMIT COMMENTS: Oral public comments may be provided live during the City Council meeting by first registering for the Zoom meeting in advance by providing your email address (not disclosed) and a name. The link to register for this meeting will be provided on the City Council Agenda for June 15, 2021. 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 or staff 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. Online written comment form previously used is no longer available for public comment.

8. Majority Protest. If (a) 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing within CFD No. 2008-1, (b) 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing within the Territory, (c) owners of one-half or more of the area of land in the territory included in CFD No. 2008-1, or (d) owners of one-half or more of the area of land included in the Territory, file written protests against the proposed annexation of the Territory to CFD No. 2008-1 in the future and such protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings shall be undertaken for a period of one year from the date of the decision by the City Council on the issue discussed at the public hearing.

9. Election. Upon the conclusion of the public hearing, if the legislative body determines to proceed with the annexation of the Territory, a proposition shall be submitted to the qualified electors of the Territory. The vote shall be by registered voters within the Territory; provided, however, if there are less than 12 registered voters, the vote shall be by landowners, with each landowner having one vote per acre or portion thereof within the Territory.

10. Notice. Notice of the time and place of the public hearing shall be given by the City Clerk by publication in the legally designated newspaper of general circulation, said publication pursuant to Section 6061 of the Government Code of the State of California, with said publication to be completed at least seven (7) days prior to the date set for the public hearing.

PASSED AND ADOPTED this 4th day of May, 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

ANNEXATION MAP NO. 21

SHEET 1 OF 1

Filed in the office of the City Clerk of the City of Milpitas this ____ day of _____, 2021.

City Clerk, City of Milpitas

I hereby certify that the within map showing proposed boundaries of Annexation Map No. 21 of City of Milpitas Community Facilities District No. 2008-1 (Public Services), City of Milpitas, County of Santa Clara, State of California, was approved by the City Council of the City of Milpitas at a regular meeting thereof, held on the _____ day of _____, 2021, by its Resolution No. _____.

City Clerk, City of Milpitas

Filed this ____ day of ____, 2021, at the hour of ____ o'clock ____ m., in Book ____ of Maps of Assessment and Community Facilities Districts at Page ____ in the office of the County Recorder in the County of Santa Clara, State of California.

County Recorder, Regina Alcomendras
County of Santa Clara

The boundary of Community Facilities District No. 2008-1 is co-terminous with the boundary of the City of Milpitas in _____, 2021.

Reference is hereby made to the Assessor maps of the County of Santa Clara for an exact description of the lines and dimensions of each lot and parcel.

The territory included in the Community Facilities District shall include only Santa Clara County Assessor's for the following Annexation Maps:

Assessor's for the following Annexation Maps:
Initial formation CFD 2008-1 : 08632033, 08632034, 08632035, 0832036

Map No. 1: 08641020, 08641021, 08641022
Map No. 2: 08636043

Map No. 2: 08636043
Map No. 3: 08633094, 08633095, 08633098, 08633099
Map No. 4: 08622044

Map No. 4: 08632044
Map No. 5: 08632039, 08632045, 08632046

Map No. 6: 08636003, 08636004, 08636005, 08636006
Map No. 7: 08633082

Map No. 8: 08637019, 08637037, 08637038
Map No. 9: 08632029, 08632070

Map No. 9: 08032029, 08032070
Map No. 10: 08633089, 08633107, 08633108
Map No. 11: 08841009, 08841032, 08841033, 08841034

Map No. 11: 08641009, 08641032, 08641033, 08641034
Map No. 12: 086037039, 086037040
Map No. 13: 08622105

Map No. 13: 08633105
Map No. 14: 08636040

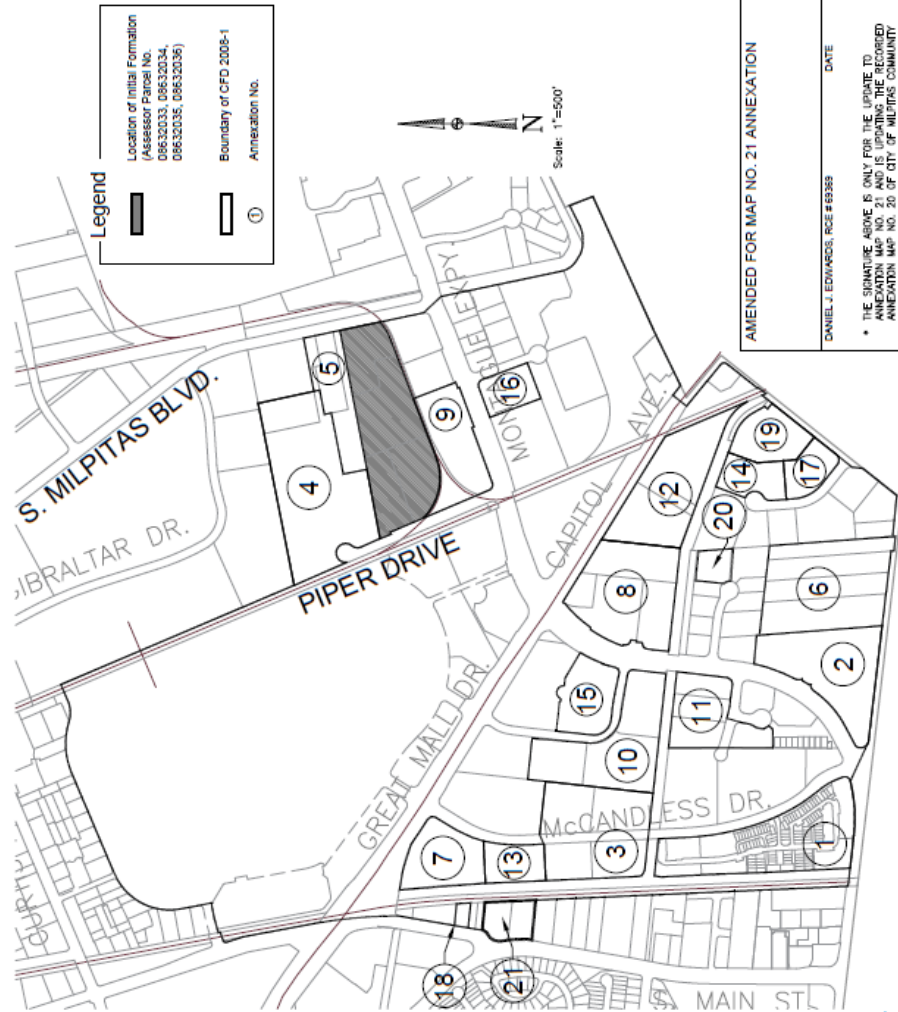
Map No. 15: 08633111
Map No. 16: 09208077

Map No. 17: 08638039
Map No. 18: 08338003

Map No. 18: 08336003
Map No. 19: 08636038
Map No. 20: 08836013

Map No. 20: 08636013
Map No. 21: 08336006, 08336007

and all publicly owned areas in the City of Milpitas landscaped or capable of being landscaped, such as parks, parkways, street medians, interchange areas, light rail areas, open space and all similar areas. All other areas depicted on this map indicate territory that may be annexed to the Community Facilities District in the future.



AMENDED FOR MAP NO. 21 ANNEXATION

DANIEL J. EDWARDS BCE #69369 DATE _____

* THE SIGNATURE ABOVE IS ONLY FOR THE UPDATE TO ANNEXATION MAP NO. 21 AND IS UPDATING THE RECORDED ANNEXATION MAP NO. 20 OF CITY OF MILPITAS COMMUNITY FACILITIES DISTRICT NO. 2008-1

Drawn By: BP File No. CFD 2008-1 Sheet 1 of 1

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT FOR COMMUNITY FACILITIES DISTRICT NO. 2008-1 OF THE CITY OF MILPITAS

1. BASIS OF SPECIAL TAX LEVY

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (Act) applicable to the land in the Community Facilities District No. 2008-1 (Public Services) (CFD) of the City of Milpitas (City) shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

2. DEFINITIONS

"**Act**" means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

"**Administrative Expenses**" means the actual or estimated costs incurred by the City to form the CFD and to determine, levy, and collect the Special Taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the Special Taxes on the general tax rolls, preparation of required reports, and any other costs required to administer the CFD as determined by the City.

"**Administrator**" means the Finance Director of the City, or his or her designee.

"**Affordable Housing**" means a Dwelling Unit on a Developed Parcel that is subject to deed restrictions, resale restrictions, or regulatory agreements recorded on the property that provide housing for persons that meet Low-, Very Low-, or Extremely Low-Income levels pursuant to the California Health and Safety Code Sections 5079.5, 50105, or 50106. The Dwelling Unit shall no longer be considered Affordable Housing following termination of the agreement containing covenants or similar instruments.

"**Annexation Parcel**" means any Parcel that is annexed to the CFD after it is formed.

"**Annual Costs**" means for each Fiscal Year, the total of (1) Authorized Services, (2) Administrative Expenses, and (3) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

"**Authorized Services**" mean those services, as listed in the resolution forming the CFD.

"**Base Year**" means the Fiscal Year beginning July 1, 2009 and ending June 30, 2010.

"**Certificate of Occupancy**" means a permit issued by the City authorizing the occupancy of a Dwelling Unit.

"**CFD**" means the Community Facilities District No. 2008-1 (Public Services) of the City of Milpitas, Santa Clara County, California.

"**City**" means the City of Milpitas in Santa Clara County, California.

"**Council**" means the City Council of the City of Milpitas acting for the CFD under the Act.

"**County**" means the County of Santa Clara, California.

"County Assessor's Parcel" means a lot or Parcel with an assigned Assessor's Parcel Number in the maps used by the County Assessor in the preparation of the tax roll.

"County Median Income" means the current median income for the County as determined by the U.S. Department of Housing and Urban Development, or successor agency as published annually by the State Department of Housing and Community Development pursuant to the Health and Safety Code Section 50093 et. seq.

"Developed Parcel" means a Parcel that has Certificate of Occupancy for residential land uses issued after January 1, 2009.

"Dwelling Unit(s)" means the number of taxable developed residential unit(s) assigned to a Parcel, or a portion thereof, by the Administrator.

"Extremely Low-Income Affordable" means a Dwelling Unit located on a Developed Parcel that is Affordable Housing for households with incomes at or below 30 percent of the County Median Income.

"Fiscal Year" means the period starting July 1 and ending the following June 30.

"Low-Income Affordable" means a Dwelling Unit located on a Developed Parcel for Affordable Housing for households with incomes at or below 80 percent of the County Median Income.

"Market Rate" means a Dwelling Unit located on a Developed Parcel that is not Affordable Housing.

"Maximum Annual Special Tax" means the greatest amount of Special Tax that can be levied against a Developed Parcel calculated by summing the Maximum Annual Special Tax Rate for each Dwelling Unit and Tax Category assigned to a Developed Parcel.

"Maximum Annual Special Tax Rate per Unit" means the amount shown in **Attachment 1** for a Fiscal Year that is assigned to a Dwelling Unit by Tax Category.

"Parcel" means any County Assessor's Parcel in the CFD based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

"Parcel Number" means the Assessor's Parcel Number for any Parcel based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

"Public Parcel" means any Parcel, in its entirety, that is or is intended to be publicly owned that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets, schools, parks, public drainageways, public landscaping, wetlands, greenbelts, and public open space. These parcels are exempt from the levy of Special Taxes. Any such Parcel will be a Tax-Exempt Parcel.

"Second-Family Unit" means an attached or detached additional residential dwelling unit on a single-family residential Developed Parcel. The Second-Family Unit is not considered a Dwelling Unit in terms of assigning the Maximum Annual Special Tax.

"Special Tax(es)" mean(s) any tax levy under the Act in the CFD.

"Tax Category" means the four categories of housing Dwelling Units shown in **Attachment 1**.

"Tax Collection Schedule" means the document prepared by the Administrator for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

"Tax Escalation Factor" means an annual percentage increase in the Maximum Annual Special Tax Rate per Unit based on the Consumer Price Index (CPI) (as of February, San Francisco, All Urban Consumers [CPI-U] Index), the CPI (prior calendar year annual average, San Francisco, All Urban Wage Earners and Clerical Workers), or 2 percent, whichever is greater. The Tax Escalation Factor is applied in each Fiscal Year following the Base Year.

"Taxable Parcel" means any Parcel that is not a Tax-Exempt Parcel.

"Tax-Exempt Parcel" means a Parcel not subject to the Special Tax. Tax-Exempt Parcels are Public Parcels (subject to the limitations set forth in **Section 4**, below), Undeveloped Parcels, and nonresidential use parcels, such as commercial, office, retail, industrial, etc.

"Undeveloped Parcel" means a Parcel that is not a Developed Parcel.

"Very Low-Income Affordable" means a Dwelling Unit located on a Developed Parcel that is Affordable Housing for households with incomes at or below 50 percent of the County Median Income.

3. DURATION OF THE SPECIAL TAX

Parcels in the CFD will remain subject to the Special Tax in perpetuity.

If the Special Tax ceases to be levied, the City will direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax, in addition, will identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

4. ASSIGNMENT OF MAXIMUM ANNUAL SPECIAL TAX

- A. Classification of Parcels. By June 30 of each Fiscal Year, using the Definitions in Section 2, above, the parcel records of the Assessor's Secured Tax Roll as of January 1, and other City development approval records, the Administrator shall cause these:
 1. Each Parcel to be classified as a Developed Parcel or Tax-Exempt Parcel.
 2. Each Developed Parcel to be assigned a number of Dwelling Units.
 3. Each Dwelling Unit to be further classified as Market Rate, Low-Income Affordable, Very Low-Income Affordable, or Extremely Low-Income Affordable.
- B. Assignment of Maximum Annual Special Tax. **Attachment 1** shows the Base Year Maximum Annual Special Tax Rates per Unit. Each Fiscal Year following the Base Year, the Maximum Annual Special Tax Rate per Unit may be increased in accordance with the Tax Escalation Factor. **Attachment 1** also shows the Current Maximum Annual Special Tax Rates per Unit with the application of the annual Tax Escalation Factor since the Base Year.

The Maximum Annual Special Tax is then assigned to Taxable Parcels using the steps below:

1. **Developed Parcels**. Dwelling Units are assigned by the Administrator by Tax Category (as shown in Attachment 1) to Developed Parcels. The Maximum Annual Special Tax for each Developed Parcel is the sum of the Maximum Annual Special Tax Rates per Unit (as increased by the Tax Escalation Factor each Fiscal Year after the Base Year) for each Dwelling Unit (and Tax Category

assigned thereto).

2. **Undeveloped Parcels.** Undeveloped Parcels are Tax-Exempt Parcels until developed as one of the residential uses discussed above.

- C. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel is not needed for public use and is converted to a taxable use or transferred to a private owner, it shall become subject to the Special Tax. The Maximum Annual Special Tax for such a Parcel will be assigned according to the **Section 4.A** and **Section 4.B** above. Conversely, if a privately owned parcel is converted to a public use, it shall become tax-exempt.

5. CALCULATING ANNUAL SPECIAL TAXES

The Administrator will compute the Annual Costs and determine the Maximum Annual Special Tax for each Taxable Parcel based on the assignment of the Special Tax in **Section 4**. The Administrator will then determine the tax levy for each Taxable Parcel using the following process:

- D. Compute the Annual Costs using the definition of Annual Costs in **Section 2**.
- E. Calculate the Special Tax levy for each Developed Parcel by the following steps:
 - Step 1: Compute 100 percent of the Maximum Annual Special Tax Revenue for all Developed Parcels.
 - Step 2: Compare the Annual Costs with the Maximum Annual Special Tax revenue calculated in the previous step.
 - Step 3: If the Annual Costs are lower than the Maximum Annual Special Tax Revenue, decrease proportionately the Special Tax levy for each Developed Parcel until the revenue from the Special Tax levy equals the Annual Costs.
- F. Levy on each Taxable Parcel the amount calculated above.
- G. Prepare the Tax Collection Schedule and, unless an alternative method of collection has been selected pursuant to **Section 9**, send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule will not be sent later than the date required by the Auditor for such inclusion.

The Administrator will make every effort to correctly calculate the Special Tax for each Parcel. It will be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments.

6. RECORDS MAINTAINED FOR THE CFD

As development and subdivision occurs in the CFD, the Administrator will maintain a file containing records of the following information for each Parcel:

- The current County Assessor's Number.
- Number of Dwelling Units assigned by the Administrator to Developed Parcels.
- The Tax Category for each Dwelling Unit assigned to a Developed Parcel.

The file containing the information listed above will be available for public inspection.

7. INTERPRETATION, APPLICATION AND APPEAL OF SPECIAL TAX FORMULA AND PROCEDURES

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Administrator appealing the levy of the Special Tax. The Administrator will then promptly review the appeal, and if necessary, meet with the applicant. If the Administrator verifies that the tax should be modified or changed, the Special Tax levy will be corrected and, if applicable in any case, a refund will be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties, or any definition applicable to the CFD.

Without Council approval, the Administrator may make minor, non-substantive administrative and technical changes to the provisions of this Exhibit that do not materially affect the rate, method of apportionment, and manner of collection of the Special tax for purposes of the administrative efficiency or convenience or to comply with new applicable federal, state or local law.

8. PREPAYMENT OF THE SPECIAL TAX OBLIGATION

The Maximum Annual Special Tax for a Taxable Parcel may not be prepaid. The Special Tax is collected to fund Authorized Services in perpetuity, or until the Council determines that the Special Tax should no longer be collected.

9. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as ad valorem property taxes, provided, however, that the Administrator or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary, to meet the City's financial obligations.

Attachment 1

**City of Milpitas
CFD No. 2008-1 (Public Services)
Maximum Annual Special Tax Rates Per Unit**

Dwelling Unit Tax Category	Base Year Special Tax Rate Per Unit FY 2009-2010 [1]	Current Year Special Tax Rate Per Unit FY 2020-2021
Market Rate [1]	\$510.00	\$698.86
Low Income Residential [2]	\$408.00	\$559.09
Very Low Income Residential [3]	\$255.00	\$349.43
Extremely Low Income Residential [4]	0	0

[1] May be increased by the Tax Escalation Factor in each Fiscal Year after the Base Year 2009-2010.

[2] Initially set at 80% of the Market-Rate Maximum Annual Special Tax Rate per Unit. When such Parcel is no longer subject to Affordable Housing status, it will be assigned to the Market Rate Tax Category.

[3] Initially set at 50% of the Market-Rate Maximum Annual Special Tax Rate per Unit. When such Parcel is no longer subject to Affordable Housing status, it will be assigned to the Market Rate Tax Category.

[4] Initially set at 0% of the Market-Rate Maximum Annual Special Tax Rate per Unit. When such Parcel is no longer subject to Affordable Housing status, it will be assigned to the Market Rate Tax Category.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Municipal Plan Check Services for Building Safety Services for a Total Amount Not to Exceed \$295,000
Category:	Consent Calendar-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Sharon Goei, 408-586-3260; Chris Schroeder, 408-586-3161
Recommendation:	Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Municipal Plan Check Services for building safety services, increasing the total not-to-exceed amount from \$95,000 to 295,000.

Background:

In February 2020, the City entered into a professional services agreement for building safety services with Municipal Plan Check Services for an amount of \$95,000 and with a term period through March 23, 2021. This agreement provided as-needed and on-call building safety professional services encompassing plan review, permitting, and field inspections to address temporary peak demand and to minimize service level impacts. Prior to agreement expiration, Amendment No. 1 was executed to extend the term period through June 30, 2022.

Analysis:

Within the Building Safety and Housing Department, there are fluctuations in work demands that create the need to augment regular staffing levels. It is the department's intent that these contract services would be used as needed to cover for extended staff absences, and to augment staff during peak periods, such as prior to a code change or peak seasonal periods. Staff believes these contracts will be positive to mitigate against staff burnout and excessive overtime.

Approximately \$93,000 of the original \$95,000 agreement had been utilized as of January 2021 to maintain a minimum level of service. Staff proposes a \$200,000 amendment to the existing agreement, increasing the total not-to-exceed amount by \$200,000 from \$95,000 to 295,000. The supplemental professional services will enable staff to maintain a certain level of service to support development and economic recovery in the community.

The City has completed a meet and confer process, as required by law, and has reached agreement with the exclusive representative, LIUNA, regarding contracting out to augment staff services.

Policy Alternative:

Alternative: Do not approve and authorize the City Manager to execute Amendment No. 2 for building safety services.

Pros: The City would not incur \$200,000 for additional professional services.

Cons: The City would have uncertain service delivery and would likely experience a decrease in customer service level.

Reason not recommended: While vacancies remain, it is important that the City have on-call services as needs arise to minimize service level impacts in order to support development and economic recovery in the community.

Fiscal Impact:

This amendment applies to services rendered in both FY 2021 and FY 2022, so only the projected portion related to FY 2021 in amount of \$20,000 will be encumbered in the current fiscal year. The remaining \$180,000 will be encumbered in FY 2022 pending the availability of funds after adoption of FY 2022 Building's operating budget.

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:

Approve and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Municipal Plan Check Services for building safety services, increasing the total not-to-exceed amount from \$95,000 to 295,000.

Attachments:

- A. Amendment No. 2 to Professional Services Agreement with Municipal Plan Check Services
- B. Amendment No. 1 to Professional Services Agreement with Municipal Plan Check Services
- C. Professional Services Agreement with Municipal Plan Check Services



**AMENDMENT NO. 2
TO PROFESSIONAL SERVICES AGREEMENT
WITH
MUNICIPAL PLAN CHECK SERVICES
FOR
BUILDING SAFETY SERVICES FOR THE BUILDING SAFETY AND
HOUSING DEPARTMENT**

This Amendment No. 2 is entered on _____ (“Effective Date”), by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "City"), and **Municipal Plan Check Services**, a California corporation (hereafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Amendment No. 2.

RECITALS:

WHEREAS, on February 26, 2020, the Parties entered into a Professional Services Agreement for Building Safety Services for the Building Safety and Housing Department (the “Agreement”), with a maximum compensation amount of \$95,000.00, and a term period of February 24, 2020 through and including March 23, 2021; and

WHEREAS, on March 17, 2021, the Parties entered into Amendment No. 1 to the Agreement to extend the term period expiration date through and including June 30, 2022; and

WHEREAS, the Parties now desire to amend the Agreement to increase the maximum compensation amount by \$200,000.00, for a new maximum compensation amount of \$295,000.00.

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

1. Section 2b. Compensation is hereby amended to read as follows:

“In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Two-Hundred Ninety-Five Thousand Dollars and Zero Cents (\$295,000.00)**. 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.”

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

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 2 as of the date first written above.

[SIGNATURES ON THE FOLLOWING PAGE]

**SIGNATURE PAGE TO AMENDMENT NO. 2
TO PROFESSIONAL SERVICES AGREEMENT
WITH
MUNICIPAL PLAN CHECK SERVICES
FOR
BUILDING SAFETY SERVICES FOR THE BUILDING SAFETY AND
HOUSING DEPARTMENT**

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
Risk Manager/Director of Finance

Approved As To Content:

Sharon Goei, Director of Building
Safety and Housing

**MUNICIPAL PLAN CHECK
SERVICES**

Signature

Name

Title

Date

DIR Registration Number (If
Applicable)



AMENDMENT NO. 1
TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS AND
MUNICIPAL PLAN CHECK SERVICES
FOR
BUILDING SAFETY SERVICES

This Amendment No. 1 is entered into this ^{Mar-17-2021}____ day of March, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "City"), and **Municipal Plan Check Services**, a California Corporation (hereafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No 1.

RECITALS

WHEREAS, on February 26, 2020, the Parties entered into a Professional Services Agreement for Building Safety Services for the Building Safety and Housing Department (the "Agreement") for the maximum compensation amount of \$95,000.00, and with a term period of February 24, 2020 through and including March 23, 2021; and

WHEREAS, the Parties now desire to amend the Agreement extend the term period expiration date through and including June 30, 2022.

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

1. Section 5. Time of Performance – is deleted and replaced in its entirety with the following: "Consultant shall perform its services in a prompt and timely manner and shall commence performance upon the Effective Date. Consultant shall complete the services required hereunder within the period from **February 24, 2020 through and including June 30, 2022.**"
2. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

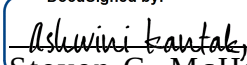
[SIGNATURES ON THE FOLLOWING PAGE]

**SIGNATURE PAGE OF AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF MILPITAS AND
MUNICIPAL PLAN CHECK SERVICES**

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 as of the date first written above.

CITY OF MILPITAS

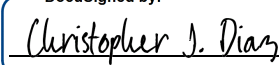
Approved By:

DocuSigned by:

Steven C. McHarris, City Manager

Mar-17-2021

Date

Approved As To Form:

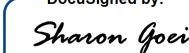
DocuSigned by:

Christopher J. Diaz, City Attorney

Approved:

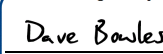
DocuSigned by:

Walter C. Rossmann, Risk
Manager/Director of Finance

Approved As To Content:

DocuSigned by:

Sharon Goei, Building Safety and
Housing Director

**MUNICIPAL PLAN CHECK
SERVICES**

DocuSigned by:

Signature

Dave Bowles

Name

CEO

Title

Mar-04-2021

Date

DIR Registration Number (If
Applicable)

**CITY OF MILPITAS
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as of Feb. 26, 2020 ("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 **Municipal Plan Check Services**, a CORPORATION with its principal place of business at **83 Cabernet, Rancho Mirage, California 92270** (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:

Building Safety Services

(hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit A.

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit B.

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Ninety-Five Thousand Dollars and Zero Cents (\$95,000.00)**. 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. Time of Performance.

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon the Effective Date. Consultant shall complete the services required hereunder within the thirteen-month period from **February 24, 2020 through and including March 23, 2021.**

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 **Dave Bowles 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.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Milpitas

455 E. Calaveras Boulevard

Milpitas, California 95035

Attn: Sharon Goei, Director of Building Safety and Housing

CONSULTANT:

Municipal Plan Check Services

83 Cabernet

Rancho Mirage, California 92270

Attn: Dave Bowles, Account Management & Human Resources

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other

consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

31. Wage Theft Prevention

a. Consultant, and any subconsultant it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

b. BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONSULTANT OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONSULTANT AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONSULTANT OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

c. If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Consultant or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Consultant learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Consultant shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Consultant or its subconsultant(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Consultant or its subconsultant is subject to a payment or other alternative plan, the Consultant or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

e. Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

f. Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND INTERWEST CONSULTING GROUP, INC.**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:



Steven G. McHarris, Interim City Manager

2/25/2020

Date

Approved As To Form:



Christopher J. Diaz, City Attorney

Approved:



Walter C. Rossmann, Risk Manager/Director
of Finance

Approved As To Content:



Sharon Goei, Director of Building Safety and
Housing

MUNICIPAL PLAN CHECK SERVICES

DBowles

Signature

DAVE BOWLES

Name

CEO

Title

1-14-20

Date

DIR Registration Number (If Applicable)

EXHIBIT A

Scope of Services

Plan Check Services: Municipal Plan Check Services, Inc. (MuniPC) will perform plan reviews to cover one or more of the following disciplines: Architectural, structural, mechanical, electrical, plumbing, disability access and energy efficiency in conformance with the 2019 California Building Codes as modified or amended by the City of Milpitas (City). MuniPC's fee will be based on a first, second and third check to get the plans to approval. Extensive fourth reviews (or more) shall be billed on an hourly basis as indicated below.

1. **Comment Lists and Plans Delivery:** Plan reviews result in typed lists of comments which refer to specific details and drawings, and reference applicable code sections. MuniPC will transport plans and comments to the City in person, or via email, and/or reliable overnight carrier. Overnight delivery is available at no additional cost. When deemed beneficial by the City, to expedite or clarify plan review items, MuniPC will contact the applicant/designers directly to resolve these issues, but in no instance, shall the plans be re-submitted directly to MuniPC. All reviewed and approved documents shall be returned to the City after the plan review process is completed.
2. **Technical Support:** When mutually agreed between the City and MuniPC as vital to project success, MuniPC staff will attend pre-construction or pre-design meetings, field visits or perform other special tasks as requested by the City. These special tasks shall be billed per the hourly rate schedule in Exhibit B.
3. **Turn Around Schedules:** Residential Plan reviews will be completed and returned to the City typically within Ten (10) working days of the date the plans are received by MuniPC for the first plan review. More complex plan reviews including commercial and industrial may require up to fifteen (15) working days for the first plan review. Re-checks shall typically be completed in five (5) working days, unless major revisions to the original design have been re-submitted by the applicant - in those cases, the first review turnaround times may be used on the re-checks, but only when discussed and agreed upon with the City staff. If an expedited plan review is requested, the turn-around time would typically be five (5) working days.
4. **Availability:** Response time for Plan Review inquiries by the City will align with the City's schedule, or a maximum of 24 hours in the event of employee vacation.

Inspection Services: MuniPC will perform inspections for compliance to applicable State of California Building, Mechanical, Electrical, Plumbing Codes, as well as State Energy efficiency and accessibility standards as amended by the City. Inspection requests received before 6:00 am will be scheduled for the same day.

Permit Tech and Clerical Services: MuniPC will perform tasks and customer support in accordance with standard building office procedures and systems. MuniPC staff are expected to adapt quickly to individual City policies, procedures and software. Knowledge and experience with the permit processing function, along with ICC certification distinguishes the Permit Tech from the Office Specialist. All work is completed by the direction of City staff.

EXHIBIT B

Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials Agreement.

Plan reviews done in MuniPC's office (off-site) will be billed at Seventy percent (70%) of the plan review fees as calculated per the City. The City will provide MuniPC with City plan review fees (project-by-project) for use in calculating MuniPC's fees. On Plan reviews where MuniPC's portion of the percentage does not cover the "hourly billing rate" the City will authorize a fee as appropriate, with a \$250 minimum.

The above fees cover all services associated with the typical plan review, including:

- Pick-up and delivery of design documents to/from the City.
- First, second and third reviews to approve projects.

Pre-application, pre-construction, or additional meeting attendance that is necessary for unusual or complex projects shall also be charged on the same hourly rate schedule. Expedited plan reviews would be charged at 150% of our normal fee.

For plan reviews and other services which are provided at the City's location (on-site), the following hourly personnel charges apply:

Personnel Description

Hourly Billing Rate

Principal Engineer	\$165-195
Structural Engineer	\$175-225
Civil Engineer	\$135-165
MEP Engineer	\$135-165
Fire Plan Checker	\$165-195
Sr. Plan Checker	\$135-165
Plan Checker	\$110-135
Fire Inspector	\$190-225
Sr. Building Inspector	\$120-145
Building Inspector	\$90-115
Permit Technician	\$65-85
Clerical Support	\$55-65

Conversion Fee: In the event the City hires MuniPC's employee, the City will not be charged a conversion fee if the MuniPC has billed 1,000 hours for the employee in the preceding twelve months. For every hour less than 1,000 hours billed, the City will be charged one hour at the standard rate for that employee.

Criminal Background Checks: MuniPC's employees placed with the City will have undergone a criminal background check conducted by a third party. Any employee who receives other than a "clear" or "no record" result will have their results reviewed by MuniPC's VP of HR and CEO for an appropriate job nexus consistent with current state and federal guidelines. MuniPC will verify these results in writing to the City.

EXHIBIT C

Activity Schedule

[RESERVED]

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):

 X 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.

 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 appropriates to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

 (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

 Insurance appropriates to the Contractor or Consultant's profession, with limit no less than per occurrence or claim, aggregate

Workers' Compensation Insurance:

 X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

 Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Contractor's or Consultant's Pollution Legal Liability:

____ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

____ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

____ Bid Bond
 ____ Performance Bond
 ____ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

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

 X **Additional Insured Status and Primary/Non-Contributory Language:**

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

___ Loss Payee Status – Builder's Risk/Course of Construction Insurance (applicable to Construction Contracts only)

Contractor or Consultant may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

X Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

X Waiver of Subrogation:

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

___ Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions (“SIR”):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase “extended reporting” coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor’s Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the

Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute Two Agreements and related amendments with the County of Santa Clara for (1) Collection of AB939 Implementation Fees and for (2) Administration of the Countywide Household Hazardous Waste (HHW) Collection Program
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Elaine Marshall, Deputy Public Works Director, 408-586-2603
Recommendation:	Approve and Authorize the City Manager to Execute Two Agreements and related amendments with the County of Santa Clara for (1) Collection of AB939 Implementation Fees and for (2) Administration of the Countywide Household Hazardous Waste (HHW) Collection Program covering July 1, 2021 – June 30, 2024

Background:

Assembly Bill 939 (AB939), also known as the California Integrated Waste Management Act (IWMA) of 1989, requires jurisdictions to enact plans and to implement programs to meet the mandatory state waste diversion goals of 25% by 1995 and 50% by 2000. As a result, the City of Milpitas, similar to other Santa Clara County cities and the County of Santa Clara, implemented specific programs to divert waste from landfills through source reduction, recycling, and composting activities.

Since 1992, Santa Clara County has imposed a Countywide AB939 Implementation Fee to pay for the costs of preparing, adopting, and implementing these integrated waste management plans and programs, including the Household Hazardous Waste (HHW) program. Household hazardous waste products are not allowed in landfills and require proper disposal. The HHW program collects household hazardous materials such as batteries, electronics, fluorescent and LED lightbulbs, household cleaners, and paint, and properly disposes of them.

The County of Santa Clara continues to coordinate and execute annual agreements with participating cities (Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Morgan Hill, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga and Sunnyvale) authorizing the County to collect the fees.

Analysis:

The attached AB939 fee collection agreement authorizes the County to collect fees from July 1, 2021 through June 30, 2024, upon approval by all participating cities and the County, and continues funding the program. The attached Household Hazardous Waste (HHW) agreement allows Milpitas to continue participation in the County's long-standing HHW program and services from July 1, 2021 to June 30, 2024. In keeping with previous renewals, each cycle of these agreements covers a three-year period (the current agreement is for fiscal years 2019-2021). After the first year of the HHW agreement, each City executes a First Amendment, then a Second Amendment in the final year, before the agreements must be renewed for a new cycle. The amendment process documents the annual funding projection based on an estimated participation rate and a funding reconciliation based on actual participation numbers.

Per fee collection agreement, the County will collect \$4.10 per ton of waste disposed at landfills within the County in Fiscal Years 2022, 2023 and 2024. This fee has not increased since FY2009-2010. From this fee, the County will remit \$1.50 per ton to the City of waste origin.

The County will use the remaining \$2.60 per ton to provide HHW collection services to residents throughout the County as documented in the HHW agreement. The County administers the funds and deducts the costs of providing the HHW program out of the annual fees that the City of Milpitas receives for AB939. Any funds in excess of those needed to provide the HHW program on behalf of the City will be remitted to the City. The County's remitted HHW fees are included in the City's Solid Waste Fund and are used for activities supporting the City's compliance with State recycling and waste diversion laws.

The County HHW program allows residents to bring HHW to either free temporary HHW drop-off events throughout the County including an annual event in Milpitas, or to make an appointment to drop-off HHW at the permanent sites in San Jose or San Martin. Due to required safety protocols for handling of HHW, the County HHW Program drop-off events are held separate from other cleanup events. In fiscal year 2019, Milpitas residents disposed of 1,133 loads through the HHW program. This amount includes the annual temporary event hosted by Milpitas (June 2019), in which the HHW program collected 377 total loads, of which 338 were from Milpitas residents. In fiscal year 2020, despite the HHW program's temporary pause and cancellation of the Milpitas temporary collection event due to the COVID-19 pandemic and shelter-in-place guidelines, 613 HHW loads were collected from Milpitas residents. As restrictions are lifted and events resume, City staff will continue to coordinate with County HHW to promote participation in the HHW program.

Policy Alternatives:

Alternative 1: Do not participate in the County fee collection and HHW Program and create a fully-functioning, self-operational HHW program for the City of Milpitas.

Pros: Creating an individual HHW program allows for more customization and flexibility.

Cons: Neither the City of Milpitas, nor its franchised hauler, Milpitas Sanitation Inc., has the capacity, space, or specialized knowledge required to operate a specialized collection program of flammable, corrosive, and/or toxic chemicals.

Reason not recommended: The City of Milpitas does not have the capacity or specialized knowledge required to create and operate its own HHW program. By participating in a coordinated effort with other participating cities, Milpitas is also able to take advantage of economies of scale and consistent services with surrounding cities.

Fiscal Impact:

AB939 fees and unused HHW fees remitted to the City by the County provide revenue for the City's Solid Waste Fund and are used for solid waste and recycling programs and education.

California Environmental Quality Act:

The item is exempt from CEQA as there will be no physical change to the environment.

Recommendation:

Approve and Authorize the City Manager to Execute Two Agreements and related amendments with the County of Santa Clara for (1) Collection of AB939 Implementation Fees and for (2) Administration of the Countywide Household Hazardous Waste (HHW) Collection Program covering July 1, 2021 – June 30, 2024

Attachments:

1. Agreement with County of Santa Clara for AB939 Implementation Fees for Fiscal Years 2022-2024
2. Agreement with County of Santa Clara for Household Hazardous Waste Collection Program for Fiscal Years 2022-2024

AGREEMENT FOR COUNTYWIDE AB939 IMPLEMENTATION FEE

This Agreement is made by and among the Cities and Towns of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Morgan Hill, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale (CITIES) and the County of Santa Clara (COUNTY) on the _____ day of _____ 2021. The term CITIES may refer to CITIES collectively or individually.

RECITALS

WHEREAS, pursuant to Public Resources Code Section 41901, a city, county, or city and county may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a countywide integrated waste management plan;

WHEREAS, State law, Public Resource Code Section 41750, requires that the countywide integrated waste management plans contain a household hazardous waste (“HHW”) element for each city within the county as well as for the unincorporated area of the county;

WHEREAS, the County of Santa Clara Board of Supervisors (“Board”) has imposed a Countywide AB939 Implementation Fee (“Fee”) since July 1, 1992 to pay for the costs of preparing, adopting, and implementing integrated waste management plans and programs, including HHW program elements;

WHEREAS, the Board has approved reimposing the Fee for Fiscal Years 2022, 2023, and 2024 (July 1, 2021 through June 30, 2024) at \$4.10 per ton of waste landfilled or incinerated in the County; received at any nondisposal or collection facility located within the County and subsequently transported for disposal or incineration outside of the County; collected from any location within the County by a solid waste hauler operating pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the County; and removed from any location in the County by any person or business for disposal or incineration outside the County;

WHEREAS, HHW programs provide household hazardous waste management services to residents of Santa Clara County and are necessary to meet HHW planning and management requirements under State law;

WHEREAS, jurisdictions in Santa Clara County desire to provide safe, convenient, and economical means for residents to properly dispose of household hazardous wastes in an environmentally safe manner in order to avoid unauthorized or improper disposal in the garbage, sanitary sewer, storm drain system, or on the ground or in any other manner which creates a health or environmental hazard. These wastes include, but are not limited to, common household products such as household cleaning products, spot remover, furniture polish, solvents, oven cleaner, pesticides, oil based paints, motor oil, antifreeze, fluorescent lamps, and batteries; and

WHEREAS, the County will collect the Fee on behalf of the fifteen cities and for the unincorporated area of the County and will apportion the Fee according to the terms of this Agreement.

NOW THEREFORE, CITIES and COUNTY AGREE AS FOLLOWS:

1. PURPOSE

The purpose of this Agreement is to state the terms and conditions under which the COUNTY will collect and distribute the Fee of \$4.10 per ton of waste to be disposed in Fiscal Years 2022, 2023 and 2024. The Fee is divided into two parts: 1) a Program Fee of \$1.50 per ton to assist in funding the costs of preparing, adopting, and implementing the integrated waste management plan in the fifteen cities and the unincorporated area of the County; and 2) a Household Hazardous Waste Fee of \$2.60 per ton to provide funding to implement the Countywide HHW Program. The Program Fee will be allocated among the CITIES and COUNTY as described in Exhibit B, attached hereto and incorporated herein. The HHW Fee will be allocated to the COUNTY, CITIES, and Countywide HHW Program as described in Exhibit C, attached hereto and incorporated herein. The Fee shall be imposed on each ton of waste landfilled or incinerated within the County; received at any non-disposal or collection facility located within the County and subsequently transported for disposal or incineration outside of the County; collected from any location within the County by a solid waste hauler operating pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the County; or removed from any location in the County by any person or business for disposal or incineration outside the County. Non-Disposal Facilities are defined as those facilities included in the County of Santa Clara Non-Disposal Facility Element (and subsequent amendments to that Element) and are listed in Exhibit A, attached hereto and incorporated herein.

2. SERVICES PROVIDED BY COUNTY

COUNTY will collect and distribute the Fee. COUNTY will collect the Fee from landfills and non-disposal facilities listed in Exhibit A, and any landfill or non-disposal facility subsequently permitted, on a quarterly basis using data from tonnage reports filed by landfill and non-disposal facility operators with the County Recycling and Waste Reduction Division. COUNTY shall require each landfill and non-disposal facility to submit required payment, documentation of tonnages disposed, and state-mandated Disposal Reporting System Reports on a quarterly basis, within 45 days of the end of each calendar quarter. Late submissions and/or payments shall be subject to a late filing penalty and delinquent penalties. COUNTY will research Santa Clara County tonnage reported to COUNTY by landfills outside the COUNTY in significant amounts to determine the identity of the hauler. That hauler will subsequently be billed in the same fashion subject to the same penalties as mentioned above. Collected funds and any late filing payments and delinquency penalties shall be distributed to CITIES and Countywide HHW Program based on the formula set forth in Exhibits B and C. COUNTY shall not be obligated to distribute funds that COUNTY has been unable to collect from landfill or non-disposal facility operators.

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3. ROLE OF CITIES

CITIES shall review the Disposal Reporting System Reports as prepared and submitted by the COUNTY and within 30 days of receipt shall report to COUNTY, with appropriate documentation, errors in waste allocations among jurisdictions.

4. COLLECTION AND USE OF FEE

Each ton of waste will be subject to the fee if it is landfilled or incinerated in the County; received at any non-disposal facility or collection facility in the County and subsequently transported for disposal or incineration outside the County; collected from any location within the County by a solid waste hauler operating under franchise, contract, license, or permit issued by a local jurisdiction and subsequently transported for disposal or incineration outside the County; or removed from any location in the County by any person or business for disposal or incineration outside the County. Best efforts will be made to prevent tonnage from being assessed a double fee (for instance, once at a non-disposal facility and again at a landfill within Santa Clara County). The Program Fee funding share paid to CITIES shall be used to assist in funding the CITIES' costs of preparing, adopting, and implementing the integrated waste management plan of each of the CITIES and the unincorporated area of the COUNTY. The HHW Fee portion shall be applied to fund the costs of CITIES' share of Countywide Household Hazardous Waste services; any HHW fees directly disbursed to CITIES as provided in this Agreement shall be used to fund the costs of preparing, adopting, and implementing the jurisdiction's HHW element of the Countywide integrated waste management plan, including providing HHW services to residents.

5. INSURANCE

Each party shall maintain its own insurance coverage, through third party insurance, self-insurance or a combination thereof, against any claim, expense, cost, damage or liability arising out of the performance of its responsibilities pursuant to this Agreement. CITIES agree to provide evidence of such insurance to COUNTY via Certificate of Insurance or other documentation acceptable to the COUNTY upon request.

6. INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between CITIES and COUNTY pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the parties agree that each of the parties hereto shall fully indemnify and hold each of the other parties harmless from any claim, expense or cost, damage or liability arising out of, or in connection with, performance of its responsibilities pursuant to this Agreement and as described in Exhibit D.

Additionally, CITIES shall indemnify, hold harmless, and defend COUNTY, its officers, agents, and employees with respect to any loss, damage, liability, cost or expenses, including attorney fees and court costs, arising from any misuse of the Fee distributed to CITIES. COUNTY shall indemnify, hold harmless, and defend CITIES, its officers, agents, and

employees with respect to any loss, damage, liability, cost or expenses, including attorney fees and court costs, brought by third parties based on COUNTY's sole negligence in the collection or distribution of said Fees.

7. DISTRIBUTION OF FEE

COUNTY shall distribute the AB939 Program Fee to CITIES and the HHW Program Fee to the Countywide HHW Program pursuant to the formulas described in Exhibits B and C within 45 days of receipt of landfill and non-disposal facility payments and disposal documentation required for calculation of Fee distribution amounts. Distributions shall begin December 15, 2021, and continue quarterly through October 15, 2024.

8. PARTICIPATION IN THE COUNTYWIDE HHW PROGRAM

CITIES, at their option, may individually participate in the Countywide HHW Program by entering into the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

9. LATE PAYMENTS

If Fee payments and disposal documentation are not received from landfill or non-disposal facility operators prior to scheduled distribution of payments to CITIES and the Countywide HHW Program, payment distribution shall be calculated on a pro rata share of monies received. Upon collection, late payments and accrued delinquent penalties, if any, shall be distributed among CITIES and the Countywide HHW Program according to the formula in Exhibits B and C.

10. ACCOUNTING

COUNTY shall maintain records of all transactions related to collection, use and distribution of the Fee for at least five (5) years after the termination date of this Agreement, unless otherwise required by law to retain such records for a longer period. Such records will be available for inspection upon written request by CITIES, and will include but not be limited to tonnage reports submitted by landfills and non-disposal facilities, waste stream documentation provided by cities, payments made by the landfills and non-disposal facilities to the COUNTY and by the COUNTY to CITIES, and expenditures for programmatic and overhead costs.

11. REQUEST FOR REVIEW

In the event CITIES have a dispute regarding the calculation of its share of the Fee or the distribution or use of the Fee, CITIES may request in writing a review by COUNTY within 10 days of receipt of their Fee allocation. The review shall be performed within 30 days of request and results shall be reported to CITIES in writing.

12. EFFECTIVE DATE OF AGREEMENT

This agreement is effective upon approval by all fifteen CITIES and the COUNTY.

13. AMENDMENT

This Agreement may be amended only by an instrument signed by all fifteen CITIES and the COUNTY.

14. INDEPENDENT CONTRACTOR

Each party shall perform responsibilities and activities described herein as an independent contractor and not as an officer, agent, servant or employee of any of the parties hereto. Each party shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any. Nothing herein shall be considered as creating a partnership or joint venture between the parties.

15. TERM OF AGREEMENT

The term of this Agreement shall be from July 1, 2021 to June 30, 2024, or until all funds from the last quarter's Fee payments have been distributed, whichever is later. COUNTY shall bill the operators of the landfills and non-disposal facilities listed in Exhibit A for the Fee commencing with the Quarter ending September 30, 2021. Said landfills and non-disposal facilities will be billed for the Fee through June 30, 2024.

16. NOTICES

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such address as the party may designate in writing in accordance with this section.

City of _____
Contact: _____
Title: _____
Address: _____

County of Santa Clara
Contact: Recycling and Waste Reduction Program Manager
Recycling and Waste Reduction Division
Address: 1555 Berger Drive, Suite 300
San Jose, CA 95112

17. CONTROLLING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of California.

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18. ENTIRE AGREEMENT

This document embodies the entire Agreement between the parties with respect to the subject matter hereof. No modification of this Agreement shall be effective unless and until modification is evidenced by writing signed by all parties or their assigned designees.

19. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

20. CONTRACT EXECUTION

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the County.

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IN WITNESS WHEREOF, the parties have executed this AGENCY AGREEMENT
FOR COUNTYWIDE AB939 IMPLEMENTATION FEE on the dates as stated below:

Date: _____

COUNTY OF SANTA CLARA

MIKE WASSERMAN, President
Board of Supervisors

Date: _____

“CITY”

CITY/TOWN OF _____
Title _____
A municipal corporation

Signed and certified that a copy of this
document has been delivered by electronic
or other means to the President, Board of
Supervisors
ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

STEPHANIE SAFDI
Deputy County Counsel

EXHIBIT A

LANDFILLS LOCATED IN SANTA CLARA COUNTY

Guadalupe Rubbish Disposal Site
Kirby Canyon Sanitary Landfill
Newby Island Sanitary Landfill
Zanker Materials Processing Facility
Zanker Road Landfill

NON-DISPOSAL FACILITIES AND TRANSFER STATIONS LOCATED IN SANTA CLARA COUNTY

California Waste Solutions Recycling & Transfer Station
City of Palo Alto Green Composting Facility
Environmental Resource Recovery, Inc. (Valley Recycling)
Green Earth Management LLC Kings Row Recycling Facility
Green Waste Materials Facility and Transfer Station
Green Waste Recovery Facility
GreenTeam of San Jose Material Recovery Facility and Transfer Station
Guadalupe Landfill
Lam Hauling Inc. Chipping and Grinding
Lam Hauling Inc. Inert Debris Type A
Leo Recycle
Material Recovery Systems Facility
Mission Trail Waste Systems, Inc.
Newby Island Compost Facility
Pacheco Pass Transfer Station
Pacific Coast Recycling, Inc.
Premier Recycle Facility
Recology Silicon Valley Processing and Transfer Facility
The Recyclery at Newby Island
San Martin Transfer Station
Smurfit-Stone Recycling San Jose Facility
South Valley Organics
Stanford Recycling Center and Direct Transfer Facility
Sunnyvale Materials Recovery and Transfer Station (SMaRT Station)
Valley Recycling San Jose CDI Processing/Transfer Facility
Wood Processing Facility at Recology Pacheco Pass
Z-Best Composting Facility
Zanker Materials Processing Facility
Zanker Road Class III Landfill
Zero Waste Energy Development Company Anaerobic Digestion Facility

EXHIBIT B

FORMULA FOR DISTRIBUTION OF AB939 PROGRAM FEE

Each of the CITIES, and the COUNTY for its unincorporated area, will receive \$1.50 per ton of solid waste disposed of in landfills or taken to non-disposal facilities located in Santa Clara County that originates from that jurisdiction, as documented in quarterly reports submitted by the County to the State Disposal Reporting System.

Fees collected from undocumented disposed tonnage, or tonnage originating outside of Santa Clara County, will be distributed according to each jurisdiction's percent of countywide population, according to the latest available population report issued by the California Department of Finance.

EXHIBIT C

COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE PROGRAM FEE (HHW Fee)

1. PROGRAM FUNDING SOURCE

HHW Program services are mandated by State law, Public Resources Code Section 41500 et seq. Public Resources Code Section 41901 authorizes imposition of a fee to support planning and implementation of integrated waste management programs, including their HHW elements. The HHW Fee, of \$2.60 per ton, collected as part of the AB939 Implementation Fee, will be the primary source of funding for Countywide Household Hazardous Waste Collection Program (CoHHW Program) services.

Funds derived from the HHW Fee will be allocated among five types of CoHHW Program service costs as follows:

- A. Fixed Program Costs will be apportioned based on the number of households in each participating jurisdiction. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- B. San Jose Facility Use Surcharge will be apportioned based on CITIES' anticipated participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San Jose.
- C. Variable Cost Per Car is the cost associated with labor, waste disposal, transportation, and other services provided to residents at the County HHW Collection Facilities and at temporary HHW collection events. The Variable Cost Per Car is based on the estimated cost of providing a base level service to 4% of households in all participating jurisdictions. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- D. Available Discretionary Funding is allocated based on tonnage generated per participating jurisdiction, and after allocation of Fixed Program Costs, San Jose Facility Use Surcharge, and Variable Cost Per Car allocation.
- E. Abandoned Waste Disposal Costs will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations as defined in Public Resources Code Section 41904.

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2. FIXED PROGRAM COST

Funds shall be allocated on a per household basis for Fixed Program Costs at the conclusion of each Fiscal Year. This portion of the funds shall be distributed directly to the Countywide HHW Program to pay for HHW Program costs. Fixed Program Costs funding shall be calculated shall not exceed \$3.75 per household in Fiscal Years 2022, 2023, and 2024. Fixed Program Costs may include, but are not limited to eleven (11) CoHHW Program staff members, facility leasing costs, vehicle lease costs, office rent, office supplies, county administrative overhead, county legal counsel, training costs, equipment and facility maintenance, and union negotiated salary and benefit changes.

3. ABANDONED WASTE DISPOSAL COST

The Abandoned Waste Disposal Cost will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations. The Abandoned Waste Disposal Cost is based on the cost to the County to dispose of abandoned waste allocated among participating jurisdictions based on their proportional share of the County population and shall not exceed \$0.05 per household. Projected Abandoned Waste Disposal Costs to the CITY based on a charge of \$.05 per household are set forth in Attachment A, attached hereto and incorporated herein. Any existing unexpended non-profit abandoned waste fund balance may be allocated toward funding of disposal of HHW illegally abandoned at nonprofit charitable reuser organizations as defined in Public Resources Code Section 41904.

For the purposes of this agreement, a nonprofit charitable reuse organization has the definition provided in Public Resources Code Section 41904 as follows: “Nonprofit charitable reuser” means a charitable organization, as defined in Section 501(c)(3) of the federal Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than 50 percent of its revenues from the handling and sale of those donated goods or materials.

4. SAN JOSE FACILITY USE SURCHARGE

The total San José Facility Use Surcharge for CITY will be based on CITY residents’ proportional participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San José. The San José Facility Use Surcharge will vary depending on facility usage but will not exceed \$8.29 per car for Fiscal Years 2022, 2023, and 2024. The total San Jose Facility Use Surcharge for CITY will be based on CITY’s participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San Jose.

5. VARIABLE COST PER CAR

The Variable Cost Per Car is the cost associated with actual labor, waste disposal, transportation and other services provided to the residents at the County HHW Collection Facilities and Temporary Events. This portion of the funds shall be distributed directly to the Countywide HHW Program. The Variable Cost Per Car is estimated to be \$58.20 per car for

Fiscal Years 2022, 2023, and 2024. The estimated cost per car will be adjusted annually to reflect actual service costs. After fixed costs and San Jose Facility Use Surcharge are allocated on a per household basis, the variable cost per car will be used to calculate the costs to service 4% of households across all participating jurisdictions. If the level of 4% of households is not reached, the Countywide HHW Program will use the remaining balance of funds, in cooperation with the CITIES, to increase public outreach and/or provide additional services in that jurisdiction where the level of 4% is not reached the following year.

6. AVAILABLE DISCRETIONARY FUNDING

The Available Discretionary Funding portion will be allocated based on the tons of waste generated within each jurisdiction and after allocation of Fixed Program Cost, San Jose Facility Use Surcharge, and Variable Per Car Cost. Available Discretionary Funds must be used for HHW purposes. Options for how to spend these funds include, but are not limited to, increasing the number of residents served in the jurisdiction by the Countywide HHW Program, universal waste collection, emergency HHW services, funding HHW public education, the support of capital infrastructure projects to accommodate HHW drop-off and collection events, or providing special programs such as retail collection of certain waste and/or door-to-door collection of HHW for the elderly and/or persons with disabilities and neighborhood clean-up events. CITIES authorize the COUNTY to determine appropriate uses of available discretionary funding and to use CITIES' Available Discretionary Funding portion of the AB939 HHW Fee to provide for additional HHW services requested by the CITIES.

7. PROGRAM FUNDING PASS-THROUGH

Annual funding calculations include HHW Fees collected on behalf of all jurisdictions in the County. CITIES, at their option, may participate in the Countywide HHW Program by entering into the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM. If CITIES elect to participate in the Countywide HHW Program, their pro-rata share of the HHW Fee shall be retained by the County to utilize for HHW Program costs, as provided in this Agreement and the Agreement for Countywide Household Hazardous Waste Collection Program. The COUNTY will distribute to CITIES not participating in the Countywide Household Hazardous Waste Collection Program their pro-rata share of funding received by the COUNTY from the HHW Fee, except that the COUNTY may retain and expend that portion of the non-participating CITIES' fee attributable to Abandoned Waste Disposal Costs.

If CITIES not participating in the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM desire to allow residents to participate in HHW Program services on an emergency basis, then services to these residents will be provided on a cost recovery basis. A charge equal to the established rates charged by the Countywide HHW Program to Conditionally Exempt Small Quantity Generators will be billed to the CITIES. A CITIES' representative must call the Countywide HHW Program appointment line to schedule an appointment for the resident. Liability shall be apportioned as provided in Exhibit D to this Agreement.

EXHIBIT D

SECTION 28 OF AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM

HOLD HARMLESS AND INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between CITY and COUNTY pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead COUNTY and CITY agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other parties under this Agreement.

Additionally, CITY shall indemnify COUNTY for CITY's apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of the household hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. Apportionment for disposal liability shall be determined by each participating jurisdiction's pro rata proportion of household participation in the Program. Apportionment for transportation and treatment liability shall be determined by each participating jurisdiction's pro rata household participation at the event where the waste was generated. COUNTY will use reasonable efforts to obtain recovery from all available resources, including insurance, of any liable hauler or liable disposal facility operator. No liability shall be apportioned to CITY for transportation, treatment or disposal in any case where COUNTY has contracted for such services and has failed to require the contractor to maintain the insurance requirements set forth in Section 23 of the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

CITY shall further indemnify COUNTY for CITY's apportioned share of liability incurred and attributed to the Countywide HHW Program for the transportation, treatment or disposal of household hazardous waste at corporate sponsored events where non-county resident employees of the corporate sponsor are authorized to participate in the event. Liability for the nonresident portion of the disposal of waste shall be shared by the cities and the county as described above. The nonresident portion shall be determined by calculating the percentage of nonresidents participating in the event. This percentage will then be subtracted from the total liability for the household hazardous waste prior to assessing CITY's apportioned share of any liability for the household hazardous waste.

COUNTY shall require Conditionally Exempt Small Quantity Generators (“CESQG”) and Nonprofit Charitable Reusers to indemnify COUNTY for, at minimum, their apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of their hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. The CESQG and Nonprofit Charitable Reuser portion of the waste shall be determined by calculating the percentage, by weight, of the total household hazardous waste accepted by the CoHHW Program. This percentage will be used to calculate the portion of liability attributed to CESQGs and Nonprofit Charitable Reusers and will be subtracted from the total liability prior to assessing CITY’s apportioned share of any liability for household hazardous waste.

**AGREEMENT FOR COUNTYWIDE
HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM**

This Agreement is made by and between the _____ (CITY) and the County of Santa Clara (COUNTY) on the _____ day of _____ 2021.

RECITALS

WHEREAS, the County Board of Supervisors has approved a Countywide Household Hazardous Waste Collection Program whereby residents of the County and cities and towns participating in the Countywide program will have an opportunity to safely dispose of household hazardous wastes (HHW), regardless of the specific location at which the collection has been scheduled; and

WHEREAS, CITY desires to provide residents with convenient opportunities to safely dispose of their HHW in order to encourage the proper disposal of toxic products, and avoid unauthorized or improper disposal in the garbage, sanitary sewer, storm drain system, or on the ground, in a manner which creates a health or environmental hazard; and

WHEREAS, CITY desires to provide a safe, convenient, and economical means for residents to dispose of HHW. These wastes include, but are not limited to, common household products such as household cleaning products, furniture polish, solvents, oven cleaner, pesticides, oil based paints, motor oil, antifreeze, car batteries, mercury thermostats, fluorescent lamps, household batteries, and electronic waste; and

WHEREAS, CITY desires to schedule Household Hazardous Waste Collection Events (Events) for residents for FY 2022 through FY 2024 (July 1, 2021 – June 30, 2024); and

WHEREAS, CITY desires to provide household hazardous waste collection services to a minimum of 4% of the households per fiscal year in its jurisdiction; and

WHEREAS, CITY desires to participate in the Countywide Household Hazardous Waste Collection Program to meet these objectives; and

WHEREAS, pursuant to Public Resources Code Section 41901, the County Board of Supervisors has approved the collection of a \$4.10 per ton Countywide AB939 Implementation fee, including a \$2.60 per ton Household Hazardous Waste Fee (AB939 HHW Fee), for FY 2022 through FY 2024 (July 1, 2021 – June 30, 2024) on all wastes landfilled or incinerated within the County, received at any non-disposal or collection facility located within the County and subsequently transported for disposal or incineration outside of the County, collected from any location within the County by a solid waste hauler operating pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the County, or removed from any location in the county by any person or business for disposal or incineration outside the County; and

WHEREAS, the AB939 HHW Fee is allocated to the Countywide Household Hazardous Waste Program and participating jurisdictions to fund HHW program costs in accordance with the terms of the Countywide AB939 Implementation Fee Agreement; and

WHEREAS, CITY desires for COUNTY to utilize CITY's share of the AB939 HHW Fee to provide HHW services for CITY residents.

NOW THEREFORE, CITY and COUNTY AGREE AS FOLLOWS:

1. PURPOSE

The purpose of this Agreement is to state the terms and conditions under which CITY will participate in the Countywide Household Hazardous Waste Collection Program (CoHHW Program) available to its residents. Participating jurisdictions are those jurisdictions that enter into an AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM with the County.

2. PROGRAM FUNDING SOURCE

HHW Program services are mandated by State law, Public Resources Code Section 41500 et seq. State law authorizes cities and counties to impose fees in amounts sufficient to support planning and implementation of integrated waste management programs, including HHW elements. The AB939 HHW Fee, of \$2.60 per ton, imposed by the County as part of the AB939 Implementation Fee and collected and distributed in accordance with the AGREEMENT FOR COUNTYWIDE AB939 IMPLEMENTATION FEE will be the primary source of funding for CoHHW Program services. CITY agrees that COUNTY may utilize CITY's share of the AB939 HHW fee to provide HHW Program services in accordance with the terms and conditions of this Agreement.

Funds derived from the AB939 HHW Fee will be allocated among five types of CoHHW Program service costs as follows:

- A. Fixed Program Costs will be apportioned based on the number of households in each participating jurisdiction. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- B. San José Facility Use Surcharge will be apportioned based on CITY residents' participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San José, CA 95133.
- C. Variable Cost Per Car is the cost associated with labor, waste disposal, transportation, and other services provided to residents at the County HHW Collection Facilities and at temporary HHW collection events. The Variable Cost Per Car is based on the estimated cost of providing a base level service to 4% of

households in all participating jurisdictions. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."

- D. Available Discretionary Funding is allocated based on tonnage generated per participating jurisdiction, and after allocation of Fixed Program Costs, San Jose Facility Use Surcharge, and Variable Cost Per Car allocation.
- E. Abandoned Waste Disposal Costs will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations as defined in Public Resources Code Section 41904.

The projected AB939 HHW Fee Allocation by jurisdiction is set out in Attachment A, attached hereto and incorporated herein.

3. FIXED PROGRAM COST

Estimated HHW Fixed Program Costs are projected in Attachment B, attached hereto and incorporated herein. Fixed Program Costs are allocated to CITY at the conclusion of each fiscal year based on CITY's proportional share of the County population and will not exceed \$3.75 per household for Fiscal Years 2022, 2023, and 2024. Fixed Program Costs may include, but are not limited to, up to eleven (11) County HHW Program staff members, facility lease costs, vehicle lease costs, office rent, office supplies, county administrative overhead, county legal counsel, training costs, equipment and facility maintenance and union negotiated salary and benefit changes.

4. ABANDONED WASTE DISPOSAL COST

The Abandoned Waste Disposal Cost will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations. The Abandoned Waste Disposal Cost is based on the cost to the County to dispose of abandoned waste allocated among participating jurisdictions based on their proportional share of the County population and shall not exceed \$0.05 per household. Projected Abandoned Waste Disposal Costs to the CITY based on a charge of \$.05 per household are set forth in Attachment A, attached hereto and incorporated herein.

For the purposes of this Agreement, "Nonprofit Charitable Reuser Organization" is defined in accordance with Public Resources Code Section 41904 as follows: a charitable organization, as defined in Section 501(c)(3) of the federal Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than 50 percent of its revenues from the handling and sale of those donated goods or materials.

5. SAN JOSÉ FACILITY USE SURCHARGE

The total San José Facility Use Surcharge for CITY will be based on CITY residents' proportional participation at the County Household Hazardous Waste Collection Facility located

at 1608 Las Plumas Avenue, San José. Estimated San José Facility Use Surcharges are projected in Attachment A, attached hereto and incorporated herein. The San José Facility Use Surcharge will vary depending on facility usage but will not exceed \$8.29 per car for Fiscal Years 2022, 2023, and 2024.

6. VARIABLE COST PER CAR

The Variable Cost Per Car is the cost associated with actual labor, waste disposal, transportation and other services provided to the residents at the County Household Hazardous Waste Collection Facilities (CoHHWCF) and at Temporary Events. The Variable Cost Per Car is estimated to be approximately \$58.20 per participating resident car for Fiscal Years 2022, 2023 and 2024. The estimated cost per car will be adjusted to reflect actual service costs. After Fixed Program Costs and San José Facility Use Surcharge are allocated on a per household basis, the Variable Cost Per Car will be used to calculate the costs to service 4% of households across all participating jurisdictions. If the level of 4% of households is not reached in the CITY, the CoHHW Program may use the remaining balance of funds, in cooperation with the CITY, to increase public outreach and/or provide additional services in that jurisdiction the following year.

7. AVAILABLE DISCRETIONARY FUNDING

The Available Discretionary Funding portion of the AB939 HHW Fee will be allocated based on the tons of waste generated within each jurisdiction, and after allocation of Fixed Program Costs, San José Facility Use Surcharge, and Variable Cost Per Car allocation. Available Discretionary Funds must be used for HHW purposes. Options for how to spend these funds include, but are not limited to, increasing the number of residents served in that jurisdiction by the CoHHW Program, subsidizing curbside used motor oil collection, electronic waste (e-waste) collection, universal waste collection, emergency HHW services, funding HHW public education, the support of capital infrastructure projects to accommodate HHW drop-off and collection events, or providing special programs such as retail collection of certain waste and/or door-to-door collection of HHW for the elderly and/or persons with disabilities and neighborhood clean-up events. COUNTY has discretion to determine appropriate uses of Available Discretionary Funding in accordance with the terms and conditions in this Agreement, and to apply the funding toward those uses.

8. ADMINISTRATION AND PAYMENT OF THE AB939 HHW FEE

The County of Santa Clara Recycling and Waste Reduction Division will administer the AB939 HHW Fee, as part of the existing online disposal reporting and payment system. Administration and payment will be made in accordance with the AGREEMENT FOR COUNTYWIDE AB939 IMPLEMENTATION FEE and this Agreement. Notwithstanding the foregoing, the COUNTY shall maintain records of the amount, use, and distribution of Fixed Program Cost expenditures for at least five (5) years after the termination date of this Agreement, unless otherwise required by law to retain such records for a longer period. CITY may request in writing a review by COUNTY of the Fixed Program Cost records. The review shall be performed within 30 days of request and results shall be reported to participating cities in writing.

9. PROGRAM PUBLICITY

The CoHHW Program shall produce and make available to the public an HHW brochure for distribution. The brochure will be made available at various events, including but not limited to, environmental events and community fairs. The brochure may also be distributed, upon request, to cities within the County and to County residents and businesses. The CITY shall be responsible for developing and coordinating citywide awareness of the HHW Program. The CoHHW Program shall be responsible for Countywide public education for used oil recycling. CoHHW Program public awareness responsibilities shall include, but not be limited to, the following activities:

- Serving as the formal contact to the local media such as local newspapers and television news stations;
- Providing participating jurisdictions with educational materials developed for the CoHHW Program;
- Promoting oil and oil filter recycling by developing, purchasing, and distributing educational materials, media relations materials, basic art work and camera ready advertising materials for distribution countywide and for use by jurisdictions;
- Representing the program through educational presentations at schools and businesses and attendance at community events such as local fairs and festivals; and
- Providing participating jurisdictions opportunities to review and comment on the development of countywide outreach materials.

CITY's public awareness responsibilities, at the sole discretion of the CITY, shall include, but not be limited to, the following activities:

- Providing a copy of HHW promotional materials to the CoHHW Program for review for accuracy and completeness, prior to publication;
- Developing and distributing HHW promotion communications to residents for local and CITY newsletters, newspapers and to the electronic media;
- Providing the CoHHW Program with a copy of HHW promotion materials produced by the CITY; and,
- Conducting and supporting outreach and publicity to attain the goal of 4% of households in the CITY participating in the CoHHW Program.

10. TEMPORARY HHW EVENTS

COUNTY shall conduct Temporary HHW Events at various sites located in Santa Clara County. COUNTY shall obtain all necessary permits and licenses required for the Temporary HHW Events and shall provide or contract for the services of properly trained, qualified personnel and hazardous waste haulers, and shall provide or secure suitable equipment and supplies to properly receive, package, label, haul, recycle and dispose of the household hazardous wastes collected at the Temporary HHW Events.

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11. HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

COUNTY shall conduct collection operations at two County Household Hazardous Waste Collection Facilities (CoHHWCF).

The CoHHWCF are located at:

- ◆ *San Martin, 13055 Murphy Avenue, San Martin, CA 95046*
- ◆ *San José, 1608 Las Plumas, San José, CA 95133*

The COUNTY shall obtain all necessary permits and licenses required for the CoHHWCF and shall provide or contract for services, equipment, and supplies to properly receive, package, label, haul, recycle and dispose of wastes collected.

12. SMALL BUSINESS RECYCLING AND DISPOSAL PROGRAM

COUNTY will provide services to accept hazardous waste from Conditionally Exempt Small Quantity Generators (CESQG) in accordance with California Health and Safety Code Section 25218.3, as amended from time to time. Eligible businesses within the County will be allowed to bring their hazardous waste to CoHHWCF. These services to businesses located within the CITY will be provided on a cost recovery basis, which will include program administration, on-site collection, transportation, and disposal costs. COUNTY will assume responsibility for fee collection from participating businesses. The CITY may choose to pay for services for CESQG's within the City of San José and will notify the COUNTY in writing with 30-day advance notice in order to exercise this option. If the CITY exercises this option, the COUNTY will invoice the CITY for all costs associated with CSQG's within the CITY. If CITY has available Discretionary Funding, COUNTY may use this funding to pay for CESQG costs. For purposes of this Agreement, CESQG has the meaning provided by Health and Safety Code Section 25218.1.

13. ABANDONED HOUSEHOLD HAZARDOUS WASTE

The CoHHW Program will allow for the disposal of abandoned HHW by government agencies and qualified nonprofit charitable reusers. Abandoned HHW means HHW left at a property by an unknown party. Abandoned household hazardous waste does not include waste generated by a known organization or agency in the course of normal business operations such as, but not limited to, the assembly or manufacture of products from new or used materials or the provision of charitable services such as classroom education, meal preparation, and shelter, or the provision of services for a fee.

A) GOVERNMENT AGENCIES

Government agencies shall be charged for disposal of abandoned HHW according to the CoHHW Program's published rates for CESQGs.

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B) NONPROFIT CHARITABLE REUSER

In order to qualify as a Nonprofit Charitable Reuser, the business must submit to the County Executive a request to be so designated. The County Executive shall review the request and supporting documentation and shall make a final decision on the designation. COUNTY will accept abandoned HHW from Nonprofit Charitable Reusers and will waive disposal fees on the cost of disposal of the abandoned HHW in an annual amount not to exceed funds available from the existing unexpended abandoned waste fund. Funding for disposal available to Nonprofit Charitable Reuser shall be on a first come first serve basis. Once the cost for disposal of the abandoned HHW from Nonprofit Charitable Reusers is equal to the available funds, disposal fees shall no longer be waived, and Nonprofit Charitable Reusers shall be charged for disposal of abandoned HHW according to the CoHHW Program's published rates for CESQGs. No additional costs shall be applied to the budget of the CITY or any other participating jurisdiction.

14. HOUSEHOLD HAZARDOUS WASTES ACCEPTED

HHW accepted by the CoHHW Program shall be limited to those materials that qualify as Hazardous Waste under Health and Safety Code Section 25218.1, as amended from time to time. These materials include, but are not limited to, automotive fluids, automotive and other types of batteries, latex and oil paint, oil filters, garden chemicals, household cleaners, pool chemicals, mercury thermostats, fluorescent lamps containing mercury, household batteries, e-waste and other common hazardous consumer products.

15. WASTES NOT ACCEPTED

Certain hazardous wastes shall not be accepted for collection and disposal. These include, but are not limited to, compressed gas cylinders larger than 5 gallons, radioactive materials, and explosives. Other wastes not accepted by the CoHHW Program are wastes generated as part of operating a business, including a home operated business, except that waste from CESQGs as provided for in Section 12 of this Agreement shall be accepted.

16. ADDITIONAL SERVICES UNDER THIS AGREEMENT

CITY must augment funding provided under this Agreement to cover the cost of a minimum participation level of 4% of CITY households; CITY may also elect to augment funding to provide additional services to increase CITY participation beyond the 4% minimum participation level. Additional services shall be made available upon written agreement between the CITY's authorized representative and the County Executive Officer or designee. Additional services may include, but are not limited to, additional appointments (charged at the Variable Cost Per Car rate), door-to-door HHW collection, used oil filter collection, universal waste collection, electronic waste collection, and abandoned waste collection.

CITY agrees to augment up to an additional \$ _____ to the Countywide HHW Program during Fiscal Year 2022 for the purpose of attaining or increasing CITY household participation above the 4% minimum participation level at the scheduled collection dates listed in Attachment C, attached hereto and incorporated herein. Augmentation will be calculated, where applicable, at the Variable Cost Per Car rate. Other services will be charged based on a cost recovery basis. CITY authorizes the COUNTY to use CITY'S Available Discretionary Funding portion of the AB939 HHW Fee, if available, to offset the above agreed additional augmentation amount.

At the end of each fiscal year, a final annual cost statement shall be prepared by COUNTY and issued to CITY by November 30th. The annual cost statement will take into consideration costs incurred on behalf of CITY for additional services and all payments made by CITY to COUNTY. If any balance is owed to COUNTY, it will be due within 30 days following receipt of the annual cost statement. If any credit is owed to CITY, COUNTY will refund that amount to CITY within 30 days following delivery of the annual cost statement.

17. INFORMATION AND APPOINTMENT LINE

COUNTY will operate a telephone information and appointment desk Monday through Friday, from the hours of 9:00 a.m. to 5:00 p.m. The information service will register residents for the Temporary HHW Events and the collections at CoHHWCF. The information service will provide information about hazardous household materials. CITY will be notified immediately if resident participation approaches a level of service that may not be supported by available funding.

18. SCHEDULING AND SITE SELECTION

COUNTY shall work with CITY to determine the date(s) of Temporary Events and collections at the CoHHWCF. CITY shall coordinate with COUNTY in locating and securing sites for Temporary HHW Events. It is recognized that some of the jurisdictions participating in the CoHHW Program may not have appropriate sites available. A proposed HHW schedule for Fiscal Year 2022 of Temporary Events and collections at CoHHWCF is included as Attachment C. COUNTY will schedule an adequate number of collection days to serve the 4% level of service. The COUNTY determines the adequate number of collection days by tracking attendance at each event.

19. OUTSIDE FUNDING

During the term of this Agreement, COUNTY may seek outside funding sources for services that would supplement existing HHW services such as permanent collection sites, equipment, retail take-back collection and operational funding. If outside funding is obtained, the CoHHW Program will, at COUNTY's discretion, proceed with development of additional programs using that outside funding without drawing on CITY's funding provided under this Agreement.

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20. REGIONAL GRANT AND OIL PAYMENT PROGRAM PARTICIPATION

The CITY authorizes the CoHHW Program to apply for lead agency grants, including but not limited to Used Oil Payment Program grants, from the California Department of Resources Recycling and Recovery (CalRecycle), on behalf of participating jurisdictions. The CoHHW Program will act on behalf of all participating jurisdictions, as the lead applicant and administrator. The CoHHW Program will oversee how the moneys are used and work in cooperation with CITY as to how the funds will be spent. Nothing in this section shall preclude the COUNTY or a participating jurisdiction from applying for grant funds in any case where the CoHHW Program does not apply for the grant opportunity.

21. EMERGENCY SERVICES

Participating jurisdictions, at their option, may desire to provide residents with convenient emergency opportunities to safely dispose of their HHW in the event of a disaster. The purpose of this emergency planning for HHW is to minimize potential public health and safety impacts, as well as to minimize costs and confusion. Attachment D sets out CITY and COUNTY responsibilities for the collection of household hazardous wastes in response to an emergency. CITY shall make good faith efforts to provide the public with information related to the problems associated with HHW. Upon the decision to hold an emergency collection event, it is CITY's responsibility to make a good faith effort to prepare and disseminate the necessary outreach to notify the public of an emergency collection event. An emergency collection event shall be initiated by a written request from CITY to COUNTY. Emergency collection events can be scheduled in as little as ten (10) working days of CITY's written request or at an agreed upon date thereafter. The emergency collection plan is set out in Attachment D, Household Hazardous Waste Emergency Collection Plan.

COUNTY agrees to conduct the Emergency Collection Event at a mutually agreeable site and time. The COUNTY will obtain the necessary permit from the State Department of Toxic Substances Control and will handle wastes in accordance with State law. COUNTY will bill CITY for all Emergency Collection Events on a cost recovery basis and all payments shall be due COUNTY within thirty days following the receipt of the invoice.

22. PRIVATE SPONSORED EVENTS

COUNTY may also secure funding from corporations or agencies to conduct HHW Collection Events for corporate employees and residents of participating jurisdictions and to pay for special programs such as Universal Waste collection at retail locations. The transportation, treatment and disposal liability for nonresident employee participation in these events shall be shared by all participating jurisdictions, including the CITY, and the COUNTY, as described in Section 26 of this Agreement. Summary information concerning these corporate sponsored events, if any, will be included in the CoHHW Program's annual report to the participating jurisdictions.

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23. INSURANCE REQUIREMENTS

Contractors who provide hazardous waste transportation, treatment, or disposal services shall have the required insurance as outlined in Attachment E, Exhibit B-2D (revised) Insurance Requirements for Environmental Services Contract. Other contractors shall have insurance in amounts to be determined by COUNTY Insurance Manager, after consultation with CITY. COUNTY shall obtain insurance certificates from each of the contractors prior to the contractor providing service to the program naming the COUNTY as an additional insured.

24. WASTE TRACKING AND REPORTING

COUNTY will provide a mid-year report to CITY regarding participation rates from each participating jurisdiction by March 15 of each year. Mid-year and year end reports will outline the types and quantities of waste collected, the amount of waste diverted for reuse or recycling and the waste management method for each waste stream and associated costs for services. COUNTY will prepare a report summarizing program activities which will be delivered to the participating jurisdictions no later than six months after the end of COUNTY's fiscal year.

It will be assumed for cost and reporting purposes that each participating jurisdiction is contributing to the waste stream in proportion to the number of its residents who directly participate.

COUNTY shall take steps to assure that the bi-annual statements to jurisdictions reflect the funds necessary to cover costs for CITY participation in services scheduled during the next quarter.

25. PARTICIPATION REPORTING

COUNTY shall employ means necessary to verify the place of residence of all participants in the CoHHW Program.

26. HOLD HARMLESS AND INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between CITY and COUNTY pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead COUNTY and CITY agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other parties under this Agreement.

Additionally, CITY shall indemnify COUNTY for CITY's apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of the household hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. Apportionment for disposal liability shall be determined by each participating jurisdiction's pro rata proportion of household participation in the Program. Apportionment for transportation and treatment liability shall be determined by each participating jurisdiction's pro rata household participation at the event where the waste was generated. COUNTY will use reasonable efforts to obtain recovery from all available resources, including insurance, of any liable hauler or liable disposal facility operator. No liability shall be apportioned to CITY for transportation, treatment or disposal in any case where COUNTY has contracted for such services and has failed to require the contractor to maintain the insurance requirements set forth in Section 23 above.

CITY shall further indemnify COUNTY for CITY's apportioned share of liability incurred and attributed to the Countywide HHW Program for the transportation, treatment or disposal of household hazardous waste at corporate sponsored events where non-county resident employees of the corporate sponsor are authorized to participate in the event. Liability for the nonresident portion of the disposal of waste shall be shared by the cities and the COUNTY as described above. The nonresident portion shall be determined by calculating the percentage of nonresidents participating in the event. This percentage will then be subtracted from the total liability for the household hazardous waste prior to assessing CITY's apportioned share of any liability for the household hazardous waste.

COUNTY shall require CESQGs and Nonprofit Charitable Reusers to indemnify COUNTY, at minimum, for their apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of their hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. The CESQG and Nonprofit Charitable Reuser portion of the waste shall be determined by calculating the percentage, by weight, of the total household hazardous waste accepted by the CoHHW Program. This percentage will be used to calculate the portion of liability attributed to CESQGs and Nonprofit Charitable Reusers and will be subtracted from the total liability prior to assessing CITY's apportioned share of any liability for household hazardous waste.

27. TERMINATION

This Agreement may be terminated by either the COUNTY or CITY upon thirty (30) days written notice given by the terminating party.

28. TERM OF AGREEMENT

The term of this Agreement shall be from July 1, 2021 to June 30, 2024, or until all revenue from the last quarter's AB939 fee payments have expended and/or distributed, whichever is later.

//

29. INDEPENDENT CONTRACTOR

Each party shall perform responsibilities and activities described herein as an independent contractor and not as an officer, agent, servant or employee of any of the parties hereto. Each party shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any. Nothing herein shall be considered as creating a partnership or joint venture between the parties.

30. EXECUTION BY COUNTERPART

This Agreement may be executed in any number of counterparts, each of which shall for all purposes be deemed an original and all of which shall together constitute one and the same instrument.

31. CONTROLLING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of California.

32. ENTIRE AGREEMENT

This document embodies the entire Agreement between the parties with respect to the subject matter hereof. No modification of this Agreement shall be effective unless and until modification is evidenced by writing signed by all parties or their assigned designates.

33. NOTICES

All notices and communications herein required shall be in writing to the other party as follows, unless expressly changed in writing:

CITY of _____	City Representative _____
	Representative's Title _____
	City Address _____

Santa Clara County

Director
Consumer and Environmental Protection Agency
1553 Berger Drive
San José, California 95112

34. CONTRACT EXECUTION

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect

as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the County.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM on the dates as stated below:

Date: _____

COUNTY OF SANTA CLARA

JEFFREY V. SMITH
County Executive

Date: _____

“CITY”

CITY/TOWN OF _____
Title _____
A municipal corporation

APPROVED AS TO FORM AND LEGALITY:

STEPHANIE SAFDI
Deputy County Counsel

Attachments:

- A Projected Fiscal Years 2022, 2023, and 2024 AB939 HHW Fee Funding Allocation by Jurisdiction
- B Estimated HHW Program Fixed Costs for Fiscal Years 2022, 2023, and 2024
- C HHW Schedule of Collection Events for Fiscal Year 2022
- D Household Hazardous Waste Emergency Collection Plan
- E Exhibit B-2D (revised) Insurance Requirements for Environmental Services Contracts

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ATTACHMENT A: PROJECTED FISCAL YEARS 2022-2024 ANNUAL HHW FEE FUNDING ALLOCATION BY JURISDICTION

Cities	No of Households	4% of Households	Disposal Tonnage	AB939 HHW Fee \$2.60 per Ton	Fixed Cost \$3.75 per HH	SJ Facility \$8.29 Surcharge	Variable Cost \$58.20 per Car	Abandoned Waste Disposal Cost \$.05 per Household	Discretionary Fund	Estimated Augmentation	Anticipated Participation	Anticipated Participation at SJ Facility
Campbell	18,158	726	40,970	\$ 106,521	\$ 68,093	\$ 7,162	\$ 42,272	\$ 908	\$ (11,913)	\$ 45,525	1,268	1,221
Cupertino	21,050	842	41,603	\$ 108,168	\$ 78,938	\$ 4,242	\$ 49,004	\$ 1,053	\$ (25,068)	\$ 36,963	1,034	723
Gilroy	16,676	667	53,681	\$ 139,571	\$ 62,535	\$ 1,086	\$ 38,822	\$ 834	\$ 36,295	\$ 23,027	1,038	185
Los Altos	11,677	467	17,678	\$ 45,963	\$ 43,789	\$ 4,188	\$ 27,184	\$ 584	\$ (29,781)	\$ 90,803	1,451	714
Los Altos Hills	3,180	127	9,303	\$ 24,188	\$ 11,925	\$ 958	\$ 7,403	\$ 159	\$ 3,743	\$ 4,413	259	163
Los Gatos	13,637	545	25,338	\$ 65,878	\$ 51,139	\$ 6,784	\$ 31,747	\$ 682	\$ (24,474)	\$ 66,018	1,216	1,157
Milpitas	22,553	902	100,225	\$ 260,586	\$ 84,574	\$ 5,247	\$ 52,503	\$ 1,128	\$ 117,135	\$ 24,851	1,303	895
Monte Sereno	1,383	55	1,278	\$ 3,323	\$ 5,186	\$ 789	\$ 3,220	\$ 69	\$ (5,941)	\$ 11,138	139	135
Morgan Hill	15,350	614	43,759	\$ 113,774	\$ 57,563	\$ 2,252	\$ 35,735	\$ 768	\$ 17,456	\$ 78,579	1,881	384
Mountain View	36,727	1,469	77,033	\$ 200,285	\$ 137,726	\$ 4,700	\$ 85,500	\$ 1,836	\$ (29,478)	\$ 39,356	1,628	802
Palo Alto	29,298	0	63,437	\$ 164,936		\$ -	\$ -	\$ 1,465	\$ 163,471			
San Jose	336,507	13,460	810,331	\$ 2,106,860	\$ 1,261,901	\$ 114,172	\$ 783,388	\$ 16,825	\$ (69,427)	\$ 476,507	20,026	19,470
Santa Clara	48,975	1,959	160,175	\$ 416,455	\$ 183,656	\$ 9,178	\$ 114,014	\$ 2,449	\$ 107,157	\$ 121,604	3,920	1,565
Saratoga	11,301	452	19,996	\$ 51,990	\$ 42,379	\$ 4,458	\$ 26,309	\$ 565	\$ (21,720)	\$ 45,244	831	760
Sunnyvale	60,273	2,411	116,128	\$ 301,932	\$ 226,024	\$ 6,717	\$ 140,316	\$ 3,014	\$ (74,138)	\$ 152,321	3,672	1,145
Unincorporated	18,558	742	38,112	\$ 99,092	\$ 69,593	\$ 4,640	\$ 43,203	\$ 928	\$ (19,271)	\$ 57,932	1,677	791
Total	665,303	25,440	1,619,047	\$ 4,209,522	\$ 2,385,019	\$ 176,572	\$ 1,480,620	\$ 33,265	\$ 134,047	\$ 1,274,282	41,345	30,110

Notes: Number of HH and Disposal tonnage are based on FY2019-2020 actuals. Anticipated participation and anticipated participation at SJ facility are based on 15% increase from FY2018-2019 actual participation.

**ATTACHMENT B: ESTIMATED ANNUAL HHW PROGRAM FIXED COSTS
FOR FISCAL YEARS 2022, 2023, AND 2024**

FIXED COST		
Staff Salary and Benefits		\$1,568,216
County Admin Overhead		\$421,899
County Counsel		\$13,650
Phones and Communications		\$10,605
Facilities Lease Costs	San Jose	\$176,572
Vehicle Costs		\$34,125
Office Supplies and postage		\$1,916
Maintenance, Software		\$115,500
HHW Hotline		\$50,000
Garbage & Utilities		\$36,488
Membership & Dues		\$15,750
Training & Conference		\$5,250
Safety Wear		\$21,840
Printing		\$13,583
Other Services & Supplies		\$56,175
ESTIMATED ANNUAL TOTAL		\$2,541,568

**ATTACHMENT C: HHW SCHEDULE OF PERMANENT & TEMPORARY
COLLECTION EVENTS FOR FISCAL YEAR 2021-2022***

2021/Month	Day	Date	Location	Type of Event	County Holidays/ Notes
July	Thurs,Fri	1,2	San Jose	Permanent	
	Saturday	3	No Event	No Event	4th OF JULY WEEK
	Wed,Thurs,Fri,Sat	7,8,9,10	San Jose	Permanent	
	Fri,Sat	9,10	San Martin	Permanent	
	Thurs,Fri,Sat	15,16,17	San Jose	Permanent	
	Saturday	17	Sunnyvale	Temporary	TBD
	Wed,Thurs,Fri,Sat	21,22,23,24	San Jose	Permanent	
	Thurs,Fri,Sat	29,30,31	San Jose	Permanent	
August	Wed,Thurs,Fri,Sat	4,5,6,7	San Jose	Permanent	
	Fri,Sat	6,7	San Martin	Permanent	
	Thurs,Fri,Sat	12,13,14	San Jose	Permanent	
	Saturday	14	Mountain View	Temporary	TBD
	Wed,Thurs,Fri,Sat	18,19,20,21	San Jose	Permanent	
	Thurs,Fri,Sat	26,27,28	San Jose	Permanent	
September	Wed,Thurs,Fri	1,2,3	San Jose	Permanent	
	Saturday	4	No Event	No Event	LABOR DAY WEEKEND
	Thurs,Fri,Sat	9,10,11	San Jose	Permanent	
	Fri,Sat	10,11	San Martin	Permanent	
	Wed,Thurs,Fri,Sat	15,16,17,18	San Jose	Permanent	
	Saturday	18	Santa Clara	Temporary	TBD
	Wed,Thurs,Fri,Sat	22,23,24,25	San Jose	Permanent	
	Thursday	30	San Jose	Permanent	
October	Fri,Sat	1,2	San Jose	Permanent	
	Fri, Sat	1,2	San Martin	Permanent	
	Wed,Thurs,Fri,Sat	6,7,8,9	San Jose	Permanent	
	Thurs,Fri,Sat	14,15,16	San Jose	Permanent	
	Saturday	16	Sunnyvale	Temporary	TBD
	Wed,Thurs,Fri,Sat	20,21,22,23	San Jose	Permanent	
	Thurs,Fri,Sat	28,29,30	San Jose	Permanent	
November	Wed,Thurs,Fri,Sat	3,4,5,6	San Jose	Permanent	
	Fri, Sat	5,6	San Martin	Permanent	
	Fri,Sat	12,13	San Jose	Permanent	
	Wed,Thurs,Fri,Sat	17,18,19,20	San Jose	Permanent	
	Tuesday	23	San Jose	Permanent	
	Thurs,Fri,Sat	25,26,27	No Event	No Event	THANKSGIVING
December	Wed,Thurs,Fri,Sat	1,2,3,4	San Jose	Permanent	
	Fri, Sat	3,4	San Martin	Permanent	
	Wed,Thurs,Fri,Sat	8,9,10,11	San Jose	Permanent	
	Thurs,Fri,Sat	16,17,18	San Jose	Permanent	
	Tues,Wed,Thurs	21,22,23	San Jose	Permanent	
	Fri,Sat	24,25	No Event	No Event	CHRISTMAS
	Tues,Wed,Thurs	28,29,30	San Jose	Permanent	
	Friday	31	No Event	No Event	NEW YEAR's DAY

**ATTACHMENT C: HHW SCHEDULE OF PERMANENT & TEMPORARY
COLLECTION EVENTS FOR FISCAL YEAR 2021-2022* (Continued)**

2022/Month	Day	Date	Location	Type of Event	County Holidays/ Notes
2022/Jan	Saturday	1	No Event	No Event	NEW YEAR's DAY
	Thurs,Fri,Sat	6,7,8	San Jose	Permanent	
	Fri, Sat	7,8	San Martin	Permanent	
	Wed,Thurs,Fri,Sat	12,13,14,15	San Jose	Permanent	
	Saturday	15	Sunnyvale	Temporary	TBD
	Wed,Thurs,Fri,Sat	19,20,21,22	San Jose	Permanent	
	Thurs,Fri,Sat	27,28,29	San Jose	Permanent	
	Saturday	29	Santa Clara	Temporary	TBD
February	Wed,Thurs,Fri,Sat	2,3,4,5	San Jose	Permanent	
	Fri, Sat	4,5	San Martin	Permanent	
	Thurs,Fri,Sat	10,11,12	San Jose	Permanent	
	Wed,Thurs,Fri,Sat	16,17,18,19	San Jose	Permanent	
	Thurs,Fri,Sat	24,25,26	San Jose	Permanent	
March	Wed,Thurs,Fri,Sat	2,3,4,5	San Jose	Permanent	
	Fri, Sat	4,5	San Martin	Permanent	
	Thurs,Fri,Sat	10,11,12	San Jose	Permanent	
	Wed,Thurs,Fri,Sat	16,17,18,19	San Jose	Permanent	
	Wed,Thurs,Fri,Sat	23,24,25,26	San Jose	Permanent	
April	Fri,Sat	1,2	San Jose	Permanent	
	Fri, Sat	1,2	San Martin	Permanent	
	Wed,Thurs,Fri,Sat	6,7,8,9	San Jose	Permanent	
	Saturday	9	Los Altos	Temporary	TBD
	Thurs,Fri,Sat	14,15,16	San Jose	Permanent	
	Saturday	16	Sunnyvale	Temporary	TBD
	Wed,Thurs,Fri,Sat	20,21,22,23	San Jose	Permanent	
	Thurs,Fri,Sat	28,29,30	San Jose	Permanent	
	Saturday	30	Santa Clara	Temporary	TBD
May	Wed,Thurs,Fri,Sat	4,5,6,7	San Jose	Permanent	
	Fri, Sat	6,7	San Martin	Permanent	
	Thurs,Fri,Sat	12,13,14	San Jose	Permanent	
	Wed,Thurs,Fri,Sat	18,19,20,21	San Jose	Permanent	
	Thurs,Fri	26,27	San Jose	Permanent	
	Saturday	28	No Event	No Event	MEMORIAL DAY WEEKEND
June	Wed,Thurs,Fri,Sat	1,2,3,4	San Jose	Permanent	
	Fri, Sat	3,4	San Martin	Permanent	
	Thurs,Fri,Sat	9,10,11	San Jose	Permanent	
	Wed,Thurs	15,16	San Jose	Permanent	
	Friday	17	No Event	No Event	JUNETEENTH DAY
	Saturday	18	San Jose	Permanent	
	Saturday	25	Milpitas	Temporary	TBD
	Thurs,Fri,Sat	23,24,25	San Jose	Permanent	
	Wed,Thurs	29,30	San Jose	Permanent	
*SUBJECT TO CHANGE					

ATTACHMENT D:

COUNTY HOUSEHOLD HAZARDOUS WASTE EMERGENCY COLLECTION PLAN

1. PURPOSE

The purpose of the Household Hazardous Waste Emergency Collection Plan is to minimize potential public health and safety impacts, as well as to minimize costs and confusion during an emergency or disaster. This Attachment describes the services the County can provide and the responsibilities of each party for the collection of household hazardous wastes (HHW) in response to an emergency as defined by the local jurisdiction.

Jurisdictions should contact local emergency agencies, the Governor's Office of Emergency Services (OES), and the Department of Toxic Substances Control (DTSC) for more specific information on hazardous materials emergency response.

2. Timing of HHW

While it is important to have special collection opportunities for disaster-related HHW as soon as possible to avoid illegal disposal or harm to people and/or the environment, having an event or service too soon after a disaster may result in low participation. Sufficient public notification, assessment and monitoring of the disaster and cleanup process by the designated City HHW Coordinator(s) is essential.

3. Public Information/Notification:

Cities should be prepared to provide the public with information related to the problems associated with HHW along with information about special collection events and services. Upon the decision to hold an emergency collection event, it is the City's responsibility to prepare and deliver the necessary public outreach to notify the public of an upcoming event. A City's public outreach program should evaluate all forms of media including: newspaper ads, posters, flyers, press releases, banners, door-to-door notices, roadside signs, signs on dumpsters, radio public service announcements, social media outlets and television public access stations. Be aware of communities where multiple language outreach efforts will be necessary.

4. State HHW Collection Permits

The State Department of Toxic Substances Control (DTSC) is responsible for issuing the necessary state permits for HHW collection facilities. During an emergency, the County will obtain the necessary emergency permit for special collection of household hazardous waste from DTSC through their expedited approval process.

5. Collection Events

Temporary collection events can be set-up at various sites including parking lots, city maintenance yards, within neighborhoods needing service, and at landfills or a centralized location to service larger segments of the population. Waste collected will be transported with a transportation vehicle provided by the HHW Program. In addition, events can be scheduled at the two existing Countywide Household Hazardous Waste Collection Facilities (CoHHWCF). The following options are available to each participating City.

- Neighborhood Drop-off Events: The County is able to provide localized service to specific areas in need of household hazardous waste collection services. The County will work with City Solid Waste Coordinators to conduct coordinated efforts to residents in the affected area. After a specific event, waste will be transported by County staff or a hazardous waste contractor to an appropriate facility.
- Mobile HHW Event: The County conducts Household Hazardous Waste Collection Event (Events) at various sites located in Santa Clara County throughout the year. Events will be expanded to give priority to disaster victims when requested by the City. The County shall obtain all necessary permits and licenses required for the events and shall provide and/or contract for the services of properly trained personnel and hazardous waste haulers. The County shall also provide or secure suitable equipment and supplies to properly receive, package, label, haul, recycle and dispose of the household hazardous wastes collected at events.
- CoHHWCF: The County operates two permitted HHW collection facilities for the collection and storage of HHW. The County shall provide or contract for services, equipment, and supplies to properly receive, package, label, haul, recycle and dispose of wastes collected at the CoHHWCF.

The CoHHWCF are located at:

- *San Martin, 13055 Murphy Ave, San Martin*
- *San Jose, 1608 Las Plumas, San Jose*

6. Costs, Documentation, and Reimbursements

Cities will be billed on a cost recovery basis. Costs of emergency events will be tracked and billed separately. Emergency funding applications pending from the State or Federal government for reimbursements in no way relieves the City of responsibility to make timely payment to the County in accordance with the terms of the AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

The County agrees to provide the City with a detailed accounting of services provided for an emergency collection. Documentation will track the time and materials of staff, outside contractor expenses, and quantities and types of waste collected to demonstrate that the wastes were generated above and beyond existing collection programs.

Services to businesses will be provided on a cost recovery basis and according to Section 12 of the AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM, which includes program administration, on-site collection,

transportation, and disposal costs. The County will assume responsibility for collecting fees from participating businesses.

7. State and Federal Assistance and Funds

It is the City responsibility to pursue reimbursement from State or Federal agencies.

State Office of Emergency Services (OES)

The OES is responsible for requesting assistance on behalf of local jurisdictions for resources beyond the capability of the jurisdiction. State assistance may include assistance available from State, Federal, or private sources. If a local jurisdiction is declared a state disaster area, and the local jurisdiction deems that the needs of the disaster response are beyond its capabilities, then the local jurisdiction can request assistance and reimbursement of costs from OES.

Follow Standardized Emergency Management System (SEMS)

All requests and emergency responses must be in accordance with the SEMS. The State Department of Toxic Substances Control may have funding available for hazardous waste response and collection.

Federal Assistance

If a state disaster area is declared a federal disaster, then federal funding assistance may be available through the State OES. Funding and assistance may be available from Federal agencies such as FEMA and the U.S. EPA.

Damage estimates: The city should provide to the State OES estimates of damages and a "scope of work requested." It is recommended that the local HHW coordinator meet ahead of time with local emergency agencies or State OES contacts regarding the proper procedures and wording of requests for assistance.

Funding Process: The funding process may vary depending on the unique circumstances of the disaster. The process can either be the traditional FEMA reimbursement process, or by direct assistance from EPA.

REFERENCES

California Integrated Waste Management Board, Integrated Waste Management Disaster Plan: Guidance for local government on disaster debris management, January 1997.

Emergency Planning Contacts and Personnel

Primary County Contact: County of Santa Clara
Consumer and Environmental Protection Agency
Recycling and Waste Reduction Division
Household Hazardous Waste Program
ATTN: Hazardous Materials Program Manager
(408)-918-1967

For Non-Emergency after-hours, contact County Communications at: (408) 977-3220

Responsibility: Coordinate and establish proper collection and disposal methods for household hazardous waste. Assess the need for HHW and CESQG services in consultation with the City and other operations.

Cal OES Public Safety Communications Main Office

601 & 630 Sequoia Pacific Boulevard
Sacramento, CA 95811
(916) 657-9494

Cal OES

3650 Schriever Avenue
Mather, CA 95655-4203
(916) 845-8510

CHEMTREC Emergency number, (800) 424-9300
Non-emergency (800) 262-8200

Chemtrec is a public service established by the Chemical Manufacturers Association. The Center was developed as a resource for obtaining immediate emergency response information to mitigate accidental chemical releases, and as a means for emergency responders to obtain technical assistance from chemical industry product safety specialists, emergency response coordinators, toxicologists, physicians, and other industry experts to safely mitigate incidents involving chemicals.

INSURANCE REQUIREMENTS FOR
ENVIRONMENTAL SERVICES CONTRACTS

(Hazardous Waste Disposal, Remediation Services, Environmental Consulting, etc.)

Indemnity

The Contractor shall indemnify, defend, and hold harmless the County of Santa Clara (hereinafter "County"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County. It is the intent of the parties to this Agreement to provide the broadest possible coverage for the County. The Contractor shall reimburse the County for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor contests its obligation to indemnify, defend and/or hold harmless the County under this Agreement and does not prevail in that contest.

Insurance

Without limiting the Contractor's indemnification of the County, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a certified copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the requesting County department, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by the County. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Insurance Manager.

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified County insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the County of Santa Clara or their designated agent.

D. Insurance Required

1. Commercial General Liability Insurance - for bodily injury (including death) and property damage which provides limits as follows:
 - a. Each occurrence - \$1,000,000
 - b. General aggregate - \$2,000,000
 - c. Products/Completed Operations aggregate - \$2,000,000
 - d. Personal Injury - \$1,000,000
2. General liability coverage shall include:
 - a. Premises and Operations
 - b. Products/Completed
 - c. Personal Injury liability
 - d. Severability of interest
3. General liability coverage shall include the following endorsement, a copy of which shall be provided to the County:

Additional Insured Endorsement, which shall read:

“County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively, as additional insureds.”

Insurance afforded by the additional insured endorsement shall apply as primary insurance, and other insurance maintained by the County of Santa Clara, its officers, agents, and employees shall be excess only and not contributing with insurance provided under this policy. Public Entities may also be added to the

EXHIBIT B-2D (revised)

additional insured endorsement as applicable and the contractor shall be notified by the contracting department of these requirements.

4. Automobile Liability Insurance

For bodily injury (including death) and property damage which provides total limits of not less than one million dollars (\$1,000,000) combined single limit per occurrence applicable to all owned, non-owned and hired vehicles. Coverage shall include Environmental Impairment Liability Endorsement MCS90 for contracts requiring the transportation of hazardous materials/wastes.

4a. Aircraft/Watercraft Liability Insurance (Required if Contractor or any of its agents or subcontractors will operate aircraft or watercraft in the scope of the Agreement)

For bodily injury (including death) and property damage which provides total limits of not less than one million dollars (\$1,000,000) combined single limit per occurrence applicable to all owned, non-owned and hired aircraft/watercraft.

5. Workers' Compensation and Employer's Liability Insurance

- a. Statutory California Workers' Compensation coverage including broad form all-states coverage.
- b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.

6. Contractors Pollution Liability Insurance

Coverage shall provide a minimum of not less than five million dollars (\$5,000,000) per occurrence and aggregate for bodily injury, personal injury, property damage and cleanup costs both on and offsite.

7. Professional Errors and Omissions Liability Insurance (required for contractors providing professional services, such as through a professional engineer, registered geologist, etc.)

- a. Coverage shall be in an amount of not less than one million dollars (\$1,000,000) per occurrence/aggregate.
- b. If coverage contains a deductible or self-retention, it shall not be greater than fifty thousand dollars (\$50,000) per occurrence/event.

EXHIBIT B-2D (revised)

- c. Coverage as required herein shall be maintained for a minimum of two years following termination or completion of this Agreement.

8. Claims Made Coverage

If coverage is written on a claims made basis, the Certificate of Insurance shall clearly state so. In addition to coverage requirements above, such policy shall provide that:

- a. Policy retroactive date coincides with or precedes the Consultant's start of work (including subsequent policies purchased as renewals or replacements).
- b. Policy allows for reporting of circumstances or incidents that might give rise to future claims.

E. Special Provisions

The following provisions shall apply to this Agreement:

1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the County or its insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.
2. The County acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by the County upon satisfactory evidence of financial capacity. Contractors obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self-insurance retentions.
3. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.
4. The County reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

F. Fidelity Bonds (Required only if contractor will be receiving advanced funds or payments)

Before receiving compensation under this Agreement, Contractor will furnish County with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Agreement, or authorized to sign or

EXHIBIT B-2D (revised)

countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the County cited herein. If such bond is canceled or reduced, Contractor will notify County immediately, and County may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Agreement, at the option of County.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute Amendment No. 1 to the Maintenance Services Agreement with Executive Facilities Services for Daytime Custodial Services.
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Tony Ndah, 408-586-2602 Chris Schroeder, 408-586-3161
Recommendation:	Approve and Authorize the City Manager to execute the amendment with Executive Facilities Services for Daytime Custodial Services in the amount of \$144,000 for Daytime Custodial Services, for a new contract amount not-to-exceed of amount \$239,000 and extend the agreement term through December 31, 2021

Background:

In March 2020, the Santa Clara County Public Health Officer issued a shelter-in-place order in response to growing concerns over the emergent COVID pandemic. As part of this shelter-in-place order, non-essential City facilities were closed, and staff were required to work from home. In order to address issues of public safety and essential services, the City maintained operations at key facilities including the Police/ Public Works Building, Corporation Yard shop buildings, Fire Stations Nos. 1-4, portions of City Hall, and the Barbara Lee Senior Center. In compliance with the recommendations of the Center for Diseases Control (CDC) and Santa Clara Public Health officials, staff determined that it was necessary to provide daytime custodial services to safeguard staff against the COVID-19 virus and supplement regular cleaning at these facilities.

After a competitive procurement process, the City entered into a maintenance services agreement with Executive Facilities Services on June 12, 2020 in the not-to-exceed amount of \$95,000.00. The contract with EFS expires on May 31, 2021. The scope of work of the agreement included routine electrostatic sprayer disinfection of surfaces in high touch and high traffic areas, including handrails, door handles, faucets, and various dispensers (fuel, soap, paper towels) at key City facilities. The scope of work also includes deep cleaning of work areas following a confirmed COVID-19 case at any City facility.

Analysis:

The Public Works Department has been tasked with prioritizing the safety of the public and City staff who must utilize City facilities. Due to the original expectation that the COVID shelter-in-place order would be lifted by the end of FY2020-21, the initial contract was established to last through May 31, 2021 for an amount not-to-exceed \$95,000. Staff anticipates needing to supplement daytime disinfection and custodial services through the end of calendar year 2021.

Monthly billing from EFS, which is based on two contract staff working for eight hours per day during the weekdays, has averaged around \$12,500 per month. The original contract amount of \$95,000 was sufficient for routine disinfection but did not account for any deep cleaning of work areas following a confirmed COVID-19 case at a City facility. There are unpaid invoices associated with deep cleaning of work areas totaling \$38,376, and it is estimated that the amount necessary to carry services through to the end of the calendar year will cost approximately \$105,000, for a total cost amendment of \$144,000. Staff put appropriate administrative measures to ensure that services are contracted for within existing authority.

As such, staff is recommending an amendment of the existing contract in the amount of \$144,000 and a time extension through December 31, 2021 in order to continue providing daytime disinfection and cleaning services for high touch surfaces during the pandemic.

Policy Alternatives:

Alternative 1: Amend the contract only for the payment of outstanding invoices in the amount of \$38,376 and direct Staff to issue an RFP for Daytime Custodial Services through December 31, 2021

Pros: Allows City to explore pricing from additional vendors.

Cons: A standard RFP takes about 80-100 days from start to finish, not including vendor mobilization needs, and the City would need to cease services with EFS in the meantime. This would leave the City without enhanced daytime custodial services during the Pandemic.

Reason not recommended: By not providing contractual services for enhanced daytime custodial services during the Pandemic, the required cleaning would have to be shifted to staff who are providing essential public safety, public works, recreation, and internal services to the or in support of the Milpitas community. Additionally, disinfection equipment would have to be rented or purchased.

Fiscal Impact:

This project will be funded out of unanticipated expenditure budget, which supports the COVID emergency response including EM2007 Safe Facilities. Since the services will be rendered in both FY2020-21 and FY2021-22, only the portion related to FY2020-21 \$54,000 will be encumbered in the current fiscal year and the remaining balance \$90,000 will be encumbered the next fiscal year with Council FY22 budget appropriations. As of March 31, 2021, the available balance in the Unanticipated Expenditure Reserve is approximately \$740,000.

California Environmental Quality Act:

By the definition provided in the CEQA Guidelines Section 15378, this action does not qualify as a “project” for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Alternatively, this action is exempt under CEQA Guideline 15301 as the maintenance of existing facilities involving no expansion of use.

Recommendation:

Approve and authorize the City Manager to execute the amendment with Executive Facilities Services for Daytime Custodial Services in the amount of \$144,000 for Daytime Custodial Services, for a new contract amount not-to-exceed of amount \$239,000 and extend the agreement term through December 31, 2021

Attachment

Amendment No. 1 to the Maintenance Services Agreement with Executive Facilities Services



AMENDMENT NO. 1
TO THE MAINTENANCE SERVICES AGREEMENT
WITH EXECUTIVE FACILITIES SERVICES INC. FOR
DAYTIME CUSTODIAL SERVICES

This Amendment No. 1 is entered into as of _____, (Effective Date) by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "City") and Executive Facilities Services Inc., a corporation, (hereafter referred to as "Contractor"). City and Contractor are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No. 1.

RECITALS:

WHEREAS, on June 12, 2020, the City entered into a Maintenance Services Agreement (hereinafter, the "Agreement") with Executive Facilities Services Inc. for Daytime Custodial Services to be provided to the City, with a term period of June 12, 2020 through May 31, 2021, and a maximum compensation amount of \$95,000.00; and

WHEREAS, the Parties now desire to amend the Agreement to increase the compensation amount by \$144,000.00 for additional daytime custodial services and extend the term of the Agreement to December 31, 2021.

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

1. Section 3.1.2 Term. is amended to read as follows: The term of this agreement shall be from **June 12, 2020 to December 31, 2021** unless earlier terminated as provided herein. The City reserves the right to review the Contractor's performance at the end of each year and cancel all or part of the Agreement.
2. Section 3.3.1 Compensation. is amended to read as follows: Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Two Hundred Thirty-Nine Thousand Dollars and Zero Cents (\$239,000.00)** without written approval of City's City Manager. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.
3. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

[Signatures on Following Page]

**SIGNATURE PAGE TO AMENDMENT NO. 1
OF THE MAINTENANCE SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND EXECUTIVE FACILITIES SERVICES INC.**

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1
as of the date first written above.

APPROVED BY:

CITY OF MILPITAS

Approved By:

Steven G. McHarris
City Manager

Effective Date

Approved As To Form:

Christopher J. Diaz
City Attorney

Approved:

Lauren Lai, CPA, MPA
Director of Finance/Risk Manager

Approved As To Content:

Tony Ndah
Director of Public Works

**EXECUTIVE FACILITIES SERVICES
INC.**

Signature

Name

Title

Date



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute Amendment No.2 to the Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas, for Joint Use Areas of McCandless Park and Mabel Mattos School
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Approve and Authorize the City Manager to Execute Amendment No.2 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Background:

The McCandless Property, approximately 10.9 acres of land, was designated to be a new elementary school and public park. The Milpitas Unified School District Board of Education approved the Joint Use Agreement (Agreement) at their June 14, 2016, Board meeting, and the Milpitas City Council approved the Agreement at its June 21, 2016 meeting.

In 2018, the City of Milpitas applied on behalf of both the City and Milpitas Unified School District for the County of Santa Clara All Inclusive Playgrounds Grant (AIPG). The grant was awarded to the City of Milpitas for approximately \$780,000 which included an all-inclusive playground design in the public park, as well as an additional playground area and butterfly garden at the elementary school that would be open to the public during and after school hours.

In 2020, both the MUSD Board of Education and City of Milpitas City Council approved, at their respective meetings on June 12 and October 20, a First Amendment to the Agreement. The Agreement, as amended, identifies areas of joint use to include basketball courts, field, south parking lot, inclusive playground, and the butterfly garden, in benefit to both the new school student body and Milpitas residents at large. Terms in the Joint Use Agreement and an associated operations and maintenance agreement define the access, operation and maintenance, and replacement and/or improvements to areas defined in the agreement. Areas in the agreement are on both City of Milpitas and MUSD property as shown in the table below.

<u>Joint Use Area</u>	<u>Agency Property</u>
Field	City of Milpitas/MUSD
Parking Lot	City of Milpitas/MUSD
Basketball Courts	MUSD
Inclusive Playground*	MUSD
Butterfly Garden	City of Milpitas/MUSD

**This is the small playground on the District property, not to be confused with the larger park playground structures on City property.*

Analysis:

In early 2021, the MUSD approached City staff on the use of the Joint Use Area Basketball Courts for temporary portable classrooms for the 2021-22 school year. Due to unforeseeable project delays related to COVID-19, the Milpitas Unified School District's planned improvement project at Mabel Mattos Elementary School will not be completed and temporary classroom space at the site is required. The MUSD is requestin

to place eight (8) portable classrooms on the Mabel Mattos Basketball Courts starting late May 2021 through April 2022, the estimated conclusion of the sites planned improvement project.

The placement of the portable classrooms will not interfere or impede on the McCandless Park project construction which will be starting in late May 2021.

The MUSD School Board of Education reviewed and approved the Joint Use Agreement Amendment No. 2 at its April 27, 2021 meeting.

Fiscal Impact:

There is no cost associated with the approval of the Joint Use Agreement Amendment No. 2. Per the agreement, the MUSD will be responsible for any damages and/or liabilities relating to its use of the Basketball Courts for temporary portable classrooms.

California Environmental Quality Act:

Not applicable

Recommendation:

Approve and Authorize the City Manager to Execute Amendment No.2 to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Attachment:

Draft McCandless Property Joint Use Agreement Amendment No.2

**AMENDMENT NO. 2 TO JOINT USE
AGREEMENT BETWEEN
MILPITAS UNIFIED SCHOOL
DISTRICT AND CITY OF MILPITAS**

This Amendment No. 2 to Joint Use Agreement (“Amendment No. 2”) is entered into between the Milpitas Unified School District, a public school district organized and existing under the laws of the State of California (“District”), and the City of Milpitas, a municipal corporation of the State of California (hereinafter “City”) as of the date of the last signature set forth below (the “Effective Date”). District and City may be referred to individually as a “Party” and collectively as the “Parties.”

District and City hereby agree as follows:

1. The Joint Use Agreement entered into between the Parties dated July 1, 2016 (“Agreement”), which relates to the premises located at the corner of McCandless Drive and Penitencia Creek East Channel, Milpitas, CA, and as was amended by Amendment No. 1 to the Agreement on October 28, 2020, is hereby further amended as follows:

- a. Section 5.1.2 is hereby removed and replaced with the following:

5.1.2. Basketball Courts. Notwithstanding Section 5.1.2.1, District shall have exclusive use of the Basketball Courts Monday through Friday, during the time period which begins ninety (90) minutes before the start of the school day and ends ninety (90) minutes after the close of the school day (estimated to be 4:15 p.m.) on every day that school is in session during the school year and summer school. District shall also have exclusive use of the Basketball Courts for special events scheduled at the meetings described below.

- b. New Section 5.1.2.1 is hereby added as follows:

While Mabel Mattos Elementary School Phase II is undergoing construction, District shall be allowed to use the Basketball Courts, as depicted on Exhibit B, exclusively for interim classrooms, as depicted on Exhibit C. It is estimated that said construction shall be completed April 2022. District shall be responsible for any damages and/or liabilities arising from, or otherwise relating to, the use of the interim classrooms. The indemnification provisions in Section 11.1 of this Joint Use Agreement shall apply to any such damages and/or liabilities.

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

[Signatures on following page]

Signature Page
For

AMENDMENT NO. 2 TO JOINT USE AGREEMENT

IN WITNESS WHEREOF, this Amendment No. 2 is executed by the City of Milpitas, acting by and through its City Council that has authorized the City Manager to execute, and by the Milpitas Unified School District, acting by and through its Board of Education that has authorized the superintendent or his designee to execute.

CITY OF MILPITAS

MILPITAS UNIFIED SCHOOL DISTRICT

By: _____

By: _____

Name: _____

Name: Cheryl Jordan

Title: _____

Title: SUPERINTENDENT

Date: _____

Date: _____

APPROVED AS TO FORM

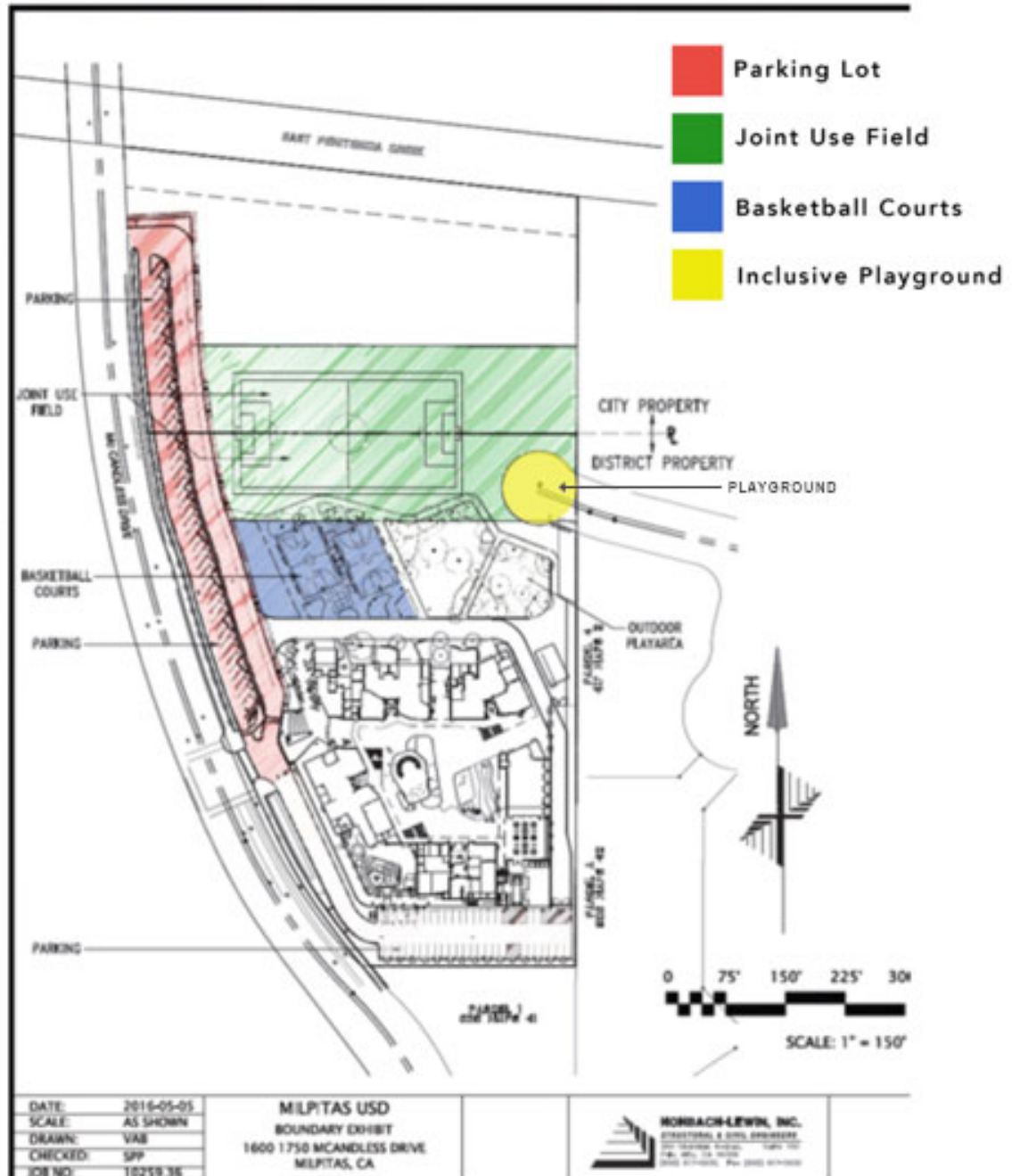
By: _____

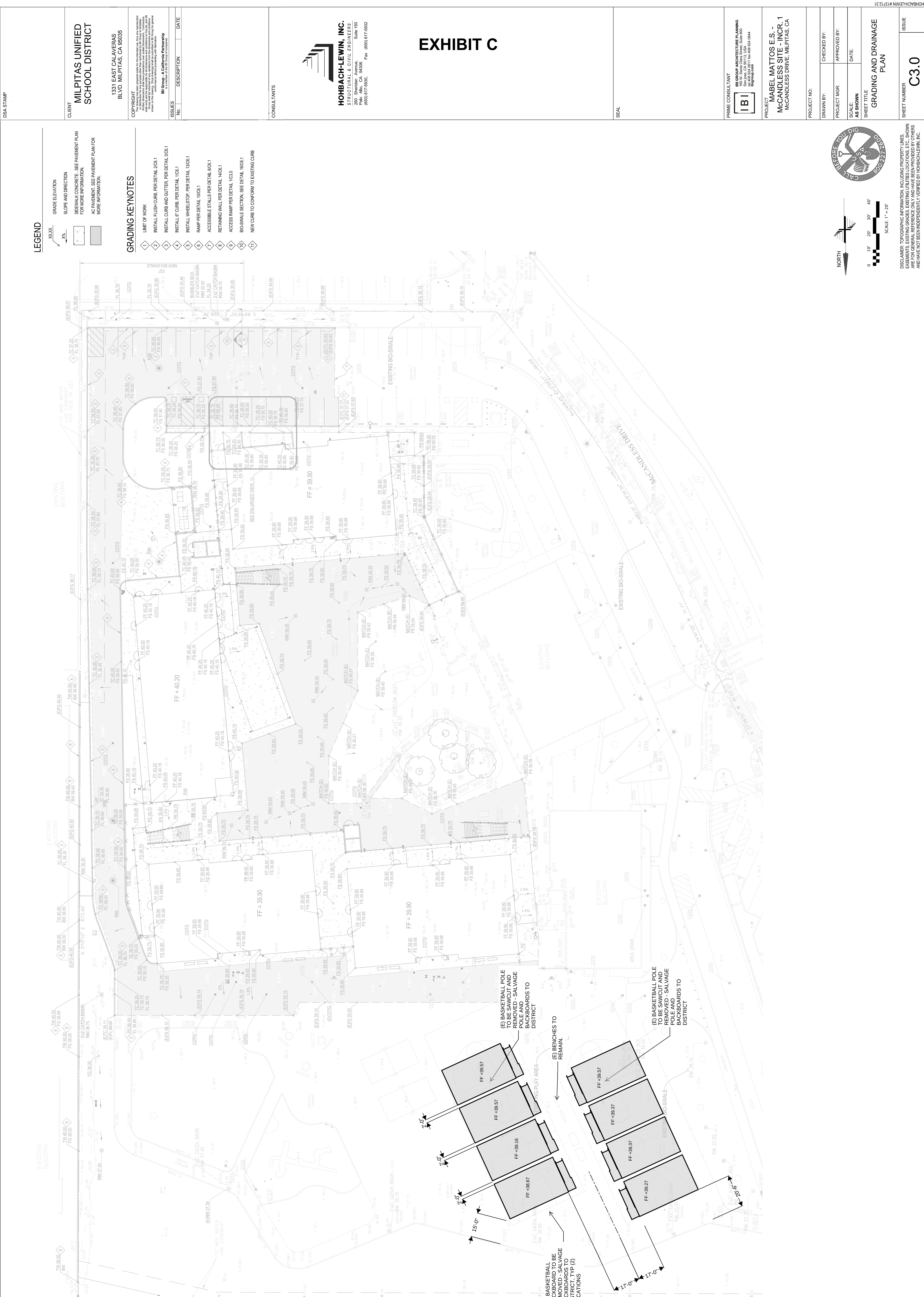
Name: _____

Title: CITY ATTORNEY

Date: _____

EXHIBIT B **DEPICTION OF JOINT USE AREAS**







CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Monthly Report for Unhoused Services
Category:	Consent Calendar-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Sharon Goei, 408-586-3260
Recommendation:	Receive March 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 December 1, 2020, the City Council directed staff to implement a six-month pilot mobile shower and laundry Dignity on Wheels program with WeHOPE.

At the March 2, 2021 City Council meeting, Councilmember Chua presented a sample monthly assessment progress report and requested staff provide a way to monitor progress in a similar manner. At the April 6, 2021 City Council meeting, Councilmember Chua requested to receive statistics on the progress by the end of April or beginning of May. The Council supported Councilmember Chua's request at both meetings.

Analysis:

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 March 1, 2021. The HEAT Team received updated encampment locations from the Milpitas Police Department on March 25, 2021. The Team started to conduct outreach to these locations beginning in April. During the month of March, the Team conducted street outreach to unhoused individuals residing in various areas of the City. The HEAT Team enrolled 26 clients and completed assessments for all of them in March. These efforts were across four encampment locations and seven outreach locations where contact was made with clients in a non-encampment setting. See Attachment B for the HEAT Team March 2021 report.

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. During the month of March, WeHOPE provided two sessions to the unhoused community, providing a total of 17 showers and 8 loads of laundry, serving 21 individuals. See Attachment C for the WeHOPE Dignity on Wheels March 2021 report.

In addition to working closely with the above service providers, City departments collaborate in providing services to the unhoused residents as well as the community. Building Safety and Housing, Police, and Public Works Departments coordinate on HEAT Team referrals to provide outreach, engagement, and assessment services to unhoused individuals. After these efforts, Departments coordinate 72-hour notice posting and site clean-up activities with the appropriate entities to restore the sites, in response to complaints reported by residents. These collaborative efforts assist the unhoused residents with services as well as address 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 A for the March 2021 report for unhoused services. Note that the HEAT Team is in the process of aligning their locations with the Milpitas Police Department information received on March 25. As such, the list may change in subsequent months.

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 March 2021 report for unhoused services.

Attachments:

- A. March 2021 report for unhoused services
- B. HEAT Team March 2021 report
- C. WeHOPE Dignity on Wheels March 2021 report

MARCH 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	3/5/2021	2/26/2021	1	3/5/2021	1	3/5/2021			3/8/2021 Site clean-up complete.
2 Topaz Street 1	Encampment	City	1	3/17/2021	N/A	1	3/17/2021	1	3/17/2021			
3 Serra Center	Encampment	Private Property	3	3/29/2021, 3/30/2021	3/26/2021	3	3/29/2021, 3/30/2021	3	3/29/2021, 3/30/2021			Site clean-up in 4/2021.
4 Ocean Supermarket	Encampment	Private Property	1	3/24/2021	N/A	1	3/24/2021	1	3/24/2021			
5 Dixon Road 1	Encampment	City	1	3/23/2021	3/25/2021							
6 Dixon Road 2	RV Vehicles	City	1	3/23/2021	3/25/2021							
7 Calaveras Blvd Overpass	Encampment	City	5	3/23/2021	3/19/2021							
8 Dempsey Road	Encampment	City	1	3/23/2021	3/25/2021							
9 Sinclair Frontage Road	Encampment	Union Pacific Railroad	7	3/23/2021	3/25/2021							
10 Yosemite Business Park	Encampment	Private Property	3	3/23/2021	3/25/2021							
11 Gibraltar Court	Trailers	City	2	3/23/2021	3/25/2021							
12 Topaz Street 2	Encampment	City	8	3/23/2021	3/25/2021							
13 Railroad Court	Camp/Trailers	City	10	3/23/2021	3/25/2021							
14 Abel Plaza	Encampment	Private Property	1	3/23/2021	3/25/2021							
15 S. Main Street	Encampment	City	1	3/23/2021	3/25/2021							
16 S. Abbott Avenue	Encampment	City (if on street) or County (if on County property)	1	3/23/2021	3/25/2021							
17 W Calaveras Blvd	Encampment	City	1	3/23/2021	3/25/2021							
18 Ethyl Court	Camp/Cars	City	1	3/23/2021	3/25/2021							
19 Hammond Way	Cars/Trailers	City	10	3/23/2021	3/25/2021							
20 Coyote Creek Trail 1	Encampment	Valley Water	3	3/23/2021	3/25/2021							
21 Coyote Creek Trail 2	Encampment	Valley Water	1	3/23/2021	3/25/2021							
22 Coyote Creek Trail 3	Encampment	Valley Water	1	3/23/2021	3/25/2021							
23 Calaveras Plaza Shopping Center	Outreach (contact made in non-encampment setting)	N/A			N/A	7	3/17/2021, 3/23/2021, 3/28/2021	7	3/17/2021, 3/23/2021, 3/28/2021			
24 Dignity on Wheels Mobile Shower and Laundry	Outreach (contact made in non-encampment setting)	N/A			N/A	4	3/21/2021, 3/28/2021	4	3/21/2021, 3/28/2021			
25 Dixon Landing Shopping Center	Outreach (contact made in non-encampment setting)	N/A			N/A	1	3/16/2021	1	3/16/2021			
26 Great Mall	Outreach (contact made in non-encampment setting)	N/A			N/A	2	3/16/2021, 3/24/2021	2	3/16/2021, 3/24/2021			
27 Milpitas Library	Outreach (contact made in non-encampment setting)	N/A			N/A	1	3/16/2021	1	3/16/2021			
28 Main Street	Outreach (contact made in non-encampment setting)	N/A			N/A	3	3/16/2021, 3/17/2021, 3/23/2021	3	3/16/2021, 3/17/2021, 3/23/2021			
29 Other (Street, Panhandle, Vehicle Dweller, or Unidentified Location)	Outreach (contact made in non-encampment setting)	N/A			N/A	2	3/3/2021, 3/9/2021	2	3/3/2021, 3/9/2021			
		Total	64			26			26			

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	3/21/2021, 3/28/2021	2	21	17	8

Santa Clara County Office of Supportive Housing
 Abode Services
 Milpitas HEAT Team
 March 2021 Report

Through collaboration between the City of Milpitas, Abode Services and community advocates, Abode's HEAT outreach team has begun providing outreach services in the City of Milpitas. Since March 1st, Abode's HEAT team has enrolled 26 clients and completed 26 assessments. The team also provided referrals and outreach information to 7 homeless clients that would only accept information at the first engagement (team was unable to gather additional information from client to enroll and assess). The team made a total of 33 outreach contacts for the month of March. The team has also supported the Dignity on Wheels team with providing clients referrals to shelter and other basic needs (food, clothing, and transportation needs).

The team received an updated encampment list from the Milpitas Police Department on March 25th. The team will begin to conduct outreach visits to these locations in April, visiting each one to engage residents and provide resources. The team spent the month of March addressing community concerns and conducting street outreach to homeless residing in various areas of the city. The team has tracked encampment and/ or contact locations where they have provided outreach support within the city. The team has engaged and enrolled (client was willing to complete intake paperwork for services- providing identifying information starts the process for HEAT team to connect client to housing opportunities) the following number of clients at each location. Further, the team has conducted VI-SPDAT assessments for the following number of clients.

Milpitas HEAT Enrolled Clients- March 2021

Outreach Location	Clients Enrolled	Assessments
Milpitas Encampment- Hillview Bridge	1	1
3/5/2021	1	1
Milpitas Encampment- Topaz Street	1	1
3/17/2021	1	1
Milpitas Outreach- Calaveras Plaza Shopping Center	7	7
3/17/2021	5	5
3/23/2021	1	1
3/28/2021	1	1
Milpitas Outreach- Dignity on Wheels Event	4	4
3/21/2021	1	1
3/28/2021	3	3
Milpitas Outreach- Dixon Landing Shopping Center	1	1
3/16/2021	1	1
Milpitas Outreach- Great Mall	2	2
3/16/2021	1	1
3/24/2021	1	1
Milpitas Outreach- Library	1	1

3/16/2021	1	1
Milpitas Outreach- Main Street	3	3
3/16/2021	1	1
3/17/2021	1	1
3/23/2021	1	1
Milpitas Encampment- Ocean Supermarket	1	1
3/24/2021	1	1
Milpitas Outreach- Other (Street, Panhandle, Vehicle Dweller, or Unidentified Location)	2	2
3/3/2021	1	1
3/9/2021	1	1
Milpitas Encampment- Serra Center	3	3
3/29/2021	2	2
3/30/2021	1	1
Grand Total	26	26

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

Municipality
City of Milpitas

1



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt modifications to the City Council's Alcoholic Beverage Purchase and Consumption Policy
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/4/2021
Staff Contact:	Jeannine Seher, Director of Human Resources, 408-586-3086
Recommendation:	Adopt modifications to the City Council's Alcoholic Beverage Purchase and Consumption Policy

Background:

The Council first adopted the Alcoholic Beverage Purchase and Consumption Policy on May 1, 1990 to recognize and bring attention to the issue of alcohol consumption and its effects when driving under its influence. The City has been and remains concerned about the potential occurrence of, as well as possible City liability for, alcohol-related injuries or property damage at or following City sponsored events and/or activities. To address this concern, the City adopted its Policy forbidding the purchase of alcoholic beverages using City funds or during a City sponsored event and/or activity.

Since that time the Council Policy has not been updated. As a matter of best practice, Council and City policies should be periodically reviewed to ensure they are both legally compliant, as well as, continue to meet the needs of the Council and the City.

Analysis:

The draft revisions update the policy into a newly adopted template, and include minor changes to the policy, including adding definitions and a provision that exempts public safety personnel when performing a sanctioned activity, such as when working under cover.

Policy Alternative:

Alternative: Do not adopt modification to the policy

Pros: None

Cons: Keeping the policy in its current form prevents the addition of clarifying language and updating the policy for exceptions which may be needed. Reviewing and updating policies occasionally provides an opportunity to refresh and reaffirm the City Council's commitment to a variety of topics.

Reason for Not Recommending: The revised policy provides clarity while not changing the Council's intent.

Fiscal Impact:

No fiscal impact.

California Environmental Quality Act:

Approval of the recommendation is not an activity defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b) (3) and 15378(b)(4) either because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and/or because the action is financial and/or administrative and does not directly impact the environment.

Recommendation:

Adopt modifications to the City Council’s Alcoholic Beverage Purchase and Consumption Policy

Attachment:

Alcoholic Beverage Purchase and Consumption Policy



CITY OF MILPITAS

Revision	Date
1	TBD

CITY COUNCIL POLICY

Policy No: x TBD	Alcoholic Beverage Purchase and Consumption	Effective Date: 5/1/1990
Revision No: 1	Policy Administrator: City Manager	Next Review Due: TBD
Related Policies and Procedures: Replaces SOP 16-10	Approved by: Click or tap here to enter text.	Date Approved: Click or tap to enter a date.

1. PURPOSE

- 1.1. To articulate the City of Milpitas policy on the purchasing and consumption of alcoholic beverages.

2. POLICY

- 2.1. The City of Milpitas recognizes that much attention has been given to the issue of alcohol consumption and driving under the influence of alcohol. The City is concerned about the potential occurrence of, as well as possible City liability for, alcohol-related injuries or property damage at or following City sponsored events and/or activities. Therefore, no alcoholic beverages shall be purchased with City funds or served at any City sponsored event and/or activity.
- 2.2. Public safety personnel performing a sanctioned police task are exempted from this policy.

3. DEFINITIONS

- 3.1. The following definitions are provided solely as a guide to assist in the application of this policy and may be subject to change.
 - a. Alcoholic Beverage- any fermented liquor, such as wine, beer, or distilled spirits that contains ethyl alcohol as an intoxicating agent.
 - b. City Sponsored Event- Any event or activity in which City funds are used to produce the event or activity.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the Mayor to Sign a Letter Opposing Proposed Increases to Santa Clara Valley Water District's Groundwater Production Charges
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Tony Ndah, 408-586-2602
Recommendation:	Approve and Authorize the Mayor to sign a letter of opposition to Santa Clara Valley Water District's Increases to Groundwater Production Charges

Background:

The City of Milpitas operates and maintains a potable water distribution system. The water rates charged to customers for the City's water distribution system are based on:

- 1) cost to purchase water from wholesalers;
- 2) cost of City services for 24/7 operations, routine maintenance, and repairs; and
- 3) cost for major infrastructure investments (Capital Improvement Program)

The City's potable water supply system is divided into two distinct service areas, corresponding to the areas served by the City's two water wholesalers: San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (Valley Water). The cost to purchase wholesale water from SFPUC and Valley Water makes up the bulk of the City's customer water rate; hence, when the cost of wholesale water increases, this impacts the City's cost to purchase water, which directly impacts customer water rates.

Valley Water is considering a 9.6% increase to the wholesale water rate for Fiscal Year 2021-22, and SFPUC is proposing 0% increase for Fiscal Year 2021-22. Per Council direction at its April 20, 2021 meeting, this item is being brought forward to the City Council to seek authorization for the Mayor to sign a letter opposing the proposed increases to Valley Water's FY 2021-22 Groundwater Production Charges due to the impact the rate increase would have on the City and its residents during the COVID-19 pandemic.

Analysis:

The City in its role as a Community Water System (CWS) is accountable for adopting water rates taking into consideration its responsibility to provide drinking water which meets local, State and Federal safe drinking water standards. The City operates and maintains the system to ensure these standards are adhered to and advances a capital improvement program which at a minimum provides safeguards to meet a baseline level of service. Valley Water is proposing a maximum municipal and industrial groundwater production charge of \$1,506 per acre-feet or \$3.46 per HCF for fiscal year 2021-2022, which reflects a 9.6% increase versus fiscal year 2020-2021 rate charges. Further, the annual 9.6% proposed groundwater production charge rate increase over the next eight years, which is far in excess of historic annual inflation, more than doubles the cost of wholesale water by July 2028.

With numerous small businesses in Milpitas having to shut their doors and a peak unemployment rate of nearly 13% during the last 12 months, our community has not recovered from the economic impacts caused by the Pandemic. In addition, the City's water infrastructure is aging at a rate faster than the system can be replaced which necessitates balancing additional funding for system replacement with resource allocation for leak repair.

main breaks and non-revenue water loss. Our commitment as a CWS is to maintain a balance between setting rates to ensure we continue to responsibly operate the water system while ensuring the water rate increases are not exorbitantly high. Therefore, staff recommends authorizing the Mayor to sign a letter of opposition to Valley Water's proposed increases to Groundwater Production Charges.

Policy Alternatives:

Alternative 1: Do not approve and authorize the Mayor to sign the letter.

Pros: None

Cons: Does not allow the City Council to advocate for lower wholesale water rates for the City customers.

Reason not recommended: The proposed Valley Water wholesale water increase for FY 2020-2021 would have an adverse impact on City businesses and residents due to the continued economic downturn as a result of the COVID-19 pandemic.

Fiscal Impact:

The proposed rate increase by Valley Water of 9.6% will result in additional cost to the customers in the City of about \$430,000 at a minimum. FY21-22 Proposed Budget will have to be adjusted to accommodate these additional costs.

California Environmental Quality Act:

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

Recommendation:

Approve and Authorize the Mayor to sign a letter of opposition to Santa Clara Valley Water District's Increases to Groundwater Production Charges

Attachment

Draft Letter in opposition to Valley Water's Proposed Rate Increases

May 5, 2021

Honorable Tony Estremera
Chair of the Board of Directors
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Re: Proposed Wholesale Water Rate Increases

Honorable Chair Estremera,

I am writing on behalf of the City of Milpitas and its residents urging that Santa Clara Valley Water District's Board (Board) not approve District staff's recommendation of a 9.6% groundwater production charge or wholesale water rate increase (rate increase) effective July 1, 2021. Instead, the Board should consider the impacts to our residents and businesses who are recovering from the unprecedented pandemic in its rate increase deliberations. Further, the annual 9.6% proposed rate increase over the next eight years, which is far in excess of historic annual inflation, more than doubles the cost of wholesale water by July 2028.

The City is not alone in its position on this matter. District staff recently presented information regarding the rate increase to the Santa Clara Valley Water Commission at the April 14, 2021 commission meeting, and Vice Mayor Montano along with eleven (11) other commissioners out of 18 commissioners, representing Cities from around the County voted to not recommend the rate increase to the District Board.

With numerous small businesses in Milpitas having to shut their doors and a peak unemployment rate of nearly 13% during the last 12 months, our community has not recovered from the economic impacts caused by the Pandemic. Additionally, the City in its role as a Community Water System (CWS) is accountable to our residents and businesses for providing drinking water which meets local, State and Federal safe drinking water standards. The City operates and maintains the system to ensure these standards are adhered to and advances a capital improvement program which, at a minimum, provides safeguards to meet a baseline level of service. The District's rate increase of 9.6% proposed for FY2021-22 and beyond makes it increasingly difficult for the City to meet our commitments to our residents and businesses.

We do recognize that no or a substantially lower rate increase may result in service level impacts including having to reduce Valley Water's proposed staffing level, delay some projects and implement other cost saving measures to make up for the reduction in revenue. Our City has taken such measures with most of our employee groups having agreed to wage concessions in order to reduce our projected expenditures for next year.

As you open your Public Hearing on May 11, 2021 to adopt groundwater production charges, we trust that the Board will take into account the best interests of the residents and businesses in our City and the County before enacting any rate increase.

If you would like to discuss further, please do not hesitate to contact me at (408) 586-3029 or rtran@ci.milpitas.ca.gov, or Steven G. McHarris, City Manager, at (408) 586-3059 or smcharris@ci.milpitas.ca.gov.

Sincerely,

Rich Tran
Mayor

cc: Santa Clara Valley Water District Board of Directors
City of Milpitas City Council
Steven G. McHarris, City Manager
Walter C. Rossmann, Deputy City Manager
Tony Ndah, Public Works Director



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing to Discuss Allocation Amounts for FY21-22 Community Development Block Grant Funding and to Approve an Amendment to the FY20-21 Annual Action Plan
Category:	Public Hearings-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Sharon Goei, 408-586-3260; Robert Musallam, 408-586-3275
Recommendation:	Move to continue the public hearing to May 7, 2021 at 3 PM.

Background:

The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) program to local entitlement cities and counties. The CDBG program provides resources to the most vulnerable low- and moderate-income communities to address a wide range of community development needs through investment in capital projects and public services. The amount of funds that Milpitas receives is determined by a formula based on population and other factors.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law in response to the growing public health and resulting economic crisis. This \$2 trillion stimulus measure provided widespread relief for the private and public sector, including individual Americans. The CARES Act allocated an additional \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus. Of this amount, \$2 billion (tranche 1) was allocated to entitlement grantees using the same allocation formula as the FY20-21 funds, \$1 billion (tranche 2) was allocated to states and insular areas, and the remaining \$2 billion (tranche 3) was allocated at the discretion of the Secretary of Housing and Urban Development (HUD) based on need and other factors.

On June 23, 2020, the City Council allocated \$676,413 in FY20-21 formula funding, \$397,911 in CDBG-CV tranche 1 funding, and \$290,039 in unused funding from prior years.

On June 30, 2020, the City Council approved a substantial amendment to the Consolidated Plan and the Citizen Participation Plan. The changes to the Consolidated Plan amended the Community Services/Public Services goal to specify more clearly the City's priorities in assisting victims of domestic violence, seniors, children and youth, residents at risk of eviction, as well as adding an economic development goal of assisting microenterprises and small businesses. The amendments to the Citizen Participation Plan improved the method and level of outreach to the community that is required for the various CDBG documents, such as an Annual Action Plan, and provided the City more flexibility in administering the CDBG program.

On January 5, 2021, at the request of the Mayor, the City Council discontinued the CDBG Subcommittee. Staff will prepare an amendment to the Citizen Participation Plan to reflect this change.

Of the CDBG-CV tranche 3 funding, HUD announced that Milpitas would receive \$582,236 (CDBG-CV3). On February 25, 2021, HUD announced that the City of Milpitas would receive an allocation of \$673,059 in FY21-22 formula funds.

On January 18, 2021, Building Safety and Housing staff launched a CDBG community needs survey to gauge the community's response to how the CDBG funds should be allocated. The survey was distributed to the community via social media, direct email, and through Milpitas Unified School District (MUSD). A summary of the community needs survey is presented in the analysis section below. The results of the CDBG community needs survey are available as **Attachment B**.

On January 22, 2021, the City announced that the application period for FY21-22 applications would be open from February 8, 2021 through March 21, 2021. Staff also designed a simplified application to streamline and increase efficiency of the process. Twenty-seven (27) simplified applications with requests totaling \$1,807,771.02 were received during the application period. A full breakdown of these simplified applications is provided in the analysis section below.

Community Advisory Commission (CAC)

At the April 7 CAC meeting, the CAC received a staff presentation on the results of the CDBG community needs survey, as well an overview of the 27 applications received for CDBG funding. The Commission heard comments from all of the applicants. Each Commissioner then provided their feedback on priorities and goals the Council should consider funding with CDBG funds.

On April 19, 2021, Building Safety and Housing staff returned to the CAC for a Special Meeting to review and approve the staff's summary of the CAC's priorities feedback and recommendation. The CAC voted to approve staff's summary, which is provided in the analysis section below.

Analysis:

Eligible and Ineligible Uses

HUD sets restrictions on how CDBG and CDBG-CV funds can be used even with flexibilities from the CARES Act. CDBG activities must be on HUD's list of eligible uses. A summary of eligible and ineligible activities is included as **Attachment A**.

Meeting National Objectives

In addition, CDBG activities must meet one of the following National Objectives:

1. Provides a benefit to low- and moderate-income persons;
2. Eliminates or prevents slum or blight; or
3. Meets other community development needs having an urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs, often referred to as "urgent need."

HUD has given clear guidance that National Objective #3 cannot be applied to CDBG-CV funding as it is typically reserved for natural disaster response efforts. The City of Milpitas has historically used its CDBG allocation to benefit low- and moderate-income persons. To meet the slum or blight National Objective, the City would have to identify areas of the City that meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law. Milpitas has not identified significantly blighted conditions within its boundaries. As such, all CDBG-CV, CDBG formula, and prior year formula funds must be used to benefit low- and moderate-income persons.

CARES Act Flexibility and CDBG-CV Funding

HUD sets caps on the proportion of annual formula CDBG funds that can be spent on different types of activities. Capital projects are capped at 65%, public service at 15%, and administration at 20%. The CARES Act has modified the caps on CDBG-CV funds to allow for greater flexibility in responding to the COVID-19 pandemic. Specifically, there are no Public Service cap for COVID-19 related activities.

This means the City Council could allocate more of its formula funding, which would typically be reserved for capital improvement projects, to COVID-19 related activities within the fiscal year. This funding flexibility only applies if the allocations are used for COVID-19 related activities. If funds are allocated to a non-COVID-19

related activity, those funds must conform to the standard CDBG caps of 15% for public services and 65% for capital projects.

Community Outreach – Community Needs Survey

For the first time, Housing staff created and conducted a Community Needs Survey to identify community priorities within the constraints of eligible uses of CDBG funds. The online survey was available for approximately 2 months (from January 19 – March 21) and had 87 responses. The April 7 Community Advisory Commission meeting had a total of 61 attendees and 6 Commissioners who participated in discussions regarding community needs.

Below is a brief description of each activity category as well as the key takeaways from the community's response. The CDBG Community Needs Survey results are available as **Attachment B**.

- **Housing:** HUD programs may support homeless and supportive housing initiatives, housing rehabilitation, home ownership and affordability, housing accessibility for all persons and housing for persons with specific needs
- **Public Services:** HUD programs may fund programming for community needs, seniors and youths, health services, fair housing advocacy, services for persons with needs related to age, medical, income, or situational status (i.e., in-crisis, drugs or alcohol, etc.).
- **Economic Development:** HUD programs may fund business assistance to create jobs and undertake building improvements.
- **Public Improvements/Community Facilities:** HUD programs may fund streetscape, physical improvements in the community, and accessibility improvements. HUD programs may also fund parks, facilities development, and accessibility improvements.
- **COVID-19 Response:** Activity that prevents, prepares for, and/or responds to the Coronavirus.

Key takeaways from the community's response:

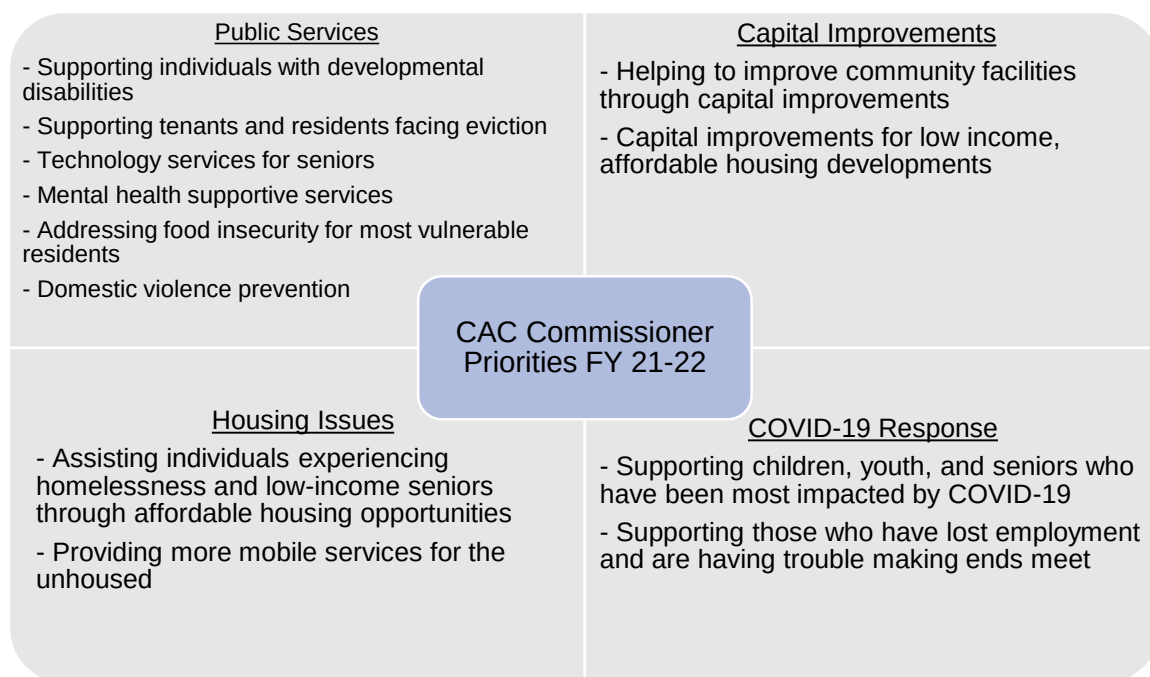
- **Housing:** There should be more housing/shelter options for individuals experiencing homelessness.
- **Public Services:** Our most vulnerable populations need more support and easier access to services.
- **Economic Development:** There should be more support for small businesses.
- **Public Improvements/Community Facilities:** Public spaces should be cleaner and more sanitary.
- **COVID-19 Response:** There should be more help for those who test positive for COVID-19 or who are high risk. Children, youth, and seniors have been greatly affected.

Housing staff reviewed the open-ended comments from the survey and categorized them based on common themes. See **Attachment B** for a summary of needs identified by the community during this outreach process.

Community Advisory Commission (CAC) Feedback

At the April 7, 2021 Community Advisory Commission meeting, Commissioners heard comments from the prospective FY21-22 CDBG applicants. A total of 24 comments were provided, with at least one commenter from each applicant organization describing their proposed project and how it will benefit the residents of Milpitas.

Commissioners provided verbal feedback on what priorities/areas they believe the City Council should focus on funding. A few Commissioners' priorities were captured solely through the CDBG Community Needs Survey. Public services, capital improvements, housing needs, and COVID-19 response were among the top priorities of the Commissioners. A broader summary of the Commissioners' priorities is provided below:



The Commissioners recognized that proposed projects would greatly benefit the most vulnerable residents of Milpitas.

Available Funds

As mentioned above, the City has received a CDBG-CV3 allocation of \$582,236 and a FY21-22 formula allocation of \$673,059. As of the preparation of this report in mid-April, staff has determined that \$47,027.45 in unused, prior year funds are also available to reallocate. The total funding available to allocate is \$1,302,322.45.

Each funding allocation will require staff to submit a separate HUD approved Action Plan and each funding allocation will have a different timeframe for availability. See the table below for a breakdown of the available funding, the action required to receive these allocations per HUD guidance, and the approximate time it will take to receive the funding.

Funding Amount	Funding Year	Action Required	Eligible Use	Approximate Time to Receive Funding
\$673,059.00	FY 21-22 Formula Funds	Prepare New FY21-22 Annual Action Plan	Can be used for COVID-19 or other activities	Late 2021
\$582,236.00	CDBG-CV Funds	Amend FY19-20 Annual Action Plan	Must be used for COVID-19 activities	3 Months from submission date
\$17,027.45	FY19-20 Unused Funds	Amend FY19-20 Annual Action Plan	Must be used for COVID-19 activities	3 Months from submission date
\$30,000.00	FY20-21 Unused Funds	Amend FY20-21 Annual Action Plan	Must be used for COVID-19 activities	3 Months from submission date
\$1,302,322.45	Total			

After an allocation from the City Council for FY 20-21, the Milpitas Food Pantry declined to receive their funding. As such, \$30,000 in unused, FY20-21 funding is available to reallocate. The City Council has the authority to reallocate these funds as a part of this year's FY21-22 allocation or to consider existing FY20-21 applicants. Reallocating these funds to an existing FY20-21 applicant will allow staff to reallocate these funds

more rapidly than selecting an applicant from the list of FY21-22 applicants. Staff is proposing for City Council to reallocate the funding to the Milpitas Senior Center to fund additional meals for the Santa Clara County Senior Nutrition program. A draft amendment to the FY20-21 Annual Action Plan reflecting this allocation can be found in **Attachment C**. Staff is seeking Council approval for this amendment to the FY20-21 Annual Action Plan.

The \$17,027.45 amount in unused FY19-20 funds will be reallocated along with the \$582,236 amount in CDBG-CV funds, as both will require an amendment to the FY19-20 Annual Action Plan.

Applications

A total of 27 applications from 19 applicants were received. Four (4) of the applicants are new organizations that have not been funded by the City in recent years. Fourteen applications (14) were identified as having a goal to prevent, prepare for, and respond to COVID-19. The combined total of all requests is \$1,807,771.02, with the breakdown of the applications as follows:

- Public Service Requests = \$1,212,551.02
- Capital Improvement Requests = \$323,930
- Economic Development Requests = \$215,000
- Program Administration = \$56,290

The City received requests for funding that exceed the available amount it has to allocate. As such, it is likely that some of the applicants will not receive an allocation in the amount they have requested, or any funding at all. A full list of the applicants, their proposed activity, the requested amount, and corresponding Annual Action Plan is displayed below.

Applications for FY20-21 Formula Funds

	Applicant Organization	Brief Project Description	Amount Requested	Corresponding Annual Action Plan
Public Services	Catholic Charities	Funding for the Long-Term Care Ombudsman Program to facilitate visits to long-term care facilities.	\$20,500.00	FY21-22
	Child Advocates of Silicon Valley	Recruit, train, and assign Court Appointed Special Advocate (CASA) volunteers for children.	\$12,500.00	FY21-22
	Next Door Solutions to Domestic Violence	Provide Support Services for Survivors of Domestic Violence by providing emergency shelter, crisis counseling, safety strategies, community and systems advocacy, support groups, and case management.	\$20,523.00	FY21-22
	Senior Adults Legal Assistance	Provide free legal assistance that includes legal services to Milpitas seniors 62 or older.	\$12,000.00	FY21-22
	Silicon Valley Independent Living Center	Provide comprehensive Housing Assistance Services for low to very-low income persons with disabilities.	\$12,716.00	FY21-22
	YWCA – Domestic Violence Services	Provide residents of the City of Milpitas domestic violence supportive services.	\$10,000.00	FY21-22
	YWCA – MUSD	Ensure that students in the Milpitas Unified School District (MUSD) receive primary intimate partner violence and sexual assault prevention education.	\$40,000.00	FY21-22
Subtotal		Maximum available allocation \$100,959	\$128,239.00	
Capital Projects	LifeMoves	Performing repairs to the exterior of the LifeMoves Villa Shelter.	\$100,000.00	FY21-22
	Next Door Solutions to Domestic Violence	Replacement of flooring throughout the Shelter Next Door facility.	\$23,960.00	FY21-22
	Rebuilding Together	Funding to providing home repairs, rehabilitation, accessibility and mobility services work to low-income homeowners in Milpitas.	\$173,970.00	FY21-22
	Terrace Gardens - Kitchenette	Rehab the existing kitchenette at Terrace Gardens.	\$11,000.00	FY21-22
	India Community Center	Replace main entry door to the building.	\$15,000.00	FY21-22
Subtotal		Maximum available allocation \$437,488	\$323,930.00	
Program Admin	Project Sentinel	Fair housing education, counseling, investigation and enforcement services to 320 Milpitas residents.	\$56,290.00	FY21-22
	Program Administration	Staff time in administering the program, including all public noticing and publishing.	\$78,321.80	FY21-22
Subtotal			\$134,611.80	

Applications for CDBG-CV Funds

	Applicant Organization	Brief Project Description	Amount Requested	Corresponding Annual Action Plan
Public Services - CDBG-CV	LifeMoves	Assist with serving meals during the pandemic at their five shelters in Santa Clara County that serve Milpitas residents.	\$40,000.00	FY19-20
	Lighthouse of Hope Counseling Center	Provide counseling, psychological support, and education to the Milpitas community.	\$5,000.00	FY19-20
	Milpitas Senior Center - Lunch Program	Support serving meals to older adults at the Milpitas Senior Center.	\$100,000.00	FY19-20
	Milpitas Senior Center - Technology	Assist members of the Milpitas Senior Center age 62+ who are needing continued support and education on technology.	\$10,000.00	FY19-20
	MUSD - Supporting Student Wellness	Fund a full-time Spanish-speaking/Bilingual Wellness Counselor to directly respond to the high needs of MUSD families and students.	\$100,000.00	FY19-20
	MUSD - Teacher Student Mentoring Program	Provide MUSD students in middle school and high school with a teacher mentor.	\$205,939.02	FY19-20
	MUSD- L4L Program	The Love for Literacy (L4L) Expanded Bridge Program will serve current K-3rd students from low-income households most affected by the school closures due to the COVID-19 pandemic.	\$141,595.00	FY19-20
	Pragnya	Support children, youth and adults from the Special Needs community by creating social emotional connections and preventing further isolation due to COVID-19.	\$40,000.00	FY19-20
	Sourcewise - Meals on Wheels	Provide vulnerable seniors age 60 and older who have been impacted by the pandemic nutritious home-delivered meals.	\$39,000.00	FY19-20
	Silicon Valley Independent Living Center - Rent Relief	Provide rent relief for residents who are struggling to locate and secure affordable, accessible housing, or to retain the housing they currently have.	\$317,778.00	FY19-20
	Terrace Gardens - Meal Delivery	Sustain meal delivery to residents due to the closing of the resident dining room because of COVID-19.	\$65,000.00	FY19-20
	The Health Trust	Ensure critical, ongoing meal services and Wellness Checks for Milpitas older adult residents who are low-income.	\$20,000.00	FY19-20
Subtotal			\$1,084,312.02	
Economic Development	Enterprise Foundation	Provide small businesses in the City of Milpitas grants in the amount of \$5,000 in response to the COVID-19 pandemic.	\$200,000.00	FY19-20
	Filipino American Chamber of Commerce	Provide hands-on training for small business owners on how to create and/or revamp their websites and create marketing strategies.	\$15,000.00	FY19-20
Subtotal			\$215,000.00	

Program Admin	Program Administration	Staff time in administering the program, including all public noticing and publishing.	\$116,447.20	FY19-20
	Subtotal		\$116,447.20	

Considerations

Staff has identified the following potential considerations for Council to assist in allocating funding to applications.

Alternate Sources of Funding

As can be seen from the allocation versus requested amounts above, there are more applicant requests for funding than there is funding available. It is likely that some of the applicants will not receive an allocation in the amount they have requested, or any funding at all.

On April 6, 2021, the City Council held a discussion on providing a second round of small business grants using CDBG or American Rescue Plan Act (ARPA) funds to help the small business community. It is staff's belief that the ARPA funds would be faster to deploy and more flexible in their applicable uses. The Council may consider using more CDBG-CV funds on the applicants who would not benefit from ARPA funding. Similarly, the American Rescue Plan provides over \$120 billion for elementary and secondary school emergency relief. The requests made by MUSD may be eligible for ARPA funding.

Applicant Grant Experience

There are four new applicants to the City of Milpitas: Pragnya, Sourcewise, Filipino American Chamber of Commerce, and Lighthouse of Hope. While each of these applicants has grant administration experience, only the Filipino American Chamber of Commerce has received or administered a CDBG grant before. Given the administrative burden on the applicant to meet HUD's stringent reporting requirements, the City's HUD representative suggested taking an applicant's experience into consideration when determining how much of an allocation to grant these applicants.

Applicant Activity Eligibility

All of the proposed activities in the applications are eligible activities and meet a national objective. However, in order to be eligible, an applicant must demonstrate that they have the systems in place to capture the HUD required data to prove their activity met a national objective. In consultation with the City's HUD representative, it was determined that one applicant, the India Community Center, may be challenged in demonstrating that their activity meets a national objective, due to the nature of the activity. If the City Council approves the applicant's activity for funding and it is determined through a future audit that the applicant did not meet a national objective, the City would be required to reimburse HUD in the amount of the grant.

Similar Services

Staff has identified three activities with multiple applications that could result in an overlap in services. These activities are senior meal delivery services, meals on wheels, and services for small business. Each of these is discussed below.

- **Senior Meal Delivery (Milpitas Senior Center and Terrace Gardens)**

The Milpitas Senior Center is seeking \$100,000 to serve daily lunch to 100-120 seniors aged 62+. The Senior Nutrition Program (SNP) expanded to begin serving lunch to Terrace Gardens residents during FY 20-21 because many residents had participated in the SNP program prior to COVID-19 and they wanted to bridge the comfort to return to the Senior Center when restrictions are lifted. Terrace Gardens is seeking \$65,000 to delivering daily dinner to their residents as the dining hall is closed due to COVID-19. This activity will benefit all 184 residents at Terrace Gardens. While staff believes there may be a slight overlap in who is receiving the funding, by allocating funding to each of these applicants, any overlap in services would be to combat senior food security. Historically, combating senior food security has been a high CDBG priority for the City Council.

- **Meals on Wheels (The Health Trust and Sourcewise)**

The Health Trust is seeking \$20,000 to provide 20 Milpitas residents ongoing meal services and wellness checks for Milpitas seniors. The Health Trust has been providing Meals on Wheels services to Milpitas seniors for over 10 years. Sourcewise is seeking \$39,000 to provide 80-100 Milpitas seniors ongoing meal services and wellness checks. This would be the first time Sourcewise receives CDBG funds. If both applications are approved, an overlap in services may occur. However, it is just as likely that these organizations will simply be able to serve more Milpitas seniors with the increased funding. Staff can also work with each applicant to ensure no overlap of services occurs.

- **Small Business Assistance (Enterprise Foundation and Filipino American Chamber of Commerce)**

Enterprise Foundation is seeking \$200,000 to provide small businesses or microenterprises in the City of Milpitas grants in the amount of \$5,000 in response to COVID-19. The grants will be awarded to small businesses or microenterprises that were most affected by the shelter-in-place shutdowns. The Filipino American Chamber of Commerce is seeking \$15,000 to provide hands-on training for small business owners on how to create and/or revamp their websites, create marketing strategies and help them leverage the most current and effective social media applications and platforms. While a small business or microenterprise may be able to benefit from both activities, staff does not believe there is an overlap in services.

Other Considerations

The following sequence and criteria could assist the Council in allocating funding to applications.

- The Council is suggested to first determine how much of the formula funding it will allocate, so that any unused allocation of formula funds can be attributed to any CV applicant.
- The Council is suggested to then determine how much of the CV funding it would like to allocate to the MUSD and Enterprise Foundation applications.
- The Council may not approve all of the current formula public service applicants as approving all of the current applicants would result in an allocation that exceeds the public service cap of \$100,959.
- The Council could allocate any unused portion of, or all of, the formula capital funding to any CV applicant.
- The Council could request that the domestic violence related applications be considered as CV applications to assist in approving more formula public service applications under the 15% cap.

At the May public hearing, staff is seeking Council direction on the allocation amounts for each application. Upon receiving that direction, as well as the direction to return with new and amended Annual Action Plans, staff will prepare these Plans and the Citizen Participation Plan for Council approval in June.

Fiscal Impact:

Since the City received FY21-22 formula allocation of \$673,059 and CDBG-CV tranche 3 funding of \$582,236, the FY2021-22 Proposed Budget will be adjusted to match the total of \$1,255,295.

California Environmental Quality Act:

The actions being considered have no potential for causing a significant effect on the environment and are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Further, this action does not meet the definition of a project under CEQA Guideline 15378 as it is a government fiscal activity which does not commit to any project that would result in a potentially significant impact on the environment.

Recommendation:

Move to continue the public hearing to May 7, 2021 at 3 PM.

Attachments:

- A. Eligible and Ineligible CDBG Activities
- B. Community Needs Survey Results
- C. FY20-21 Annual Action Plan Amendment

Attachment A: CDBG Eligible and Ineligible Activities

Eligible CDBG Activities

1. Acquisition of Real Property
2. Disposition
- 3. Public Facilities and Improvements***
4. Clearance and Remediation
- 5. Public Services***
- 6. Interim Assistance***
7. Relocation
8. Loss of Rental Income
9. Housing Services
10. Privately-Owned Utilities
- 11. Rehabilitation and preservation***
12. Construction of Housing
13. Code Enforcement
- 14. Special Economic Development Activities***
- 15. Microenterprise Assistance***
16. Special Activities by Community-Based Development Organizations
17. Homeownership Assistance
18. Planning and Capacity Building
- 19. Program Administration Costs***
20. Miscellaneous Other Activities

*The City has received applications related to these activities.

Ineligible CDBG Activities

1. **Buildings or portions thereof, used for the general conduct of government may not be assisted with CDBG funds.** This does not include, however, the removal of architectural barriers involving any such building, which may be assisted under the category of Public Facilities and Improvements.
2. **General government expenses.** Expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.
3. **Political activities.** CDBG funds may not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration.
4. **Purchase of equipment.** The purchase of equipment with CDBG funds is generally ineligible – construction equipment, fire protection equipment, furnishings and personal property.
5. **Operating and maintenance expenses.** The general rule is that any expense associated with repairing, operating, or maintaining public facilities, improvements, and services is ineligible.
6. **New housing construction.**
7. **Income payments.** The general rule is that CDBG funds may not be used for income payments.

Adapted from HUD booklet, Community Development Block Grant Program; A guide to National Objectives & Eligible Activities for Entitlement Communities.

Attachment B - Community Needs Survey Results

Survey Results

Who Completed the Survey?

		Response Percent	Response Count
Milpitas Resident		89.7%	78
Milpitas Business Owner		3.4%	3
Non-profit Service Provider		2.3%	2
Community Advisory Commissioner (CAC)		4.6%	4

The Community Development Block Grant Program may allocate available funding into the five broad categories listed below. Please rate those categories from most important to least

Average priorities over 87 responses

1. [Public Services](#)
2. [Economic Development](#)
3. [Public Improvements](#)
4. [Community Facilities](#)
5. [Housing](#)

Housing Issues

Average priorities over 87 responses

1. [Maintain and preserve existing housing](#)
2. [Affordable housing rental rehabilitation](#)
3. [Construct new affordable housing](#)

Public Services

Average priorities over 87 responses

1. [Services and Programs for Children and Youth](#)
2. [Services for low- and moderate-income residents at risk of eviction](#)
3. [Services and Programs for Seniors](#)
4. [Services and Programs for Victims of Domestic Violence](#)
5. [Other community funding/public services for low- and moderate-income residents](#)

Economic Development

Average priorities over 87 responses

1. Job creation and retention
2. Small business loans to new and existing businesses
3. Micro-enterprise development

Community Facilities

Average priorities over 87 responses

1. Parks and Recreational Facilities
2. Senior center / teen center
3. Community Center and other similar facilities
4. Accessibility Improvements

Public Improvements

Average priorities over 87 responses

1. Street and sidewalk improvements
2. Streetscape improvements including lighting
3. Accessibility Improvements

The following categories represent categories in which funds can be used, should the City continue to receive extra CDBG-CV funds to prevent, prepare for, and respond to coronavirus. Please rate the funding activities in order of importance.

Average priorities over 87 responses

1. Food distribution
2. Services for isolated seniors
3. Rent relief assistance
4. Sanitation services for the unhoused (hand-washing, mobile showers, laundry services)
5. PPE and safety supplies
6. Domestic violence prevention and response

Summary of Community Needs Survey Written Responses

Housing Issues: • Provide housing for the homeless • Overnight warming/cooling centers and/or shelter • More affordable housing	Community Facilities: • Trail maintenance • Develop more recreational facilities (ex. softball fields)
Public Services: • More services for individuals with developmental disabilities • Assistance for residents facing eviction • After school programs, childcare, and food for our families • Internet access and Wi-Fi for low-income residents • Technology for seniors (digital divide) • Ensure basic needs are met for unhoused residents • Safe parking for unhoused • City-supported maker space • Partner with Scouts/Eagles • Increase access to food and clothing • Mental health supportive services • Domestic Violence prevention • Racial justice/implicit bias awareness and training • Immigration/citizenship assistance • Foster children advocacy and assistance programs • Public safety/crime prevention	Public Improvements: • Neighborhood Beautification • Improve Main Street • More bike lanes • Plant more trees
Economic Development: • Support small businesses	COVID-19 Response: • Increase access to PPE • Increase COVID testing sites • More help for those who test positive or are high risk

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Milpitas received an initial Community Development Block Grant (CDBG) entitlement grant of \$676,310. In March 2020, the declaration of the pandemic outbreak of COVID-19, and subsequent shelter in place orders, would require City staff to deviate from standard CDBG operating procedures. Specifically, HUD notified all grantees that additional funding would soon be available, with more flexible guidelines for their use, and with guidance as to how to quickly distribute those funds.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law in response to the growing public health and resulting economic crisis. This \$2 trillion stimulus measure provided widespread relief for the private and public sector, including individual Americans. The CARES Act allocated an additional \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus. Of this amount, \$2 billion (tranche 1) was allocated to entitlement grantees using the same allocation formula as the FY20-21 funds, \$1 billion (tranche 2) was allocated to states and insular areas, and the remaining \$2 billion (tranche 3) will be allocated at the discretion of the Secretary of Housing and Urban Development (HUD) based on need and other factors.

On April 2, 2020, HUD announced that Milpitas would receive \$397,911 in CDBG-CV funds (from tranche 1). Additionally, the CARES Act provides new flexibility for entitlement Cities such as Milpitas to use formula CDBG and CDBG-CV funds and authorized HUD to grant waivers to approve the expenditure of these funds. These funds were allocated via an amendment to the FY19-20 Annual Action Plan.

In addition to the \$676,310 in formula funding, the City of Milpitas reported \$8,959 in program income. The following will breakdown how the remaining \$685,269 were allocated:

The CDBG Funding Subcommittee recommended allocating a total of \$342,458 to public services. These public services represent activities that prevent, prepare for, and respond to coronavirus such as the Milpitas Rent Relief Program, Meals on Wheels for the elderly, long term ombudsman care program, social isolation support for seniors, Milpitas Food Pantry support, and funding for Terrace Gardens, a low and very-low income senior affordable housing development, to provide meal delivery for each resident. Non-Coronavirus funds include housing assistance for persons with disabilities, general youth and senior services, and senior legal assistance.

The CDBG Funding Subcommittee recommended allocating \$198,672 in CDBG formula funds to two different organizations for three separate capital projects. These projects include: (1) replacing two

commercial ovens at Terrace Gardens, (2) improving the quality of life for low-income, aging, and/or physically challenged adults via Rebuilding Together Silicon Valley; and (3) 10-12 roof replacements at the Sunnyhills apartment complex. Sunnyhills is the only project based TBRA development in the City of Milpitas, with 149 of the 171 units designated as affordable at 80% AMI. Residents in these units pay 30% of their rent, per HUD guidelines. The remaining 22 units are market rate but are occupied by individuals who qualify at 80% AMI. However, these units do not receive a subsidy.

The CDBG Funding Subcommittee allocated \$78,890 to planning and administration and \$56,290 for fair housing services through Project Sentinel.

Given the expedient need for the CDBG funds to be allocated, HUD has lowered the threshold for community noticing and public comment to at least 5 days prior to a public hearing. Additionally, each grantee will determine what constitutes reasonable public notice and outreach to justify sufficient noticing. The City plans to post the public hearing notice on its website, and it will send an email to all known interested community members, CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further Citizen Participation. On June 23, 2020, the Milpitas City Council held a virtual public hearing, received public comments and moved to close the public hearing. After discussion, the City Council approved the CDBG funding and the Annual Action Plan in accordance with the amounts listed in this document.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The objectives and outcomes identified in this Consolidated Plan to allocate CDBG funds and action taken by Annual Action Plan will be directed towards accomplishing the following priority housing and community development needs in Milpitas:

- Affordable Housing Development and Preservation
- Maintain and preserve existing housing
- Support public services that serve lower income persons that include these groups:
 - The homeless
 - Children and youth
 - Special needs populations
 - Seniors
- Public Improvements including increasing accessibility and improving public facilities.

3. Evaluation of past performance

Annual Action Plan
2020

2

City of Milpitas has had successful implementation of all projects included in the plan. The projects have met all timeliness deadlines and have benefitted low- and moderate-income residents.

4. Summary of Citizen Participation Process and consultation process

Prior to the onset of COVID-19, the City of Milpitas fully complied with its Citizen Participation Plan requirements. Public Notice was sent informing all current, former, and additional interested parties of the availability of funding. The potential applicants were given from September 16 to October 31, 2019, or 45 days, to apply for funding.

The City held a public hearing with the Community Advisory Commission (CAC) on February 5, 2020 to review applications and hear applicant presentations. The CAC made their recommendations for funding to the CDBG Funding Subcommittee. The Subcommittee recommended re-opening the application period for a period not to exceed 30 days. The City re-opened the application period from March 1 to March 31, 2020. However, during this re-opened application period, the timeline and process for allocating CDBG, and the newly established CDBG-CV funds, would change.

Given the expedient need for the CDBG-CV funds to be allocated, HUD has granted jurisdictions a waiver to expedite completing substantial amendments to the Consolidated Plan and Citizen Participation Plan. Additionally, the waiver reduces the threshold for community noticing and public comment to at least 5 days prior to a public hearing. Finally, each grantee will determine what constitutes reasonable public notice and outreach to justify sufficient noticing.

On June 16, 2020, the City submitted a waiver to HUD to reduce the opportunity for Citizen Participation and opportunity to comment down to five days. Public notice was provided on June 18, 2020 at 10am via the City's website, social media pages, and by emailing our Housing interest parties list. Included in these communications were a link to the documents, instructions on how to attend the public hearing, and how to provide electronic comment via email. The opportunity to comment expired on June 23, 2020 at 6pm, exceeding the five-day threshold.

Public comments could be made by going to this URL: <http://www.ci.milpitas.ca.gov/spcomment/>

The documents were posted at this url:

<http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/>

For Public Hearing Agenda Item only, voicemail message comments may be submitted to telephone number 408-586-3010 until 2:30 PM on June 23. Please note, public comments via email were accepted until a motion to close the public hearing was passed.

On April 27, 2021, City staff requested a waiver for Citizen Participation from HUD. On April 29, 2021, staff posted a notice to conduct a public hearing on May 4, 2021, to discuss allocation amounts for FY21-

22 Community Development Block Grant funding and to approve an amendment to the FY20-21 Annual Action Plan.

The documents were posted at this url:

<http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/>

For the Public Hearing agenda item, public comments were accepted until a motion to close the public hearing was passed.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Four total comments were heard. The first comment was from Rebuilding Together Silicon Valley, who wanted to express support for their application to receive CBDG funding for FY 2020. The second comment was from LifeMoves, who wanted to understand why their application was not being considered by the City Council, and if there was still an option, they would like to have revised activities considered so they can continue funding the homeless population in Milpitas. The third comment was from a community member expressing support for the recommended allocations and all of the work the applicants do in the community. The final comment was not relevant to the public hearing in that it was a personal attack on one of the councilmembers. As such, this public comment was not accepted.

6. Summary of comments or views not accepted and the reasons for not accepting them

One public comment was not accepted as it was not relevant to the public hearing.

7. Summary

Following the requirements of the Citizen Participation Plan, the CAC made their estimated funding recommendations to the CBDG Funding Subcommittee on February 5, 2020. On June 15, 2020, the CBDG Subcommittee made their final allocation recommendations to the City Council the Draft Annual Action Plan and funding recommendations were released to the public for a 5-day review period beginning June 18, 2020. The Milpitas City Council held a virtual public hearing and approved the FY 20-21 Annual Action Plan on June 23, 2020. All HUD requirements, including citizen participation, have been met.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MILPITAS	Building Safety & Housing

Table 1 – Responsible Agencies

Narrative (optional)

The City of Milpitas – Building Safety & Housing Department is the lead agency for the United States Department of Housing and Urban Development (HUD) entitlement program, Community Development Block Grant (CDBG).

Pursuant to the Department of Housing and Urban Development (HUD) funding requirements and in conformance with 24 CFR Part 91, Consolidated Submission for Community Planning and Development Programs, City of Milpitas has prepared and adopted the 2020-2021 Annual Action Plan. The Action Plan is submitted annually and describes the eligible programs, projects and activities to be undertaken with funds that are expected to be made available during the fiscal year 2020-2021 and their relationship to the City's priorities and needs for housing, homelessness and community development laid out in the Five-Year Consolidated Plan.

In 2017, City of Milpitas submitted its Five-Year Consolidated Plan (2017-2022) to HUD. The Milpitas Consolidated Plan has been reviewed and approved by HUD. The Consolidated Plan identifies the long-term goals and objectives achieved and consistent with the annual Action Plan Report. Included with the submission of the Action Plan is the Standard Form 424, Proposed Projects and Certifications as required by Community Development Block Grant (CDBG) Program regulations. The goals and objectives identified in the Milpitas Action Plan are in full compliance with the approved and adopted policies and procedures outlined in the Milpitas CDBG Citizen Participation Plan.

The public review and comments period for the Draft Annual Action Plan is June 18 - June 23, 2020. The City Council reviewed the Consolidated Plan and adopted it on June 23, 2020.

The City of Milpitas has updated its Analysis of Impediments (AI) to Fair Housing Choice Report in 2016 in anticipation of the preparation for the future Consolidated Plan (2018-2023). The previous AI Report was adopted in 2011.

In May 2015, City of Milpitas General Plan Housing Element (2015-2023) was certified by State of California Department of Housing and Community Development (HCD). The Milpitas City Council reviewed and adopted its Housing Element on April 28, 2015.

Consolidated Plan Public Contact Information

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Milpitas, CA 95035
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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Milpitas requested a number of consultations with a multitude of stakeholders in the development of the Annual Action Plan. The City of Milpitas solicited comments and public input for 5 days for the draft Annual Action Plan. In addition, the City posted the public hearing notice on its website, sent an email to all known interested community members, CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further Citizen Participation. Public notices were sent out notifying the public hearings for the CAC funding recommendations and at the City Council virtual public hearing.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City participates in a quarterly meeting with all local jurisdictions, including the Housing Authority and HUD to discuss housing cooperation. City staff continues to maintain dialogue with all service providers, public and private to enhance services or if the City can connect service providers for better coordination of service deliveries. Regionally, housing coordinators attend a weekly call to share information, seek assistance of housing issues not limited to CDBG and HOME.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Santa Clara County Continuum of Care (CoC) is a multi-sector group of stakeholders guiding the implementation of the County's housing and service system to meet the need and prevent and end homelessness. The CoC includes: 1) permanent housing, 2) emergency shelter with outreach and assessment services, 3) transitional housing with support services, and 4) prevention services. In 2015, the City of Milpitas participated in the preparation of the Community Plan to End Homelessness in Santa Clara County. The Plan identifies strategies to address the needs of homeless persons in the county.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Milpitas does not receive Emergency Shelter Grant (ESG) funding however the City participates with the CoC to address homeless issues.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Project Sentinel
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Project Sentinel attended a community meeting to voice the needs on behalf the community and seek continued support for fair housing and tenant landlord mitigation services. The City will continue to support fair housing services.
2	Agency/Group/Organization	Catholic Charities of Santa Clara County Long Term Care Ombudsman Program
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Catholic Charities attended to voice the need for those living in long term care.
3	Agency/Group/Organization	Child Advocates of Silicon Valley
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Child Advocates attended to voice the need for the children in the foster care system.
4	Agency/Group/Organization	Next Door Solutions to Domestic Violence
	Agency/Group/Organization Type	Services - Victims

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Next Door Solutions to Domestic Violence attended to voice the need for services for family's experience abuse.
5	Agency/Group/Organization	Senior Adults Legal Assistance (SALA)
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from SALA attended to voice the need for continuing legal services for senior persons.
6	Agency/Group/Organization	Silicon Valley Independent Living Center
	Agency/Group/Organization Type	Housing Services – Interim Assistance (Rent Relief) Services – Elderly Person Services – Persons with Disabilities Services – Homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Disproportionately Greater Need: Housing Cost Burdens
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from SVILC attended to voice the need for providing additional rent relief services as well as other housing needs and referrals to partner organizations.
7	Agency/Group/Organization	The Health Trust
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from The Health Trust attended to voice the need for to continue services for Meals on Wheels.
8	Agency/Group/Organization	YWCA
	Agency/Group/Organization Type	Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from YWCA attended to voice the need for continued services for persons experiencing domestic abuse.
9	Agency/Group/Organization	Rebuilding Together Silicon Valley
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Rebuilding Together Silicon Valley attended to voice the need for continued services for low-income home repairs.
10	Agency/Group/Organization	Terrace Gardens Senior Housing, Inc.
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from Terrace Gardens attended to voice the need for services for senior person(s).
11	Agency/Group/Organization	LifeMoves
	Agency/Group/Organization Type	Housing

		Services - Housing Services - Homeless housing need assessment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homeless Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email, Milpitas Post and City's website. A staff member from LifeMoves attended to voice the need for continued services for the homeless populations they serve.
12	Agency/Group/Organization	Enterprise Foundation/KIVA
	Agency/Group/Organization Type	Economic Development
	What section of the Plan was addressed by Consultation?	Non-Housing Community Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email. A staff member from Enterprise Foundation attended to voice the need for microenterprise and small business assistance for the small business community in Milpitas
13	Agency/Group/Organization	Milpitas Senior Center
	Agency/Group/Organization Type	Elderly Households Services - Seniors
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email. A staff member from the Milpitas Senior Center attended to voice the need for continued services for the senior populations they serve.
14	Agency/Group/Organization	Milpitas Unified School District
	Agency/Group/Organization Type	Services - Children Services - Food programs

		Services - Public Facility Access
	What section of the Plan was addressed by Consultation?	Homeless Needs - Food programs Homeless Needs - Families with children Non-Housing Community Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email. A staff member from MUSD attended to voice the need for continued services for the student population they serve.
15	Agency/Group/Organization	Milpitas Food Pantry
	Agency/Group/Organization Type	Services – Food programs - -
	What section of the Plan was addressed by Consultation?	Homeless Needs – Chronically homeless Homeless Needs – Families with children Non-Housing Community Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The surrounding organizations were contacted via email. A staff member from Milpitas Food Pantry attended to voice the need for continued services for the homeless and non-homeless populations they serve.

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not consult with nearby correctional facility or child welfare entities. The organization has various partnerships with the County and the City works with those organizations indirectly through the several partnerships through the County and sub-recipients funded and outlined in this Action Plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Regional Continuum of Care Council	The Continuum of Care works to alleviate the impact of homelessness in the community through the cooperation and collaboration of social service providers. This effort aligns with the Strategic Plan's goal to support activities to prevent and end homelessness.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
City of Milpitas Housing Element	City of Milpitas	The Housing Element serves as a policy guide to help the City meet its existing and future housing needs. This effort aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Annual Action Plan is the implementation tool from the Consolidated Plan. The Annual Action Plan funding is guided by the goals and priorities from the Consolidated Plan. The Consolidated Plan went through the Citizen Participation Plan.

The citizen participation process includes holding several public community meetings and workshops for maximum citizen participation. Also, City staff worked closely with the City's Community Advisory Commission (CAC) and the CDBG Subcommittee, who are now the recommending body to the City Council in the CDBG allocation process. The CAC and CDBG Subcommittee held a number of meetings (listed below) to discuss the allocations for FY20-21 and CDBG-CV funds.

The City conducted 6 total meetings to discuss CDBG allocations, 2 of which were public hearings. Noticing for the public hearings were done in accordance with the Citizen Participation Plan, which has been amended in accordance with HUD guidelines. The CDBG Subcommittee is now the recommending body to the City Council in the CDBG process.

On June 16, 2020, the City submitted a waiver to HUD to reduce the opportunity for Citizen Participation and opportunity to comment down to five days. Public notice was provided on June 18, 2020 at 10am via the City's website, social media pages, and by emailing our Housing interest parties list. Included in these communications were a link to the documents, instructions on how to attend the public hearing, and how to provide electronic comment via email. The opportunity to comment expired on June 23, 2020 at 6pm, exceeding the five-day threshold.

Public comments could be made by going to this URL: <http://www.ci.milpitas.ca.gov/spcomment/>

The documents were posted at this url:

<http://www.ci.milpitas.ca.gov/milpitas/departments/federalprogram-community-development-block-grant-cdbg/>

For Public Hearing Agenda Item only, voicemail message comments may be submitted to telephone number 408-586-3010 until 2:30 PM on June 23. Please note, public comments via email were accepted until a motion to close the public hearing was passed.

Four total comments were heard. The first comment was from Rebuilding Together Silicon Valley, who wanted to express support for their application to receive CBDG funding for FY 2020. The second comment was from LifeMoves, who wanted to understand why their application was not being considered by the City Council, and if there was still an option, they would like to have revised activities

considered so they can continue funding the homeless population in Milpitas. The third comment was from a community member expressing support for the recommended allocations and all of the work the applicants do in the community. The final comment was not relevant to the public hearing in that it was a personal attack on one of the councilmembers. As such, this public comment was not accepted.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	News-paper ad	Non-targeted/broad community	Opening the application period	No comments were received	n/a	
2	Application Workshop #1	Non-targeted/broad community	3 Attendees	General comments & questions about the CDBG application and process.	n/a	
3	Application Workshop #2	Non-targeted/broad community	10 Attendees	General comments & questions about the CDBG application and process.	n/a	
4	Public Hearing (CAC)	Non-targeted/broad community	No comments were received	Four comments from the public were made during the Public Hearing, offering appreciation for the work of Rebuilding Together Silicon Valley	n/a	http://www.ci.milpitas.ca.gov/pdfs/Commission/cac/2020/020520/Minutes.pdf
5	CDBG Subcommittee Meeting	Non-targeted/broad community	No comments were received	No comments were received	n/a	http://www.ci.milpitas.ca.gov/pdfs/subcommittee/cdbg/2020/022820/Minutes.pdf
6	News-paper ad	Non-targeted/broad community	Re-opening the application period for another 30 days	No comments were received		

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
7	Virtual Public Meeting	Non-targeted/broad community	No comments were received	No comments were received		http://www.ci.milpitas.ca.gov/pdfs/Commission/cac/2020/040120/Minutes.pdf
8	Virtual CDBG Subcommittee Meeting	Non-targeted/broad community	No comments were received	No comments were received		http://www.ci.milpitas.ca.gov/pdfs/subcommittee/cdbg/2020/052120/Minutes.pdf
9	Virtual CDBG Subcommittee Meeting	Non-targeted/broad community	No comments were received	No comments were received		http://www.ci.milpitas.ca.gov/pdfs/subcommittee/cdbg/2020/061520/agenda.pdf
10	Public Hearing	Non-targeted/broad community	4 comments received	Two urging support for their application. One from the community expressing support for all the applications. And one not relevant to the public hearing.	One not accepted as it was not relevant to the public hearing	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Milpitas will receive \$676,310 for fiscal year 2020-2021 in CDBG funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$676,310	\$8,959	\$0	\$685,269	\$676,310	The expected remainder amount is calculated on the total amount in the current year multiplied by remaining years in the CON plan.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Not applicable, the City does not match federal funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are two parcels controlled by the City. One parcel, located at 1432 S. Main Street, is owned by Milpitas Housing Authority and is approximately 0.9 acres in size. Currently the parcel is occupied by commercial tenants, but the land is zoned as high-density multi-family residential. The other parcel, approximately 1.7 acres, is located adjacent to the Milpitas Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also zoned for multi-family residential use. The City is currently working on a partnership with the County of Santa Clara to

potentially develop both parcels for affordable housing units.

Discussion

Please see discussion above.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Maintain and Preserve Existing Housing	2017	2022	Affordable Housing Non-Homeless Special Needs	Citywide	Affordable Housing Development and Preservation	CDBG: \$25,205	Maintain and preserve existing housing for 4 units
2	New Affordable Housing	2017	2022	Affordable Housing	Citywide	Availability/Accessibility	CDBG: \$0	N/A
3	Affordable Housing Rental Rehabilitation	2017	2022	Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation	CDBG: \$173,467	Affordable housing rehabilitation to benefit 222 LMI households
4	Community Funding/Public Services	2017	2022	Homeless Non-Homeless Special Needs	Citywide	Community Services	CDBG-CV: \$50,000	Public services activities to benefit 1200 <u>0</u> LMI members of the community
5	Public services for low- and moderate-income residents at risk of eviction	2020	2022	Homeless Non-Homeless Special Needs	Citywide	Community Services	CDBG: \$29,565	Provide 20 LMC individuals with up to \$5,000 in rental assistance
6	Fair Housing	2017	2022	Affordable Housing Non-Homeless Special Needs	Citywide	Community Services	CDBG: \$56,290	Provide fair housing services to benefit 26 LMI individuals
7		2017	2022	Non-Homeless	Citywide	Community Services	CDBG: \$25,000	Provide public

	Public Services for Children and Youth			Special Needs Non-Housing Community Development				services activities to 410 children
8	Public Services for Seniors	2017	2022	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services	CDBG: \$166 196,243	Provide public services activities for 487 seniors
9	Public Services for Domestic Violence support	2020	2022	Non-Homeless Special Needs	Citywide	Community Services	CDBG: \$71,650	Provide public services activities for 604 LMI individuals
10	Public Improvements including accessibility and improving public facilities	2017	2022	Non-Housing Community Development	Citywide	Community Services	CDBG: \$0	N/A
11	Assist Microenterprises and Small Businesses	2020	2022	Non-Housing Community Development	Citywide	Economic Development	CDBG: \$0	N/A
12	Explore the use of HUD Section 108 Loan Guarantee Program	2020	2022	Affordable Housing Non-Housing Community Development	Citywide	Affordable Housing Development and Preservation Economic Development	CDBG: \$0	N/A

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Maintain and Preserve Existing Housing
	Goal Description	Maintain and preserve existing housing for 4 Households
2	Goal Name	New Affordable Housing
	Goal Description	Availability/Accessibility
3	Goal Name	Affordable Housing Rental Rehabilitation

	Goal Description	Affordable housing rehabilitation to benefit 222 LMI households
4	Goal Name	Community Funding/Public Services
	Goal Description	Public services activities to benefit 1200 0 LMI members of the community
5	Goal Name	Public services for low- and moderate-income residents at risk of eviction
	Goal Description	Provide 20 LMC individuals with up to \$5,000 in rental assistance
6	Goal Name	Fair Housing
	Goal Description	Provide fair housing services to benefit 26 LMI individuals
7	Goal Name	Public Services for Children and Youth
	Goal Description	Provide public services activities to 410 children
8	Goal Name	Public Services for Seniors
	Goal Description	Provide public services activities for 487 seniors
9	Goal Name	Public Services for Domestic Violence support
	Goal Description	Provide public services activities for 604 LMI individuals
10	Goal Name	Public Improvements including accessibility and improving public facilities
	Goal Description	Support activities that provide accessibility and access to public facilities such as homeless shelters
11	Goal Name	Assist Microenterprises and Small Businesses
	Goal Description	Support activities that support microenterprises and small businesses with loan funds to benefit LMI households
12	Goal Name	Explore the use of HUD Section 108 Loan Guarantee Program
	Goal Description	Support activities that assist in addressing the Affordable Housing Development and Preservation& Economic Development goals with the use of Section 108 funds.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Milpitas only receives Community Development Block Grant (CDBG) funding. If available and recommended in certain circumstances, the City Council may also augment the funds and contribute from local funds, such as the Community Promotion Fund (CPF). All the funds mentioned, are in efforts

to serve and improve the lives of low- and moderate-income persons in Milpitas.

Projects

#	Project Name
1	Catholic Charities of Santa Clara County (COVID-19)
2	Child Advocates of Silicon Valley
3	Next Door Solutions to Domestic Violence (COVID-19)
4	Senior Adults Legal Assistance (SALA)
5	Silicon Valley Independent Living Center (COVID-19)
6	The Health Trust (COVID-19)
7	YWCA Silicon Valley (COVID-19)
8	YWCA Silicon Valley (MUSD)
9	Silicon Valley Independent Living Center (COVID-19)
10	Child Advocates (COVID-19)
11	Milpitas Senior Center (COVID-19)
12	Milpitas Senior Center (COVID-19)
13	Milpitas Unified School District (COVID-19)
14	Project Sentinel (COVID-19)
15	Milpitas Food Pantry (COVID-19)
16	Terrace Gardens (COVID-19)
17	Rebuilding Together Silicon Valley (COVID-19)
18	Terrace Gardens – Oven Replacement
19	Rebuilding Together Silicon Valley – Sunnyhills
20	Rebuilding Together Silicon Valley
21	Project Sentinel (Fair Housing)
22	Program Administration

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocation priorities are derived through qualitative research such as surveys, public meetings, public hearings and other avenues of resident input. The research has also impacted the priority needs that address the most vulnerable population in our communities. The City Council has established the priorities every two years to address those underserved needs.

AP-38 Project Summary

Project Summary Information

1	Project Name	Catholic Charities of Santa Clara County
	Target Area	Citywide

	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$20,523
	Description	Investigate and resolve complaints for seniors and disabled adults in long term care facilities.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Catholic Charities' Long-Term Care Ombudsman Program expects to help approximately 92 Milpitas residents. The Long-Term Care Ombudsman will make visits at all long-term care facilities to ensure all clients are safe and properly cared for.
	Location Description	All long-term care facilities in Milpitas.
	Planned Activities	Site visits to long term care facilities and nursing homes and provide with case management for those clients with open cases.
	Planned Activities	Site visits to long term care facilities and nursing homes and provide with case management for those clients with open cases.
2	Project Name	Child Advocates of Silicon Valley
	Target Area	Citywide
	Goals Supported	Public Services for Children and Youth
	Needs Addressed	Community Services
	Funding	CDBG: \$10,000
	Description	Provides court appointed youths with volunteers to maintain life-long mentorship and guidance.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Child Advocates of Silicon Valley expects to serve 10 Milpitas foster children.
	Location Description	Milpitas, CA
3	Planned Activities	Organization will recruit, train more volunteers and providing essential mentor and guidance for youth.
	Project Name	Next Door Solutions to Domestic Violence
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: \$21,650
	Description	Next Door Solutions to Domestic Violence is a nonprofit, multi-cultural agency dedicated to providing proactive and progressive solutions to domestic violence. Next Door Solutions provides peer counseling, advocacy, legal help and support groups. Additionally, Next Door Solutions to Domestic Violence provides safe emergency shelter to victims of domestic violence and their children within a confidential and protected environment.

	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Next Door Solutions to Domestic Violence proposes to serve 62 Milpitas residents.
	Location Description	The office is located in San Jose.
	Planned Activities	Activities include emergency shelter, basic needs, including food and clothing, case management, and safety.
4	Project Name	Senior Adults Legal Assistance (SALA)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$10,000
	Description	Legal services in the form of advice/referrals, consultations/brief service, and legal representation will be provided to Milpitas elders in areas of law common to SALA's target population including, but not limited to, the following: Public Benefits (Social Security, SSI, Medicare, and Medi-Cal); Nursing Homes and Alternatives to Institutionalization (including Advance Directives); Elder Abuse; Housing Law, Consumer Problems; and Personal Affairs (including Simple Wills through SALA's No Fee Wills Panel). SALA will provide services through on-site appointments scheduled at intake days at least once a month at the Barbara Lee (Milpitas) Senior Center. Home visits will be made to elders in Milpitas who are homebound or who reside in nursing homes. Milpitas residents with urgent problems will also be served on an emergency basis by telephone. Milpitas residents who appear at SALA intake sites in other cities will also be served. SALA will also conduct one community education presentation annually for the participants at the Milpitas Senior Center. All services described herein will be provided by one of the attorneys on SALA's staff, a pro bono (volunteer) attorney, or a paralegal (either paid staff or volunteer).
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Senior Adults Legal Assistance (SALA) expects to serve 16 Milpitas clients.
5	Location Description	At their San Jose office, Milpitas Senior Center and Milpitas Library.
	Planned Activities	Legal assistance, including advising and counseling on basic rights. Facilitation access to public benefits to meet basic life needs and legal planning.
	Project Name	Silicon Valley Independent Living Center (SVILC)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$7,264

	Description	Silicon Valley Independent Living Center (SVILC) is a nonprofit, non-residential organization which serves all people with all types of disabilities, including seniors with disabling conditions, who live in Santa Clara County. SVILC provides residents with support tools and resources needed to live interdependently, and advocates for policies that ensure equal access and opportunity for all. SVILC is a peer-driven agency run by and for people with disabilities. As one of 28 independent living centers across the State of California, SVILC is committed to the principles of self-advocacy, personal empowerment and independent living.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The project expects to serve 44 Milpitas residents with disabilities.
	Location Description	San Jose
	Planned Activities	Assist low-income residents with disabilities in their search for affordable and accessible housing. Provide education and training workshops on how to conduct a housing search to transition from homelessness, from a health care facility, unstable or to permanent housing.
6	Project Name	The Health Trust
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$16,000
	Description	The Health Trust Meals On Wheels program serves physically challenged, home-bound individuals, whether they are elderly, are recuperating after a recent hospitalization, or have disabilities confining them to a wheelchair. Trained drivers, most of whom are volunteers, deliver hot, nutritious meals five days a week along with frozen meals for preparation over the weekend. Drivers also provide daily wellness checks, making sure that clients are safe, alert and cared for. This service provides peace of mind not only to the clients, but also to their families.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Meals on Wheels plans to serve 16 Milpitas residents.
	Location Description	At each of the client's home.
7	Planned Activities	Provide seniors with daily healthy, hot meals.
	Project Name	YWCA Silicon Valley
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services

	Funding	CDBG: \$10,000
	Description	The mission of the YWCA Support Services is to empower our diverse community to live free from domestic violence through the provision of safety, support services and self-empowerment.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	YWCA Silicon Valley expects to serve 42 Milpitas residents.
	Location Description	At YWCA and undisclosed emergency shelters.
	Planned Activities	Activities include emergency shelter, basic needs, including food and clothing, case management, and safety.
8	Project Name	YWCA Silicon Valley (MUSD)
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: \$40,000
	Description	YWCA Silicon Valley will provide intimate partner violence prevention and sexual assault prevention education to students between July 1, 2020 and June 30, 2021.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	YWCA Silicon Valley expects to serve 500 MUSD students from predominantly LMI households.
	Location Description	At an MUSD campus identified as having students from predominantly LMI households.
9	Planned Activities	Activities include education, workshops, and awareness events
	Project Name	Silicon Valley Independent Living Center (COVID-19)
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: \$23,071
	Description	Direct aid to the Rent Relief Program
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	SVILC expects to serve approximately 15 LMC residents
	Location Description	Throughout Milpitas
	Planned Activities	Providing rental assistance to LMC Milpitas residents at risk of eviction due to COVID-19.
10	Project Name	Child Advocates
	Target Area	Citywide
	Goals Supported	Public Services for Children and Youth
	Needs Addressed	Community Services
	Funding	CDBG: \$5,000
	Description	Funds will be used to meet social distancing and sanitation requirements, and help ensure the safety of CASAs and their youth when they are able to return to in-person visits
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Child Advocates of Silicon Valley expects to serve 10 Milpitas foster children. These funds will allow Child Advocates to safely meet these goals.
	Location Description	Throughout Milpitas
	Planned Activities	Meet social distancing and sanitation requirements, and help ensure the safety of CASAs and their youth when they are able to return to in-person visits
11	Project Name	Milpitas Senior Center (COVID-19)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$25,000
	Description	Loan laptops/tablets to seniors to help counter social isolation and improve access to information.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The Technology for Seniors Program will serve approximately 30 qualifying Milpitas resident seniors (ages 62+) by offering a laptop or tablet (for loan) in coordination with the Barbara Lee Senior Center.
	Location Description	455 E Calaveras Blvd

	Planned Activities	Funding will be used to loan laptops/tablets to seniors to help counter social isolation and improve access to information due to COVID-19.
12	Project Name	Milpitas Senior Center (COVID-19)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$ 5080 0,000
	Description	Funds will be used to supplement the Santa Clara County Senior Nutrition program designed to assist low income seniors who are most vulnerable to COVID-19.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The Senior Nutrition Program will aim to serve approximately 105-168 new Milpitas senior adults (ages 62+) by providing a hot nutritious meal each day
	Location Description	455 E Calaveras Blvd
	Planned Activities	Funds will be used to supplement the Santa Clara County Senior Nutrition program designed to assist low income seniors who are most vulnerable to COVID-19.
13	Project Name	Milpitas Unified School District (COVID-19)
	Target Area	Citywide
	Goals Supported	Public Services for Children and Youth
	Needs Addressed	Community Services
	Funding	CDBG: \$10,000
	Description	The purpose of the Weekend Snacks for McKinney Vento Students Project is to improve the health of our students by providing nutritious snacks on non-school day (weekend) to combat food insecurity.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The Weekend Snacks for McKinney Vento Students Project will offer over 400 McKinney Vento Students in Milpitas two days' worth of nutritious snacks every weekend between September and November 2020, or until funding is exhausted.
	Location Description	MUSD
	Planned Activities	Funding will be used to improve the health of our students by providing nutritious snacks on non-school day (weekend) to combat food insecurity.
14	Project Name	Project Sentinel (COVID-19)
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services

	Funding	CDBG: \$6,494
	Description	It Takes a Village Program: Provide wraparound rent relief/reduction services involving all parties in the process, including the tenant, property owner, mortgage holder, and mediators.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Project Sentinel's "It Takes a Village" 2021 Program goals are to assist with 5 residents.
	Location Description	Throughout Milpitas
	Planned Activities	It Takes a Village Program: Provide wraparound rent relief/reduction services involving all parties in the process, including the tenant, property owner, mortgage holder, and mediators
	Planned Activities	It Takes a Village Program: Provide wraparound rent relief/reduction services involving all parties in the process, including the tenant, property owner, mortgage holder, and mediators
15	Project Name	Milpitas Food Pantry (COVID-19)
	Target Area	Citywide
	Goals Supported	Community Funding/Public Services
	Needs Addressed	Community Services
	Funding	CDBG: \$3300,000000
	Description	This project will fund two employees to assist with the Milpitas Food Pantry's daily operations
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The funding will allow the Milpitas Food Pantry to 1,000 low-income residents of Milpitas.
16	Location Description	Milpitas Food Pantry
	Planned Activities	Funds will be used to hire two employees to assist with the Milpitas Food Pantry's daily operations
	Project Name	Terrace Gardens Senior Housing (COVID-19)
	Target Area	Citywide
	Goals Supported	Public Services for Seniors
	Needs Addressed	Community Services
	Funding	CDBG: \$37,456
	Description	The project proposed will provide meal delivery to residents, rather than dinner being held in the dining room. Additionally, cleaning supplies and PPE will be purchased to keep up with necessary sanitation practices for our at-risk seniors
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	184 low and very low-income seniors will benefit from this funding.
	Location Description	186 Beresford Court
	Planned Activities	Funding will be used for meal delivery to residents, rather than dinner being held in the dining room, to keep proper social distancing. Cleaning supplies and PPE will be purchased to keep up with necessary sanitation practices
17	Project Name	Rebuilding Together Silicon Valley
	Target Area	Citywide
	Goals Supported	Maintain and Preserve Existing Housing
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	CDBG: \$20,000
	Description	Restock personal protective equipment
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	200 LMC residents will benefit from this funding.
	Location Description	Throughout Milpitas
	Planned Activities	Restock personal protective equipment to allow staff to continue to provide services to the community
18	Project Name	Terrace Gardens Senior Housing - Oven Replacement
	Target Area	Citywide
	Goals Supported	Affordable Housing Rental Rehabilitation
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	CDBG: \$20,000
	Description	The project will replace two commercial ovens in the kitchen.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	184 low and very low-income seniors will benefit from this funding.
	Location Description	186 Beresford Court

	Planned Activities	The project will replace two commercial ovens in the kitchen.
19	Project Name	Rebuilding Together Silicon Valley - Sunnyhills
	Target Area	Citywide
	Goals Supported Needs Addressed	Maintain and Preserve Existing Housing
		Affordable Housing Development and Preservation
	Funding	CDBG: \$153,467
	Description	The proposed activity would be to replace 37 roofs on the existing buildings at the Sunnyhills tenant based rental assistance apartment complex.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The proposed activity will assist 37 LMC units
	Location Description	Sunnyhills Apartment Complex
	Planned Activities	The proposed activity would be to replace 37 roofs on the existing buildings at the Sunnyhills tenant based rental assistance apartment complex.
20	Project Name	Rebuilding Together Silicon Valley
	Target Area	Citywide
	Goals Supported	Maintain and Preserve Existing Housing
	Needs Addressed	Affordable Housing Development and Preservation
	Funding	CDBG: \$25,205
	Description	This project will provide low-income homeowners home repairs, rehabilitation, accessibility and mobility services.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	The Rebuilding Together Silicon Valley Home Repair/Rehab grant will impact 4 Milpitas households.
	Location Description	At various homes located in the City of Milpitas
	Planned Activities	Continue providing home repairs, rehabilitation, accessibility and mobility services work for low-income homeowners
21	Project Name	Project Sentinel (Fair Housing)
	Target Area	Citywide
	Goals Supported	Fair Housing
	Needs Addressed	Community Services
	Funding	CDBG: \$56,290

	Description	Project Sentinel is a private nonprofit agency providing fair housing, tenant-landlord counseling and dispute resolution services to the City of Milpitas. In addition to counseling and case intake, education and outreach activities will be ongoing. Outreach activity includes: the publication of Rent Watch, a rental housing advice column; distribution of brochures, radio public service announcements and public presentations and workshops. Presentations and workshops are provided to a wide spectrum of the community: ESL classes at local schools; civic groups like the Rotary and Lions; social service agencies like Catholic Charities and Next Door Solutions; municipal offices such as the Senior Center and Community Center; housing provider associations such as the Apartment Owners Association (AOA). Program services are delivered by designated staff in the agency's Fremont office using a local Milpitas phone line and by staff in the agency's main office at 1490 El Camino Real, Santa Clara. Office hours for counseling and case intake are from 9:00 am to 4:00 pm, Monday through Friday. Evening and week-end appointments are provided when necessary. Tenant-Landlord counseling/Dispute Resolution includes all areas of concern in rental housing; however, evictions and substandard housing complaints receive priority attention. Mediations and conciliations are conducted by trained staff and volunteers. Services are delivered in a neutral, unbiased manner to all parties engaged in the rental housing relationship. Fair Housing services of community education, and complaint investigation are provided from the corporate office and other public facilities within the City of Milpitas (library, community center). HUD-certified mortgage default counseling and First Time Homebuyer workshops are open to Milpitas residents. These services are provided from Project Sentinel's office at the Milpitas Sobrato Center.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Project Sentinel will provide service for 26 Milpitas residents.
	Location Description	At various venues in Milpitas and also their Santa Clara office.
	Planned Activities	Provide educational presentations, outreach, and brochures at a variety of venues. Provide information and referral services and investigate cases of alleged discrimination.
22	Project Name	Program Administration
	Target Area	Citywide
	Goals Supported	Program Administration
	Needs Addressed	Program Administration
	Funding Description	CDBG: \$78,890 Program Administration
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	Milpitas
	Planned Activities	Program Administration

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City of Milpitas does not set geographic concentration areas for assistance. Instead the City helps fund organizations that provide supportive services to low- and moderate-income individuals throughout the City.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable

Discussion

Not applicable

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City adopted Affordable Housing Ordinance No. 297 on June 12, 2018. The Affordable Housing Ordinance requires that all new developments over 10 units requires 15% affordable units. On March 5, 2019, the City established residential and non-residential affordable housing fees.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	200
Special-Needs	1,500
Total	1,700

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	20
The Production of New Units	0
Rehab of Existing Units	41
Acquisition of Existing Units	0
Total	61

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City anticipates the construction of approximately 133 new extremely-low/very-low income units, 188 low-income units, and 20 moderate-income units in the next few years. These will be built as stand-alone affordable housing and as mixed-income housing in compliance with the City's Affordable Housing Ordinance.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Milpitas currently does not have any public housing. However, there is one Project-based Section 8 property in the City, the Sunnyhills Apartments. The Sunnyhills Apartments is a 171-unit development in which 149 units receive project-based Section 8 vouchers. The Project-based Section 8 vouchers provides rental assistance for each unit between the Department of Housing and Urban Development (HUD) established Fair Market Rent (FMR) for the area and what the tenant can afford to pay. Its aim is to be competitive with the local market thus incentivizing the owner to rent to low income households. The City has agreed to extend the HUD contract for another five years.

Actions planned during the next year to address the needs to public housing

This is not applicable to the City of Milpitas as there are no public housing units owned or managed by the Housing Authority of the County of Santa Clara in the City.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Not applicable. There are no public housing units in the City of Milpitas.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Not applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The County of Santa Clara and the City have designated homelessness as a critical issue. Although the total homeless population is declining as a whole, there still remains 7,394 homeless persons. In Santa Clara County's 2019 Point-in-Time Census & Survey Comprehensive Report, the survey identified a total of 125 unsheltered homeless persons in Milpitas. Notably, there was an 89% increase in unsheltered homeless persons in Milpitas. Given the complexity of homelessness, interagency and interregional collaboration is crucial in solving the homeless issue.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Milpitas partners with Santa Clara County Continuum of Care to conduct the bi-annual Homeless Point in Time survey. In January 2019, Point-in-Time Count was conducted by the County of Santa Clara, the City of San Jose and Applied Survey Research for the 2019 Santa Clara County's biennial Point-in-Time count of homeless persons as required by the U.S. Department of Housing and Urban Development (HUD). The group, along with volunteers, did a physical count of those individuals residing outside a sheltered home i.e. parks, vehicles, highways, creeks etc. The survey and count were crucial as it is used for important qualitative and quantitative data as a representative sample to understand where they resided and respond to any immediate needs. The homeless were surveyed about a variety of issues including shelter, services and assistance. Staff will also participate in the preparation of the upcoming 2019 bi-annual Santa Clara Homeless Census Survey.

On September 17, 2019, the City of Milpitas authorized the creation of a Rent Review Program, which allows any tenant who is facing an annual rent increase of 5 percent or more to request a review, either on the phone, in person, or both, to try and mediate the situation between them and their landlord. If neither option brings a resolution, the renter can request a hearing in front of a five-member rent review board, though the decisions of the board would be non-binding. The City of Milpitas has contracted with Project Sentinel to administer the program.

On October 15, 2019, the City Council authorized the creation of a Pilot Rent Relief Program, which provides financial assistance to Milpitas residents and families that have emergency housing needs. The City of Milpitas has contracted with the Silicon Valley Independent Living Center to administer the program. On June 16, 2020, the City Council authorized the removal of Pilot from the name and

established the Rent Relief Program as a permanent program.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Milpitas will address emergency shelter and transitional housing needs of homeless persons by continuing to coordinate services between the City's Police, Building Safety & Housing , and Public Works Departments and our local service providers, such as LifeMoves.

CDBG Funded

- Next Door Solutions to Domestic Violence: Next Door Solutions to Domestic Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested and needed by the individual and/or family.
- YWCA Silicon Valley (YWCA): YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Milpitas is involved and participates in the Santa Clara County Continuum of Care that is dedicated to ending and preventing homelessness in the County. The Santa Clara County Continuum of Care has community-wide efforts to end homelessness through fostering relationships, program and systematic changes.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

As mentioned in the previous paragraph of CDBG funded programs related to emergency shelter, the City also funds organizations that take proactive measures in helping individuals in need of legal help, youth needs and concerns and fair housing so that he/she can become informed of his or her rights

before the individual is forced into homelessness.

CDBG and City Local Funds

- **Rent Relief Program:** The Silicon Valley Independent Living Center has been chosen to administer the City's Pilot Rent Relief Program, which offers low- and moderate-income residents no more than 3 months of rental assistance to prevent eviction, avoid community displacement, and to remain housed.
- **Child Advocates of Silicon Valley:** Child Advocates connect court appointed special advocates (CASAs) to foster children. These volunteers must make a commitment to the children for a long-term, many for his or her entire life. The consistent support of the CASA is often the only adult who has steadily remained with the child, providing crucial mentorship.
- **Seniors Adults Legal Assistance (SALA):** SALA is committed to providing free-legal services to seniors. Legal services that SALA provides ranges from: public benefits, long-term care, alternatives to institutionalization, elder abuse, long-term care insurance, incapacity planning, probate, simple wills and housing – related to Landlord-Tenant issues. Often, many seniors do not know his or her housing rights or sign over the will of their house without knowing, and with fixed income, many are unable to provide legal help. SALA provides legal help free of charge for these low to extremely-low income seniors.

Discussion

Please see discussion above.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Along with other jurisdictions in Santa Clara County, the City of Milpitas is facing many obstacles in creating more affordable housing. The many constraints that the City is facing is the limited amount of developable land, government constraints, infrastructure and public facilities constraints, environmental, housing for persons with disabilities, and financing and construction costs.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable. The ordinance applies to both rental and ownership developments.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, a qualified applicant from the waiting list will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to

\$50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

Discussion:

Please see discussion above.

AP-85 Other Actions – 91.220(k)

Introduction:

The most significant obstacle to addressing the underserved needs for fiscal year 2020-2021 is the lack of sufficient federal, state, and local funds to carry out all the necessary programs, activities and projects.

Actions planned to address obstacles to meeting underserved needs

The diminishing amount of funds continues to be the most significant obstacle to addressing the needs of underserved populations. To address this, the City supplements its CDBG funding with other resources and funds, such as:

- The City of Milpitas Affordable Housing Fund – Used primarily to increase the number of new affordable housing units. It is funded through fees collected from developers in accordance with Affordable Housing Ordinance 297. As an example, the City used these funds to initially fund the Pilot Rent Relief Program the City established in November 2019.
- The City's provides loans on an ongoing, as qualified basis for BMR applicants to qualify for purchasing an available BMR unit.
- Measure A Affordable Housing Bond was approved by voters in November 2016 that approved \$950 million dollars for the County to address housing needs for the most vulnerable residents, those in the extremely low-income households.

Actions planned to foster and maintain affordable housing

The City has taken proactive steps to help decrease the barriers in affordable housing through the following ordinances:

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will consider contributing to future affordable housing projects that will house the homeless. The City is in discussion to create its first 100% permanent supporting housing project in Milpitas.

Affordable Housing Ordinance

On June 12, 2018, the City Council adopted Affordable Housing Ordinance No. 297 which requires that any new development with 10 or more units must include 15% of the units these units as affordable.

The ordinance applies to both rental and ownership developments.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the provision of affordable units in the development.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, the homebuyer will have the ability to purchase a home in Milpitas at one of the various developments throughout the City. For qualified households, the City also provides a loan of up to \$50,000.

Fair Housing

Milpitas provides CDBG funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition, they provide education and outreach to property owners, and property management to become proactive in their housing policies.

Actions planned to reduce lead-based paint hazards

The County of Santa Clara has received funding from State's Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include: community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition, the City publicize and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, under the City's Rehabilitation, provides technical assistance and abatement of lead-

based paints.

Actions planned to reduce the number of poverty-level families

The City of Milpitas will follow these actions:

- Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
- Provide funding and supportive services to prevent very low-income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
- Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
- Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.
- Per Section 3, if there are HUD funded projects that can create direct economic opportunities must take every effort to recruit, target and directed towards low and very low-income residents and businesses.

Actions planned to develop institutional structure

The City is striving to improve intergovernmental and private sector cooperation to synergize efforts and resources and develop new revenues for community service needs and the production of affordable housing. Collaborative efforts include:

- Regular quarterly meetings between entitlement jurisdictions at the CDBG Coordinators Meeting and Regional Housing Working Group
- Joint jurisdiction Request for Proposals and project review committees
- Coordination on project management for projects funded by multiple jurisdictions. Recent examples include the effort by the County to create a regional affordable housing fund, using former redevelopment funds that could be returned to the County to use for affordable housing. Another effort underway involves the possible use of former redevelopment funds to create a countywide pool for homeless shelters and transitional housing. These interactions among agencies generate cohesive discussion and forums for bridging funding and service gaps

on a regional scale.

Actions planned to enhance coordination between public and private housing and social service agencies

The City benefits from a strong jurisdiction and region-wide network of housing and community development partners, such as the County and the CoC. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local jurisdictions and developers in sharing information and resources.

Discussion:

Please see discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I) (1, 2, 4)

Introduction:

The City of Milpitas only receives CDBG funds and will receive the following program income for FY20-21.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$8,959
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	\$8,959

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	90.00%



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Vehicle Miles Traveled Policy to Implement Senate Bill 743
Category:	Community Development
Meeting Date:	5/4/2021
Staff Contact:	Ned Thomas, Director of Planning, 408-586-3273
Recommendation:	Move to continue the public hearing to the regular City Council meeting of May 18, 2021.

Background:

In September 2013, the State of California signed into law Senate Bill 743 (SB 743), modifying how potential environmental impacts from vehicle traffic should be analyzed under the California Environmental Quality Act (CEQA). In February 2018, the State Office of Planning and Research (OPR) updated the CEQA statute, produced a Technical Guideline, and gave California cities until July 1, 2020 to implement the new law. The law establishes Vehicle Miles Traveled (VMT) as the appropriate methodology for measuring the environmental impacts of transportation. Attachment C (SB 743 Legislation) outlines the regulations.

Historically, the City of Milpitas and other jurisdictions have used LOS as the threshold for analyzing the significance of impacts to transportation infrastructure under CEQA. As a measure of congestion, LOS analysis assigns a letter grade (A through F) to intersections or roadway segments based on the ability to carry a certain level of traffic. California jurisdictions have been using LOS to analyze a project's CEQA transportation impacts since the inception of CEQA in 1970.

California has now shifted away from using LOS because traffic congestion is an indicator of roadway efficiency rather than environmental impacts and measuring congestion at intersections and along roadway segments can have the unintended consequence of encouraging urban sprawl. Under LOS, road widening and other infrastructure improvements, may induce new development to locate in more remote areas to avoid traffic impacts, which often results in increased vehicle use and traffic congestion overall because people must travel longer distances to reach destinations. This is particularly true when employment and residential neighborhoods are located far apart.

VMT measures the per capita number of vehicle trips generated by a project and estimates the distances that those vehicles will travel to and from a project rather than congestion levels at intersections. The legislative mandate under SB 743 seeks to balance the needs of congestion management with statewide goals to promote infill development, improve public health through active transportation, and ultimately, reduce greenhouse gas emissions. The City, as an environmental steward, has been working toward adoption of a new transportation policy that supports the mandate. Scores of cities and counties across the State have adopted similar policies.

City staff in consultation with local transportation planning experts, developed a citywide VMT policy to comply with State law and provide established and consistent criteria to analyze transportation impacts of development projects and long-range plans. Although no longer used to measure CEQA transportation impacts, LOS analysis will continue to be used by Milpitas to comply with the State-mandated Congestion Management Program (CMP), which is a local transportation improvement program to reduce traffic congestion. The Valley

Transportation Authority (VTA) administers the CMP for Santa Clara County and is responsible for overseeing the regional roadway network by maintaining a LOS standard.

On April 14, 2021, the Milpitas Planning Commission held a public hearing, reviewed the proposed VMT thresholds, and voted unanimously to adopt a resolution (Attachment B) recommending that the City Council adopt the VMT policy.

Analysis:

Development of a new citywide VMT policy for transportation analysis under CEQA has been comprised of four major tasks or milestones:

1. **Outreach and Engagement:** Stakeholder engagement efforts have included a project website with background information and FAQs, feedback from the Development Review Committee and Community Development Roundtable, and presentations to the Planning Commission and City Council. An internal working group analyzed the effects of implementing VMT and alignment with the City's General Plan, Climate Action Plan, City Council priorities, and other adopted policies. Staff also coordinated with various departments to ensure successful implementation of the policy during development review, with an emphasis on incentivizing affordable housing projects.
2. **Technical Evaluation:** Staff evaluated the state recommendations included in the Technical Guidelines and VMT policies recently adopted by other cities including San Jose, Sunnyvale, Fremont, and Mountain View. Staff also participated in the Valley Transportation Authority (VTA) LOS-to-VMT working group to better understand State law, ongoing implementation efforts by other cities, and the tools and methodologies available to measure VMT. Some of the items for consideration included facilitating affordable housing, encouraging transit-oriented development, and optimizing the policy for land use planning in special areas of the City.
3. **Policy Formulation:** Based on the results of the outreach and technical evaluation, staff developed a VMT policy that supports the City's General Plan land use and transportation goals. Key considerations for a VMT policy included:
 - Baseline VMT: Establishing the existing VMT conditions by which projects will be analyzed and compared to;
 - CEQA Thresholds of Significance for VMT impacts: Establishing the level at which impacts will be considered significant and less than significant; and
 - CEQA Exemptions to VMT Analysis: Determining which projects can be presumed to have a less than significant VMT impact and would therefore not be required to conduct a VMT analysis.

The state guidelines allow California cities to set their own policy requirements, provided the adopted policy promotes: 1) a reduction of greenhouse gas emissions; 2) the development of multimodal transportation networks; and 3) the diversity of land uses proximate to each other. Ultimately, staff formulated a methodology for VMT analysis that can be applied throughout the City, is context sensitive, and promotes the goals of the City's new General Plan.

The staff working group also developed a methodology to measure and maintain intersection operations, no longer as a CEQA measure, but as an operational tool. The VMT CEQA metric, which is so important in addressing climate change, does not focus on intersection or roadway operations. For those reasons, the proposed policy includes LOS requirements for monitoring and maintaining Milpitas' transportation roadway network for all the residents, employees, and visitors that rely on it every day.

4. **Policy Adoption:** Council adoption of the new citywide VMT Policy is the final step toward bringing the City into compliance with the requirements of SB 743. Attachment D is the draft VMT Policy developed by staff and the consultants for the City of Milpitas.

The Countywide Transition from LOS to VMT

VTa, in support of this transition from LOS to VMT, and in an ongoing partnership with all the cities in Santa Clara County, has provided publicly accessible resources on their website. These resources include “heat maps” which provide information on existing VMT levels and the Transit Priority Areas and the Santa Clara County VMT Evaluation Tool which is used to measure VMT for many land use projects. The County has also developed an updated Travel Demand Model based on current land use and transportation information to help cities manage the transition to VMT.

Key Policy Definitions and Metrics

The transition from LOS to VMT will change how the City analyzes potential transportation impacts under CEQA. As noted above, VMT measures the per capita number of vehicle trips generated by a project and estimates the distances that those vehicles will travel to and from a project while LOS measures congestion levels at intersections (graded on a scale of A–F).

The proposed VMT policy establishes the following metrics:

1. **Baseline VMT**: VTA established a baseline VMT for both residential and employment projects throughout Santa Clara County, which is used by staff to measure the existing VMT conditions in the City.
2. **CEQA Thresholds of Significance**: Project impacts will be considered significant for both residential and employment projects if they fall below 15% of the countywide baseline levels.
3. **CEQA Exemptions**: The State recommends that certain developments should be exempt from VMT analysis with a presumption of less-than-significant impact if a project is likely to reduce VMT. Exemptions are based on project size, location and type (i.e., affordable housing or locally serving development).
4. **Methodology for Transportation Projects**: The State recommends that transportation projects that increase roadway capacity require a VMT analysis to evaluate induced VMT, while multimodal transportation projects are exempt from VMT analysis.
5. **LOS Analysis Requirements**: Since LOS is still required by City policy and the CMP, projects will continue to analyze and address LOS.

Baseline VMT

Baseline VMT is defined as the current average amount of vehicle miles residents and employees are traveling in daily life. Existing VMT averages at the City, County, and Regional (i.e. 9 Bay Area Counties) levels were developed by VTA with information from their Travel Demand Model, Census data, the California Household Survey, and existing land use information provided by city staff. Additionally, VMT averages are further separated into two distinct land uses; 1) household (i.e., residential) and 2) employment. Table A provides the average VMT for both types of land uses at each level:

Table A: Existing Average VMT by Land Use

Land Use	Milpitas	Countywide	Regional
Household VMT per Capita	12.12	13.33	13.95
Employment VMT per Employee	17.54	16.64	15.33

City staff evaluated these options and selected the Countywide average as the City’s baseline VMT for both residential and employment due to the many countywide resources available today to help reduce VMT. VTA, the transit agency for Santa Clara County, is the administrator of various multimodal transportation funds and grants (e.g., 2016 Measure B). Consequently, VTA has developed comprehensive programs which bring Santa Clara County cities together to discuss countywide transportation projects, land use planning, and transportation issues, as traffic is a regional issue. Staff created heat maps to show the City’s baseline or existing VMT for each parcel (Attachment E).

CEQA Thresholds of Significance

In addition to establishing the baseline VMT, CEQA also requires the City’s VMT policy to establish a thresh

of significance. This threshold is the minimum level of significant impacts at which CEQA would require the City to disclose these impacts and either identify mitigation measures or adopt findings to override impacts. The proposed policy is following the State's recommendation to use a significance threshold of 15% below baseline VMT levels for residential and employment projects, which contribute most to VMT.

This recommendation is based on several factors:

- This threshold can be achievable for a variety of projects throughout California;
- A 15% reduction is consistent with California Climate Action Plan goals; and
- Using a 15% threshold creates consistency throughout California jurisdictions.

City staff recommends using the 15% threshold for residential and employment projects to align with the State recommendation. This will allow the City to meet the State's requirements and apply a conservative approach when determining VMT methodology to development in the City. These policy considerations can always be revisited in the future after the City becomes accustomed to measuring VMT and as more VMT resources are available.

Lead agencies may develop their own specific thresholds for other land uses such as regional land uses. This can include regional hospitals, stadiums, sports complexes, private schools, and regional shopping centers. Consistent with the State's recommendation, the policy establishes a net increase in total VMT as a significant transportation impact for regional land uses.

CEQA Exemptions

The State guidelines recommend that certain development projects should be exempt from VMT analysis with a presumption of less than significant impact if a project is likely to reduce VMT. The recommended exemptions include:

- Small Infill Projects: Projects that generate 110 or less daily vehicle trips.
- Local Serving Retail: Although the State guidelines establish a maximum floor area of 50,000 square feet, cities have the flexibility to establish their own criteria based on their local context. The policy proposes a maximum floor area of 100,000 square feet since many of the City's existing retail shopping centers are over 50,000 square feet in size.
- Affordable Residential Projects: Although the State guidelines recommend an exemption for 100% affordable residential projects, cities have the flexibility to establish their own criteria based on their local context. The policy proposes an exemption for mixed-income residential projects to incentivize developers to provide affordable units on site beyond the requirements of the City's Affordable Housing Ordinance.
- Transit-Supportive Projects: Certain projects¹ within a Transit Priority Area (TPA) are exempt because they support and encourage walking, biking, and transit as viable transportation options. A TPA is an area within ½ mile of an existing transit stop/station or high quality transit corridor, which includes all rail transit and major bus routes with a frequency of 15 minutes or less during morning and evening peak hours.

The State further recommends that transit-supportive projects have the following characteristics:

- A Floor Area Ratio (FAR) of 0.75 or greater;
- Does not propose more parking for use by residents, customers or employees of the project than required by the jurisdiction;
- Is consistent with the applicable Sustainable Communities Strategies (as determined by the lead agency); and

¹ The State defines these as residential, retail, and office projects as well as projects that are a mix of these uses.

- Does not replace affordable residential units with a smaller number of moderate- or high-income residential units.

City staff incorporated the State's proposed criteria for transit supportive development within ½ mile of existing transit stop/station or high-quality transit corridor to align with the City's General Plan and planned growth areas. Furthermore, the policy proposes more specific criteria for residential developments within the Transit Priority Area (TPA). Since residential density is often measured in dwelling units per acre (du/ac) rather than FAR, the policy establishes minimum residential densities of 35 du/ac overall, 40 du/ac for the Sierra Center area, and 50 du/ac for the Metro Plan area. See the City's VMT "heatmaps" (Attachment E) for the boundaries of the Sierra Center area and Metro Plan area.

The VMT policy also exempts local serving community facilities such as fire stations, neighborhood parks, branch libraries, and community centers from VMT analysis under CEQA since they typically reduce trip lengths by providing closer amenities and services for residential neighborhoods.

Methodology for Transportation Projects

The policy also includes guidelines for analyzing the VMT impacts of local transportation improvement projects such as roadway projects that add vehicle capacity and/or include significant pedestrian and bicycle improvements. The State recommends that these types of projects should be analyzed for near-term and long-term induced VMT. The analysis should: 1) determine if the transportation project is consistent with the State's GHG reduction goals, 2) evaluate if the project has any potential impacts to the multimodal transportation network (hinders or prevents access to walking, biking or transit), and 3) evaluate any potential impacts to the diversity of land use in the city (i.e., results in an undesirable place to live or work due to location or physical conditions). Most new transportation projects within Santa Clara County include significant pedestrian and bicycle improvements which have the potential to offset any increase in VMT generated by roadway capacity improvements.

LOS Analysis Requirement

While LOS analysis will no longer be required for CEQA purposes, the proposed VMT policy will continue to require the use of LOS as an analysis tool and operational assessment for projects that are likely to have impacts on intersection operations and traffic flow. A typical transportation operational analysis may include the following: 1) intersection LOS analysis; 2) intersection left-turn storage analysis; 3) project driveway access and circulation; 4) traffic signal warrant studies; 5) pedestrian, bicycle, and transit assessment and improvements; 6) traffic control and crosswalk evaluation; 7) neighborhood intrusion or cut-through 8) parking; and 9) Congestion Management Program requirements. The City's Traffic Engineer may also require other engineering studies.

There are many benefits to studying, monitoring and investing in traffic signal operations and infrastructure. All the Santa Clara County cities included requirements for new development to study LOS and improve intersection operations when warranted. Investing in efficient traffic signal operations ensures safe access and circulation, optimum signal timing, well-designed intersections that accommodate left-turn, right-turn demand, implementation of pedestrian, bicycle and transit improvements, and technology upgrades.

Alignment with Other Policy Efforts

The City recently updated the General Plan to address new planning issues including air quality, energy, community health and wellness, and climate change. The General Plan acknowledges that land development and transportation goals affect the environment and embraces strategies to reduce VMT. The General Plan also recognizes the need for a balanced transportation system and focuses new development in mixed-use neighborhoods near transit, bringing together office, residential, commercial, and service land uses that reduce VMT and encourage the use of non-automobile transportation modes.

The following General Plan goals and policies most directly support this new policy:

- **Goal CIR-1:** Provide a transportation system that efficiently, equitably and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.

- **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.
- **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

Other General Plan goals, policies, and actions that support VMT reduction include Policy CIR 1-8, Action CIR-1c, Goal CIR-2, Goal CIR-5, Goal CIR-6, Policy CIR 6-2, Policy CIR 6-3, Policy LU 1-1, Policy CHW 1-3, Policy CHW 4-1, Action CHW-4a, Policy CON 7-1, Policy CON 7-10, and many others. The proposed VMT policy supports these policies by encouraging mixed-use, infill, and transit-oriented development and prioritizing active transportation and transit improvements to mitigate project impacts.

Staff also developed the VMT policy in conjunction with the Climate Action Plan and the Milpitas Metro Specific Plan to ensure that the policy furthers the goals and policies of the City's ongoing long-range planning efforts. The policy facilitates the buildout of the General Plan and adopted specific plans by supporting new development near the Milpitas Transit Center, Midtown, and other priority development areas well-served by transit and other amenities.

Policy Alternative:

Alternative: Do not adopt a new VMT policy.

Pros: None.

Cons: Without a VMT CEQA threshold, the City would not have an established and consistent criteria for analyzing transportation impacts under CEQA. Therefore, the City would have to analyze transportation impacts for development projects on an ad-hoc basis, which would increase staff time spent on project management and coordinating with CEQA consultants. Furthermore, analyzing transportation projects on an ad-hoc basis would make it difficult for the City to comply with State law (CEQA Guidelines Section 15064.3), which provides requirements for evaluating a project's transportation impacts.

Reasons not recommended: The City and development projects could be without a consistent methodology for analyzing transportation impacts. Staff would also have to divert more time and resources to ensuring that the evaluation of each development project is in compliance with the State's requirements for VMT analysis.

Fiscal Impact:

Adoption of the proposed policy will result in no fiscal impact to the City.

Environmental Review:

Per CEQA Guidelines Section 15064.7(b), the City can, via a public process, and supported by substantial evidence, develop a VMT threshold of significance it would like to employ for general use in CEQA documents, a threshold which it must then adopt by ordinance, resolution, rule, or regulation.

Recommendation:

Move to continue the public hearing to the regular City Council meeting of May 18, 2021.

Attachments:

- City Council Resolution
- Planning Commission Resolution No. 21-011
- SB 743 Legislation
- Draft VMT Policy
- City VMT Heat Maps

RESOLUTION NO. 21-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING
A NEW CITYWIDE POLICY ESTABLISHING VEHICLE MILES TRAVELED (VMT)
AS THE STANDARD OF MEASUREMENT FOR ANALYSIS OF POTENTIAL
ENVIRONMENTAL IMPACTS FROM VEHICLE TRAFFIC UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, the California Environmental Quality Act (CEQA) was enacted by the State of California in 1970 to ensure the long-term protection of the environment and requires public agencies to analyze and disclose the effects of their actions on the environment; and

WHEREAS, the California Office of Planning and Research develops the CEQA Guidelines to interpret CEQA statutes and published court decisions, including several appendices to the CEQA Guidelines that contain forms and guidance for lead agencies when performing environmental review; and

WHEREAS, in order to carry out their mandate under CEQA, public agencies are encouraged to develop standards and procedures necessary to evaluate their actions including thresholds of significance; and

WHEREAS, thresholds of significance are identifiable quantitative, qualitative or performance level measures of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant, and compliance with which means the effect normally will be determined to be less than significant; and

WHEREAS, in circumstances where public agencies decide to develop their own thresholds of significance for general use, the CEQA Guidelines provide that thresholds of significance must be formally adopted through a public review process and supported by substantial evidence; and

WHEREAS, the City of Milpitas (“City”), as a lead agency on certain projects, implements CEQA pursuant to the Milpitas Municipal Code; and

WHEREAS, the Milpitas General Plan provides the following goals and policies:

- **Goal CIR-1:** Provide a transportation system that efficiently, equitably and effectively supports the City’s land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.
- **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.
- **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

WHEREAS, public agencies in California have historically relied on a metric known as “Level of Service” (LOS) to evaluate the transportation impacts of development projects under CEQA; and

WHEREAS, LOS solely measures how project-generated traffic will increase delay at local and regional intersections, requiring mitigations for those impacts that prioritize the construction of capital improvements to facilitate automobile travel; and

WHEREAS, in 2013, the State of California Legislature passed, and Governor Brown signed Senate Bill 743 (Steinberg). Senate Bill 743 directs the California Office of Planning and Research to produce new CEQA guidance for cities that removes automobile LOS from transportation analysis under CEQA and replaces it with Vehicle Miles Traveled (“VMT”), or another measure that “promote(s) the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” The intent of this change is to shift the focus of transportation analysis from driver delay to the reduction of greenhouse gas (GHG) emissions, creation of multimodal networks, and promotion of integrated land uses; and

WHEREAS, VMT measures the amount and distance people drive, taking the number of passengers within a vehicle into account. Typically, projects at a greater distance from other uses, located in areas with limited access to non-auto modes of travel, generate more driving than those that are located proximate to other complementary uses and/or where there are transportation options other than the automobile. The information used to calculate VMT is already required to calculate and factor air quality and greenhouse gas emissions; and

WHEREAS, on December 28, 2018, the California Natural Resources Agency certified and adopted a CEQA Guidelines update package, including the Guidelines section implementing Senate Bill 743 (§ 15064.3) and directs all public agencies to utilize VMT as a threshold of significance by July 1, 2020; and

WHEREAS, the City wishes to adopt the proposed VMT thresholds to bring the City of Milpitas’ transportation analysis methodology in line with State and City goals pursuant to Senate Bill 743 and the Milpitas General Plan; and

WHEREAS, Public Resources Code Section 21082 requires all public agencies to adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, CEQA Guidelines Section 15064.7(a) encourages each public agency “to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects” under CEQA; and

WHEREAS, CEQA Guidelines Section 15064.7(b) provides that “[t]hresholds of significance to be adopted for general use as part of the lead agency’s environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence”; and

WHEREAS, in accordance with CEQA Guidelines Section 15064.7(b), staff developed proposed threshold of significance through a public review process supported by substantial evidence; and

WHEREAS, outreach efforts were conducted with the community including a presentation to the City Council Transportation Subcommittee on August 14th, 2020, a presentation to the Planning Commission on August 26th, 2020, presentations to the Development Review Committee and the Community Development Roundtable, and a public notice in the *Milpitas Post* on April 2, 2021 and April

28, 2021, on the City’s website, and posted at City hall in accordance with City and state public noticing requirements; and

WHEREAS, on April 14, 2021, the Planning Commission held a duly noticed public hearing on the proposed VMT thresholds, at which time all persons wishing to testify in connection with the proposed thresholds were heard, and recommended that the City Council consider the proposed VMT thresholds; and

WHEREAS, on May 4, 2021, the City Council held a duly noticed public hearing at which time all persons wishing to testify in connection with the proposed VMT thresholds were heard and the proposed thresholds were comprehensively reviewed; and

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

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

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

1. The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas Transportation Analysis Policy, attached hereto and incorporated herein by this reference, is consistent with the policies of the General Plan and the City of Milpitas Municipal Code.
3. The VMT thresholds have been developed through a public review process, are supported by substantial evidence, and are hereby adopted as the City of Milpitas’ VMT Thresholds of Significance for traffic and transportation analysis pursuant to the California Environmental Quality Act.
4. The City of Milpitas hereby adopts the Transportation Analysis Policy, a copy of which is on file at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.
5. The adoption of a threshold of significance does not qualify as a “project” subject to CEQA. The City Council therefore directs City staff to prepare, execute, and file a Notice of Exemption with the City Clerk within five (5) working days of the passage and adoption of this Resolution.
6. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.
7. This Resolution shall be effective upon its adoption.

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

RESOLUTION NO. 21-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEW CITYWIDE POLICY ESTABLISHING VEHICLE MILES TRAVELED (VMT) AS THE STANDARD OF MEASUREMENT FOR ANALYSIS OF POTENTIAL ENVIRONMENTAL IMPACTS FROM VEHICLE TRAFFIC UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the California Environmental Quality Act (CEQA) was enacted by the State of California in 1970 to ensure the long-term protection of the environment and requires public agencies to analyze and disclose the effects of their actions on the environment; and

WHEREAS, the California Office of Planning and Research develops the CEQA Guidelines to interpret CEQA statutes and published court decisions, including several appendices to the CEQA Guidelines that contain forms and guidance for lead agencies when performing environmental review; and

WHEREAS, in order to carry out their mandate under CEQA, public agencies are encouraged to develop standards and procedures necessary to evaluate their actions including thresholds of significance; and

WHEREAS, thresholds of significance are identifiable quantitative, qualitative or performance level measures of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant, and compliance with which means the effect normally will be determined to be less than significant; and

WHEREAS, in circumstances where public agencies decide to develop their own thresholds of significance for general use, the CEQA Guidelines provide that thresholds of significance must be formally adopted through a public review process and supported by substantial evidence; and

WHEREAS, the City of Milpitas (“City”), as a lead agency on certain projects, implements CEQA pursuant to the Milpitas Municipal Code; and

WHEREAS, the Milpitas General Plan provides the following goals and policies:

- **Goal CIR-1:** Provide a transportation system that efficiently, equitably and effectively supports the City’s land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.
- **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.

- **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

WHEREAS, public agencies in California have historically relied on a metric known as “Level of Service” (LOS) to evaluate the transportation impacts of development projects under the California Environmental Quality Act (CEQA); and

WHEREAS, LOS solely measures how project-generated traffic will increase delay at local and regional intersections, requiring mitigations for those impacts that prioritize the construction of capital improvements to facilitate automobile travel; and

WHEREAS, in 2013, the State of California Legislature passed, and Governor Brown signed Senate Bill 743 (Steinberg). Senate Bill 743 directs the California Office of Planning and Research to produce new CEQA guidance for cities that removes automobile LOS from transportation analysis under CEQA and replaces it with Vehicle Miles Traveled (“VMT”), or another measure that “promote(s) the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” The intent of this change is to shift the focus of transportation analysis from driver delay to the reduction of greenhouse gas (GHG) emissions, creation of multimodal networks, and promotion of integrated land uses; and

WHEREAS, VMT measures the amount and distance people drive, taking the number of passengers within a vehicle into account. Typically, projects at a greater distance from other uses, located in areas with limited access to non-auto modes of travel, generate more driving than those that are located proximate to other complementary uses and/or where there are transportation options other than the automobile. The information used to calculate VMT is already required to calculate and factor air quality and greenhouse gas emissions; and

WHEREAS, on December 28, 2018, the California Natural Resources Agency certified and adopted a CEQA Guidelines update package, including the Guidelines section implementing Senate Bill 743 (§ 15064.3) and directs all public agencies to utilize VMT as a threshold of significance by July 1, 2020; and

WHEREAS, the City wishes to adopt the proposed VMT policy to bring the City of Milpitas’ transportation analysis methodology in line with State and City goals pursuant to Senate Bill 743 and the Milpitas General Plan; and

WHEREAS, CEQA Guidelines Section 15064.7(b) directs the City to adopt thresholds of significance based on substantial evidence by ordinance, resolution, rule or regulation through a public process; and

WHEREAS, outreach efforts were conducted with the community including a presentation to the City Council Transportation Subcommittee on August 14th, 2020, a presentation to the Planning Commission on August 26th, 2020, presentations to the Development Review Committee and the Community Development Roundtable, and a public notice in the *Milpitas Post* on April 2, 2021, on the City’s website, and posted at City hall in

Resolution No. 21-011**Page 3**

accordance with City and state public noticing requirements; and

WHEREAS, on April 14, 2021, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the VMT policy; 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: The Planning Commission of the City of Milpitas hereby adopts Resolution No. 21-011 recommending that the City Council adopt a new citywide policy establishing Vehicle Miles Traveled (VMT) as the standard of measurement for analysis of potential environmental impacts from vehicle traffic under the California Environmental Quality Act (CEQA), which is attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on April 14, 2021.

DocuSigned by:



Apr-21-2021

E442E89E520C4C8

Steve Tao, Chair

Resolution No. 21-011**Page 4****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 April 14, 2021 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Steve Tao	✓			
Bill Chuan	✓			
Tim Alcorn	✓			
Steve Belong	✓			
Mercedes Albana	✓			
Larry Ciardella	✓			
Alexander Galang	✓			

Certificate Of Completion

Envelope Id: 0781E47DA4FF4A88A178D524B9EBFA18

Status: Completed

Subject: Please DocuSign: Attachment A_Resolution 21-011_for Chair to sign.pdf

Source Envelope:

Document Pages: 4

Signatures: 1

Envelope Originator:

Certificate Pages: 5

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Elizabeth Medina

AutoNav: Enabled

455 E Calaveras Blvd

Envelopeld Stamping: Enabled

Milpitas, CA 95035

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

emedina@ci.milpitas.ca.gov

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April 20, 2021 | 18:09

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Signer Events

Chair Steve Tao

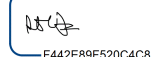
stao@bccre.com

independent contractor

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Signature

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Sent: April 20, 2021 | 18:10

Viewed: April 21, 2021 | 08:23

Signed: April 21, 2021 | 08:23

Electronic Record and Signature Disclosure:

Accepted: May 15, 2020 | 09:28

ID: 1d0a65ad-ac94-42a6-9f67-3eff56c7a0be

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

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Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

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Carbon Copy Events

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Jay Lee

jlee2@ci.milpitas.ca.gov

Security Level: Email, Account Authentication
(None)

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Elizabeth Medina

emedina@ci.milpitas.ca.gov

Administrative Assistant

City of Milpitas

Security Level: Email, Account Authentication
(None)

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Sent: April 21, 2021 | 08:24

Resent: April 21, 2021 | 08:24

Viewed: April 21, 2021 | 08:57

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Timestamp

Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	April 20, 2021 18:10
Certified Delivered	Security Checked	April 21, 2021 08:23
Signing Complete	Security Checked	April 21, 2021 08:23
Completed	Security Checked	April 21, 2021 08:24
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at mluu@ci.milpitas.ca.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to mluu@ci.milpitas.ca.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- Until or unless you notify Carahsoft OBO City of Milpitas as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO City of Milpitas during the course of your relationship with Carahsoft OBO City of Milpitas.



SB-743 Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento. (2013-2014)

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Senate Bill No. 743

CHAPTER 386

An act to amend Sections 65088.1 and 65088.4 of the Government Code, and to amend Sections 21181, 21183, 21186, 21187, 21189.1, and 21189.3 of, to add Section 21155.4 to, to add Chapter 2.7 (commencing with Section 21099) to Division 13 of, to add and repeal Section 21168.6.6 of, and to repeal and add Section 21185 of, the Public Resources Code, relating to environmental quality.

[Approved by Governor September 27, 2013. Filed with Secretary of State September 27, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 743, Steinberg. Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento.

(1) The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 requires a party bringing an action or proceeding alleging that a lead agency's approval of a project certified by the Governor as an environmental leadership development project is in violation of the California Environmental Quality Act to file the action or proceeding with the Court of Appeal with geographic jurisdiction over the project and requires the Court of Appeal to issue its decision within 175 days of the filing of the petition. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 requires the lead agency to concurrently prepare the record of proceeding for the leadership project with the review and consideration of the project. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 provides that the above provision does not apply to a project for which a lead agency fails to certify an environmental impact report on or before June 1, 2014. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 is repealed by its own terms on January 1, 2015.

This bill would instead require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any appeals therefrom, be resolved, within 270 days of the certification of the record of proceedings. The bill would extend the operation of the judicial review procedures unless the lead agency fails to certify an environmental impact report for an environmental leadership project on or before January 1, 2016. The bill would provide that the above provisions do not apply to a project if the Governor does not certify the project as an environmental leadership development project prior to January 1, 2016. Because this bill would extend the time period for which a lead agency would be required to concurrently prepare the record of proceeding with the review and consideration of the environmental leadership development projects, this bill would impose a state-mandated local program. The bill would require the lead agency, within 10 days of the Governor's certification, to issue, at the applicant's expense, a specified public notice, thereby imposing a state-mandated local program.

The bill would repeal the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 on January 1, 2017.

(2) The California Environmental Quality Act, commonly known as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA.

This bill would provide that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the Office of Planning and Research to prepare and submit to the Secretary of the Natural Resources Agency, and the secretary to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing criteria for determining the significance of transportation impacts of projects within transit priority areas.

This bill would, except for specified circumstances, exempt from CEQA residential, employment center, and mixed-use development projects meeting specified criteria. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

This bill would require the public agency, in certifying the environmental impact report and in granting approvals for a specified entertainment and sports center project located in the City of Sacramento, including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within 5 days of the filing of a specified notice, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program. The bill would require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. The bill would provide that the above provisions are inoperative and repealed on January 1 of the following year if the applicant fails to notify the lead agency before the release of the draft environmental impact report for public comment that the applicant is electing to proceed pursuant to the above provisions.

(3) Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area, as defined. The plan is required to contain specified elements and to be submitted to regional agencies, as defined, for determination of whether the program is consistent with regional transportation plans. The regional agency is then directed to monitor the implementation of all elements of each congestion management program. The required elements include traffic level of service standards for a system of designated highways and roadways. Existing law defines "infill opportunity zone" for purposes of the above-described provisions and exempts streets and highways in an infill opportunity zone from the level of service standards specified in the above-described provisions and instead requires alternate level of service standards to be applied. Existing law prohibits a city or county from designating an infill opportunity zone after December 31, 2009.

This bill would revise the definition of "infill opportunity zone," as specified. The bill would authorize the designation of an infill opportunity zone that is a transit priority area within a sustainable communities strategy or alternative planning strategy adopted by an applicable metropolitan planning organization.

(4) Existing law terminates the designation of an infill opportunity zone if no development project is completed within that zone within 4 years from the date of the designation.

This bill would repeal this provision.

This bill would make findings and declarations as to the necessity of a special statute for the City of Sacramento.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares the following:

(1) With the adoption of Chapter 728 of the Statutes of 2008, popularly known as the Sustainable Communities and Climate Protection Act of 2008, the Legislature signaled its commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled and contribute to the reductions in greenhouse gas emissions required in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code). Similarly, the California Complete Streets Act of 2008 (Chapter 657 of the Statutes of 2008) requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel.

(2) Transportation analyses under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) typically study changes in automobile delay. New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.

(b) It is the intent of the Legislature to do both of the following:

(1) Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act.

(2) More appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

SEC. 2. The Legislature further finds and declares all of the following:

(a) The Federal Reserve has stated that "[m]ost policymakers estimate the longer-run normal rate of unemployment is between 5.2 and 6 percent." At 7.6 percent, the current United States unemployment rate remains markedly higher than the normal rate and both the unemployment rates in Sacramento County and California are higher than the current national unemployment rate.

(b) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) requires that the environmental impacts of development projects be identified and mitigated. The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts.

(c) The existing home of the City of Sacramento's National Basketball Association (NBA) team, the Sleep Train Arena, is an old and outmoded facility located outside of the City of Sacramento's downtown area and is not serviced by the region's existing heavy and light rail transportation networks. It was constructed 25 years ago and a new, more efficient entertainment and sports center located in downtown Sacramento is needed to meet the city's and region's needs.

(d) The City of Sacramento and the region would greatly benefit from the addition of a multipurpose event center capable of hosting a wide range of events including exhibitions, conventions, sporting events, as well as musical, artistic, and cultural events in downtown Sacramento.

(e) The proposed entertainment and sports center project is a public-private partnership between the City of Sacramento and the applicant that will result in the construction of a new state-of-the-art multipurpose event center, and surrounding infill development in downtown Sacramento as described in the notice of preparation released by the City of Sacramento on April 12, 2013.

(f) The project will generate over 4,000 full-time jobs including employees hired both during construction and operation of the entertainment and sports center project. This employment estimate does not include the substantial job generation that will occur with the surrounding development uses, which will generate additional hospitality, office, restaurant, and retail jobs in Sacramento's downtown area.

(g) The project also presents an unprecedented opportunity to implement innovative measures that will significantly reduce traffic and air quality impacts and mitigate the greenhouse gas emissions resulting from the project. The project site is located in downtown Sacramento near heavy and light rail transit facilities, situated to maximize opportunities to encourage nonautomobile modes of travel to the entertainment and sports center project, and is consistent with the policies and regional vision included in the Sustainable Communities Strategy adopted pursuant to Chapter 728 of the Statutes of 2008 by the Sacramento Area Council of Governments in April of 2012. The project is also located within close proximity to three major infill development areas including projects (The Bridge District, Railyards, and Township Nine) that received infill infrastructure grants from the state pursuant to Proposition 1C.

(h) It is in the interest of the state to expedite judicial review of the entertainment and sports center project, as appropriate, while protecting the environment and the right of the public to review, comment on, and, if necessary, seek judicial review of, the adequacy of the environmental impact report for the project.

SEC. 3. Section 65088.1 of the Government Code is amended to read:

65088.1. As used in this chapter the following terms have the following meanings:

(a) Unless the context requires otherwise, "agency" means the agency responsible for the preparation and adoption of the congestion management program.

(b) "Bus rapid transit corridor" means a bus service that includes at least four of the following attributes:

- (1) Coordination with land use planning.
- (2) Exclusive right-of-way.
- (3) Improved passenger boarding facilities.
- (4) Limited stops.
- (5) Passenger boarding at the same height as the bus.
- (6) Prepaid fares.
- (7) Real-time passenger information.
- (8) Traffic priority at intersections.
- (9) Signal priority.
- (10) Unique vehicles.

(c) "Commission" means the California Transportation Commission.

(d) "Department" means the Department of Transportation.

(e) "Infill opportunity zone" means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

(f) "Interregional travel" means any trips that originate outside the boundary of the agency. A "trip" means a one-direction vehicle movement. The origin of any trip is the starting point of that trip. A roundtrip consists of two individual trips.

(g) "Level of service standard" is a threshold that defines a deficiency on the congestion management program highway and roadway system which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.

(h) "Local jurisdiction" means a city, a county, or a city and county.

(i) "Multimodal" means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, nonmotorized, and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies may vary by county and region in accordance with the size and complexity of different urbanized areas.

(j) (1) "Parking cash-out program" means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. "Parking subsidy" means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space.

(2) A parking cash-out program may include a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

(k) "Performance measure" is an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all modes and strategies. Use of a performance measure as part of the program does not trigger the requirement for the preparation of deficiency plans.

(l) "Urbanized area" has the same meaning as is defined in the 1990 federal census for urbanized areas of more than 50,000 population.

(m) Unless the context requires otherwise, "regional agency" means the agency responsible for preparation of the regional transportation improvement program.

SEC. 4. Section 65088.4 of the Government Code is amended to read:

65088.4. (a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.

(b) Notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone.

(c) The city or county may designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan and any applicable specific plan, and is a transit priority area within a sustainable communities strategy or alternative planning strategy adopted by the applicable metropolitan planning organization.

SEC. 5. Chapter 2.7 (commencing with Section 21099) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects

21099. (a) For purposes of this section, the following terms mean the following:

(1) "Employment center project" means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.

(2) "Floor area ratio" means the ratio of gross building area of the development, excluding structured parking areas, proposed for the project divided by the net lot area.

(3) "Gross building area" means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

(4) "Infill site" means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

(5) "Lot" means all parcels utilized by the project.

(6) "Net lot area" means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.

(7) "Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

(b) (1) The Office of Planning and Research shall prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the guidelines adopted pursuant to Section 21083 establishing criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, the office shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section.

(2) Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.

(3) This subdivision does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation. Notwithstanding the foregoing, the adequacy of parking for a project shall not support a finding of significance pursuant to this section.

(4) This subdivision does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority.

(5) On or before July 1, 2014, the Office of Planning and Research shall circulate a draft revision prepared pursuant to paragraph (1).

(c) (1) The Office of Planning and Research may adopt guidelines pursuant to Section 21083 establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office.

(2) This subdivision shall not affect the standard of review that would apply to the new guidelines adopted pursuant to this section.

(d) (1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.

(2) (A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.

(B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.

(e) This section does not affect the authority of a public agency to establish or adopt thresholds of significance that are more protective of the environment.

SEC. 6. Section 21155.4 is added to the Public Resources Code, to read:

21155.4. (a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, including any subdivision, or any zoning, change that meets all of the following criteria is exempt from the requirements of this division:

(1) The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099.

(2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.

(3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.

(b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

SEC. 7. Section 21168.6.6 is added to the Public Resources Code, to read:

21168.6.6. (a) For the purposes of this section, the following definitions shall have the following meanings:

(1) "Applicant" means a private entity or its affiliates that proposes the project and its successors, heirs, and assignees.

(2) "City" means the City of Sacramento.

(3) "Downtown arena" means the following components of the entertainment and sports center project from demolition and site preparation through operation:

(A) An arena facility that will become the new home to the City of Sacramento's National Basketball Association (NBA) team that does both of the following:

(i) Receives Leadership in Energy and Environmental Design (LEED) gold certification for new construction within one year of completion of the first NBA season.

(ii) Minimizes operational traffic congestion and air quality impacts through either or both project design and the implementation of feasible mitigation measures that will do all of the following:

(I) Achieve and maintain carbon neutrality or better by reducing to at least zero the net emissions of greenhouse gases, as defined in subdivision (g) of Section 38505 of the Health and Safety Code, from private automobile trips to the downtown arena as compared to the baseline as verified by the Sacramento Metropolitan Air Quality Management District.

(II) Achieve a per attendee reduction in greenhouse gas emissions from automobiles and light trucks compared to per attendee greenhouse gas emissions associated with the existing arena during the 2012-13 NBA season that will exceed the carbon reduction targets for 2020 and 2035 achieved in the sustainable communities strategy prepared by the Sacramento Area Council of Governments for the Sacramento region pursuant to Chapter 728 of the Statutes of 2008.

(III) Achieve and maintain vehicle-miles-traveled per attendee for NBA events at the downtown arena that is no more than 85 percent of the baseline.

(B) Associated public spaces.

(C) Facilities and infrastructure for ingress, egress, and use of the arena facility.

(4) "Entertainment and sports center project" or "project" means a project that substantially conforms to the project description for the entertainment and sports center project set forth in the notice of preparation released by the City of Sacramento on April 12, 2013.

(b) (1) The city may prosecute an eminent domain action for 545 and 600 K Street, Sacramento, California, and surrounding publicly accessible areas and rights-of-way within 200 feet of 600 K Street, Sacramento, California, through order of possession pursuant to the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure) prior to completing the environmental review under this division.

(2) Paragraph (1) shall not apply to any other eminent domain actions prosecuted by the City of Sacramento or to eminent domain actions based on a finding of blight.

(c) Notwithstanding any other law, the procedures established pursuant to subdivision (d) shall apply to an action or proceeding brought to attack, review, set aside, void, or annul the certification of the environmental impact report for the project or the granting of any project approvals.

(d) On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for the project or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to subdivision (f).

(e) (1) The draft and final environmental impact report shall include a notice in not less than 12-point type stating the following:

THIS EIR IS SUBJECT TO SECTION 21168.6.6 OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT EIR. ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTION 21168.6.6 OF THE PUBLIC RESOURCES CODE. A COPY OF SECTION 21168.6.6 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE APPENDIX TO THIS EIR.

(2) The draft environmental impact report and final environmental impact report shall contain, as an appendix, the full text of this section.

(3) Within 10 days after the release of the draft environmental impact report, the lead agency shall conduct an informational workshop to inform the public of the key analyses and conclusions of that report.

(4) Within 10 days before the close of the public comment period, the lead agency shall hold a public hearing to receive testimony on the draft environmental impact report. A transcript of the hearing shall be included as an appendix to the final environmental impact report.

(5) (A) Within five days following the close of the public comment period, a commenter on the draft environmental impact report may submit to the lead agency a written request for nonbinding mediation. The lead agency and applicant shall participate in nonbinding mediation with all commenters who submitted timely comments on the draft environmental impact report and who requested the mediation. Mediation conducted pursuant to this paragraph shall end no later than 35 days after the close of the public comment period.

(B) A request for mediation shall identify all areas of dispute raised in the comment submitted by the commenter that are to be mediated.

(C) The lead agency shall select one or more mediators who shall be retired judges or recognized experts with at least five years experience in land use and environmental law or science, or mediation. The applicant shall bear the costs of mediation.

(D) A mediation session shall be conducted on each area of dispute with the parties requesting mediation on that area of dispute.

(E) The lead agency shall adopt, as a condition of approval, any measures agreed upon by the lead agency, the applicant, and any commenter who requested mediation. A commenter who agrees to a measure pursuant to this subparagraph shall not raise the issue addressed by that measure as a basis for an action or proceeding challenging the lead agency's decision to certify the environmental impact report or to grant one or more initial project approvals.

(6) The lead agency need not consider written comments submitted after the close of the public comment period, unless those comments address any of the following:

(A) New issues raised in the response to comments by the lead agency.

(B) New information released by the public agency subsequent to the release of the draft environmental impact report, such as new information set forth or embodied in a staff report, proposed permit, proposed resolution, ordinance, or similar documents.

(C) Changes made to the project after the close of the public comment period.

(D) Proposed conditions for approval, mitigation measures, or proposed findings required by Section 21081 or a proposed reporting and monitoring program required by paragraph (1) of subdivision (a) of Section 21081.6, where the lead agency releases those documents subsequent to the release of the draft environmental impact report.

(E) New information that was not reasonably known and could not have been reasonably known during the public comment period.

(7) The lead agency shall file the notice required by subdivision (a) of Section 21152 within five days after the last initial project approval.

(f) (1) The lead agency shall prepare and certify the record of the proceedings in accordance with this subdivision and in accordance with Rule 3.1365 of the California Rules of Court. The applicant shall pay the lead agency for all costs of preparing and certifying the record of proceedings.

(2) No later than three business days following the date of the release of the draft environmental impact report, the lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to or relied on by the lead agency in the preparation of the draft environmental impact report. A document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five business days after the document is prepared or received by the lead agency.

(3) Notwithstanding paragraph (2), documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.

(4) The lead agency shall encourage written comments on the project to be submitted in a readily accessible electronic format, and shall make any such comment available to the public in a readily accessible electronic format within five days of its receipt.

(5) Within seven business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

(6) The lead agency shall indicate in the record of the proceedings comments received that were not considered by the lead agency pursuant to paragraph (6) of subdivision (e) and need not include the content of the comments as a part of the record.

(7) Within five days after the filing of the notice required by subdivision (a) of Section 21152, the lead agency shall certify the record of the proceedings for the approval or determination and shall provide an electronic copy of the record to a party that has submitted a written request for a copy. The lead agency may charge and collect a reasonable fee from a party requesting a copy of the record for the electronic copy, which shall not exceed the reasonable cost of reproducing that copy.

(8) Within 10 days after being served with a complaint or a petition for a writ of mandate, the lead agency shall lodge a copy of the certified record of proceedings with the superior court.

(9) Any dispute over the content of the record of the proceedings shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.

(10) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

(g) (1) As a condition of approval of the project subject to this section, the lead agency shall require the applicant, with respect to any measures specific to the operation of the downtown arena, to implement those measures that will meet the requirements of this division by the end of the first NBA regular season or June of the first NBA regular season, whichever is later, during which an NBA team has played at the downtown arena.

(2) To maximize public health, environmental, and employment benefits, the lead agency shall place the highest priority on feasible measures that will reduce greenhouse gas emissions on the downtown arena site and in the neighboring communities of the downtown arena. Mitigation measures that shall be considered and implemented, if feasible and necessary, to achieve the standards set forth in subclauses (I) to (III), inclusive, of clause (ii) of subparagraph (A) of paragraph (3) of subdivision (a), including, but not limited to:

(A) Temporarily expanding the capacity of a public transit line, as needed, to serve downtown arena events.

(B) Providing private charter buses or other similar services, as needed, to serve downtown arena events.

(C) Paying its fair share of the cost of measures that expand the capacity of a public fixed or light rail station that is used by spectators attending downtown arena events.

(3) Offset credits shall be employed by the applicant only after feasible local emission reduction measures have been implemented. The applicant shall, to the extent feasible, place the highest priority on the purchase of offset credits that produce emission reductions within the city or the boundaries of the Sacramento Metropolitan Air Quality Management District.

(h) (1) (A) In granting relief in an action or proceeding brought pursuant to this section, the court shall not stay or enjoin the construction or operation of the downtown arena unless the court finds either of the following:

(i) The continued construction or operation of the downtown arena presents an imminent threat to the public health and safety.

(ii) The downtown arena site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the downtown arena unless the court stays or enjoins the construction or operation of the downtown arena.

(B) If the court finds that clause (i) or (ii) is satisfied, the court shall only enjoin those specific activities associated with the downtown arena that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values.

(2) An action or proceeding to attack, set aside, void, or annul a determination, finding, or decision of the lead agency granting a subsequent project approval shall be subject to the requirements of Chapter 6 (commencing with Section 21165).

(3) Where an action or proceeding brought pursuant to this section challenges aspects of the project other than the downtown arena and those portions or specific project activities are severable from the downtown arena, the court may enter an order as to aspects of the project other than the downtown arena that includes one or more of the remedies set forth in Section 21168.9.

(i) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(j) (1) This section does not apply to the project and shall become inoperative on the date of the release of the draft environmental impact report and is repealed on January 1 of the following year, if the applicant fails to notify the lead agency prior to the release of the draft environmental impact report for public comment that the applicant is electing to proceed pursuant to this section.

(2) The lead agency shall notify the Secretary of State if the applicant fails to notify the lead agency of its election to proceed pursuant to this section.

SEC. 8. Section 21181 of the Public Resources Code is amended to read:

21181. This chapter does not apply to a project if the Governor does not certify a project as an environmental leadership development project eligible for streamlining provided pursuant to this chapter prior to January 1, 2016.

SEC. 9. Section 21183 of the Public Resources Code is amended to read:

21183. The Governor may certify a leadership project for streamlining pursuant to this chapter if all the following conditions are met:

(a) The project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction.

(b) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians, and helps reduce unemployment. For purposes of this subdivision, "jobs that pay prevailing wages" means that all construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. If the project is certified for streamlining, the project applicant shall include this requirement in all contracts for the performance of the work.

(c) The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(d) The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

(e) The project applicant agrees to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to subdivision (f) of Section 21185.

(f) The project applicant agrees to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

SEC. 10. Section 21185 of the Public Resources Code is repealed.

SEC. 11. Section 21185 is added to the Public Resources Code, to read:

21185. On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for an environmental leadership development project certified by the Governor pursuant to this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, within 270 days of certification of the record of proceedings pursuant to Section 21186.

SEC. 12. Section 21186 of the Public Resources Code is amended to read:

21186. Notwithstanding any other law, the preparation and certification of the administrative record for a leadership project certified by the Governor shall be performed in the following manner:

(a) The lead agency for the project shall prepare the administrative record pursuant to this division concurrently with the administrative process.

(b) All documents and other materials placed in the administrative record shall be posted on, and be downloadable from, an Internet Web site maintained by the lead agency commencing with the date of the release of the draft environmental impact report.

(c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in the preparation of the draft environmental impact report.

(d) A document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the

public in a readily accessible electronic format within five business days after the document is released or received by the lead agency.

(e) The lead agency shall encourage written comments on the project to be submitted in a readily accessible electronic format, and shall make any comment available to the public in a readily accessible electronic format within five days of its receipt.

(f) Within seven business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

(g) Notwithstanding paragraphs (b) to (f), inclusive, documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright-protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.

(h) The lead agency shall certify the final administrative record within five days of its approval of the project.

(i) Any dispute arising from the administrative record shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.

(j) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

SEC. 13. Section 21187 of the Public Resources Code is amended to read:

21187. Within 10 days of the Governor certifying an environmental leadership development project pursuant to this section, the lead agency shall, at the applicant's expense, issue a public notice in no less than 12-point type stating the following:

"THE APPLICANT HAS ELECTED TO PROCEED UNDER CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE IS INCLUDED BELOW."

The public notice shall be distributed by the lead agency as required for public notices issued pursuant to paragraph (3) of subdivision (b) of Section 21092.

SEC. 14. Section 21189.1 of the Public Resources Code is amended to read:

21189.1. If, prior to January 1, 2016, a lead agency fails to approve a project certified by the Governor pursuant to this chapter, then the certification expires and is no longer valid.

SEC. 15. Section 21189.3 of the Public Resources Code is amended to read:

21189.3. This chapter shall remain in effect until January 1, 2017, and as of that date is repealed unless a later enacted statute extends or repeals that date.

SEC. 16. With respect to certain provisions of this measure, the Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need for the development of an entertainment and sports center project in the City of Sacramento in an expeditious manner.

SEC. 17. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or

assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Draft

Transportation Analysis Policy

January 2021

Purpose/Intent

The California Environmental Quality Act (CEQA) requires all California Cities to evaluate and disclose potential transportation environmental impacts of any proposed “Project”. This policy establishes Vehicle Miles Traveled (VMT) as the methodology for analyzing transportation environmental impacts and establishes baseline, threshold and exemption criteria for environmental review to comply with State law. This policy also establishes the requirement of a transportation operation analysis to address transportation deficiencies and to conform with the Santa Clara County Congestion Management Program (CMP).

Policy Statement

This policy requires all projects to evaluate and disclose transportation environmental impacts by measuring Vehicle Miles Traveled (VMT) per CEQA and establishes intersection Level of Service (LOS) as an operational measure of intersection efficiency, which is not defined as a transportation environmental impact per CEQA.

Consistency with Milpitas City Policy

The Milpitas General Plan recognizes how land development and transportation goals affect VMT and embraces the ideals that result in reduced VMT. The General Plan focuses new development in key areas, bringing together office, residential and service land uses to reduce VMT and encourage the use of non-automobile transportation modes. The Circulation Element, Land Use Element, and Conservation and Sustainability Element all provide goals, policies, and actions that support VMT reduction including Policy CIR 1-8, Action CIR-1c, Goal CIR-2, Goal CIR-5, Goal CIR-6, Policy CIR 6-2, Policy CIR 6-3, Policy LU 1-1, Policy CON 7-1, Policy CON 7-10, and many others. However, the following General Plan goals and policies most directly support this new policy:

Goal CIR-1: Provide a transportation system that efficiently, equitably and effectively supports the City’s land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation

Policy LU 3-1: Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.

Policy LU 4-2: Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

Evaluating Vehicle Miles Traveled (VMT)

The policy formally establishes the Countywide Average VMT¹ as the environmental baseline for land development projects. To evaluate whether a project will have a significant impact under CEQA, the City will compare the project's VMT with this baseline. For residential and office and industrial projects, a Project will have a less than significant impact if the Project results in a 15%VMT reduction compared to the baseline. For industrial projects, the 15% threshold applies to the employee commute trip only.

Evaluating Level of Service (LOS)

The City will continue to measure intersection and roadway operations to comply with the standards set by the City's General Plan and the Congestion Management Program to ensure intersection and roadway efficiency.

Applicability

All proposed projects are required to undergo environmental review as part of the City's approval process. This includes an analysis of CEQA impacts (VMT) and non CEQA operational analysis (LOS).

In addition to establishing the baseline and significant impact threshold, this policy establishes certain projects that are presumed to have a less than significant impact per the State's guidance and will not require a VMT analysis. The following is the list of projects that do not require VMT analysis.

Project Screening Criteria

The following screening criteria is recommended in alignment with Office of Planning and Research, Technical Advisory². Projects shall be presumed to have a less-than-significant transportation impact if they meet any of the following screening criteria:

- **Small Projects:** All projects that generate 110 daily trips or less.
- **Retail Projects:** 100,000 square feet or less (local serving³)
- **Local Serving City facilities:** fire stations, neighborhood parks, branch libraries, community centers
- **Restricted Affordable Housing Projects** that meet the following:
 - For 100% Affordable developments:
 - Rental developments with all units at or below 80% Area Median Income.
 - Ownership with all units at or below 100% Area Median Income.

¹ Countywide Average VMT for residential land uses and employment land uses in Santa Clara County obtained from the VTA Countywide Model December 2019.

² Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, (December 2018)

³ Land uses within a community that have neighborhood context, accessible by walking, bicyclist, transit or vehicle.

- For mixed-income rental developments: A 10% minimum of the total residential units must be affordable to households with income at or below 80% Area Median Income. An additional 10% minimum of the total residential units must be affordable to households with income at or below 50% Area Median Income.
- For mixed-income ownership developments: A 10% minimum of the total residential units must be affordable to households with income at or below 100% Area Median Income. An additional 10% minimum of the total residential units must be affordable to households with income at or below 80% Area Median Income.
- For all residential development:
 - If the requirements for the City's Affordable Housing Ordinance (Title XII, Chapter 1 of the City's Municipal Code) or from State Density Bonus law differ from this policy, the project sponsor shall provide the larger number of affordable units and the lowest level of affordability that is required by any of these policies;
 - To qualify for this exemption, a project and all of its income-restricted units shall be subject to all requirements and provisions in the City's Affordable Housing Ordinance.⁴
- **Transit Screening**: All land-use projects located within one half mile of a major transit stop⁵, or a stop along a high-quality transit corridor⁶, pursuant to State definitions for such facilities; provided the projects include all the following characteristics: minimum Floor Area Ratio (FAR) of 0.75; or minimum residential density of 35 dwelling units/acre except in the Milpitas Metro Specific Plan area which requires a minimum residential density of 50 dwelling units/acre, and the Sierra Center which requires a minimum residential density of 40 dwelling units per acre⁷.
 - Consistent with the applicable Sustainable Communities Strategy (SCS);
 - Does not provide more parking than required by the jurisdiction; or
 - Does not replace affordable housing with a fewer number of moderate or high-income residential units.
- **Transportation Projects** that reduce or do not increase VMT including, but not limited to:
 - Roadway maintenance, rehabilitation, repair and safety improvements designed to improve the conditions of existing transportation facilities that do not add additional motor vehicle capacity;
 - Roadway safety devices or hardware installation such as median barriers or guardrails;
 - Roadway shoulder enhancements to provide "breakdown space", to improve safety but will not be used as automobile vehicle travel lanes;
 - Addition of auxiliary lane less than one mile designed to improve safety;

⁴ The City's Affordable Housing Ordinance offers additional incentives to projects that set aside 20% or more of units as affordable housing.

⁵ "Major transit stop" means a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; or (c) a major transit stop that is included in Plan Bay area 2040. Pub. Res Code 21064.3, 21155(b).

⁶ "High-Quality Transit Corridor" means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Pub. Res. Code 21155(b)

⁷ See Attachment A Milpitas Heat Maps for Sierra Center boundary.

- Installation or reconfigured traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left-turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit.
- Conversion of existing lanes to managed or transit lanes;
- Reduction in number of through lanes.
- Multimodal improvements that promote walking, bicycling and transit;
- Technology projects that optimize intersection operations, and traffic metering systems, detection, cameras and other electronics designed to optimize traffic flow;
- Installation of traffic control devices and roundabouts;
- Relocation or removal of parking; and
- Installation of publicly available alternative fuel/charging infrastructure.

Projects that do not meet the above requirements are required to evaluate and disclose potential VMT environmental impacts using the established baseline and threshold criteria. The most commonly available methods for evaluating VMT is the Santa Clara County VMT Evaluation Tool and the Travel Demand Model. Typical VMT mitigation can include multimodal transportation improvements designed to improve pedestrian, bicycle, transit facilities, parking strategies, and Transportation Demand Management (TDM) strategies that provide subsidized transit passes, carpool and shuttle programs, telecommuting, etc.

Transportation Projects

Project types that would likely lead to a measurable increase in vehicle travel such as addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes or lanes through grade separated interchanges.

Transportation projects that add vehicle capacity to the roadway network will be required to analyze:

- Direct, indirect and cumulative effects of the transportation project
- Near-term and long-term induced vehicle traffic in total VMT
- Consistency with state and local greenhouse gas reduction goals
- Impacts on the development of multimodal transportation networks
- Impacts on the development of diversity of land uses.

Regional Land Use Projects

For projects such as regional retail, hospitals, stadium, sports complexes, or schools not regulated by a public-school district or that require permits from local jurisdiction, a net increase in total VMT may indicate a significant transportation impact.

Transportation Operational Analysis Requirement

In addition to conforming to the VMT CEQA requirements above, land use and transportation projects may be required to conduct a Transportation Operational Analysis (TOA) to evaluate a

project's adverse effects or identify operational deficiencies caused or exacerbated by a project which may include but not limited to the following:

- Intersection Level of Service Analysis
- CMP Conformance
 - Intersection LOS at CMP intersections
 - Freeway Operations
 - Queuing Analysis at freeway ramps
- Multimodal analysis of pedestrian, bicycle and transit facilities
- Traffic signal warrant studies and other intersection traffic control
- Site Access and Circulation
- Neighborhood cut-through, traffic calming, parking issues
- Other transportation related analysis as deemed necessary by the "City Engineer"

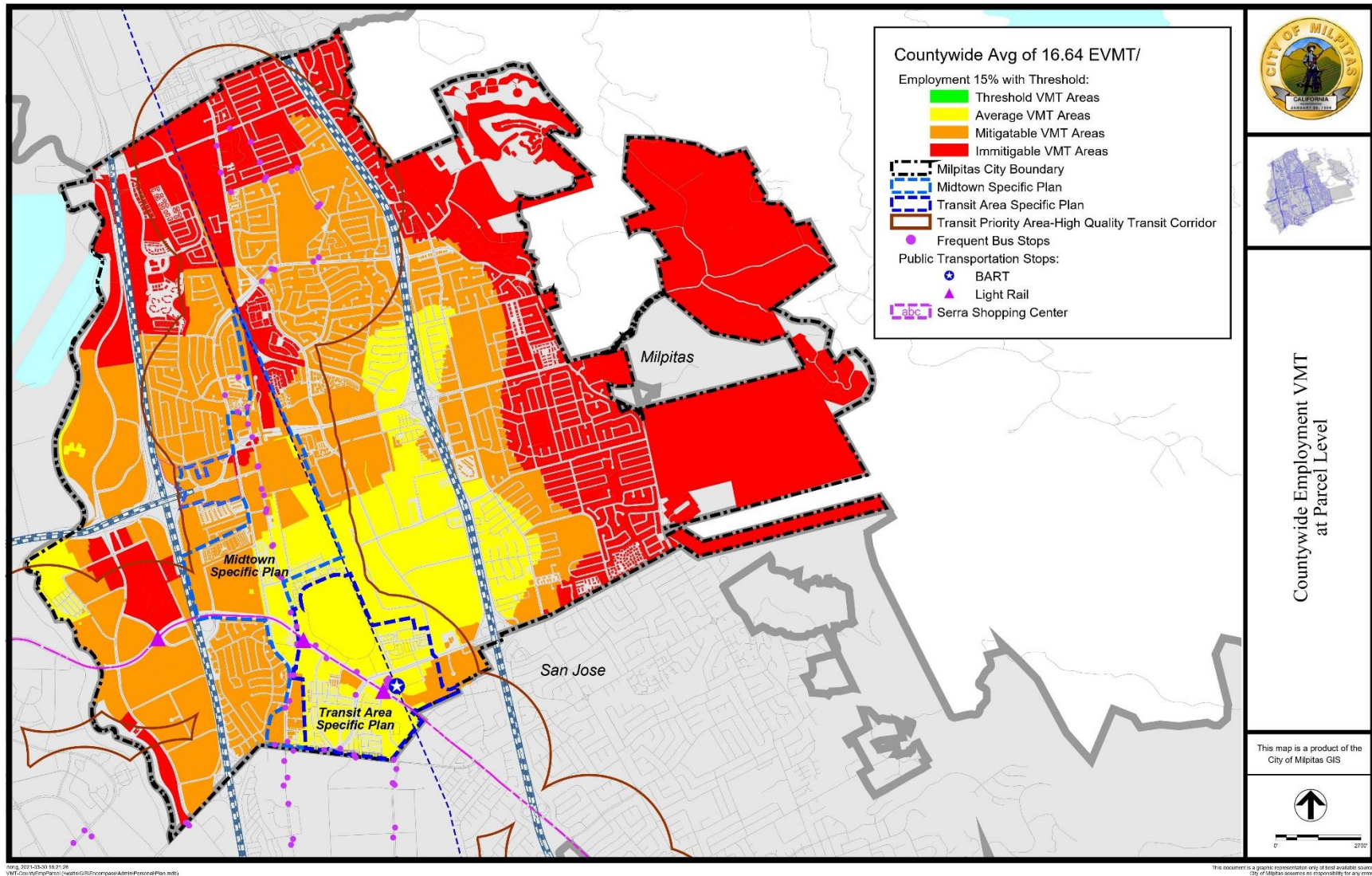
Existing Approvals

Projects that are currently approved will not require any supplemental VMT environmental review unless the "Project" requires supplemental environmental review not covered by an addendum.

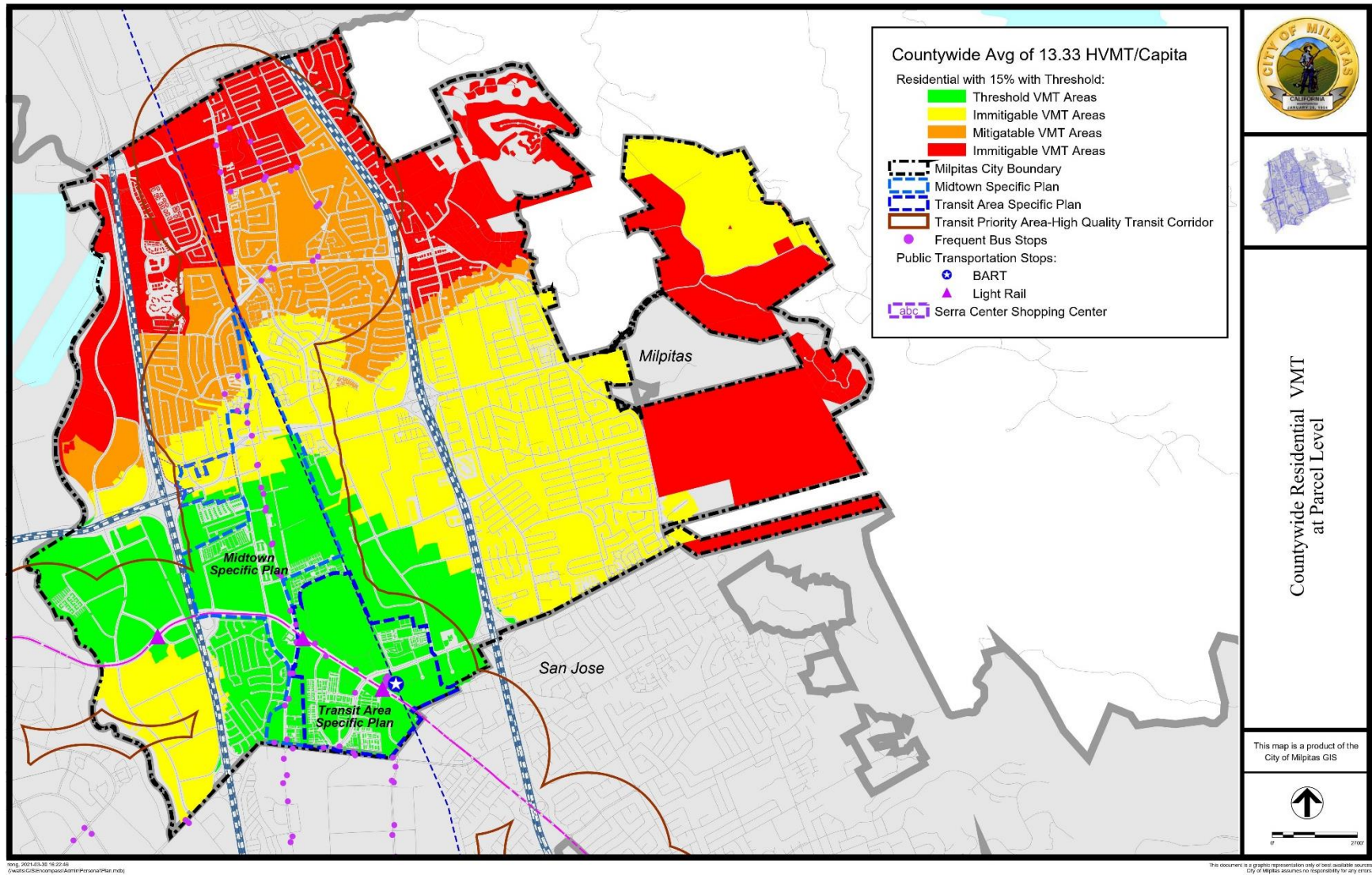
Outcomes

Implementation of this policy will result in reducing VMT growth, promoting the reduction of greenhouse gas emissions, expansion of the multimodal transportation network, increased density and diversity of land uses and ultimately, meeting the State's long-term climate goals. This policy supports and aligns with the General Plan land use and transportation goals, facilitates implementation of the General Plan and supports a more sustainable City as outlined in the Climate Action Plan.

Attachment C: City of Milpitas Countywide Employment Average VMT



Attachment C: City of Milpitas Countywide Residential Average VMT





CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Consider Adopting a Resolution Denying the Appeal and Upholding the Planning Commission's Denial of a Site Development Permit and Conditional Use Permit Amendment to Demolish an Existing Manual Coin-operated Car Wash and Construct a New, Fully Automatic 3,189-square foot Car Wash with an Additional 2,301-square foot Canopy Area on a .46 Acre Site Located at 554 South Main Street
Category:	Public Hearings-Community Development
Meeting Date:	5/4/2021
Staff Contact:	Rozalynne Thompson, Senior Planner, 408-586-3278
<u>Recommendation:</u>	1) Conduct a public hearing, receive public comment, and move to close the hearing. 2) Adopt a Resolution denying the appeal and upholding Planning Commission's denial of a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) and an increased front setback of 37 feet, 7 inches.

Background:

On September 18, 2018, Joel Chapin, on behalf of the property owner Ramesh Sood, submitted an application to demolish the existing, manual coin-operated car wash and replace it with a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area on a .46-acre site located at 554 South Main Street (the "Project"). The application includes the following three entitlement requests for the proposed Project:

1. Site Development Permit SD18-0010: To allow demolition of the existing manually-operated car wash and the development of a fully automatic 3,189 square-foot car wash with canopy; and
2. Conditional Use Permit Amendment UA18-0020: To allow replacement and significant intensification of a use with an existing CUP (Use Permit No.78), which requires an amendment of the existing use permit

On March 10, 2021, the Planning Commission held a public hearing on the proposed Project. Prior to and during the public hearing, staff received 28 letters in support of the Project. No oral comment was received during the public hearing. The Planning Commission voted with 4 Aye's and 2 No's (Commissioners Albana and Belong) and one abstention (Commissioner Tao) to deny the project on several bases. First, the Planning Commission concluded that the Project would be inconsistent with General Plan policy 2-a-I-3, which states that a project should "[e]ncourage economic pursuits which will strengthen and promote development through stability and balance", because the Project does not strengthen or promote a mixed-use character for the neighborhood as more specifically expressed in the Midtown Specific Plan (MSP). Further, the Planning Commission determined that the Project was inconsistent with several of the MSP goals and policies, including Land Use Goal 1 (Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area), Community Design Goal 1 (Create an attractive district that is uniquely "Milpitas"), Community Design Goal 2 (Establish a pedestrian-oriented, mixed-use district that is focused along Main Street), and Land Use Policy 3.15 (Allow existing legally established service businesses to remain within the area as conforming uses).

The owner of the property, Ramesh Sood, filed an appeal of the Planning Commission decision on March 19, 2021.

Analysis:

For the City Council's consideration, the Project's conformance with the General Plan, Midtown Specific Plan, and Zoning Code are analyzed in this Section as well as the applicable findings for the Site Development Permit and Conditional Use Permit Amendment.

General Plan Consistency

The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. The Project is required to maintain consistency with the General Plan by fostering beautification and continuing to provide a commercial service to the community. As proposed, the Project is only partially in conformance with the policies and standards in the City's General Plan policies, as set forth in Table 1:

Table 1: General Plan Consistency

Policy	Consistency Finding
2.a-I-2 <i>Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.</i>	Consistent: The Project's scope consists of replacing an existing, outmoded manual coin-operated car wash with a new, 3,189-square foot automated car wash, which is considered in-fill development. The development is within the urban fabric and will not increase the expansion of any urban services into outlying areas.
2.a-I-3: <i>Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Inconsistent. Although the Project replaces an existing, outmoded manual coin-operated car wash with a new, economically viable, automated facility, it does not strengthen or promote a mixed-use character for the neighborhood as more specifically expressed in the Midtown Specific Plan. The proposed car wash would be a single, automobile-oriented use on this site. The proposed car wash would not be compatible with future mixed-use residential and retail uses on neighboring properties, as envisioned in the Midtown Specific Plan, due to noise and traffic conflicts.
2.a-I-30: <i>Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.</i>	Partially Consistent. While the building design and site improvements for the proposed car wash conform to the design guidelines and requirements as stipulated by the MSP, the Project does not meet the required 8 to 15-foot maximum front building setback from back of sidewalk. The proposed site plan shows a 37-foot setback from back of sidewalk to the front of the building to accommodate the circulation of vehicles exiting the carwash tunnel at the front of the site. The intent of placing buildings

Policy	Consistency Finding
	closer to the sidewalk is to promote pedestrian comfort and activity and encourage a walkable retail-oriented streetscape. Thus, this type of proposed setback would violate the existing MSP.

Midtown Specific Plan (MSP) Consistency

The Project is located in the MSP area. This area is generally bounded by the Union Pacific Railroad lines east and north, Abel Street and Elmwood Rehabilitation Center to the west, and the city limits to the south. The area is surrounded by residential neighborhoods to the north; a mix of high and very high density residential, commercial, and industrial uses to the east; and the Pines residential neighborhood to the south. The existing land use pattern is comprised of a mix of service commercial, public and quasi-public, transportation-related, residential, industrial, and professional office uses.

The MSP is the primary policy document for evaluating the proposed development application and CUP. As adopted in 2002 and updated in 2010, the MSP establishes a vision and outlines the goals and policies regarding existing and future land uses, development standards and regulations, and design guidelines to direct and promote future growth, development, and reinvestment in the City's historic commercial core.

The existing manual coin-operated car wash predates the adoption of the MSP and, as a legally established business, is considered a "legal conforming use" according to Policy 3.10 in the MSP. The MSP anticipates that existing uses will be allowed to remain while the area transforms and transitions to preferred uses that would support the vision for the area. The new automated car wash would completely replace the current facility and redevelop the entire site. This would be a significant expansion of the existing use that is inconsistent with the MSP vision for Main Street, and the MSP as a whole, as further explained below.

The "Vision Statement" on page 1-4 of the MSP states:

The Milpitas Midtown Specific Plan presents a framework for growth, development and reinvestment in the city's industrial and commercial core for the next 20 years. A transition of the area into an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/ bicycle linkages is envisioned. A pedestrian-oriented and easily accessible mixed-use district is planned along Main Street – this area is intended to serve as a gathering place for the community as a whole.

To achieve this vision, the MSP contains implementation strategies, policies, development standards and regulations, and design guidelines to guide all future development in the area. Table 2 outlines the Project's consistency with the applicable goals, policies, and development standards of the MSP.

Table 2: Midtown Specific Plan Policy Consistency

Specific Plan Goals and Policies	Consistency Finding
Land Use Goal 1: <i>Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.</i>	Inconsistent. The proposed automatic car wash use attempts to address compatibility required by this policy by locating vehicular queuing onsite rather than on Main Street, screening vacuums and other equipment from the right-of-way, and introducing landscaping to provide additional screening from the right-of-way, but the more significant issue is that an auto-oriented use at this site is inconsistent with the larger vision for the area as a cohesive pedestrian-oriented, mixed-use neighborhood under the MSP and further, would violate an existing setback requirement in order to establish this compatibility in violation of the MSP. Further, staff does not believe the findings can be met to grant a deviation to the setback requirement as granting such deviation would be inconsistent with the intent of the Specific Plan to create a mixed use pedestrian friendly environment as noted by the Vision Statement and other aspects of the MSP.
Community Design Goal 1: <i>Create an attractive district that is uniquely “Milpitas.”</i>	Inconsistent. In accordance with the specific language of Community Design Goal 1 in the MSP, Main Street is intended to be developed in a unique manner that distinguishes it from other commercial areas in the City. The MSP envisions Main Street as a traditional pedestrian-oriented downtown (See Community Design Goal 2 below), and an auto-oriented use, such as a car wash, does not support that vision. Moreover, auto-oriented uses are found in commercial areas throughout the City and, therefore, will not further the goal to create a unique Main Street character that would distinguish it from other areas in the City.
Community Design Goal 2: Establish a pedestrian-oriented, mixed-use district that is focused along Main Street.	Inconsistent. The Project greatly expands and modifies the existing, automobile-oriented use, a car wash, which is contrary to the vision of the area as a pedestrian-oriented, mixed-use area under the MSP.
Community Design Goal 4: <i>Improve the character of streets within the Midtown Area.</i>	Partially Consistent. While the proposed new car wash would significantly upgrade the existing facilities and improve the character of the site in the short-term, the building setback exception and driveways will not further the long-term vision and character for Main Street as a mixed-use, pedestrian-oriented corridor under the MSP.

Specific Plan Goals and Policies	Consistency Finding
Land Use Policy 3.10: <i>Designate parcels along the Main Street and Abel Street mixed-use and allow a mixture of retail, office, housing, service, and public/quasi-public uses in this area</i>	Inconsistent. The proposed car wash would not be consistent with the mixture of uses envisioned along Main Street in the MSP. Although the site is designated “Mixed Use” in the MSP and the Zoning Code and is an allowed use subject to a Conditional Use Permit, the Project cannot meet the findings for a Conditional Use Permit in Subsection XI-10-57.04(F)(1) of the Zoning Code, as explained in the “Findings” section of this staff report. Further, the applicant requests an exception to the maximum front yard setback requirement in the MSP, and those findings cannot be met as explained in the “Findings” section of this staff report. \
Land Use Policy 3.15: <i>Allow existing legally established service businesses to remain within the area as conforming uses.</i>	Inconsistent. The proposal for a new automatic car wash would greatly expand an existing legally established use and therefore would be inconsistent with this policy. While allowing the development of a new automatic new car wash might provide immediate economic benefits to the area, the longer-term community vision for redevelopment of Main Street as a pedestrian-oriented, mixed-use area would be greatly compromised. In addition, an auto-oriented use, such as a car wash, could deter future mixed-use developments from being developed in the area. The proposed Project is an expansion and intensification of an existing use that requires an approval of an amendment of an existing CUP, which is a discretionary action. Denial of the CUP would not affect the ability of the existing car wash to continue as a legal conforming use consistent with this policy.
Policy 5.3: <i>Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown Area through the application of the Development Standards and Design Guidelines.</i>	Partially consistent. While the proposed new building and site design are consistent with most development standards and guidelines for the Midtown area, it would require an exception for the front yard building setback and staff does not believe those findings can be met as further detailed below. In addition, the nature of the use as an automobile-oriented business would not further the desired visual identity of Midtown as a pedestrian-oriented area.

Zoning Code Consistency

The Zoning designation for the project site is Mixed Use. Table XI-10-6.02-1 of the Zoning Code allows vehicle services uses in the MXD zoning district, subject to approval of Conditional Use Permit (CUP). Further, Subsection XI-10-6.02-1(A)(1) of the Zoning Code includes car washes as “auto service uses”, which are permitted in MXD zoning districts in accordance with Subsection XI-10-6.02-1(A) as long as they are not located within 1,000 feet of another use, subject to a Conditional Use Permit. Any expansion of a conditionally-permitted

use requires an amendment of the existing CUP pursuant to Subsection XI-10-57.04 “Conditional Use Permits and Minor Conditional Use Permits.”

Given that the Planning Commission granted Use Permit No. 78 in 1964 to operate a manual coin-operated car wash and it has operated continuously at the site, Use Permit No. 78 is still active at the site. The nearest auto services use, Joe’s Tune Up and Auto Services Center, is 0.2 miles or 1,056 feet from the project site. The existing car wash is a conforming use with respect to its location. Because the proposed Project entails replacement and significant intensification of a use with an existing CUP, an amendment of Use Permit No. 78 as well as a Site Development Permit (SDP) are required. Action on the proposed CUP or SDP does not affect the ability of the existing car wash to continue operating as a legal conforming use.

As noted below, the proposed project would be inconsistent with the front setback requirements. Beyond the front setback issue, the Project is consistent with the other applicable development standards in the City of Milpitas Zoning Code, as demonstrated in Table 3:

Table 3:
Summary of MXD Development Standards in the Midtown Specific Plan and the Zoning Code

Standards	MXD Requirements	Proposed	Complies
Front Setback (min)	8 to 15 ft. max.	37 ft., 7 inches	No
Side Yard Setback (min)	10 ft.	10 ft.	Yes
Rear (min)	10 ft.	68 ft.	Yes
Building Height_(Maximum)	Principal building: 3 stories/45 ft.	1 story / 22 ft.	Yes
Parking	1 per 200 sq. ft of building area and reservoir space outside building area equal to two (2) times the maximum capacity of the facility	1,342 sq. ft building area/200 sq. ft = 7 spaces/Number of spaces provided = 10 Maximum capacity of building = 2 cars/Reservoir spaces provided = 13 spaces	Yes

Noise

Implementing Policy 6-I-2 of the Noise Element of the Milpitas General Plan requires an acoustical analysis for projects with “conditionally acceptable” or “normally unacceptable” exterior noise exposure areas. The proposed Project will demolish the existing coin-operated car wash and replace it with a fully automated car wash that is 1,034 square feet greater in size. The site of the proposed Project is located within a 65 decibel (dB) contour, and a noise study was required to assess potential impacts from the car wash expansion.

The Noise Element of the General Plan identifies the City’s noise standards while Chapter 213 “Noise Abatement” of the Milpitas Municipal Code (MMC) implements and enforces those standards. The car wash currently operates 24-hours a day, seven days a week. Therefore, the car wash is subject to the noise maximum of 65 decibels during those hours. MD Acoustics, LLC prepared a “Noise Impact Study” dated July 10, 2019. The noise study concluded that noise from the expanded and relocated car wash would result in “project only” operational noise levels between 42 to 59 dB at the property line of the site. The noise study identified the car wash dryers and vacuum equipment as the main sources of noise. “Project plus ambient” noise levels are projected to range between 67.1 to 67.7 dB at property line of the site.

Implementation Policy 6-I-7 requires that projects avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive. The closest residential receptor is an apartment complex located .1 mile or 528 feet northwest of the project site. The ambient noise level is 55 dB at the property line. The study concluded that the total combined noise levels of the existing ambient noise level and the anticipated project noise level is 56 dB, which is less than maximum exposure increase of 58 dB. Further, the Project proposes six-foot CMU wall at the property lines, which would provide additional sound attenuation.

Traffic

A traffic analysis was prepared by BKF Engineers on May 3, 2019 to assess vehicle trip generation and external and internal traffic circulation. The proposed car wash would be accessed from South Main Street, which is considered a north-south local collector street. The analysis concluded that the Project is anticipated to generate 29 new A.M. peak hour trips and 20 P.M. peak hour trips based on the trip generation rates listed in the ITE Trip Generation Manual, 9th Edition, for Self-Service Car Wash (Land Use 947) and Automated Car Wash (Land Use 948).

With respect to vehicle queuing, the facility is designed to accommodate a single queuing lane to enter the car wash building. The queuing lane has a total stacking capacity of 10 vehicles before the pay stations and approximately 2 more vehicles between the pay stations and entry to the car wash facility. Based on the proposed size of the Project, the operational characteristics, and observations from other similar car washes, the queueing area which accommodates approximately 14 vehicles is adequate.

Findings for Site Development Permit and Conditional Use Permit Amendment

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

Conditional Use Permit (Section XI-10-57.04(F)(1))

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

Staff cannot recommend this finding. The aim of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages. The proposed expanded auto-oriented automatic car wash would deter future mixed-use residential and retail development in the area and is not compatible with an active pedestrian-oriented neighborhood along Main Street as envisioned by the Midtown Specific Plan. Also, the Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Therefore, the proposed car wash would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the area.

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

Staff cannot recommend this finding. The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. Although the Project fosters beautification of the area and continues to provide a commercial service to the community, it does not conform to all the adopted design guidelines and requirements contained in the General Plan and MSP as shown in Tables 2 and 3 above.

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

As indicated in Table 3 above, the proposed car wash meets most of the development standards in the Mixed-Use Zoning District and the Midtown Specific Plan for height requirements and landscaping. However, it does not meet the requirements for front setback. As discussed in this staff report, approval of the front setback exception would be inconsistent with the goals, policies and design objectives in the MSP. Specifically, the proposed car wash is not consistent with the concept of a mixed-use neighborhood and would deter future residential and retail uses from locating in the area based on potential compatibility concerns.

4. *The proposed use is consistent with the Midtown Specific Plan.*

Staff cannot recommend this finding. The Project is not consistent with the Midtown Specific Plan as noted in Table 2 above. Given that the intent of the requirements of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages, an automobile-oriented use, such as a car wash, is inherently contrary to the intent of the Plan. The Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Moreover, the Project proposes a setback of 37 feet, 7 inches, which does not promote comfort or active retail along the street. Therefore, the proposed Project does not conform with the intent of the requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines.

Exceptions to the standards may be approved upon review of a use permit, in accordance with the requirements of the Zoning Code. However, as noted below, staff does not believe the findings for an exception can be met.

a) *The deviation from the Midtown Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping, and site planning integrity of the proposed development.*

As stated above, car washes generally are automobile-oriented uses that typically feature large queuing and parking areas. With a setback of 37 feet, 7 inches and two driveways, the Project does not recognize the pedestrian-oriented vision for the area and the importance of designing the car wash in a manner that accommodates both pedestrians and automobile traffic. Further, the Project proposes to locate a 127-foot queuing aisle on the Project site rather than on Main Street and retains two driveways, which would increase vehicular traffic on site and increase the risk of pedestrian-vehicular conflict. Additionally, the Project proposes a setback of 37 feet, 7 inches and is visible from the right-of-way, which does not contribute to a pedestrian-oriented environment. Therefore, the Project does not meet the design intent identified within the Specific Plan.

b) *The deviation from the Midtown Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Design Standard.*

Although granting a deviation from the maximum front setback would allow better on-site circulation and reduce queuing along Main Street, it would accommodate increased vehicular traffic on the site. Coupled with two driveways and the increased volume of vehicular traffic crossing the sidewalk to access the site, the Project has the potential to increase the likelihood of pedestrian-vehicular conflicts. In addition, the intent of the maximum setback of 15 feet required by the MSP is to enhance pedestrian safety and encourage retail activity. Allowing the setback of 37 feet, 7 inches does not achieve that goal because it makes the frontage less desirable to pedestrians. Further, staff is not aware of any public benefit that will be provided by the Project.

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

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

While the proposed architecture, site design, and landscaping is consistent with existing developments, it is not consistent with the community design goals for Main Street. Although the proposed Project would immediately upgrade the visual appearance of the property, it would add permanency to a use that is inconsistent with the long-term vision and goals and policies of the MSP. Moreover, it would inhibit development on adjacent parcels as the car wash operations would impact the feasibility or desirability of establishing uses on neighboring parcels that would be more in conformance with the vision, goals, and policies in the MSP.

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

Staff cannot recommend this finding. As discussed above, the Project is incompatible and inconsistent with the surrounding uses and does not meet the setback requirement of the MXD Zoning District.

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

Staff cannot recommend this finding. As discussed above, the Project is not compatible or consistent with the surrounding uses and does not conform with the intent of the General Plan Designation.

4. *The proposed use is consistent with the Midtown Specific Plan.*

As discussed above, staff cannot recommend this finding because the Project does not conform to the specific requirements of the MSP, including the Development Standards and Design Guidelines. Additionally, the findings for an exception to the setback standard cannot be made. The proposed car wash is an auto-oriented use that does not support the pedestrian-oriented vision for the area or community design policies in the MSP and does not enhance pedestrian safety or promote a retail setting.

Policy Alternatives:

Alternative 1: Approve the appeal and overturn the Planning Commission's decision to deny the applications for a Site Development Permit and Conditional Use Permit Amendment for the Project.

Pros: Approval of the project would prompt immediate redevelopment of the site. The proposed Project would replace an existing, outmoded manual coin-operated car wash with a new, automated facility.

Cons: A different mixed-use project consistent with the vision of the MSP could not be proposed at this site in accordance with the General Plan land use designation of Mixed Use and the corresponding Mixed Use Zoning District.

Reason not recommended:

As an intensely auto-oriented use, the Project is inconsistent with the vision, goals, and policies of the City of Milpitas General Plan and MSP. Furthermore, although the Project would allow the continuing operation of an existing use, it does not promote the development of a mixed-use, pedestrian-oriented neighborhood along Main Street as expressed in the MSP. Moreover, the Project is inconsistent with the MSP because the use does not further distinguish Main Street from other areas in the City, and would deter future developments, such as mixed-use developments, from locating next to the site due to the negative impacts associated with a car wash use.

The proposed Project would also require approval of a significant deviation from the maximum front setback in the MSP and Milpitas Zoning Code (front setback of 37 feet, 7 inches is proposed where a maximum setback of 15 feet is allowed). While a front setback exception may be granted through a Conditional Use Permit, staff is unable to make the findings for this deviation because the Project does not further the pedestrian-oriented vision for the area. Granting the exception would increase the likelihood of pedestrian-vehicular conflicts along the street frontage. In addition, the purpose of the maximum 15-foot front setback is to enhance pedestrian comfort and safety, encourage retail activity and create a consistent street frontage. Allowing the proposed setback would contradict this purpose by making the frontage less amenable to pedestrian activity. Because the Project is inconsistent with the General Plan, Midtown Specific Plan, and the Zoning Code and the required findings for approval cannot be made, staff recommends denial of the CUP and SDP.

Fiscal Impact:

If approved, the applicant will pay all development fees to the City.

California Environmental Quality Act:

The Project is exempt from further environmental review under CEQA pursuant to State CEQA Guidelines Section 15303(c) (New Construction or Conversion of Small Structures). Section 15303(c) consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption applies to up to four stores, motels, offices, restaurants, or similar structures located in an urbanized area as defined by CEQA Guidelines Section 15387 and not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of hazardous substances where all public services and facilities are available and the surrounding area is not environmentally sensitive.

With a population of 80,430 and a population density of 5,922 persons per square mile, the City of Milpitas is an “urbanized area” under Section 15387, which is a “central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. Moreover, the proposed car wash is 3,189 square feet and is located in the Mixed-Use Zoning District, which allows car washes subject to a Conditional Use Permit. According to the project application, only soaps, detergents, and water-based cleansers will be used at the site; no hazardous substances will be used for car wash operations. All public services are available and the area surrounding the site is not environmentally sensitive. None of the exceptions under CEQA Guidelines Section 15300.2 apply to the Project. Therefore, the exemption under CEQA Guidelines Section 15303(c) applies.

Alternatively, pursuant to Section 21080(b)(5) of the Public Resources Code, CEQA is inapplicable if the Project is denied.

Recommendation:

- 1) Conduct a public hearing, receive public comment, and move to close the hearing.
- 2) Adopt a Resolution denying the appeal and upholding Planning Commission’s denial of a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) and an increased front setback of 37 feet, 7 inches.

Attachments:

Attachment A: City Council Resolution to Deny Appeal and Uphold Planning Commission’s Decision to Deny A Site Development Permit and Conditional Use Permit Amendment to Demolish an Existing Manual Coin-operated Car Wash and Construct a New, Fully Automatic 3,189-square foot Car Wash with an additional 2,301-square foot canopy area (for vacuums) and an increased front setback of 37 feet, 7 inches

Attachment B: Notice of Appeal

Attachment C: Planning Commission Staff report (dated March 10, 2021)

Attachment D: Planning Commission Meeting Minutes for March 10, 2021

Attachment E: Conditional Use Permit No.78

Attachment F: Project Plans

Attachment G: Noise Impact Study prepared by MD Acoustics LLC, dated July 10, 2019

Attachment H: Traffic Study Memo by Hexagon Transportation Consultants dated December 6, 2019

Attachment I: Milpitas Police Department Memo

Attachment J: Public Comments (received prior to and during the Planning Commission Public Hearing on March 10, 2021)

Attachment K: Request to change for Public Hearing Date

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF SITE DEVELOPMENT PERMIT NO. SD18-0010 AND CONDITIONAL USE PERMIT AMENDMENT NO. UA18-0020 TO DEMOLISH AN EXISTING MANUAL CAR WASH AND CONSTRUCT A NEW, 3,189 SQUARE FOOT FULLY AUTOMATIC CAR WASH WITH AN ADDITIONAL 2,301 SQUARE FEET OF CANOPY AREA IN THE MIXED-USE ZONING DISTRICT (MXD) AT 554 SOUTH MAIN STREET (APN 086-25-012) PURSUANT TO THE MIDTOWN SPECIFIC PLAN ON A .46 ACRE SITE AT 554 SOUTH MAIN STREET (APN: 086-25-012)

WHEREAS, on November 25, 1964, the Planning Commission approved Use Permit No. 78 and Site Plan Approval to construct a 2,131-square foot manual carwash at 554 South Main Street, a then-vacant parcel; and

WHEREAS, on March 6, 1980, the Planning Commission approved an "S" Zone application to allow architectural remodeling of the west façade of the existing coin-operated car wash; and

WHEREAS, on September 17, 2018, an application was submitted by Joel Chapin of Norr Associates, Inc., on behalf of Ramesh and Promilia Sood ("Applicant"), to construct and operate a 3,189 square foot car wash with a 2,301 square foot canopy at 554 South Main Street ("Project"). The property is located within the Mixed-Use (MXD) Zoning District and the Midtown Specific Plan Area (APN: 086-25-012). The Project thus consists of and requires:

1. Site Development Permit SD18-0010: To allow demolition of the existing manually-operated car wash and the development of a fully automatic 3,189 square-foot car wash with canopy; and
2. Conditional Use Permit Amendment UA18-0020: To allow replacement and significant intensification of a use with an existing CUP (Use Permit No.78) and to allow an exception to the maximum front setback of 15 feet from back of sidewalk, which requires an amendment of the existing use permit; and

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

WHEREAS, the City of Milpitas is the lead agency and the Milpitas Planning Commission is the decision-making body for the proposed Project; and

WHEREAS, the Planning Department has determined that the Project is exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15303(c) (New Construction or Conversion of Small Structures) and, alternatively, pursuant to Section 21080(b)(5) of the Public Resources Code, CEQA is inapplicable if the Project is denied; and

WHEREAS, on March 10, 2021, the Planning Commission held a duly-noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

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

WHEREAS, the Planning Commission denied the issuance of Site Development Permit No. SD18-0010 and Conditional Use Permit Amendment No. UA18-0020; and

WHEREAS, on March 19, 2021, within the time allowed by the Milpitas Municipal Code, Ramesh Sood, the appellant, appealed the Planning Commission's denial of issuance of Site Development Permit No. SD18-0010 and Conditional Use Permit Amendment No. UP18-0020; and

WHEREAS, on May 4, 2021, the City Council held a duly-noticed public hearing on the subject appeal, at which time all those who wanted to speak on the Project were given the opportunity to submit written comments via electronic mail, and all comments received during the meeting read aloud by the City Clerk and her deputy; and

WHEREAS, on May 4, 2021, the City Council considered all written and oral testimony presented at the public hearing on the appeal, including evidence presented by City staff, the appellant, and the public in making its decision; and

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

SECTION 1. Recitals

The City Council has duly 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 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 Findings

The Project is exempt from further environmental review under CEQA pursuant to State CEQA Guidelines section 15303(c) (New Construction or Conversion of Small Structures). Section 15303(c) of the CEQA Guidelines consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption applies to up to four stores, motels, offices, restaurants, or similar structures located in an urbanized area as defined by CEQA Guidelines Section 15387 and not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of hazardous substances where all public services and facilities are available and the surrounding area is not environmentally sensitive. With a population of 80,430 and a population density of 5,922 persons per square mile, the City of Milpitas is an "urbanized area" under CEQA Guidelines Section 15387, which is a "central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. Moreover, the proposed car wash is 3,189 square feet and is located in the Mixed-Use Zoning District, which allows car washes subject to a Conditional Use Permit. According to the Project application, only soaps, detergents, and water-based cleansers will be used at the site; no hazardous substances will be used for car wash operations. All public services are available and the area surrounding the site is not environmentally sensitive. None of the exceptions under CEQA Guidelines Section 15300.2 apply to the Project. Therefore, the exemption under CEQA Guidelines Section 15303(c) applies.

Alternatively, pursuant to Section 21080(b)(5) of the Public Resources Code, CEQA is inapplicable if the Project is denied.

SECTION 3: Conditional Use Permit (Section XI-10-57.04(F)(1))

1. The proposed use, at the proposed location will be detrimental or injurious to property or improvements in the vicinity and to the public health, safety, and general welfare.

The aim of the Midtown Specific Plan (“MSP”) is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages. The proposed expanded auto-oriented automatic car wash would deter future mixed-use residential and retail development in the area and is not compatible with an active pedestrian-oriented neighborhood along Main Street as envisioned by the MSP. Also, the Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Therefore, the proposed car wash would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the area.

2. The proposed use is not consistent with the Milpitas General Plan.

The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. Although the Project fosters beautification of the area and continues to provide a commercial service to the community, it does not conform to all the adopted design guidelines and requirements contained in the General Plan as outlined in the table below:

Table 1: General Plan Consistency

Policy	Consistency Finding
2.a-I-2 <i>Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.</i>	Consistent: The Project’s scope consists of replacing an existing, outmoded manual coin-operated car wash with a new, 3,189-square foot automated car wash, which is considered in-fill development. The development is within the urban fabric and will not increase the expansion of any urban services into outlying areas.
2.a-I-3: <i>Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Inconsistent. Although the Project replaces an existing, outmoded manual coin-operated car wash with a new, economically viable, automated facility, it does not strengthen or promote a mixed-use character for the neighborhood as more specifically expressed in the Midtown Specific Plan. The proposed car wash would be a single, automobile-oriented use on this site. The proposed car wash would not be compatible with future mixed-use residential and retail uses on neighboring properties, as envisioned in the Midtown Specific Plan, due to noise and traffic conflicts.

Policy	Consistency Finding
2.a-I-30: <i>Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.</i>	Partially Consistent. While the building design and site improvements for the proposed car wash conform to the design guidelines and requirements as stipulated by the MSP, the Project does not meet the required 8 to 15-foot maximum front building setback from back of sidewalk. The proposed site plan shows a 37-foot setback from back of sidewalk to the front of the building to accommodate the circulation of vehicles exiting the carwash tunnel at the front of the site. The intent of placing buildings closer to the sidewalk is to promote pedestrian comfort and activity and encourage a walkable retail-oriented streetscape. Thus, this type of proposed setback would violate the existing MSP.

3. The proposed use is not consistent with the Milpitas Zoning Ordinance.

The proposed car wash meets most of the development standards in the Mixed-Use Zoning District and the MSP for height requirements and landscaping. However, it does not meet the requirements for front setback as shown in the table below. Approval of the front setback exception would be inconsistent with the goals, policies and design objectives in the MSP. Specifically, the proposed car wash is not consistent with the concept of a mixed-use neighborhood and would deter future residential and retail uses from locating in the area based on potential compatibility concerns.

Table 3:
Summary of MXD Development Standards in the Midtown Specific Plan and the Zoning Code

Standards	MXD Requirements	Proposed	Complies
Front Setback (min)	8 to 15 ft. max.	37 ft., 7 inches	No
Side Yard Setback (min)	10 ft.	10 ft.	Yes
Rear (min)	10 ft.	68 ft.	Yes
Building Height (Maximum)	Principal building: 3 stories/45 ft.	1 story / 22 ft.	Yes
Parking	1 per 200 sq. ft of building area and reservoir space outside building area equal to two (2) times the maximum capacity of the facility	1,342 sq. ft building area/200 sq. ft = 7 spaces/Number of spaces provided = 10 Maximum capacity of building = 2	Yes

Standards	MXD Requirements	Proposed	Complies
		cars/Reservoir spaces provided = 13 spaces	

Approval of the front setback exception would be inconsistent with the goals, policies and design objectives in the MSP. Specifically, the proposed car wash is not entirely consistent with the concept of a mixed-use neighborhood and would deter future residential and retail uses from locating in the area.

4. The proposed use is not consistent with the Midtown Specific Plan.

Given that the intent of the requirements of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages, an automobile-oriented use, such as a car wash, is inherently contrary to the intent of the Plan. The Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Moreover, the Project proposes a setback of 37 feet, 7 inches, which does not promote comfort or active retail along the street. Therefore, the proposed Project does not conform with the intent of the requirements of the MSP, including the Development Standards and Design Guidelines as outlined in the table below:

Table 3: Midtown Specific Plan Policy Consistency

Specific Plan Goals and Policies	Consistency Finding
Land Use Goal 1: <i>Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.</i>	Inconsistent. The proposed automatic car wash use attempts to address compatibility required by this policy by locating vehicular queuing onsite rather than on Main Street, screening vacuums and other equipment from the right-of-way, and introducing landscaping to provide additional screening from the right-of-way, but the more significant issue is that an auto-oriented use at this site is inconsistent with the larger vision for the area as a cohesive pedestrian-oriented, mixed-use neighborhood under the MSP and further, would violate an existing setback requirement in order to establish this compatibility in violation of the MSP. Further, staff does not believe the findings can be met to grant a deviation to the setback requirement as granting such deviation would be inconsistent with the intent of the Specific Plan to create a mixed use pedestrian friendly environment as noted by the Vision Statement and other aspects of the MSP.
Community Design Goal 1:	Inconsistent. In accordance with the specific language of Community Design Goal 1 in the

Specific Plan Goals and Policies	Consistency Finding
<i>Create an attractive district that is uniquely “Milpitas.”</i>	MSP, Main Street is intended to be developed in a unique manner that distinguishes it from other commercial areas in the City. The MSP envisions Main Street as a traditional pedestrian-oriented downtown (See Community Design Goal 2 below), and an auto-oriented use, such as a car wash, does not support that vision. Moreover, auto-oriented uses are found in commercial areas throughout the City and, therefore, will not further the goal to create a unique Main Street character that would distinguish it from other areas in the City.
Community Design Goal 2: Establish a pedestrian-oriented, mixed-use district that is focused along Main Street.	Inconsistent. The Project greatly expands and modifies the existing, automobile-oriented use, a car wash, which is contrary to the vision of the area as a pedestrian-oriented, mixed-use area under the MSP.
Community Design Goal 4: <i>Improve the character of streets within the Midtown Area.</i>	Partially Consistent. While the proposed new car wash would significantly upgrade the existing facilities and improve the character of the site in the short-term, the building setback exception and driveways will not further the long-term vision and character for Main Street as a mixed-use, pedestrian-oriented corridor under the MSP.
Land Use Policy 3.10: <i>Designate parcels along the Main Street and Abel Street mixed-use and allow a mixture of retail, office, housing, service, and public/quasi-public uses in this area</i>	Inconsistent. The proposed car wash would not be consistent with the mixture of uses envisioned along Main Street in the MSP. Although the site is designated “Mixed Use” in the MSP and the Zoning Code and is an allowed use subject to a Conditional Use Permit, the Project cannot meet the findings for a Conditional Use Permit in Subsection XI-10-57.04(F)(1) of the Zoning Code, as explained in the “Findings” section of this staff report. Further, the applicant requests an exception to the maximum front yard setback requirement in the MSP, and those findings cannot be met as explained in the “Findings” section of this staff report. \
Land Use Policy 3.15:	Inconsistent. The proposal for a new automatic car wash would greatly expand an existing legally established use and therefore would be

Specific Plan Goals and Policies	Consistency Finding
<i>Allow existing legally established service businesses to remain within the area as conforming uses.</i>	inconsistent with this policy. While allowing the development of a new automatic new car wash might provide immediate economic benefits to the area, the longer-term community vision for redevelopment of Main Street as a pedestrian-oriented, mixed-use area would be greatly compromised. In addition, an auto-oriented use, such as a car wash, would deter future mixed-use developments from being developed in the area. The proposed Project is an expansion and intensification of an existing use that requires an approval of an amendment of an existing CUP, which is a discretionary action. Denial of the CUP would not affect the ability of the existing car wash to continue as a legal conforming use consistent with this policy.
Policy 5.3: <i>Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown Area through the application of the Development Standards and Design Guidelines.</i>	Partially consistent. While the proposed new building and site design are consistent with most development standards and guidelines for the Midtown area, it would require an exception for the front yard building setback and staff does not believe those findings can be met. In addition, the nature of the use as an automobile-oriented business would not further the desired visual identity of Midtown as a pedestrian-oriented area.

Exceptions to the standards may be approved by the City Council upon review of a use permit, in accordance with the requirements of the Zoning Code.

- a. The deviation from the Midtown Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping, and site planning integrity of the proposed development.

As stated above, car washes generally are automobile-oriented uses that typically feature large queuing and parking areas. With a setback of 37 feet, 7 inches and two driveways, the Project does not recognize the pedestrian-oriented vision for the area and the importance of designing the car wash in a manner that accommodates both pedestrians and automobile traffic. Further, the Project proposes to locate a 127-foot queuing aisle on the Project site rather than on Main Street and retains two driveways, which would increase vehicular traffic on site and increase the risk of pedestrian-vehicular conflict. Additionally, the Project proposes a setback of 37 feet, 7 inches and is visible from the right-of-way, which does not contribute to a pedestrian-oriented environment. Therefore, the Project does not meet the design intent identified within the MSP.

- b. The deviation from the Midtown Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Design Standard.

Although granting a deviation from the maximum front setback would allow better on-site circulation and reduce queuing along Main Street, it would accommodate increased vehicular traffic on the site. Coupled with two driveways and the increased volume of vehicular traffic crossing the sidewalk to access the site, the Project has the potential to increase the likelihood of pedestrian-vehicular conflicts. In addition, the intent of the maximum setback of 15 feet required by the MSP is to enhance pedestrian safety and encourage retail activity. Allowing the setback of 37 feet, 7 inches does not achieve that goal because it makes the frontage less desirable to pedestrians. Further, staff is not aware of any public benefit that will be provided by the Project.

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

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

While the proposed architecture, site design, and landscaping is consistent with existing developments, it is not consistent with the community design goals for Main Street. Although the proposed Project would immediately upgrade the visual appearance of the property, it would add permanency to a use that is inconsistent with the long-term vision and goals and policies of the MSP. Moreover, it would inhibit development on adjacent parcels as the car wash operations would impact the feasibility or desirability of establishing uses on neighboring parcels that would be more in conformance with the vision, goals, and policies in the MSP.

As discussed in the staff report the Project is incompatible and inconsistent with the surrounding uses and does not conform with the intent of the MXD Zoning District.

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

Staff cannot recommend this finding. As discussed above, the Project is incompatible and inconsistent with the surrounding uses and does not meet the setback requirement of the MXD Zoning District.

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

As discussed above, the Project is not compatible or consistent with the surrounding uses and does not conform with the intent of the General Plan Designation.

4. The proposed use is consistent with the Midtown Specific Plan.

As discussed above, the Project does not conform to the specific requirements of the MSP, including the Development Standards and Design Guidelines. Additionally, the findings for an exception to the setback standard cannot be made. The proposed car wash is an auto-oriented use that does not support the pedestrian-oriented vision for the area or community design policies in the MSP and does not enhance pedestrian safety or promote a retail setting.

SECTION 5: City Council Decision and Denial

The City Council of the City of Milpitas hereby denies the appeal and upholds the Planning Commission's denial of Site Development Permit No. SD18-0010 and Conditional Use Permit Amendment No. UA18-0020.

This decision of the City Council is based upon the findings contained in this Resolution, the full record before this Council, and the Council's interpretation of the Milpitas Municipal Code.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

City Clerk's Office

MAR 19 2021

RECEIVED

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035



File with: Milpitas City Clerk
Milpitas City Hall, 3rd floor
455 E. Calaveras Blvd.
Milpitas, CA 95035

If questions, call:

PLANNING: 408-586-3279
CITY CLERK: 408-586-3001

APPEAL FORM

1. APPELLANT(S):

Name: Ramesh Sood
Company: Extra Shine Car Wash
Address: 554 South Main Street
City/State/Zip: Milpitas CA 95035

2. DECISION BEING APPEALED:

I (we), the undersigned, do hereby appeal a decision of the Planning Commission's
(or other body's) approval of:
Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010
and Conditional Use Permit Amendment No. P-UA18-0020

PROJECT: Extra Shine Car Wash

LOCATION: 554 South Main Street (APN: 086-25-012)

DATE OF DECISION BEING APPEALED: 03-10-2021

3. STATE THE SPECIFIC RELIEF WHICH THE APPELLANT SEEKS:

Approval to reverse the Planning Commission denial of the site permit
and the conditional use permit for an Automatic Car Wash within the
MXD Zone/Midtown Plan.

4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT:

Car Wash services are allowed use by a conditional use permit in the MXD zone. The proposed Automatic Car Wash replaces a legal conforming car wash and would provide significant pedestrian friendly improvements to the existing site, many of which are consistent with the spirit of the Midtown Plan. The new car wash facility would be a significant improvement to the area and offers services compatible with and supportive of a mixed use development area.

Attach additional pages, if more space is needed.

I, the undersigned, acknowledge the procedures for filing an appeal, including the responsibilities of public notices in accordance with the Milpitas Municipal Codes Title XI 10-64.04, as prescribed for zoning related hearings, and Title I 20-2.02 for Notices provided by mail.

DATE: 3-18-21

SIGNATURE

[Signature]

PRINT NAME:

RAMESH SOOD

☐ PAID Filing Fee \$1858.00

ADDRESS

7183 FAWN HILLS LN

☐ Cash

CITY/ST/ZIP

PLEASANTON CA 94566

☐ Check No.

PHONE #s:

510-828-2266

E-MAIL ADDRESS:

SOODCORP@yahoo.com

FORM & FEE RECEIVED BY:

[Signature]

City Clerk

(City staff name)

DATE RECEIVED:

3/19/2021



MILPITAS PLANNING COMMISSION STAFF REPORT

March 10, 2021

APPLICATION:	P-SD18-0010 and P-UA18-0020 – A request for a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) in the Mixed-Use (MXD) Zoning District and a Conditional Use Permit Amendment to allow an exception to the maximum front setback of 15 feet from back of sidewalk pursuant to the Midtown Specific Plan. The exception would allow a front setback of 37 feet, 7 inches.
RECOMMENDATION:	Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010 and Conditional Use Permit Amendment No. P-UA18-0020.
LOCATION:	
Address/ APN:	554 South Main Street (APN: 086-25-012)
PEOPLE:	
Project Applicant:	Joel Chapin, Noor Associates, Inc.
Property Owner:	Ramesh and Promilia Sood
Project Planner:	Rozalynne Thompson, Senior Planner
LAND USE:	
General Plan Designation:	Mixed Use (MXD)
Zoning District:	Mixed Use (MXD)
Specific Plan:	Midtown Specific Plan
Site Area:	0.46 acres
ENVIRONMENTAL:	Categorically Exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c) (Construction of Small Structures).

EXECUTIVE SUMMARY

The applicant requests a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) and an increased front setback of 37 feet, 7 inches in the Mixed-Use (MXD) Zoning District. The subject site is also located in the Midtown Specific Plan Area.

The project would replace an existing, outmoded manual coin-operated car wash with a new, automated facility. An auto-oriented use at this location is inconsistent with the vision, goals, and most of the policies of the City of Milpitas General Plan and Midtown Specific Plan (MSP). Furthermore, the project is inconsistent with the Milpitas General Plan because it does not promote a pedestrian-oriented, mixed-use character in the neighborhood as expressed in the MSP. Moreover, the project is inconsistent with the MSP because an auto-oriented use at this location conflicts with the vision for Main Street as a pedestrian-oriented, mixed-use neighborhood, and a key policy objective of the MSP is to promote uses that would distinguish Main Street from other commercial areas in the City. Additionally, while a new, automated car wash would significantly upgrade the site, it could become a deterrent to future mixed-use developments on adjoining or nearby properties and thus further impede the larger goals of the MSP. The auto-oriented car wash use at this location is incompatible with the long-term vision for Main Street.

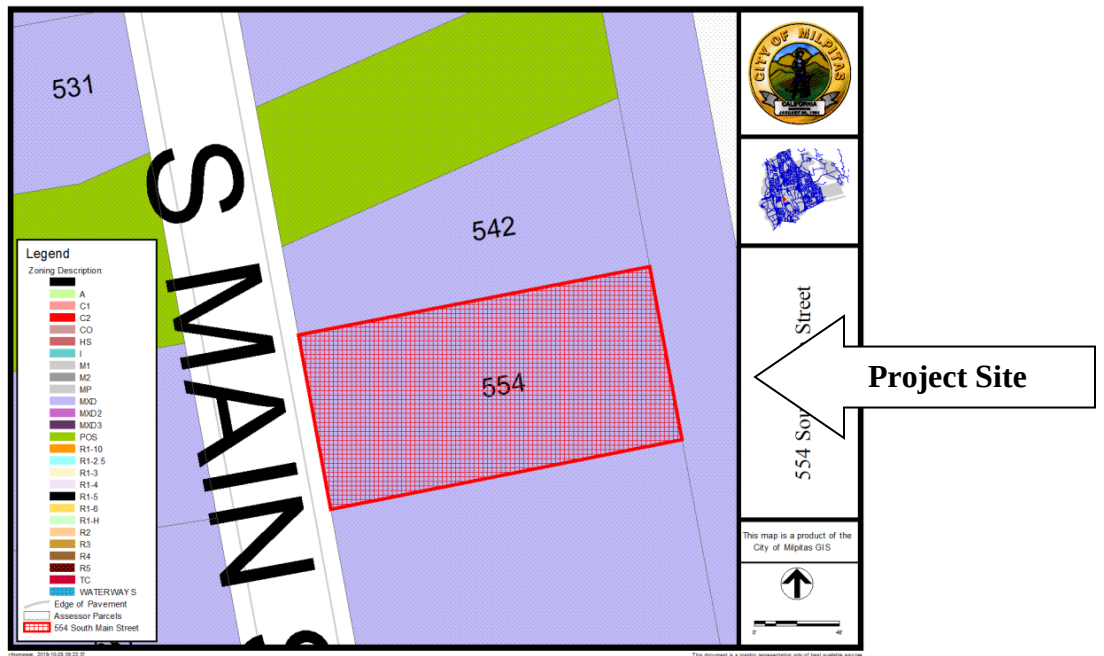
The project is also inconsistent with the Milpitas Zoning Code because it does not meet the front setback standard, which is intended to situate buildings closer to the sidewalk to promote pedestrian activity and create a cohesive street frontage along the Main Street corridor. A front building setback of 37 feet, 7 inches is proposed where a maximum setback of 15 feet is specified in the MSP. While an exception to the front setback can be granted through approval of a Conditional Use Permit, the project is unable to meet the findings for this exception because the proposed site design compromises the pedestrian-oriented vision and policies adopted for this area. Moreover, while granting a deviation from the front setback maximum would allow the project to enhance on-site circulation and reduce automobile queuing along Main Street, it would also increase the likelihood of pedestrian-vehicular conflicts along the sidewalk. Allowing a building setback of 37 feet, 7 inches along with two driveway aprons along the property frontage does not achieve this goal because it is contrary to the envisioned street character and makes the frontage less safe and desirable to pedestrians.

In conclusion, the project is inconsistent with the General Plan, MSP, and the Zoning Code, and staff recommends that the Planning Commission open and close the public hearing and adopt Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010 and Conditional Use Permit Amendment No. P-UA18-0020.

Map 1
Project Location



Map 2
Zoning Map



Agenda Item #IX-1: Site Development Permit and Conditional Use Permit P-SD18-0010 and P-UA18-0020, March 10, 2021

BACKGROUND

History

The site is currently developed with a manual coin-operated car wash that was constructed in 1967. On November 25, 1964, the Planning Commission approved Use Permit No. 78 and Site Plan Approval to construct the manual carwash on a then-vacant parcel. The approved 2,131-square foot car wash consisted of four, A-framed manual bays, with the second and third manual bays adjoined by a roof structure to create a pedestrian walkway. As part of the approval, most of the site was paved with asphalt, and the remaining space dedicated to landscaped areas along the western and eastern property lines. Additional site improvements included twelve parking spaces along the northern and eastern property lines and two driveways from Main Street. The existing car wash structure and on-site improvements were completed in 1967.

On March 6, 1980, the Planning Commission approved an “S” Zone application to allow architectural remodeling of the west façade of the existing coin-operated car wash. Upper fascias were introduced on the front facades of the wash bays and wood shingles were installed throughout the car wash structure, including the roof, upper fascia, and pedestrian walkway. The “S” Zone application also consisted of a new three-foot high fence along the southern and eastern property line.

Over time, four self-service vacuum stalls have been added to the rear of the wash bays, and a 250-square foot storage container has been installed in the northeast corner of the site.

PROJECT DESCRIPTION

OVERVIEW

The applicant requests a Site Development Permit and Conditional Use Permit Amendment to demolish the existing, outmoded manual coin-operated car wash and replace it with a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area in the Mixed-Use (MXD) Zoning District. The car wash is proposed to operate 24 hours a day, seven days a week and will be staffed by one employee. The proposed canopy areas cover eight parking stalls that serve as vacuum stations. The project also encompasses landscaping and lighting throughout the property, a sound wall along the northern property line, and a vehicular queuing area of approximately 127 feet in length. Although the existing manual coin-operated car wash is allowed to operate as a legal conforming use under the Milpitas Midtown Specific Plan (MSP), the proposed new automatic car wash and site improvements would be a significant change to the site and an expansion of the existing use that requires an amendment of the existing Conditional Use Permit pursuant to current zoning standards and the Midtown Specific Plan.

LOCATION AND CONTEXT

The site is located on Main Street, south of Corning Avenue and north of East and West Curtis Avenue. The project site is 0.46 acres, rectangle-shaped, and developed with an existing 2,131-square foot car wash situated near the western boundary of the parcel. The site has a General Plan designation of Mixed Use (MXD), is located in the MSP area, and is zoned Mixed Use (MXD). Surrounding land uses include commercial buildings to the north and west, a vacant parcel to the south, and a self-storage use to the

east. Vicinity and location maps of the subject site location are included on the previous pages. Table 1 below provides a summary of surrounding land uses.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Mixed Use (MXD)	Mixed Use (MXD)	Car Wash
North	Mixed Use (MXD)	Mixed Use (MXD)	Vacant Commercial Building
South	Mixed Use (MXD)	Mixed Use (MXD)	Vacant
East	Mixed Use (MXD)	Mixed Use (MXD)	Multi-Tenant Commercial Building
West	Mixed Use (MXD)	Mixed Use (MXD)	Central Self-Storage

PROJECT ANALYSIS

This section will evaluate the proposed car wash's (referred to as "the Project") conformance with the Milpitas General Plan, MSP, and Zoning Code from the perspective of balancing the MSP's long-term vision for the plan area as a mixed-use, pedestrian oriented setting versus allowing an existing legally conforming, auto-oriented use to be replaced with a more intensified upgrade. The policy implications of allowing the reconstruction of the car wash are most critical for evaluation of the development application and the requested amendment of the Conditional Use Permit (CUP), which is a discretionary decision by the Planning Commission. If the findings for the CUP cannot be met, staff cannot recommend approval of the accompanying Site Development Permit (SDP). Therefore, while the zoning standards and design guidelines that are pertinent to the SDP are analyzed in this staff report, the primary focus of the Planning Commission should be on the amendment to the CUP and the extent the project conforms with the Land Use and Community Design goals and policies in the Midtown Specific Plan.

GENERAL PLAN

The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. The Project is required to maintain consistency with the General Plan by fostering beautification and continuing to provide a commercial service to the community. As proposed, the Project is only partially in conformance with the policies and standards in the City's General Plan policies, as set forth in Table 2:

Table 2: General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-2 Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.</i>	Consistent: The Project's scope consists of replacing an existing, outmoded manual coin-operated car wash with a new, 3,189-square foot automated car wash, which is considered in-fill development. The development is within the urban fabric and will not increase the expansion of any urban services into outlying areas.
<i>2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Inconsistent. Although the Project replaces an existing, outmoded manual coin-operated car wash with a new, economically viable, automated facility, it does not strengthen or promote a mixed-use character for the neighborhood as more specifically expressed in the MSP.
<i>2.a-I-30: Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.</i>	Partially Consistent. While the building design and site improvements for the proposed car wash conform to the design guidelines and requirements as stipulated by the MSP, the Project exceeds the required maximum front building setback standard. The intent of placing buildings closer to the sidewalk is to promote pedestrian comfort and activity and encourage a walkable retail-oriented streetscape.

MIDTOWN SPECIFIC PLAN (MSP)

Table 3 summarizes the Project's consistency with applicable MSP Mixed Use goals and policies. A more detailed policy analysis follows this table:

Table 3: Midtown Specific Plan Policy Consistency

Specific Plan Goals and Policies	Consistency Finding
Land Use Goal 1: <i>Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.</i>	Inconsistent. The proposed automatic car wash use attempts to address this policy by locating vehicular queuing onsite rather than on Main Street, screening vacuums and other equipment from the right-of-way, and introducing landscaping to provide additional screening from the right-of-way, but the more significant issue is that an auto-oriented use at this site is inconsistent with the larger vision for the area as a cohesive pedestrian-oriented, mixed-use neighborhood under the MSP.
Community Design Goal 1: <i>Create an attractive district that is uniquely “Milpitas.”</i>	Inconsistent. In accordance with the MSP, Main Street is intended to be developed in a unique manner that distinguishes it from other commercial areas in the City. The MSP envisions Main Street as a traditional pedestrian-oriented downtown, and an auto-oriented use, such as a car wash, does not support that vision. Moreover, auto-oriented uses are found in commercial areas throughout the City and, therefore, will not further the goal to create a unique Main Street character that would distinguish it from other areas in the City.
Community Design Goal 2: Establish a pedestrian-oriented, mixed-use district that is focused along Main Street.	Inconsistent. The Project maintains the existing, automobile-oriented use, a car wash, which is contrary to the vision of the area as a pedestrian-oriented, mixed-use area under the MSP.
Community Design Goal 4: <i>Improve the character of streets within the Midtown Area.</i>	Partially Consistent. While the proposed new car wash would significantly upgrade the existing facilities and improve the character of the street in the short-term, the building setback exception and driveways will not further the long-term vision for Main Street as a mixed-use, pedestrian-oriented corridor under the MSP.

Specific Plan Goals and Policies	Consistency Finding
Land Use Policy 3.10: <i>Designate parcels along the Main Street and Abel Street mixed-use and allow a mixture of retail, office, housing, service, and public/quasi-public uses in this area</i>	Inconsistent. The proposed car wash would not be consistent with the mixture of uses envisioned along Main Street in the MSP. While a car wash can be considered a “service” use, service uses in a “Main Street” or downtown setting are typically complementary uses located within buildings that support retail stores, restaurants, offices, and housing. A car wash does not complement the desired land mix along Main Street.
Land Use Policy 3.15: <i>Allow existing legally established service businesses to remain within the area as conforming uses.</i>	Inconsistent. While allowing the development of a new automatic new car wash might provide immediate economic benefits to the area, the longer-term community vision for redevelopment of Main Street as a pedestrian-oriented, mixed-use area would be greatly compromised. In addition, an auto-oriented use, such as a car wash, could deter future mixed-use developments from being developed in the area. The proposed Project is an expansion and intensification of an existing use that requires an approval of an amendment of an existing CUP, which is a discretionary action. Denial of the CUP would not affect the ability of the existing car wash to continue as a legal conforming use.
Policy 5.3: <i>Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown Area through the application of the Development Standards and Design Guidelines.</i>	Partially consistent. While the proposed new building and site design are consistent with most development standards and guidelines for the Midtown area, it would require an exception for the front yard building setback. In addition, the nature of the use as an automobile-oriented business would not further the desired visual identity of Midtown as a pedestrian-oriented area.

The Project is located in the MSP area. This area is generally bounded by the Union Pacific Railroad lines east and north, Abel Street and Elmwood Rehabilitation Center to the west, and the city limits to the south. The area is surrounded by residential neighborhoods to the north; a mix of high and very high density residential, commercial, and industrial uses to the east; and the Pines residential neighborhood to the south. The existing land use pattern is comprised of a mix of service commercial, public and quasi-public, transportation-related, residential, industrial, and professional office uses.

The MSP is the primary policy document for evaluating the proposed development application and CUP. As adopted in 2002 and updated in 2010, the MSP establishes a vision and outlines the goals and policies regarding existing and future land uses, development standards and regulations, and design guidelines to direct and promote future in the growth, development, and reinvestment in the City's historic commercial core. More recently, the City Council held a study session on November 12, 2019, and supported a staff proposal to continue to update and reassess the vision for the Midtown area as well as the adjacent Calaveras gateway corridor from I-880 to the Midtown area. During this study session, the City Councilmembers affirmed their desire to enhance this core area as a character-defining mixed-use area and economic development opportunity for the City. Based on Council direction, the update to the MSP will be commence this year. As part of the public engagement activities for the MSP update, the City has contracted with the Better Block organization to plan a temporary economic development installation on Main Street to help community leaders and residents envision possible new development and pedestrian activity along the Main Street corridor.

The existing manual coin-operated car wash predates the adoption of the MSP and, as a legally established business, is considered a "legal conforming use" according to Policy 3.10 in the MSP. The MSP anticipates that existing uses will be allowed to remain while the area transforms and transitions to preferred uses that would support the vision for the area. While the proposed Project would maintain the existing manual coin-operated car wash, the new automated car wash would completely replace the current facility and redevelop the entire site. This would be a significant expansion of the existing use that is inconsistent with the MSP vision for Main Street.

The "Vision Statement" on page 1-4 of the MSP states:

The Milpitas Midtown Specific Plan presents a framework for growth, development and reinvestment in the city's industrial and commercial core for the next 20 years. A transition of the area into an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/ bicycle linkages is envisioned. A pedestrian-oriented and easily accessible mixed-use district is planned along Main Street – this area is intended to serve as a gathering place for the community as a whole.

To achieve this vision, the MSP contains implementation strategies, policies, development standards and regulations, and design guidelines to guide all future development in the area.

The Project's consistency with the applicable goals, policies, and development standards is analyzed below.

Midtown Specific Plan Goals

Land Use

1. *Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.*

The MSP anticipates that land within the area will be developed or redeveloped over a twenty-year period and envisions a vibrant, mixed-use area with housing, retail, office, and open spaces. The first goal encourages a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area. While a car wash may be considered a service-oriented commercial use, and the MSP recognizes that such uses are expected to remain in the area for a time, the proposed expansion of the existing car wash use may deter future residential and retail uses from locating in the area and compromise the overall vision for Main Street. In this way, the proposed use does not encourage compatibility between new uses and industrial and service-oriented uses.

The proposed car wash attempts to achieve the aim of this policy by locating the vehicular queuing onsite rather than on Main Street, screening vacuums and other equipment from the right-of-way, and introducing landscaping to provide additional screening from the right-of-way. While these site improvements are positive, they do not override the conclusion that the use is inconsistent with the Vision Statement in the MSP.

Therefore, the proposed replacement of the existing car wash with a new facility is inconsistent with Land Use Goal 1 and would be incompatible with the mixture of uses that is envisioned and preferred along this portion of Main Street.

Community Design

1. *Create an attractive district that is uniquely “Milpitas.”*

The MSP aims to create the “heart” of the community, a centralized location where the residents and visitors can gather in an attractive setting. Given that the area is highly visible, the MSP also encourages high-quality development, improved streetscapes, and a more diverse mix of land uses in the Midtown Area to greatly improve the image and livability of Milpitas. Finally, the MSP encourages retaining the architectural and landscape elements that contribute to the identity and sense of history while introducing new structures and activities that can provide a visually interesting mix of old and new in the Midtown Area.

Currently, the site is developed with an A-frame manual coin-operated car wash with minimal landscaping and entirely paved with asphalt. The existing use has been in operation at this site for 56 years. Although the proposed Project would significantly upgrade the existing car wash facility, under this MSP policy, Main Street is intended to be unique from other commercial areas with an emphasis on creating a vibrant pedestrian-oriented district. An auto-oriented use, such as a car wash, is found throughout commercial areas in the City and, therefore, does not further distinguish Main Street from other areas in the City. Thus, the proposed Project is inconsistent with Community Design Goal 1.

2. *Establish a pedestrian-oriented, mixed-use district that is focused along Main Street.*

This goal encourages the design of new development along Main and Abel Streets to be accessible and attractive to pedestrians. To achieve this goal, the MSP promotes development and streetscape improvements that will enhance the pedestrian environment and connectivity throughout the Midtown Area.

As the proposed car wash is sited along Main Street, the site and architectural design of the Project must be consistent with this goal. While the Project attempts to meet this goal by minimizing pedestrian-vehicle conflict by containing automobile queuing within the site, introducing landscaping, and incorporating design features, the car wash remains a highly automobile-oriented use. Further, the Project retains two driveways to access the site that measure a total of 48 feet, 9 inches (47 percent of the lot frontage), which does not achieve a continuous pedestrian setting, but increases potential vehicular/pedestrian conflicts. Although the building is setback 37 feet, 7 inches, this distance does not promote a pedestrian-oriented focus, consistent building façade, or retail activity along Main Street. Thus, the proposed Project is inconsistent with Community Design Goal 2.

3. *Improve the character of streets within the Midtown Area.*

The MSP states that the goal of improving the character of the streets with the Midtown area can be achieved by enhancing the streetscaping with landscaping and amenities for pedestrians and bicyclists. As mentioned above, the proposed Project retains two driveways to access the site that comprise 47 percent of the frontage of the lot, and the proposed building is set back 37 feet, 7 inches, which exceeds the maximum setback of 15 feet. The proposed Project does not achieve a continuous pedestrian setting, promote a pedestrian-oriented focus along Main Street, or reduce potential vehicular/pedestrian conflicts. Therefore, the proposed Project is inconsistent with Community Design Goal 4.

Policies

Mixed-Use Policies

1. *Policy 3.10: Designate parcels along the Main Street and Abel Street corridor (as shown in Figure 3.1) mixed-use and allow a mixture of retail, office, housing, service, and public/quasi-public uses in this area.*

The MSP designates the project site as “Mixed-Use.” This designation promotes compatible and complementary retail, office, housing, service, and public/quasi-public uses in the mixed-use district. The goal further states that businesses legally established in the area can remain as legal conforming uses while limits are placed on proposed new service commercial and public/quasi-public uses to provide spatial separation to ensure that they do not dominate the area. This policy is implemented in the Zoning Code under Table XI-10-6.02-1 “Mixed Zone Uses”, which conditionally permits vehicle service uses, such as car washes, and Subsection XI-10-6.02-1(A)(1), which requires new auto service uses to be at least 1,000 feet from an existing auto service use.

While not explicitly excluded, an auto-oriented use, such as a car wash, is not contemplated within the meaning of “service” uses in Mixed-Use Policy 3.10 of the MSP. Service uses in a downtown or pedestrian setting are typically businesses located within a building that support and are integrated with retail, restaurant, office and residential uses. When located at the ground level, storefront facades are common. The “Vision Statement” on page 1-4 of the MSP envisions a pedestrian-oriented area, which supports this interpretation of Policy 3.10. Hence, the proposed Project is inconsistent with the language of Policy 3.10 and the “Vision Statement” of the MSP.

2. *Policy 3.15: Allow existing legally established service businesses to remain within the area as conforming uses.*

The MSP allows established service businesses, such as vehicle repair, towing companies and mini-storage, to remain in the Mixed-Use District as legally conforming uses. The Plan further prohibits the location of new commercial service uses within a 1,000- foot radius of an existing commercial service use. This standard is applicable only to new uses and not existing uses. The Plan also states that it is not the intent to force existing businesses out of the area, but to allow existing commercial service uses to remain until the property owner is interested in pursuing a new use. It is understood that transforming an area to preferred uses can be incremental and will require a transition period depending on market and economic conditions. Meanwhile, property owners or tenants would be allowed to maintain their existing uses with repairs as needed. Repairs to an existing use typically do not trigger a planning application, but the proposed Project is a substantial alteration and intensification of an existing use that requires an amendment of the existing CUP.

As stated above, the existing manual coin-operated car wash has been operating continuously since 1964. Conditional Use Permit No. 78 for the car wash was granted in 1964 and is still active on the site. However, approving the replacement of the existing car wash with a completely new facility would add permanency to a use that conflicts with the “Vision Statement” on page 1-4 of the Midtown Specific Plan. While improving the car wash may provide immediate economic development benefits to the site, the vision for Main Street as a pedestrian-oriented, mixed-use area would be compromised, and future mixed-use developments may be deterred from locating next to an auto-oriented use. Therefore, the proposed Project is inconsistent with Mixed-Use Policy 3.15.

Community Design Policies

1. *Policy 5.3: Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown Area through the application of the Development Standards and Design Guidelines.*

The MSP includes a separate Development Standards and Design Guidelines Chapter (Section 8.0) to provide direction to new development and more specific requirements to implement the policies of the MSP.

While the design of the proposed Project considerably enhances the outdated appearance of the site, a car wash use is not consistent with the vision of the MSP. Although the proposed Project would be immediately upgrade the visual appearance of the property, it would add permanency to a use that is

inconsistent with the long-term vision and goals and policies of the MSP. This could also inhibit development on adjacent parcels as the car wash operations could impact the feasibility or desirability of establishing uses on neighboring parcels that would be more in conformance with the vision, goals, and policies in the MSP.

The Project's consistency with applicable design guidelines is further evaluated below.

Midtown Specific Plan Design Guidelines

The MSP ensures that new development (including new buildings, remodels and additions) is of high-quality, and reinforces the public realm (city streets, sidewalks, parks and pedestrian and bicycle paths). The Plan encourages the use of attractive, compatible façade improvements and the use of appropriate building materials for remodeling and minor expansions to existing buildings. The Project's consistency with the MSP's Design Guidelines related to building design, parking, landscaping, and building materials is analyzed below:

1. *Building Design*

Building facades should include street-facing entries, windows, special corner treatment and other articulation.

Buildings should maintain a strong relationship to the street with primary building entrances oriented toward the street. Building mass should be parallel or on axis with adjacent streets.

Buildings should be well articulated by changes in roof heights and vertical planes to reduce the appearance of bulk and create interesting building silhouettes.

The applicant states that the operations of the car wash require visual control of the loading area of the wash bay and queueing area. As a result, the office is located at the entrance to the wash bay, which is also the loading area of the Project. This loading area is at the rear of the building consistent with Section 8.0 (A)(5)(a) of the MSP. A pair of storefront doors is proposed at the front of the building to serve as a public entrance facing the street. The building exterior features CMU wainscoting, canopies, windows, offset planes, varied parapet heights, and both CMU and plaster finishes to provide visual interest and articulation. The building is perpendicular to the axis of the street due to the narrow width of the lot, which prohibits the wash bay and associated queuing from being parallel to the street.

In no case should any facade consist of a blank wall.

None of the elevations include a blank wall. The Northern elevation has pilasters and green screens to break of exterior façade of wash bay, while the east, west, and south elevations feature canopies, awnings, and varied roof heights for additional articulation.

All building facades should have a well-defined base consisting of, but not limited to: thicker walls; richly textured materials (i.e. tile or masonry treatments); and a recognizable "top"

consisting of, but not limited to: cornice treatments; roof overhangs with brackets; stepped parapets; richly textured materials (i.e. tile or masonry treatments); and/ or differently-colored materials.

Building entries should be emphasized with special architectural and landscape treatment. In order to create visual interest on the other sides of buildings, secondary entrances should be treated in a similar manner.

All materials used should be of high-quality and properly installed.

The building features CMU wainscoting, canopies, windows, offset planes, varied parapet heights, and both CMU and plaster finishes. A consistent wainscot extends the full perimeter of the building. Canopy columns bases are CMU to match the wainscot. The public entry of the building has clear glazing, functional doors, and an extensive canopy.

2. Parking

Off-street parking facilities should have limited visibility (primarily entrances) from street and accessways.

Parking areas should be convenient and not detract from the pedestrian nature of the Area.

Parking areas within the Mixed-Use Districts should be designed in such a way to provide for a comfortable pedestrian experience.

Off-street parking for the Project is situated in the middle to rear of the site rather than along the street and is located primarily under the building canopy (vacuum area). The proposed site plan includes a dedicated pedestrian walkway from the street to the office entrance and the site improvements would include landscaping and a metal screen on the street-facing façade to limit visibility of the parking and vacuum area from the street from the street.

3. Landscaping

Surface parking areas should be well landscaped with trees planted in a regular configuration.

In surface parking lots, trees should be installed at a ratio of one tree per three parking stalls for the perimeter of the parking lot, and one tree per six spaces for the interior of the parking lot.

All perimeter setback areas should be landscaped. A screening shrub hedge (up to 6 feet high) should be planted along the property line between parcels.

Broadleaf, deciduous trees should be used in parking lots to provide adequate shade in summer but allow sunlight to penetrate through in winter.

Trees should be set into a tree grate or, landscaped median that is a minimum of 4 feet- wide (internal dimensions) and well protected by tree guards or other mechanisms.

The proposed Project will provide substantially more landscaping than the existing condition of the site. Trees and planters are proposed along Main Street and the northern property line. The proposed landscaping along the east, west, and north property lines include a mix of 15-gallon Chinese Pistache and Chinese Huckleberry trees. Accent plants, shrubs, and bark groundcover are proposed along the internal drive aisle and the site's eastern, western, and northern boundaries while new shade trees will be near the vehicle entrance to the site and car wash exit areas. Due to the nature of the vehicular wash and potential maintenance issues associated with leaves/needles interfering with wash equipment, trees have been located away from the wash bay and vehicular traffic.

No street trees, however, are proposed in tree grates along the front sidewalk.

All landscape areas should be protected with planter curbs a minimum of 6-inches high.

All landscape planters are protected with curbs six inches in height.

The use of permeable paving or alternative materials to reduce surface runoff is strongly encouraged as a surface material for parking stalls.

The applicant has indicated that permeable paving is provided at the exit of the vehicular wash bay, and a large canopy over the vacuum stalls recaptures rainwater and site bioswales reduce surface run off into the storm drains.

4. Building Materials

All exterior walls of a building should be articulated with a consistent style and materials.

The building design features CMU wainscoting, canopies, windows, offset planes, varied parapet heights, and both CMU and plaster finishes. A consistent wainscot extends the full perimeter of the building. Canopy columns bases are CMU to match the wainscot.

Materials selected should convey a sense of durability and permanence over any sort of architectural theme. Woodboard siding, wood shingles, tile, stucco, and/or masonry should be used. Scored plywood, such as T-III, vinyl, and aluminum siding are not allowed. If other simulated materials are used, they should be of a quality, color, and application that demonstrate a convincing realism.

Material Changes should not occur at external corners, but may occur at interior corners as a return at least 6 feet from the external corners or other logical terminations.

Roof materials should complement the materials and colors of the facades and provide texture or relief.

The primary exterior finish, whether wood or stucco, should be used on all facades of a unit or building, false-fronts are not allowed (i.e., if the front facade is primarily wood, the other facades should be wood, not stucco).

The materials of the facade will be comprised of split faced CMU walls and plaster, either grouted or precision cut, which would convey a sense of permanence. No material changes occur at outside corners of the building. The roof of the building is flat and comprised of the same materials and in the color palette of the building façade. The exterior colors will be in an earth tone palette, which complements buildings in the surrounding area.

ZONING CONFORMANCE

The Zoning designation for the project site is Mixed Use. Table XI-10-6.02-1 of the Zoning Code allows vehicle services uses in the MXD zoning district, subject to approval of Conditional Use Permit (CUP). Further, Subsection XI-10-6.02-1(A)(1) of the Zoning Code includes car washes as “auto service uses”, which are permitted in MXD zoning districts in accordance with Subsection XI-10-6.02-1(A) as long as they are not located within 1,000 feet of another use, subject to a Conditional Use Permit. Any expansion of a conditionally-permitted use requires an amendment of the existing CUP pursuant to Subsection XI-10-57.04 “Conditional Use Permits and Minor Conditional Use Permits.”

Given that the Planning Commission granted Use Permit No. 78 in 1964 to operate a manual coin-operated car wash and it has operated continuously at the site, Use Permit No. 78 is still active at the site. The nearest auto services use, Joe’s Tune Up and Auto Services Center, is 0.2 miles or 1,056 feet from the project site. The existing car wash is a conforming use with respect to its location. Because the proposed Project entails replacement and significant intensification of a use with an existing CUP, an amendment of Use Permit No. 78 as well as a Site Development Permit (SDP) are required. Action on the proposed CUP or SDP does not affect the ability of the existing car wash to continue to operate as a legal conforming use.

Except for the front setback, the Project is consistent with the other applicable development standards in the City of Milpitas Zoning Code, as demonstrated in Table 4:

Table 4:
Summary of MXD Development Standards in the Midtown Specific Plan and the Zoning Code

Standards	MXD Requirements	Proposed	Compl ies
Front Setback (min)	8 to 15 ft. max.	37 ft., 7 inches	No
Side Yard Setback (min)	10 ft.	10 ft.	Yes
Rear (min)	10 ft.	68 ft.	Yes
Building Height (Maximum)	Principal building: 3 stories/45 ft.	1 story / 22 ft.	Yes

Standards	MXD Requirements	Proposed	Compl ies
Parking	1 per 200 sq. ft of building area and reservoir space outside building area equal to two (2) times the maximum capacity of the facility	1,342 sq. ft building area/200 sq. ft = 7 spaces/Number of spaces provided = 10 Maximum capacity of building = 2 cars/Reservoir spaces provided = 13 spaces	Yes

Parking

Car wash uses require one space per 200 square feet of building and queuing space equal to twice the maximum capacity of the facility per Table 53.09-1 of the Zoning Code. Approximately 1,342 square feet of the proposed 3,189-square foot building will be occupied by an office, storage, and utility area, so the Project requires seven parking spaces. The remaining 1,847 square feet would be dedicated to the automated car wash, which has a maximum capacity of two cars, and requires an additional four reservoir spaces. Thus, the total number of parking spaces required by the car wash is 11 parking spaces. The Project proposes ten parking spaces, with seven (7) of the spaces also serving a vacuuming station. An additional thirteen (13) parking spaces are proposed to serve as reservoir spaces for the car wash. Therefore, the Project complies with the parking requirements of the Zoning Code.

Site and Architectural Design

The proposed architecture focuses on establishing a clear design based on building symmetry by using straight lines via flat roofing, windows, awnings, score lines, and transition of materials and paint color on the elevations. The building utilizes a flat roof design and varies in height from 12 feet at the canopy to 22 feet at the top of the parapet to provide variation in roofline and massing. The building utilizes a combination of stucco cladding with score lines, decorative CMU block wainscoting carried around the entire building along the base and columns, and a trellis with plantings on the north side of the building. Awnings to match the roof color are provided to break up long expanses of north and south building facades. The proposed design is compatible with surrounding buildings by using earth tone colors and stucco used on nearby buildings.

The proposed landscaping along the east, west, and north property lines include a mix of 15-gallon Chinese Pistache and Chinese Huckleberry trees. Accent plants, shrubs, and bark groundcover are proposed along the internal drive aisle and the site's eastern, western, and northern boundaries while new shade trees will be near the vehicle entrance to the site and car wash exit areas. Landscaping and decorative panels are proposed along the front façade of the building to partially screen the vacuum area from the street.

Noise Assessment

Implementing Policy 6-I-2 of the Noise Element of the Milpitas General Plan requires an acoustical analysis for projects with “conditionally acceptable” or “normally unacceptable” exterior noise exposure areas. The proposed Project will demolish the existing coin-operated car wash and replace it with a fully automated car wash that is 1,034 greater in size. The site of the proposed Project is located within a 65

decibel (dB) contour, and a noise study was required to assess potential impacts from the car wash expansion.

The Noise Element of the General Plan identifies the City's noise standards while Chapter 213 "Noise Abatement" of the Milpitas Municipal Code (MMC) implements and enforces those standards. The car wash currently operates 24-hours a day, seven days a week. Therefore, the car wash is subject to the noise maximum of 65 decibels during those hours. MD Acoustics, LLC prepared a "Noise Impact Study" dated July 10, 2019. The noise study concluded that noise from the expanded and relocated car wash would result in "project only" operational noise levels between 42 to 59 dB at the property line of the site. The noise study identified the car wash dryers and vacuum equipment as the main sources of noise. "Project plus ambient" noise levels are projected to range between 67.1 to 67.7 dB at property line of the site.

Implementation Policy 6-I-7 requires that projects avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive. The closest residential receptor is an apartment complex located .1 mile or 528 feet northwest of the project site. The ambient noise level is 55 dB at the property line. The study concluded that the total combined noise levels of the existing ambient noise level and the anticipated project noise level is 56 dB, which is less than maximum exposure increase of 58 dB. Further, the Project proposes six-foot CMU wall at the property lines, which would provide additional sound attenuation.

Traffic

A traffic analysis was prepared by BKF Engineers on May 3, 2019 (Attachment D) to assess vehicle trip generation and external and internal traffic circulation. The proposed car wash would be accessed from South Main Street, which is considered a north-south local collector street. The analysis concluded that the Project is anticipated to generate 29 new A.M. peak hour trips and 20 P.M. peak hour trips based on the trip generation rates listed in the ITE Trip Generation Manual, 9th Edition, for Self-Service Car Wash (Land Use 947) and Automated Car Wash (Land Use 948).

With respect to vehicle queuing, the facility is designed to accommodate a single queuing lane to enter the car wash building. The queuing lane has a total stacking capacity of 10 vehicles before the pay stations and approximately 2 more vehicles between the pay stations and entry to the car wash facility. Based on the proposed size of the Project, the operational characteristics, and observations from other similar car washes, the queueing area which accommodates approximately 14 vehicles is adequate.

FINDINGS

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

Conditional Use Permit (Section XI-10-57.04(F)(1))

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

Staff cannot recommend this finding. The aim of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages. Continuing an auto-oriented use such as a car wash may deter future mixed-use residential and retail development in the area and is not compatible with an active pedestrian-oriented neighborhood along Main Street as envisioned by the Midtown Specific Plan. Also, the Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Therefore, the proposed car wash would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the area.

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

Staff cannot recommend this finding. The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. Although the Project fosters beautification of the area and continues to provide a commercial service to the community, it does not conform to all the adopted design guidelines and requirements contained in the General Plan and MSP as shown in Tables 2 and 3 above.

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

As indicated in Table 3 above, the proposed car wash meets most of the development standards in the Mixed-Use Zoning District and the Midtown Specific Plan for height requirements and landscaping. However, it does not meet the requirements for front setback. As discussed in this staff report, approval of the front setback exception would be inconsistent with the goals, policies and design objectives in the MSP. Specifically, the proposed car wash is not entirely consistent with the concept of a mixed-use neighborhood and may deter future residential and retail uses from locating in the area.

4. *The proposed use is consistent with the Midtown Specific Plan.*

Staff cannot recommend this finding. Given that the intent of the requirements of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages, an automobile-oriented use, such as a car wash, is inherently contrary to the intent of the Plan. The Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Moreover, the Project proposes a setback of 37 feet, 7 inches, which does not promote comfort or active retail along the street. Therefore, the proposed Project does not conform with the intent of the requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines.

Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of the Zoning Code.

- a) *The deviation from the Midtown Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping, and site planning integrity of the proposed development.*

As stated above, car washes generally are automobile-oriented uses that typically feature large queuing and parking areas. With a setback of 37 feet, 7 inches and two driveways, the Project does not recognize the pedestrian-oriented vision for the area and the importance of designing the car wash in a manner that accommodates both pedestrians and automobile traffic. Further, the Project proposes to locate a 127-foot queuing aisle on the Project site rather than on Main Street and retains two driveways, which would increase vehicular traffic on site and increase the risk of pedestrian-vehicular conflict. Additionally, the Project proposes a setback of 37 feet, 7 inches and is visible from the right-of-way, which does not contribute to a pedestrian-oriented environment. Therefore, the Project does not meet the design intent identified within the Specific Plan.

- b) *The deviation from the Midtown Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Design Standard.*

Although granting a deviation from the maximum front setback would allow better on-site circulation and reduce queuing along Main Street, it would accommodate increased vehicular traffic on the site. Coupled with two driveways and the increased volume of vehicular traffic crossing the sidewalk to access the site, the Project could increase the likelihood of pedestrian-vehicular conflicts. In addition, the intent of the maximum setback of 15 feet required by the MSP is to enhance pedestrian safety and encourage retail activity. Allowing the setback of 37 feet, 7 inches does not achieve that goal because it makes the frontage less desirable to pedestrians. Therefore, granting the deviation from the maximum setback of 15 feet does not contribute a public benefit to the community.

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

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

While the proposed architecture, site design, and landscaping is consistent with existing developments, it is not consistent with the community design goals for Main Street. Although the proposed Project would immediately upgrade the visual appearance of the property, it would add permanency to a use that is inconsistent with the long-term vision and goals and policies of the MSP. Moreover, it may inhibit development on adjacent parcels as the car wash operations could impact the feasibility or desirability of establishing uses on neighboring parcels that would be more in conformance with the vision, goals, and policies in the MSP.

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

Staff cannot recommend this finding. As discussed above, the Project is incompatible and inconsistent with the surrounding uses and does not to conform with the intent of the MXD Zoning District.

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

Staff cannot recommend this finding. As discussed above, the Project is not compatible or consistent with the surrounding uses and does not conform with the intent of the General Plan Designation.

4. *The proposed use is consistent with the Midtown Specific Plan.*

As discussed above, staff cannot recommend this finding because the Project does not conform to the specific requirements of the MSP, including the Development Standards and Design Guidelines. Additionally, the findings for an exception to the setback standard cannot be made. The proposed car wash is an auto-oriented use that does not support the pedestrian-oriented vision for the area or community design policies in the MSP and does not enhance pedestrian safety or promote a retail setting.

ENVIRONMENTAL REVIEW

The Project is exempt from further environmental review under CEQA pursuant to State CEQA Guidelines Section 15303(c) (New Construction or Conversion of Small Structures). Section 15303(c) consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption applies to up to four stores, motels, offices, restaurants, or similar structures located in an urbanized area as defined by CEQA Guidelines Section 15387 and not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of hazardous substances where all public services and facilities are available and the surrounding area is not environmentally sensitive. With a population of 80,430 and a population density of 5,922 persons per square mile, the City of Milpitas is an “urbanized area” under Section 15387, which is a “central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. Moreover, the proposed car wash is 3,189 square feet and is located in the Mixed-Use Zoning District, which allows car washes subject to a Conditional Use Permit. According to the project application, only soaps, detergents, and water-based cleansers will be used at the site; no hazardous substances will be used for car wash operations. All public services are available and the area surrounding the site is not environmentally sensitive. None of the exceptions under CEQA Guidelines Section 15300.2 apply to the Project. Therefore, the exemption under CEQA Guidelines Section 15303(c) applies.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. As of the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on February 26, 2021.

CONCLUSION

The proposed Project would replace an existing, outmoded manual coin-operated car wash with a new, automated facility. As an intensely auto-oriented use, the Project is inconsistent with the vision, goals, and policies of the City of Milpitas General Plan and MSP. Furthermore, although the Project would allow the continuing operation of an existing use, it does not promote the development of a mixed-use, pedestrian-oriented neighborhood along Main Street as expressed in the MSP. Moreover, the Project is inconsistent with the MSP because the use does not further distinguish Main Street from other areas in the City, and could deter future developments, such as mixed-use developments, from locating next to the site due to the negative impacts associated with a car wash use.

The proposed Project would also require approval of a significant deviation from the maximum front setback in the MSP and Milpitas Zoning Code (front setback of 37 feet, 7 inches is proposed where a maximum setback of 15 feet is allowed). While a front setback exception may be granted through a Conditional Use Permit, staff is unable to make the findings for this deviation because the Project does not further the pedestrian-oriented vision for the area. Granting the exception would allow the Project to accommodate vehicle circulation on the site and reduce queuing along Main Street, but it would increase

the likelihood of pedestrian-vehicular conflicts along the street frontage. In addition, the purpose of the maximum 15-foot front setback is to enhance pedestrian comfort and safety, encourage retail activity and create a consistent street frontage. Allowing the proposed setback would contradict this purpose by making the frontage less amendable to pedestrian activity. Because the Project is inconsistent with the General Plan, Midtown Specific Plan, and the Zoning Code and the required findings for approval cannot be made, staff recommends denial of the CUP and SDP.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010 and Conditional Use Permit Amendment No. P-UP18-0020.

ATTACHMENTS

- A: Resolution No. 19-034
- B: Conditional Use Permit No.78
- C: Project Plans
- D: Noise Impact Study prepared by MD Acoustics LLC, dated July 10, 2019
- E: Traffic Study prepared by BKF Engineers, dated May 3, 2019
- F: Milpitas Police Department Memo



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00 PM

Wednesday, March 10, 2021
via Teleconference (Virtual Meeting)

CALL TO ORDER

Chair Tao called the meeting to order at 7:00 PM. Recording Secretary Elizabeth Medina called the roll.

PLEDGE OF ALLEGIANCE

Commissioner Belong led the pledge of allegiance.

ROLL CALL

PRESENT: Chair Tao, Vice Chair Chuan, Commissioner Albana, Alcorn, Belong, Ciardella, Galang

ABSENT: None.

STAFF: Ned Thomas, Jessica Garner, Martin de los Angeles, Rozalynne Thompson, Steve Erickson, Michael Silveira, Steve Chan, Albert Zamora, Elizabeth Medina

CONFLICT OF INTEREST DECLARATION

City Attorney Martin de los Angeles asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

Chair Tao disclosed that he represents a property owner within noticing distance for Public Hearing Item #IX-1 – AUTOMATIC CARWASH – 554 SOUTH MAIN STREET. After consulting with staff and City Attorney, City Attorney Martin de los Angeles declared there is no conflict of interest and Chair Tao was cleared to participate.

APPROVAL OF THE MEETING AGENDA

Director Ned Thomas recommended switching the order of Public Hearing Items, IX-2 - CAPITAL IMPROVEMENT PROGRAM (CIP) GENERAL PLAN CONFORMITY FINDING be heard first since the Public Hearing Item #IX-1 AUTOMATIC CARWASH may take more time for presentation, review, questions and decision making.

By motion, approve the meeting agenda for March 10, 2021 with staff's request to change order of Public Hearing items.

Motion/Second Vice Chair Chuan/Commissioner Belong
Motion carried by a vote of AYES: 7 NOES: 0

APPROVAL OF MINUTES

By motion, approve the regular meeting minutes of February 10, with corrections of minor grammatical errors noted by Chair Tao.

Motion/Second Commissioner Belong/Commissioner Galang
Motion carried by a vote of AYES: 7 NOES: 0

By motion, approve the regular meeting minutes of February 24.

Motion/Second Commissioner Ciardella/Commissioner Alcorn

Motion carried by a vote of AYES: 7 NOES: 0

ANNOUNCEMENTS

Planning Director Ned Thomas was pleased to share that the Council adopted the 2040 Milpitas General Plan in a special meeting on March 16th. Planning Director also followed up with Planning Commissioners to see if there was interest in attending the annual League of California Cities Planning Commissioner Academy that will held on March 25th, March 26th, March 31st, and April 1st as a virtual conference.

PUBLIC FORUM

Chair Tao invited members of the public to address the commission and there were none.

PUBLIC HEARING

IX-2 CAPITAL IMPROVEMENT PROGRAM (CIP) GENERAL PLAN CONFORMITY FINDING: A City-initiated request to consider a General Plan conformity finding for the proposed 2022-2026 CIP Annual Report in accordance to California Government Code Section 65401. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Director of Engineering, Steve Erickson, 408-586-3301, serickson@ci.milpitas.ca.gov.

Director of Engineering, Steve Erickson and CIP Manger, Michael Silveira addressed commissioners' clarifying questions in regards timeframe of easement rights, funding availability, grant fund applications, infrastructure improvements, plan line study definition, current back-up for sewer/water systems, use of TASP fees collected, fiscal year funding timelines, funding calculation for street funds, grant funds vs. fee funds, and City emergency funds for natural disasters.

Chair Tao invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Commissioner Galang/Commissioner Alcorn

Motion carried by a vote of AYES: 7 NOES: 0

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 21- 005 finding that the 2020-2026 Capital Improvement Program is in conformance with the City of Milpitas General Plan.

Motion/Second Vice Chair Chuan/Commissioner Alcorn

Motion carried by a vote of AYES: 7 NOES: 0

IX-1 AUTOMATIC CARWASH – 554 SOUTH MAIN STREET – P-SD18-0010 and P-UA18- 0020: A Site Development Permit and Conditional Use Permit Amendment to allow demolition of an existing manual car wash and development of a new 3,189-square foot fully automatic car wash with an adjacent 2,301-square foot canopy area on a .46-acre site in the Mixed-Use (MXD) Zoning District and a Conditional Use Permit Amendment to allow an exception to the maximum front setback of 15 feet from back of sidewalk pursuant to the Midtown Specific Plan. The exception would allow a front setback of 37 feet and seven inches. The Project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section

15303(c) (New Construction of Small Structures) and, as separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Rozalynne Thompson, (408) 586-3278, rthompson@ci.milpitas.ca.gov

**Continued from March 11, 2020 Planning Commission meeting.*

Project Planner, Rozalynne Thompson, the applicant's team [Ramesh Sood, Jag Kahlon, Gurbir Maroke/Owner-Applicants, Joel Chapin/Architect-Noor Associates, Inc, Dean Hanson/Consultant-Share Cash Systems] and City staff [Albert Zamora/Chief Fir Marshall, Steve Chan/Transportation and Traffic Manager] addressed commissioners' clarifying questions in regard to traffic impacts, recycled water, onsite staffing plans, hours of operation, alarm systems, new technology, environmentally safe chemicals, reason applicant desires a change, set-back request, automatic pay station/app, noise from air dry blowers, traffic study results, exiting of proposed site, current volume of customers/carwashes a day, making Main Street area pedestrian friendly, Midtown Specific Plan, and business plans if project is denied.

Chair Tao invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Commissioner Galang/Commissioner Alcorn
Motion carried by a vote of AYES: 7 NOES: 0

Recommendation: Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 19-034 denying Site Development Permit P-SD18-0010 and Conditional Use Permit Amendment No. P-UA18-0020.

Motion/Second Vice Chair Chuan/Commissioner Alcorn
Motion carried by a vote of
AYES: 4 NOES: 2 (Albana, Belong) ABSTAIN: 1 (Tao)

NEW BUSINESS

No items.

ADJOURNMENT

Chair Tao adjourned the meeting at 10:04 pm

Motion/Second Commissioner Belong/Commissioner Alcorn
Motion carried by a vote of AYES: 7 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina

5. All signs must be maintained by the Owner in a neat and orderly manner.
6. All other signs must have approval by Planning Commission, either by Sign Permit, Use Permit or Site Approval.

"S" Zone Approval
Holland Lumber
Company:

The Planning Director presented the "S" Zone Approval application of the Holland Lumber Company for a 24' x 60' storage shed to be located at 1400 South Main Street. He stated that the application had been checked and found to be in conformance with requirements of the Zoning Ordinance and that the Staff recommended approval as submitted.

A general discussion followed.

On motion of Commissioner Madruga, seconded by Commissioner St. Clair, it was ordered to grant approval to this application.

Use Permit 78
"S" Zone Appro-
val: Coin Opera-
ted Car Wash:
J. Sasich:

The Planning Director read a letter from the City Attorney recommending reconsideration of Use Permit No. 78 and "S" Zone Approval for a Coin Operated Car Wash to be located at 542 South Main Street on the grounds that there was not sufficient evidence in support of the finding and that the finding can not support the decision of denial issued by the Commission at its meeting of November 12, 1964.

The Planning Director stated that the Staff recommended approval subject to the following Special Conditions:

1. That the entire area be paved with Asphaltic-Concrete.
2. That a three and one-half foot (3½') high ornamental fence, of a type to be approved by the Planning Commission, be installed along the southerly and northerly property lines to the rear of the indicated "Landscaped Areas".
3. That all landscaping be to the approval of the Planning Commission.
4. That prior to the issuance of any Building Permit, the Applicant shall post with the City a Cash Deposit of an amount to be determined by the Planning Commission assuring the completion of all landscaping approved by the Commission. The Cash Deposit shall be fully refundable upon completion of required landscaping to the approval of the Building Official and upon receipt by the City of written request for said refund signed by the Applicant.
5. That all codes and ordinances of the City of Milpitas and the Milpitas Sanitary District be complied with.

6. That storm drainage and sanitary waste disposal be approved by the City Engineer prior to the issuance of a Building Permit.
7. That the Applicant inform the City Engineer of his choice of constructing the street improvements required under Ordinance No. 95 or the posting of the bond for same.
8. That prior to any field engineering required of the City of Milpitas for the street improvements, the Applicant furnish a Record of Survey of the land parcel involved.

On motion of Commissioner Snodgrass, seconded by Commissioner Webber, it was ordered to reconsider Use Permit Application No. 78 and an "S" Zone Approval application for a Coin Operated Car Wash to be located at 542 South Main Street, the application of Mr. Louis Sasich.

Mr. Louis Sasich, Applicant, addressed the Commission to discuss the application with them.

A general discussion followed among the Commissioners.

On motion of Commissioner Madruga, seconded by Commissioner Snodgrass, it was ordered to approve Use Permit Application No. 78 and "S" Zone Approval for a Coin Operated Car Wash to be located at 542 South Main Street, subject to all Staff recommendations and subject to a further review and approval of those Items contained in Special Conditions No. 3 and No. 4 which are to be scheduled for the next Commission meeting of December 9th

The roll was called on this motion with the following results:

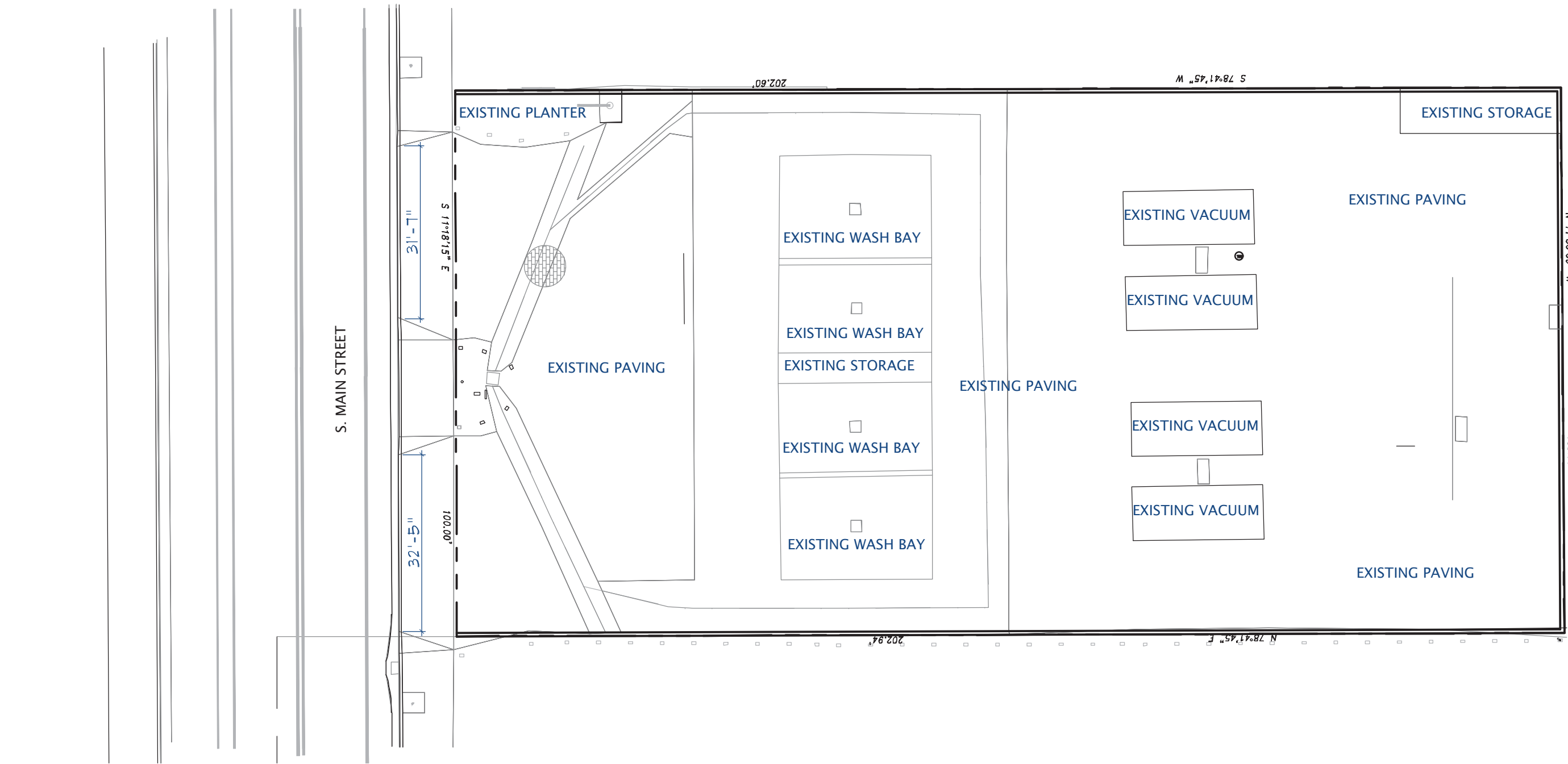
Ayes: Commissioners: House, Madruga, Snodgrass, St. Clair, Webber

Noes: Commissioners: None

Absent: Commissioners: Arrants, Johns

Lacey-White
tentative Map:

The Planning Director presented the Lacey and White Tentative Subdivision Map for 31.6 acres of land located west of Piedmont Road and to the north of the proposed "Parktown Planned Unit Development" and read a letter from Mr. R. D. Lacey, Applicant, requesting that this Item be continued for two weeks. There being no objections, it was ordered to continue this Item until the Commission meeting of December 9, 1964.



EXISTING SITE PLAN
SCALE: 1" = 20'-0"



SITE NOTES

1. UTILITIES SHALL BE PLACED IN UNDERGROUND OR SUBSURFACE CONDUITS.
2. ALL MECHANICAL EQUIPMENT, GROUND TRANSFORMERS AND METERS SHALL BE LOCATED AND SCREENED TO MINIMIZE VISUAL IMPACTS.
3. ROOFTOP MECHANICAL EQUIPMENT SHALL BE CONCEALED FROM STREET LEVEL VIEWS THROUGH ROOF DESIGNS THAT AREA ARCHITECTURALLY INTEGRATED WITH THE BUILDING, SUCH AS EQUIPMENT VENTS AND PARAPETS.
4. PUBLIC UTILITY DISTRIBUTION METERS, VAULTS AND SIMILAR INSTALLATIONS SHALL BE CONSOLIDATED IN A SINGLE AREA WHENEVER POSSIBLE AND LOCATED AWAY FROM HIGHLY VISIBLE AREAS SUCH AS STREET CORNERS AND PUBLIC OPEN SPACES.
5. BACKFLOW PREVENTORS SHALL BE LOCATED WITHIN LANDSCAPED SETBACK AREAS AND PAINTED BLACK OR DARK GREEN TO MINIMIZE VISUAL IMPACT. WHERE NO LANDSCAPED SETBACK AREAS EXIST THE BACKFLOW PREVENTORS SHALL BE INCORPORATED INTO THE FRONT OF THE BUILDING TO MINIMIZE VISUAL OBTRUSIVENESS.
6. REFUSE AND RECYCLING CONTAINERS SHALL NOT BE VISIBLE FROM A PUBLIC OR PRIVATE STREET. SUCH CONTAINERS SHALL BE STORED EITHER WITHIN THE PARKING FACILITY OF THE BUILDING OR WITHIN A VEHICULAR ACCESSWAY WITH SCREENING DESIGNED TO MEET THE REQUIREMENTS OF THIS SECTION.
7. TRASH ENCLOSURE WALLS SHALL INCORPORATE BUILDING MATERIALS AND COLORS THAT MATCH THE ARCHITECTURE OF THE BUILDING, AND BE WELL LANDSCAPED.
8. ALL LANDSCAPE AREAS SHOULD BE PROTECTED WITH PLANTER CURBS A MINIMUM OF 6-INCHES HIGH.
9. ACCESSIBLE PATH OF TRAVEL SHOWN BY - - - - -

TRASH ENCLOSURE NOTES

1. TRASH ENCLOSURE TO CONFORM TO CITY OF MILPITAS DESIGN GUIDELINES. FINAL CONSTRUCTION DETAILS TO BE PART OF CONSTRUCTION DOCUMENT PACKAGE SUBMITTED FOR PLAN CHECK.
2. OWNER TO CONTRACT FOR PICKUP SERVICES.
3. A SCOUT TRUCK MAY BE REQUIRED DUE TO LIMITED MANEUVERING ON SITE. AN UNOBSTRUCTED 24' WIDE FORWARD APPROACH IS PROVIDED TO THE 12' WIDE PAIR OF MAIN TRASH ENCLOSURE GATES.
4. TRASH ENCLOSURE CAN ACCOMMODATE (2) 6 CU YARD BINS, ONE FOR TRASH AND ONE FOR RECYCLING OR A COMBINATION OF SMALLER BINS.
5. TRASH ENCLOSURE HAS PEDESTRIAN ACCESS WITHOUT OPENING MAIN GATES.

KEYNOTES

- 1 IMPROVED CONCRETE DRIVEWAY
- 2 NEW LANDSCAPE PLANTER
- 3 NEW 6" HIGH CONCRETE CURB - SEE CIVIL FOR CURB TYPE
- 4 NEW PAINTED DIRECTIONAL ARROW
- 5 NEW AC PAVING
- 6 NEW 4" WIDE PAINTED STRIPES
- 7 NEW ACCESSIBLE PARKING STALL
- 8 NEW CONCRETE WALK WITH MEDIUM BROOM FINISH
- 9 NEW TRUNCATED DOMES
- 10 NEW CONCRETE ISLAND WITH CARWASH SALES MACHINE AND AUTOMATIC GATE
- 11 NEW IN GROUND SENSING LOOP
- 12 NEW CONCRETE WHEEL STOP
- 13 NEW UNDERGROUND WATER RECLAMATION TANKS
- 14 NEW VACUUM STATION
- 15 NEW CHU TRASH ENCLOSURE WITH PAIR OF METAL GATES. MATERIALS AND COLORS TO MATCH BUILDING.
- 16 NEW CONCRETE APRON
- 17 NEW CANOPY COLUMN
- 18 NEW FIRE RISER
- 19 EXISTING SETBACK LINE
- 20 NEW RAINWATER LEADER ROUTED TO WASH SYSTEM RECLAMATION TANKS. OVERFLOW DAYLIGHTS AT FACE OF WALL
- 21 PERVIOUS PAVING - SEE CIVIL PLANS
- 22 REFURBISH EXISTING MONUMENT SIGNAGE
- 23 PROVIDE CURB BREAK PER CIVIL
- 24 PROVIDE NEW LED AREA LIGHT.
- 25 PROVIDE NEW LED ILLUMINATED BOLLARD.
- 26 PROVIDE NEW 12" HIGH CHU FENCE TO MATCH BUILDING.
- 27 PROVIDE NEW 12" HIGH CHU WALL TO PROTECT FUTURE VENDING MACHINES. CHU TO MATCH BUILDING.
- 28 FUTURE EV CAPABLE STALL DENOTE AS CARPOOL/CLEAN AIR VEHICLE STALL TO SATISFY CALGREEN REQUIREMENTS.
- 29 VACUUM STATION TO SERVE ACCESSIBLE STALL.

PROJECT NOTES

1. THIS INFORMATION IS CONCEPTUAL IN NATURE AND IS SUBJECT TO ADJUSTMENTS PENDING FURTHER VERIFICATION AND CLIENT, TENANT, AND GOVERNMENTAL AGENCY APPROVALS. NO WARRANTIES OR GUARANTEES OF ANY KIND ARE GIVEN OR IMPLIED BY THE ARCHITECT.

PRELIMINARY PROJECT DATA

APN: 086-25-012
ADDRESS: 554 S MAIN STREET, MILPITAS
ZONING: MIXD - MIXED USE MIDTOWN AREA
SETBACKS REQUIRED:
FRONT YARD: 15' BEHIND CURB BUILD TO LINE
REAR YARD: 10'
INTERIOR SIDE YARD: 10'
CONDITIONAL USE PERMIT REQUIRED: YES
PARKING REQUIRED:
1 PER 100 SQ. FT.
+ RESERVOIR SPACE OUTSIDE OF BUILDING + TO 2 TIMES THE MAX. CAPACITY OF THE FACILITY
MAX. CAPACITY OF WASH: 1 CAR AT A TIME + 2 SPACES
OCCUPIED SPACE (OFFICE/STORAGE/EQUIPMENT BAY): + 1,342 SQ. FT. / 7,000 SF + 7 SPACES.
PARKING PROVIDED:
8 VACUUM/STANDARD STALLS
1 VAN ACCESSIBLE STALL
1 NON VACUUM STALL (FUTURE EV CAPABLE)
+ 13 CARS IN QUEUE
PARKING SPACE DIMENSIONS:
STANDARD: 9'x18' WITH 24' AISLE
PUBLIC ART REQUIREMENT:
MIN 0.5% OF CONSTRUCTION COST
EMPLOYEES ON SHIFT
1 MAXIMUM.
CAR WASH IS FULLY AUTOMATED.
FLOOR AREA RATIO:
SITE AREA: +20,211 GSF
EXISTING WASH BAYS: +2,131 GSF + 10.5%
EXISTING STORAGE CONTAINER: +250 GSF + 1.23%
EXISTING COVERED AREA: +2,381 GSF + 11.7%
(N) BUILDING AREA: +3,183 GSF + 15.2%
(N) CANOPY AREA: +2,201 GSF + 11.3%
(N) TOTAL COVERED AREA: +5,480 GSF + 27.1%
(N) OCCUPIED AREA: 1,342 GSF + 6.61%
CONSTRUCTION TYPE: VB
OCCUPANCY GROUP: B
ALLOWABLE AREA: NS + 9,000 SF

DATE	ISSUED FOR	REV
05-06-19	PLANNING REVISIONS	
07-19-19	PLANNING REVISIONS	

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Project
EXTRA SHINE CAR WASH
554 S MAIN STREET,
MILPITAS CA

Consultants

Seal

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Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	

Drawing Title
SITE PLAN

Check Scale (may be photo reduced)
0 1 inch 0 10mm

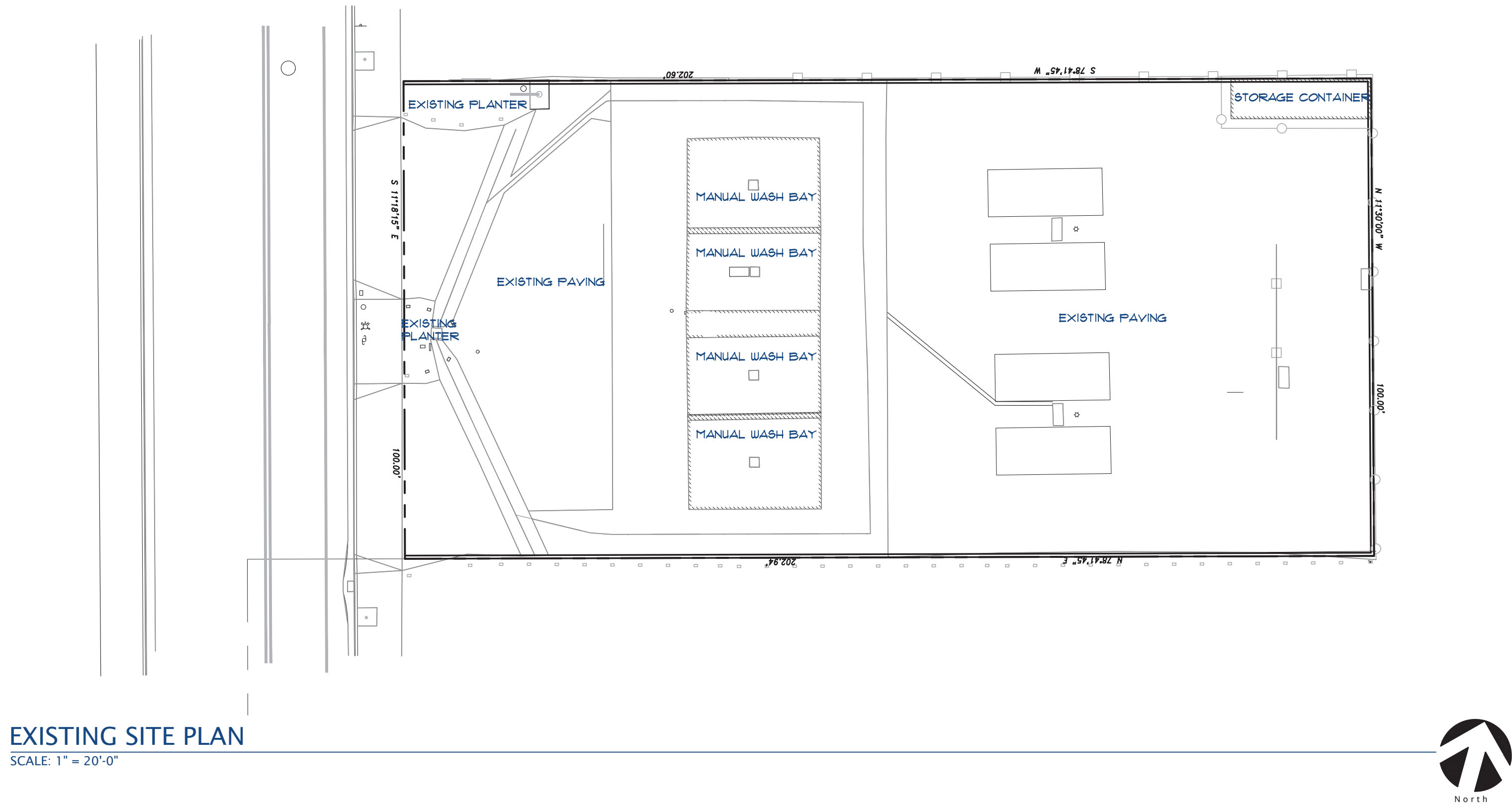
Project No. XXX##-####

Drawing No.

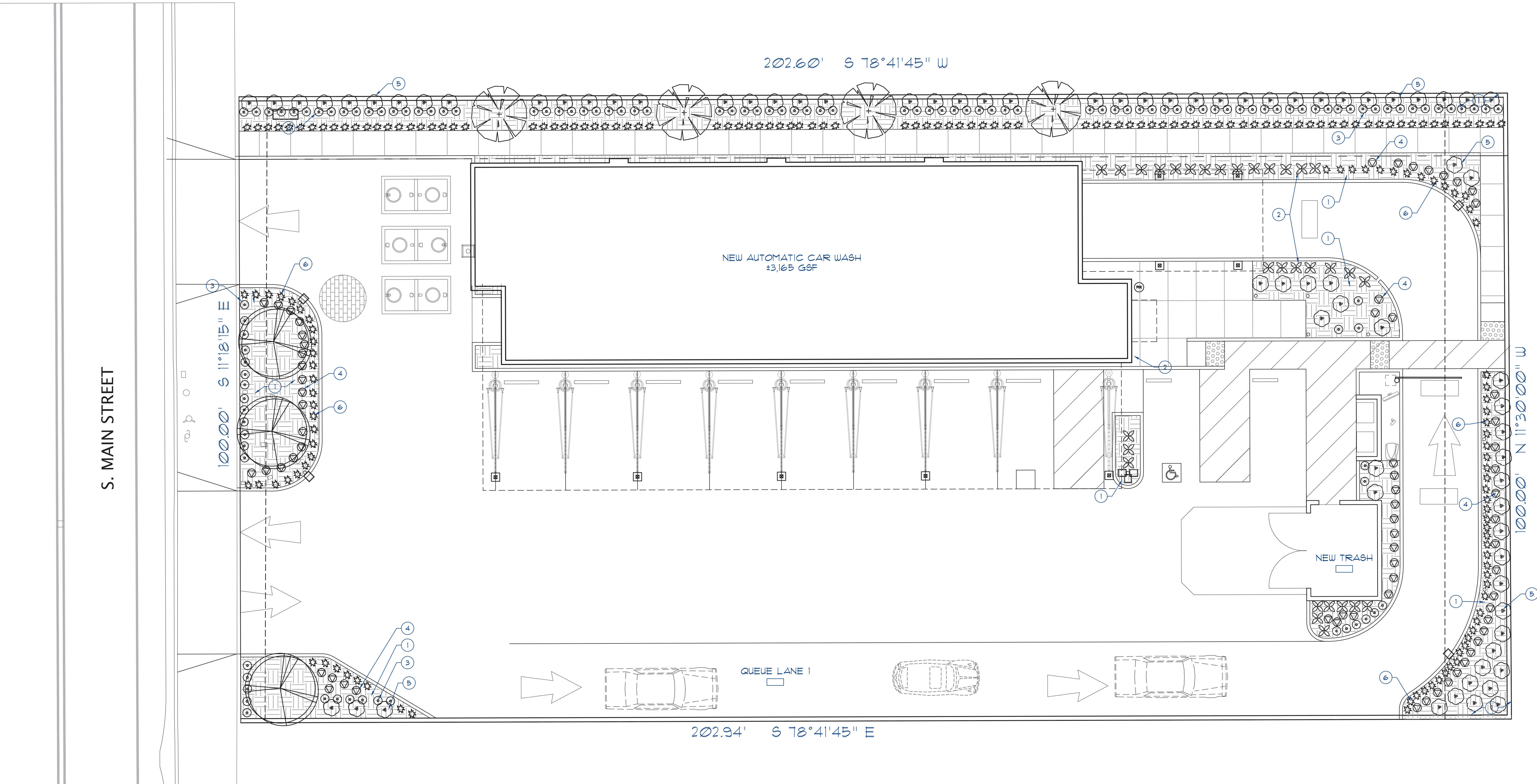
A1.01

PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"





EXISTING SITE PLAN
SCALE: 1" = 20'-0"



PRELIMINARY LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

KEYNOTES

1. PROVIDE 3" UNIFORM COVERING OF SMALL DECORATIVE BARK, 1/4" TO 3/4" IN SIZE.
2. PROVIDE AGAPANTHUS AFRICANUS SPACED 2 FEET ON CENTER
3. PROVIDE ARCTOTIS BUMBLE BEE SPACED 2 FEET ON CENTER
4. PROVIDE EURYOPS PECTINATUS MUNCHKIN' SPACED 3 FEET ON CENTER
5. PROVIDE MYRTUS COMMUNIS COMPACTA SPACED 4 FEET ON CENTER
6. PROVIDE PHORMIUM TENAX JACK SPRATT SPACED 1'-6" ON CENTER

PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE
	AGAPANTHUS AFRICANUS	LILLY OF THE NILE	1 GAL	2'-0"	M
	ARCTOTIS BUMBLE BEE	AFRICAN DAISY	1 GAL	2'-0"	L
	EURYOPS PECTINATUS MUNCHKIN	DIWARF EURYOPS	1 GAL	3'-0"	L
	MYRTUS COMMUNIS COMPACTA	MYRTLE	5 GAL	4'-0"	L
	PHORMIUM TENAX JACK SPRATT	JACK SPRATT NEW ZEALAND FLAX	5 GAL	1'-6"	L
	CELTIS SINENSIS	CHINESE HACKBERRY	15 GAL		
	PISTACHIA CHINENSIS	CHINESE PISTACHE	15 GAL		

LANDSCAPE NOTES

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2. LANDSCAPE IRRIGATION TO CONFORM TO LOCAL ORDINANCE. INSTALL A UNIFORM 3" COVERING OF SMALL DECORATIVE BARK, 1/4 TO 3/4 INCH PARTICLE SIZE IN ALL PLANTING AREAS.
3. PROVIDE GROUND COVER AS INDICATED ON CENTER SPACING THROUGHOUT ALL PLANTING AREAS. GROUND COVER SHALL BE PROVIDED UP TO THE WATER BASIN OF ALL TREES AND SHRUBS.
5. ALL NEW PLANTING AREAS TO RECEIVE AND 18" LAYER OF IMPORT TOPSOIL.

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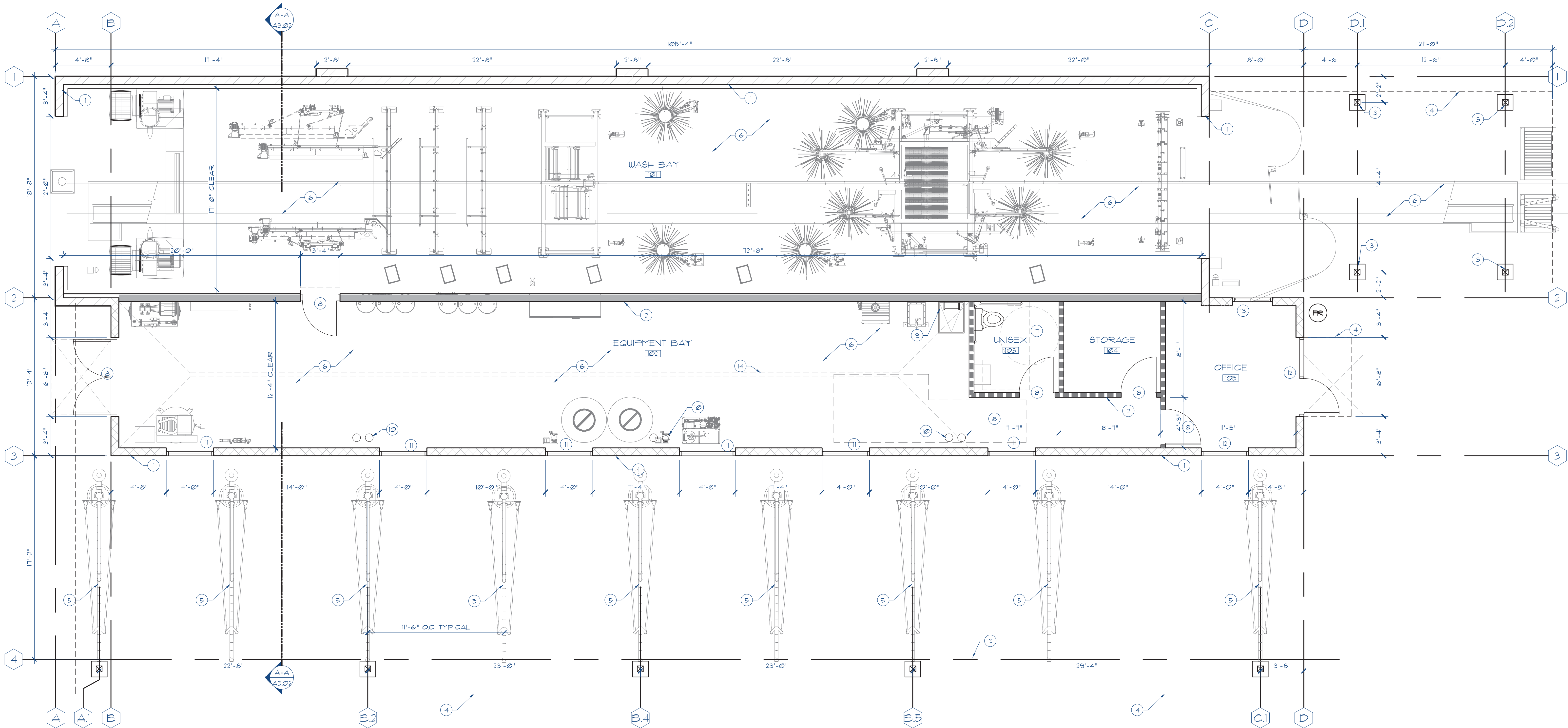
Project
EXTRA SHINE CAR WASH
554 S MAIN STREET,
MILPITAS CA

Consultants

Seal

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Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	
Drawing Title PRELIMINARY LANDSCAPE PLAN	
Check Scale (may be photo reduced) 0 1 inch 0 10mm	
Project No. XXX##-####	
Drawing No. A1.02	



FLOOR PLAN
SCALE: 1/4" = 1'-0"

KEYNOTES

- 1 CMU WALL
- 2 FRAMED WALL
- 3 CANOPY COLUMN
- 4 CANOPY OVERHEAD
- 5 VACUUM SYSTEM
- 6 CAR WASH EQUIPMENT
- 7 ACCESSIBLE RESTROOM
- 8 DOOR
- 9 ROOF ACCESS HATCH AND LADDER
- 10 RAINWATER LEADER AND OVERFLOW PIPING
- 11 CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW WITH SANDBLASTED GLAZING W/ NIGHTTIME INTERIOR ILLUMINATION, TYPICAL OF 6
- 12 CLEAR ANODIZED ALUMINUM STOREFRONT SLIDING PASS-THRU WINDOW WITH CLEAR DUAL GLAZING, TYPICAL OF 1
- 13 TRENCH DRAIN

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- 2. ALL WASH EQUIPMENT BY WASH EQUIPMENT VENDOR LAYOUT SHOWN FOR REFERENCE ONLY.

WALL LEGEND

- CMU WALL
EXTERIOR: 4x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED, METAL FURRING WITH 5/8" TYP X GYP BOARD IN OFFICE. SEE ELEVATION FOR SPLIT FACE WAINGSCOT.
- CMU WALL
EXTERIOR: 8x8x16 PRECISION CUT CMU, FULLY GROUTED WITH 7/8" SMOOTH FINISH CEMENT PLASTER. INTERIOR, INTERIOR SIDE TO BE FINISHED WITH WATERPROOF PANELING PER WASH VENDOR. SEE ELEVATION FOR SPLIT FACE WAINGSCOT.
- NON RATED INTERIOR WALL
MIN 3-5/8" 20 GA METAL STUDS AT 16" OC WITH 1 LAYER 5/8" TYPE GYP BOARD EACH SIDE.
- NON RATED INTERIOR WALL
MIN 6" 20 GA METAL STUDS AT 16" OC WITH 1 LAYER 5/8" TYPE GYP BOARD EACH SIDE. WASH BAY SIDE TO RECEIVE WATERPROOF PANELING PER WASH VENDOR.

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Project

EXTRA SHINE CAR WASH
554 S MAIN STREET,
MILPITAS CA

Consultants

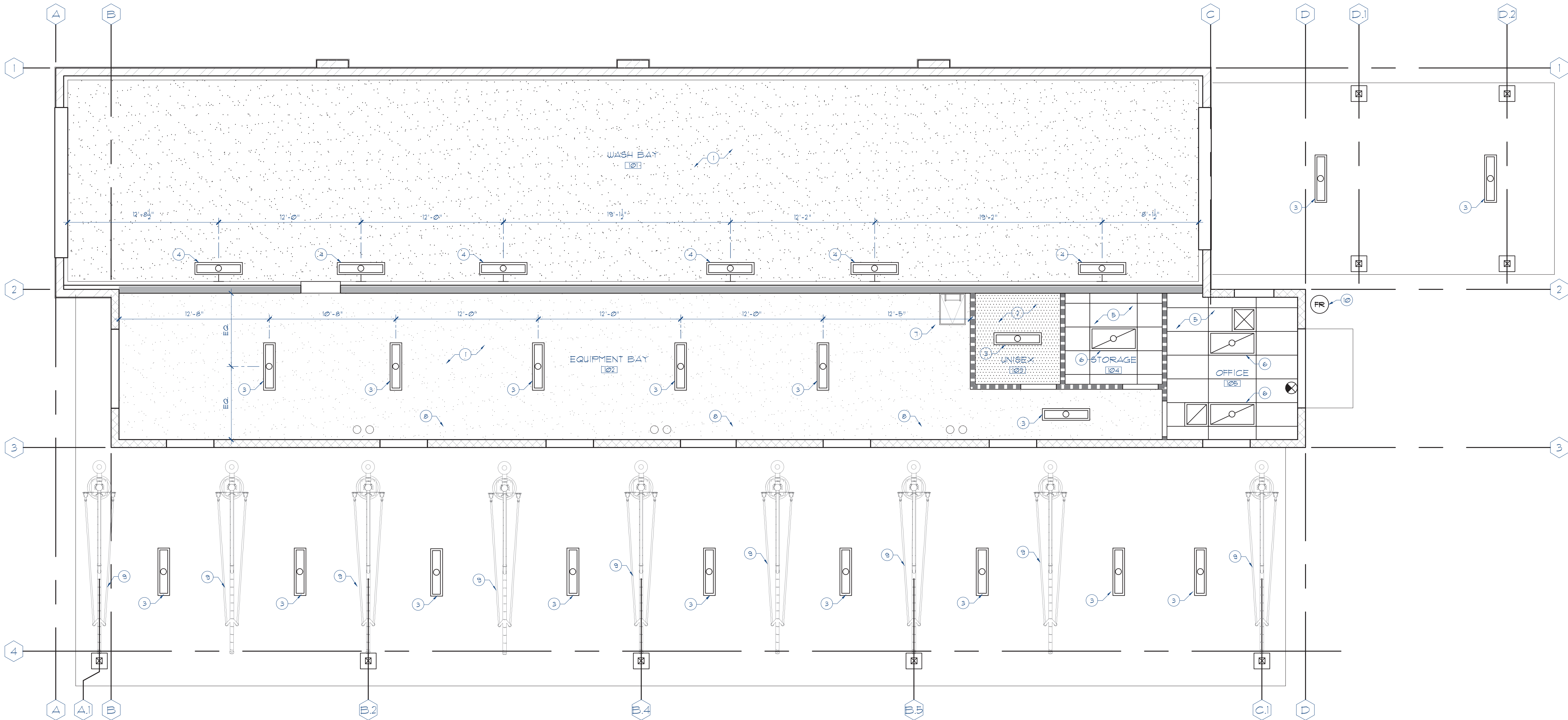
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Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	
Drawing Title FLOOR PLAN	
Check Scale (may be photo reduced) 0 1 inch 0 10mm	
Project No. XXX##-####	
Drawing No. A2.01	



REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

KEYNOTES

1. GYP BOARD CEILING SECURED TO UNDERSIDE OF ROOF FRAMING. PROVIDE WATER PROOF FINISH.
2. FRAMED GYP BOARD CEILING.
3. SURFACE MOUNTED LIGHT FIXTURE.
4. WALL MOUNTED LIGHT FIXTURE.
5. SUSPENDED ACOUSTIC CEILING.
6. SUSPENDED 2x4 LIGHT FIXTURE.
7. ROOF ACCESS LADDER AND HATCH.
8. ROOF DRAIN AND OVERFLOW LEADER.
9. VACUUM STATION WITH INTEGRAL CANOPY AND LED LIGHT.
10. FIRE RISER, SPRINKLER LINE AND HEAD DISTRIBUTION BY OTHERS.

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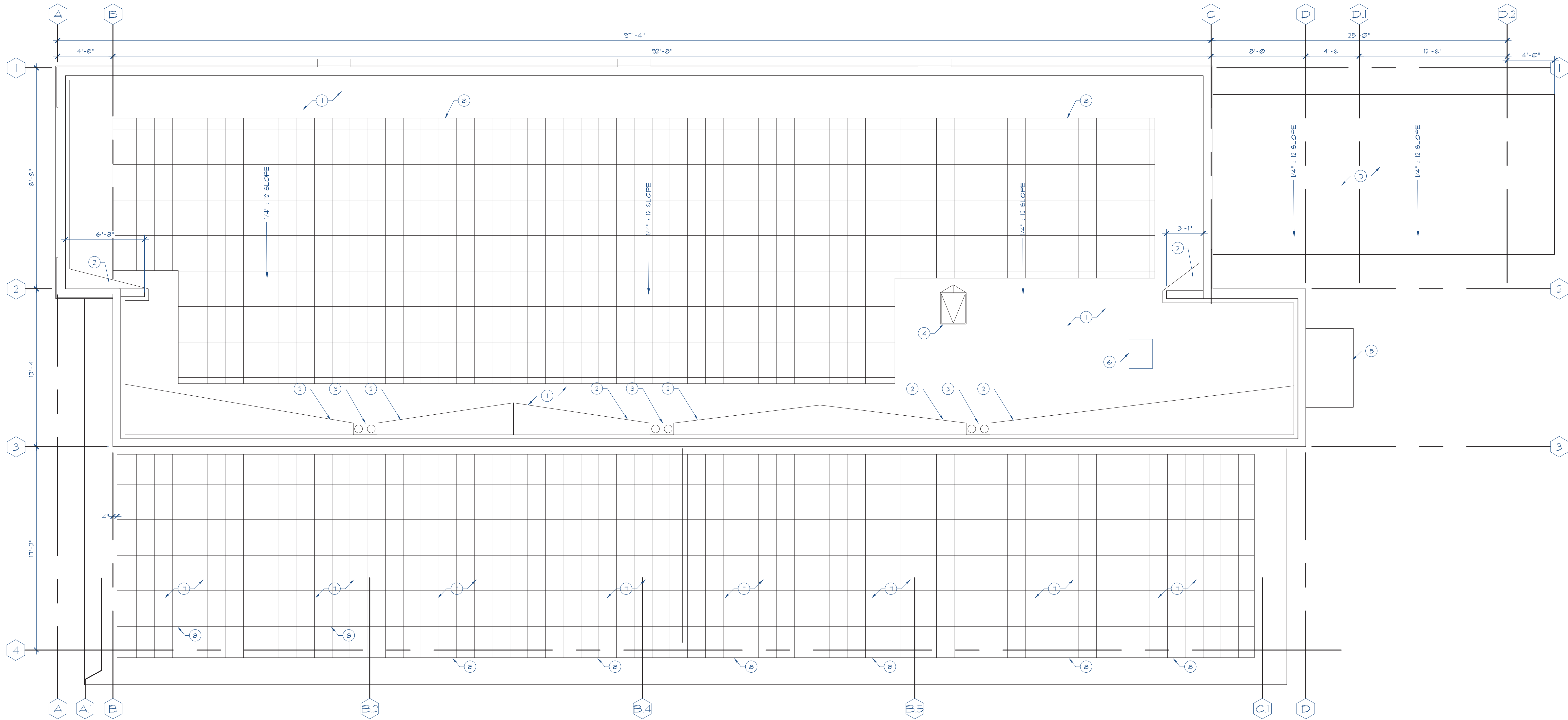
Project
EXTRA SHINE CAR WASH
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Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	
Drawing Title REFLECTED CEILING PLAN	
Check Scale (may be photo reduced) 0 1inch 0 10mm	
Project No. XXX##-####	
Drawing No. A2.02	



ROOF PLAN
SCALE: 1/4" = 1'-0"



KEYNOTES

- 1 SINGLE PLY ROOFING OVER COVER BARRIER BOARD OVER ROOF DECKING.
- 2 PROVIDE CRICKETS TO ACHIEVE POSITIVE DRAINAGE.
- 3 ROOF DRAIN AND OVERFLOW INLET, ROUTED TO WATER RECLAMATION SYSTEM
- 4 ROOF ACCESS HATCH
- 5 STEEL EYEBROW CANOPY OVER ENTRY
- 6 ROOF TOP CONDENSING UNIT, HEIGHT IS BELOW PARAPET
- 7 FRAMED CANOPY OVER PARKING AND VACUUM STATIONS.
- 8 SOLAR PANEL SYSTEM
- 9 FRAMED CANOPY OVER VEHICLE WASH BAY ENTRANCE.

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EXTRA SHINE CAR WASH
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Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	
Drawing Title ROOF PLAN	
Check Scale (may be photo reduced) 0 1inch 0 10mm	
Project No.	XXX##-####
Drawing No.	A2.03

KEYNOTES

- 1

4x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED, BASIS OF DESIGN: BASALITE STANDARD COLOR 128
- 2

1/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL, PAINTED SHERWIN WILLIAMS BUT631 CITY LOFT
- 3

1" CLEAR ANODIZED ALUMINUM REVEAL
- 4

PREMANUFACTURED VACUUM STRUCTURE, BASIS OF DESIGN: PALM ARCH BY VACUTECH
- 5

CLEAR ANODIZED ALUMINUM STOREFRONT DOORS WITH SANDBLASTED GLAZING, W/ NIGHTTIME INTERIOR ILLUMINATION
- 6

CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW WITH SANDBLASTED GLAZING W/ NIGHTTIME INTERIOR ILLUMINATION . TYPICAL OF 6
- 7

CLEAR ANODIZED ALUMINUM STOREFRONT WITH CLEAR DUAL GLAZING, TYPICAL OF 1
- 8

CLEAR ANODIZED ALUMINUM STOREFRONT WITH STOREFRONT DOOR AND CLEAR DUAL GLAZING.
- 9

STEEL CANOPY PAINTED
- 10

ROOF LINE SHOWN DASHED FOR REFERENCE ONLY.
- 11

PLASTER CONTROL JOINT.

12

ILLUMINATED PIN LETTER SIGNAGE UNDER SEPARATE SIGNAGE SUBMITTAL, SHOWN FOR REFERENCE ONLY, REFER TO SIGNAGE PACKAGE FOR FINAL DESIGN AND PLACEMENT

13

ILLUMINATED ADDRESS NUMBERS.

14

CLEAR ANODIZED ALUMINUM STOREFRONT SLIDING PASS-THRU WINDOW WITH CLEAR DUAL GLAZING.

15

DECORATIVE LIGHT FIXTURE, BASIS OF DESIGN VISA LIGHTING LIGHTSHOWER MODEL NUMBER 0U4400, GLITTER FINISH

16

WALL LIGHT FIXTURE, BASIS OF DESIGN GARDCO LED WALL SCONCE MODEL 101L, DARK GRAY FINISH.

17

GREENSCREEN TRELLIS

18

PILASTER 1/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL, PAINTED SHERWIN WILLIAMS BUT631 THRESHOLD TAUPE.

19

CMU WAINSCOT: 8x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED, BASIS OF DESIGN: BASALITE STANDARD COLOR 136

20

HIGH DEFINITION VIDEO CAMERAS AFFIXED TO COLUMNS, ROUTE CABLE INSIDE COLUMN TO VIDEO RECORDING SYSTEM IN OFFICE. FINAL CONFIGURATION TBD.

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Project

EXTRA SHINE CAR WASH
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Consultants

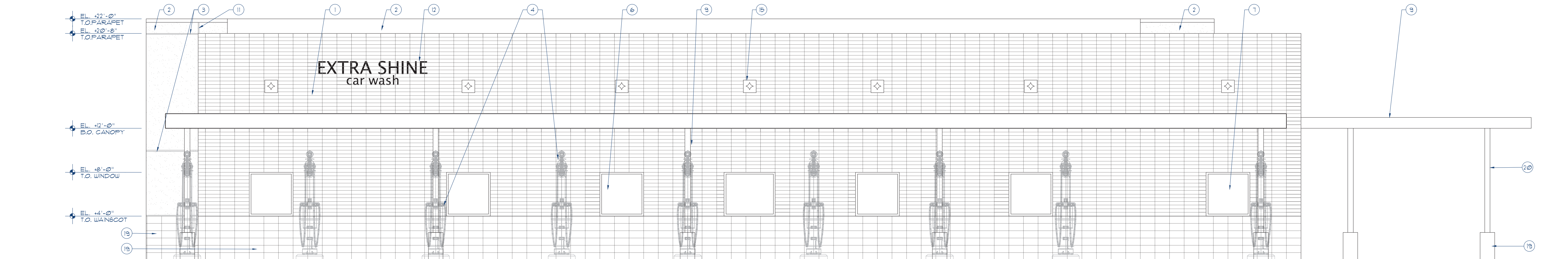
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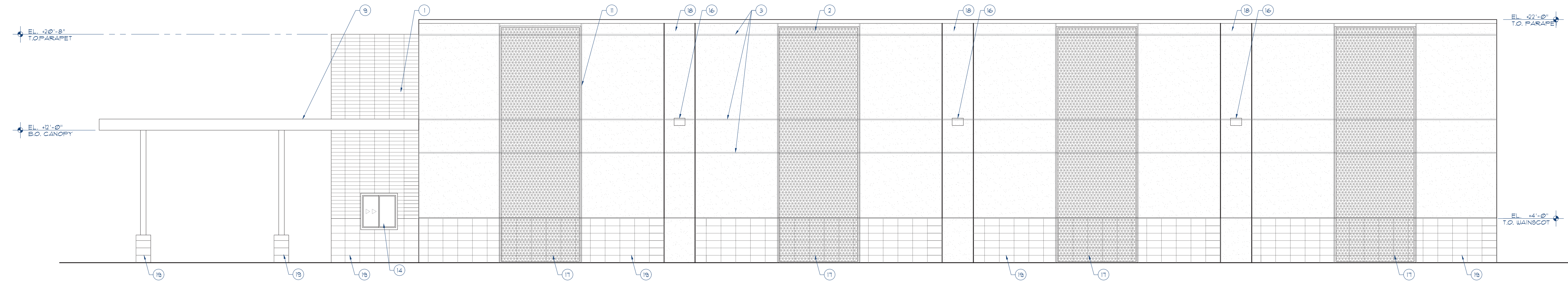
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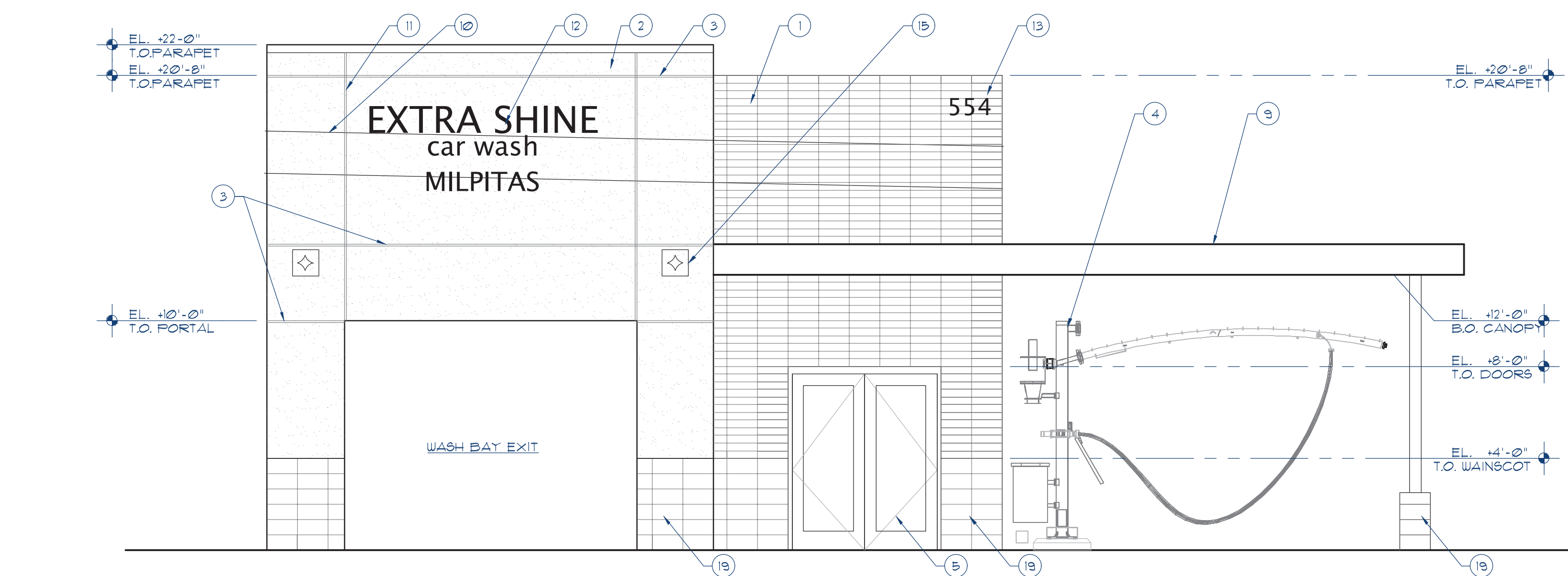
Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	
Drawing Title ELEVATIONS	
Check Scale (may be photo reduced) 0 1inch 0 10mm	
Project No. XXX##-####	
Drawing No. A3.01	



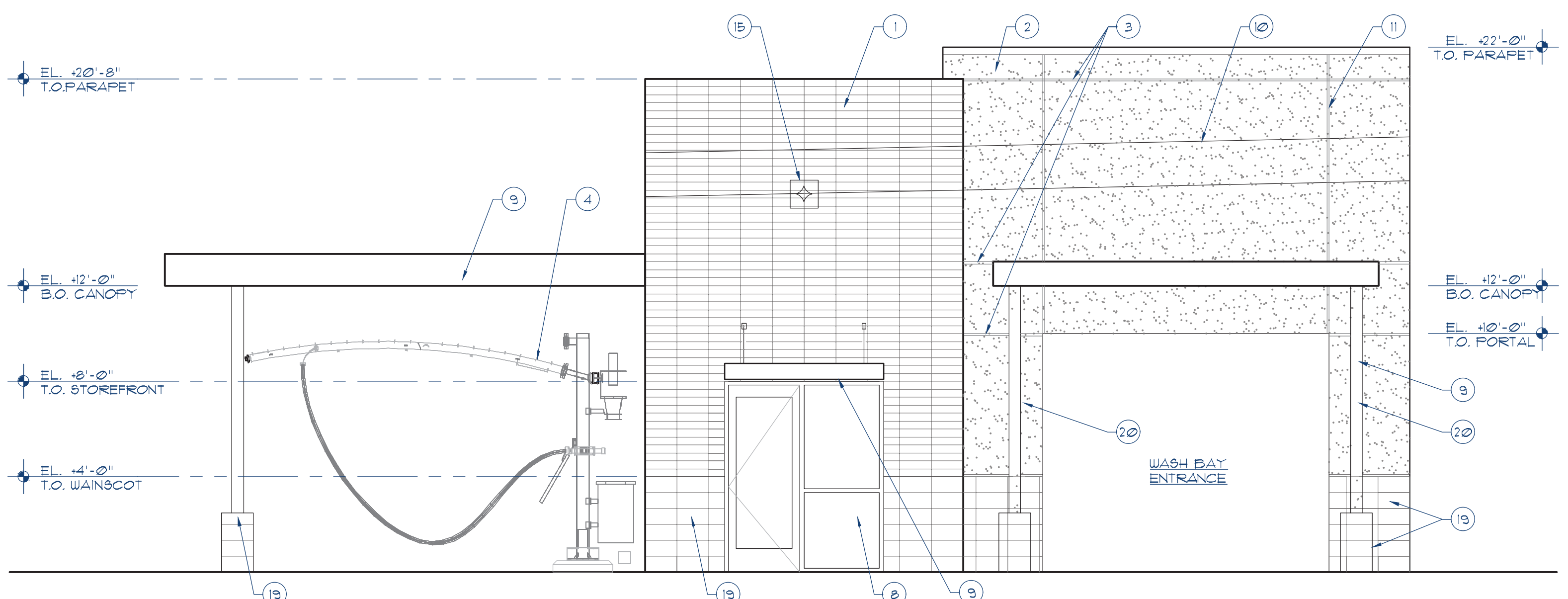
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



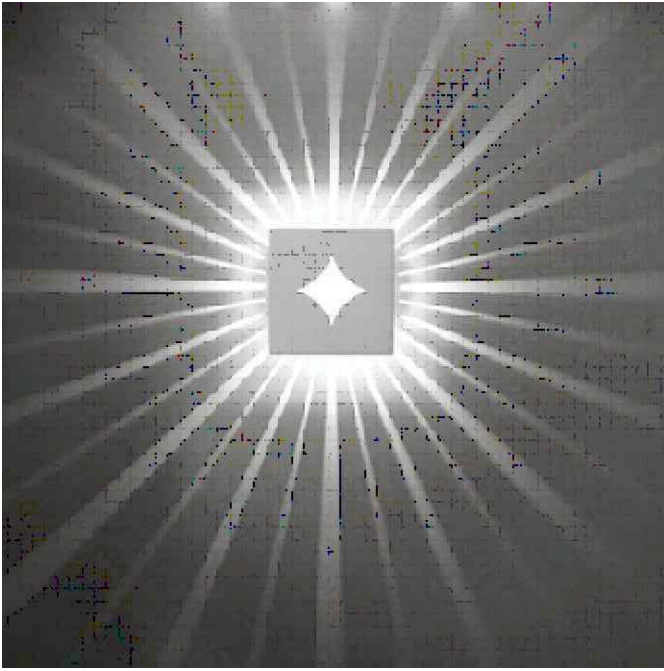
WEST ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

ARCH E1 - 30"x42" - 762mmx1067mm (rounded)

LIGHT FIXTURES



VISA LIGHTSHOWER



GARDCO 101L

MATERIAL LEGEND



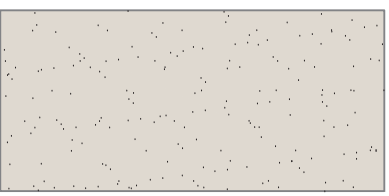
4x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED, BASIS OF DESIGN: BASALITE STANDARD COLOR 128



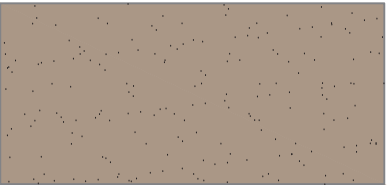
WAINSCOT: 8x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED, BASIS OF DESIGN: BASALITE STANDARD COLOR 136



PAINTED METAL, SHERWIN WILLIAMS SW106 ROCK BOTTOM



1/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL, PAINTED SHERWIN WILLIAMS SW1631 CITY LOFT



WAINSCOT: 1/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL, PAINTED SHERWIN WILLIAMS SW1601 THRESHOLD TAUPE



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

VACUUM UNITS NOT SHOWN FOR CLARITY



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"

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Project

EXTRA SHINE CAR WASH
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Project Manager D. ALBRIGHT	Drawn I. LASTNAME
Project Leader J. CARPNAME	Checked I. LASTNAME
Client EXTRA SHINE CARWASH	
Drawing Title ELEVATIONS	
Check Scale (may be photo reduced) 0 1 inch 0 10mm	
Project No. XXX##-####	
Drawing No. A3.01	

KEYNOTES

- 1
- 4x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED. BASIS OF DESIGN: BASALITE STANDARD COLOR 128
- 2
- 7/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL. PAINTED SHERWIN WILLIAMS SW7631 CITY LOFT
- 3
- BASIS OF DESIGN: PALM ARCH BY VACUTECH
- 4
- CLEAR ANODIZED ALUMINUM STOREFRONT DOORS WITH SANDBLASTED GLAZING, W/ NIGHTTIME INTERIOR ILLUMINATION
- 5
- CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW PER ELEVATION
- 6
- SINGLE PLY ROOFING OVER COVER BARRIER BOARD
- 7
- ROOF STRUCTURE TO CREATE A 1/4 : 12 MINIMUM ROOF SLOPE.
- 8
- WASH EQUIPMENT PER VENDOR
- 9
- SLOPE CONCRETE FLOOR TO CENTER DRAIN, ROUTE DRAIN TO WATER RECLAMATION SYSTEM BY VENDOR
- 10
- 6" METAL FRAMED WALL ASSEMBLY PER PLAN.
- 11
- ROOF TOP HVAC UNIT (WHERE OCCURS, SIZE AND LOCATE SO AS TO BE BELOW ADJACENT PARAPET.
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- WAINSCOT: 8x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED. BASIS OF DESIGN: BASALITE STANDARD COLOR 136
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- WHERE VISIBLE ABOVE LOWER PARAPET, BACKSIDE OF UPPER PARAPET TO BE FINISHED WITH 7/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL. PAINTED SHERWIN WILLIAMS SW7631 CITY LOFT

PROJECT NOTES

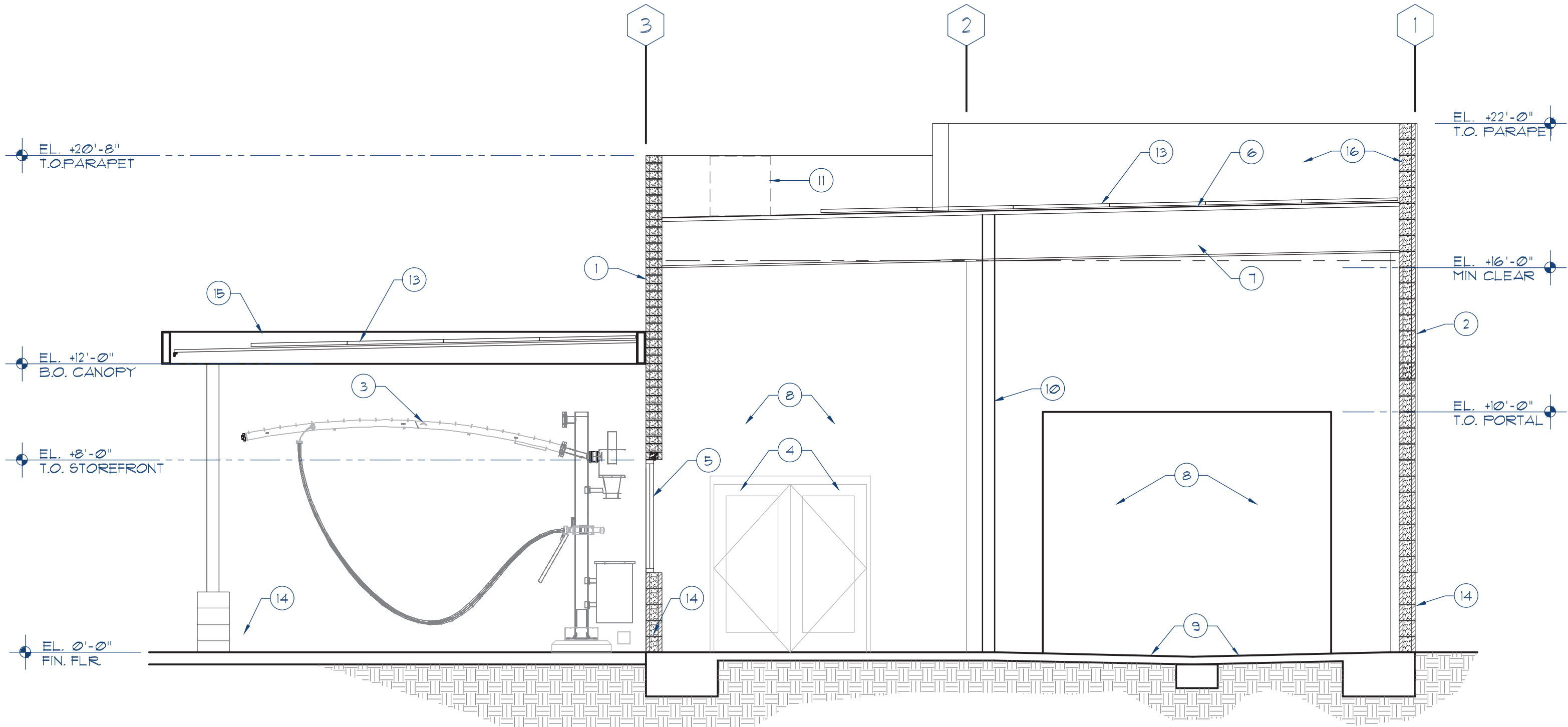
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SECTION A-A
SCALE: 1/4" = 1'-0"

EXTRA SHINE CAR WASH
554 S MAIN STREET,
MILPITAS CA

Consultants

Seal

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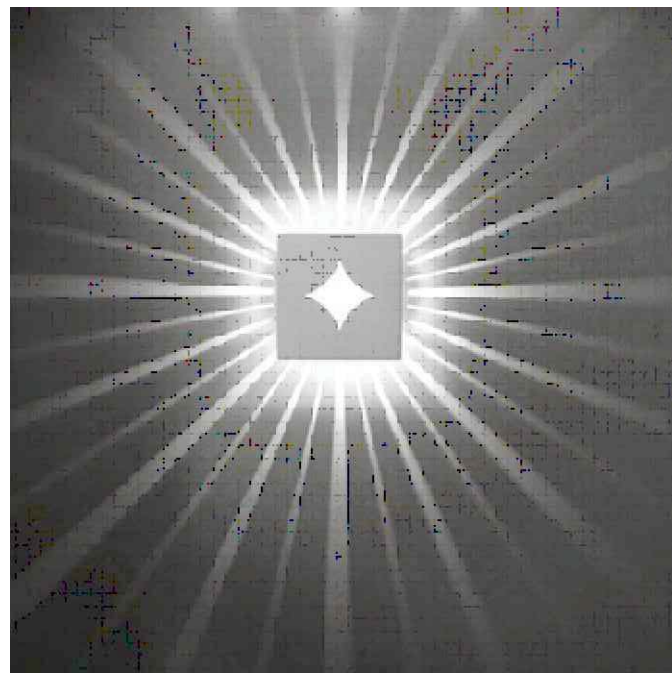
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Project Manager D. ALBRIGHT	Drawn
Project Leader J. CHAPIN	Checked
Client EXTRA SHINE CARWASH	
Drawing Title SECTION	
Check Scale (may be photo reduced) 0 1inch 0 10mm	
Project No. XXX##-####	
Drawing No. A3.02	

ARCH E1 - 30"x42" - 762mmx1067mm (rounded)

LIGHT FIXTURES



VISA LIGHTSHOWER



GARCO 101L

MATERIAL LEGEND



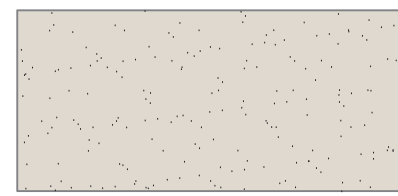
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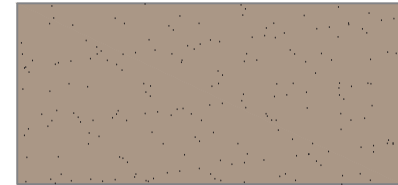
WAINSCOT: 8x8x16 STACKED SPLIT FACE CMU WALLS, FULLY GROUTED, BASIS OF DESIGN: BASALITE STANDARD COLOR 136



PAINTED METAL, SHERWIN WILLIAMS SW106 ROCK BOTTOM



1/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL, PAINTED SHERWIN WILLIAMS SW1631 CITY LOFT



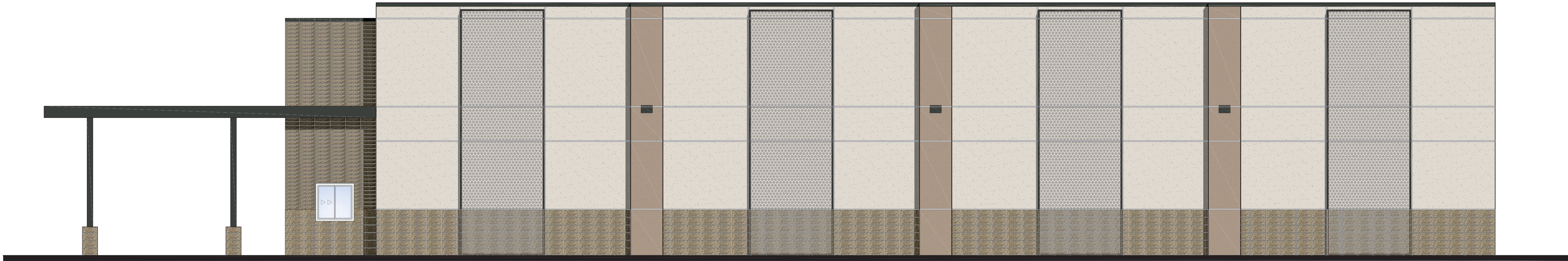
WAINSCOT: 1/8" CEMENT PLASTER OVER 8x8x16 PRECISION CUT CMU BLOCK WALL, PAINTED SHERWIN WILLIAMS SW1601 THRESHOLD TAUPE



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

VACUUM UNITS NOT SHOWN FOR CLARITY



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"

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Project

EXTRA SHINE CAR WASH
554 S MAIN STREET,
MILPITAS CA

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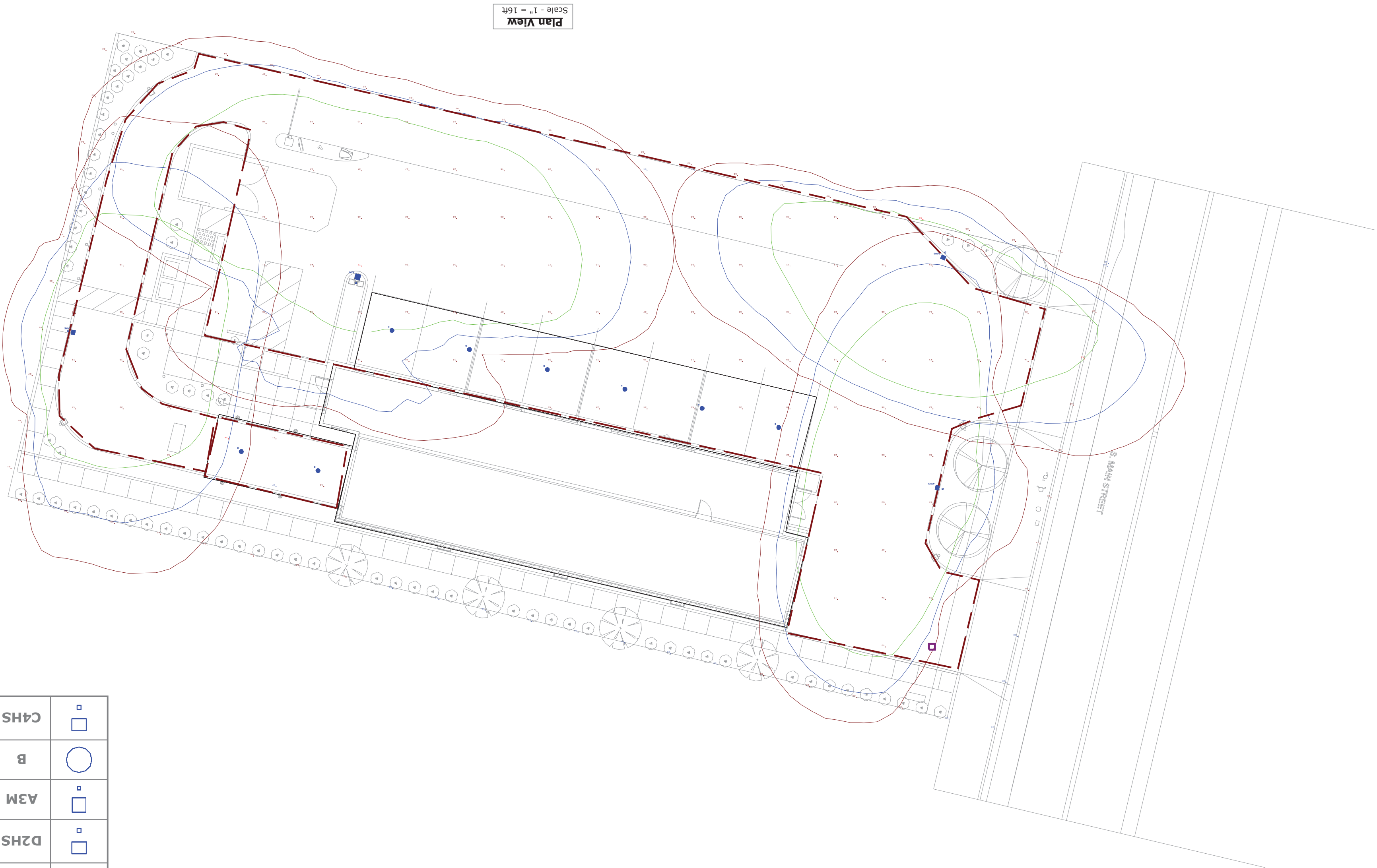
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Project Leader J. CARPNAME	Checked I. LASTNAME
Client EXTRA SHINE CARWASH	
Drawing Title ELEVATIONS	
Check Scale (may be photo reduced) 0 1inch 0 10mm	
Project No. XXX##-####	
Drawing No. A3.01	

Statistics				
Description		Symbol	Avg	Max
ENTRANCE CANOPY	+	2.6'c	3.4'c	1.7'c
		2.0'c	2.0'c	1.5'c
PROPERTY LINE	+	0.3'c	1.0'c	0.0'c
				N/A
SITE	+	2.4'c	7.2'c	0.4'c
				18.0'c
				6.0'c

Schedule	Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
A2HS		A2HS	1	Lithonia Lighting	DSX1 LED P3 40K T2S	DSX1 LED P3 40K T2S shield	LED	1	DSX1_LED_P3_40K_T2S_MVOLT_HS.I	3,40K T2S	86.75	102
D2HS		D2HS	1	Lithonia Lighting	DSX1 LED P1 40K T2M	DSX1 LED P1 40K T2M shield	LED	1	DSX1_LED_P1_40K_T2M_MVOLT_HS.I	1,40K T2M	569.3	54
A3M		A3M	1	Lithonia Lighting	DSX1 LED P3 40K T3M	DSX1 LED P3 40K T3M shield	LED	1	DSX1_LED_P3_40K_T3M_MVOLT_HS.I	3,40K T3M	1221.4	102
B		B	8	Lithonia Lighting	OLCFM 15 00B	GENERAL PURPOSE LED CAST FLUSH MOUNT WITH DARK BRONZE FINISH	LED	1	OLCFM_15_00B_HS.I	15,000	104.2	16.6
C4HS		C4HS	1	Lithonia Lighting	DSX1 LED P1 40K T4M	DSX1 LED P1 40K T4M shield	LED	1	DSX1_LED_P1_40K_T4M_MVOLT_HS.I	1,40K T4M	529.0	54

Luminaire Locations												
Location			Alm									
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Y	Z		
2	A2HS	24.41	48.34	16.00	102.59	0.00	25.53	48.09	0.00			
2	A3M	147.54	5.10	16.00	193.92	0.00	147.22	3.82	0.00			
1	B	155.56	44.50	10.00	0.00	0.00	155.56	44.50	0.00			
3	B	121.65	46.49	10.00	0.00	0.00	121.65	46.49	0.00			
4	B	58.83	35.42	10.00	0.00	0.00	58.83	35.42	0.00			
5	B	74.92	31.41	10.00	0.00	0.00	74.92	31.41	0.00			
6	B	91.11	27.38	10.00	0.00	0.00	91.11	27.38	0.00			
7	B	107.38	23.27	10.00	0.00	0.00	107.38	23.27	0.00			
8	B	123.75	19.07	10.00	0.00	0.00	123.75	19.07	0.00			
9	B	140.02	15.04	10.00	0.00	0.00	140.02	15.04	0.00			
6	C4HS	208.07	15.25	16.00	280.23	0.00	206.94	15.45	0.00			
1	D2HS	23.85	-1.34	16.00	16.00	21.20	0.00	24.27	-0.27	0.00		



EXTRA SHINE CARWASH

1 of 1
Summary
Designer
M.GOOD
Date
4/1/2019
Scale
Not to Scale
Drawing No.



554 S Main Street Extra Shine Car Wash

Noise Impact Study

City of Milpitas, CA

Prepared for:

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Sacramento, CA 95826

Prepared by:

MD Acoustics, LLC
Mike Dickerson, INCE
Claire Pincock
4960 S. Gilbert Road, Ste 1-461
Chandler, AZ 85249

Date: 7/10/2019



Noise Study Reports | Vibration Studies | Air Quality | Greenhouse Gas | Health Risk Assessments

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1.0 Executive Summary

This report has been prepared to provide the calculated noise projections from the proposed Extra Shine Car Wash project located at 554 S Main Street, in the City of Milpitas, CA. All noise projections were compared to the City of Milpitas General Plan and noise ordinance as well as the existing ambient condition.

1.1 Findings and Conclusions

Baseline ambient measurements were performed over a 24-hour period at the project site and represent the ambient noise condition within the project vicinity. Ambient noise data indicates the hourly average noise level during operational hours ranged from 67 to 71 dBA Leq(h). The predominant source of noise is traffic noise propagating from S Main Street and the currently operating car wash stations.

This study compares the Project's operational noise levels to two (2) different noise assessment scenarios: 1) Project only operational noise level projections, 2) Project plus ambient noise level projections.

Project only operational noise levels are anticipated to range between 42 to 59 dBA Leq, depending on the location of the residential or park receptor. The "project only" noise projections to the adjacent residential uses are below the City's 65 dBA residential limit (see Section V-213-3 3.02).

Project plus ambient noise level projections are anticipated to range between 67.1 to 67.7 dBA at adjacent receptors. This assessment evaluates the baseline noise condition and compares the project's worst-case operational noise level to the existing noise levels (during the project's proposed hours of operation). The "project plus ambient" noise projections increase ranges from 0 – 5 dBA. Both residential receptors have 0 increase and the park receptor has a 5 dBA increase, which meets the residential limit of no increase in ambient level.

The project shall incorporate the use of a 6-blower Aerodry system (or equivalent).

2.0 Introduction

2.1 Purpose of Analysis and Study Objectives

The purpose of this noise impact study is to evaluate the potential noise impacts for the project study area and to recommend noise mitigation measures, if necessary, to minimize the potential noise impacts. The assessment was conducted and compared to potentially applicable noise standards set-forth by the State and/or Local agencies. Consistent with the City's Noise Guidelines, the project must demonstrate compliance to the applicable noise zoning ordinance and sound attenuation requirements.

The following is provided in this report:

- A description of the study area and the proposed project
- Information regarding the fundamentals of noise
- A description of the local noise guidelines and standards
- An evaluation of the existing ambient noise environment
- An analysis of stationary noise impact (e.g. blowers and vacuums) from the project site to adjacent land uses

2.2 Site Location and Study Area

The project site is located at 554 S Main Street in Milpitas, CA as shown in Exhibit A. The land uses directly surrounding the project site include existing residential to the east, and northwest, commercial to the south and west, and a park to the north.

2.3 Proposed Project Description

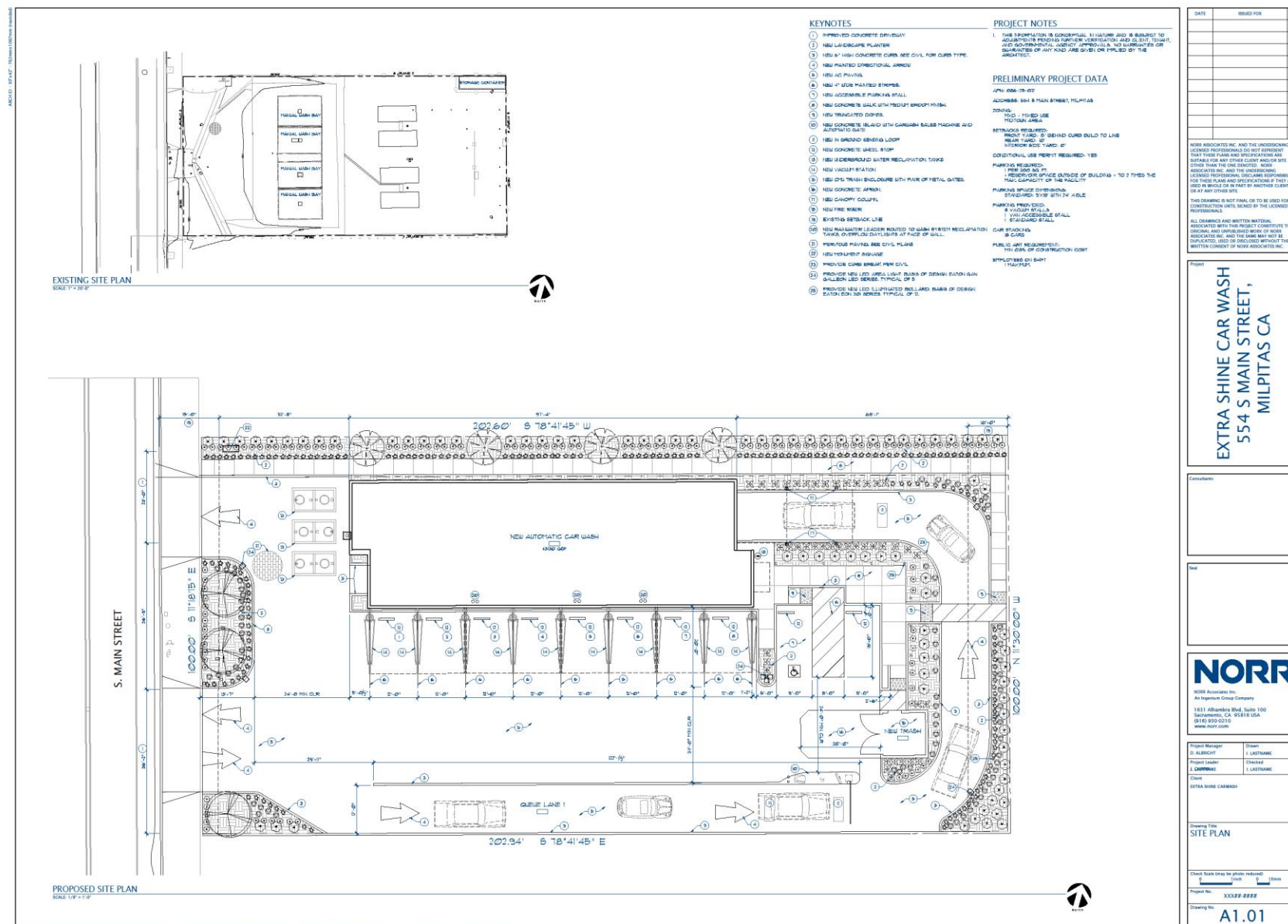
The project proposes to develop a 3,130 square foot automatic car wash and 9 vacuums. A noise study has been prepared which identifies the Project's worst-case potential impact to the adjacent uses and compares the noise level projections to the City's applicable noise ordinance. The site plan used for this is illustrated in Exhibit B.

Exhibit A Location Map



Exhibit B

Site Plan



3.0 Fundamentals of Noise

This section of the report provides basic information about noise and presents some of the terms used within the report.

3.1 Sound, Noise and Acoustics

Sound is a disturbance created by a moving or vibrating source and is capable of being detected by the hearing organs. Sound may be thought of as mechanical energy of a moving object transmitted by pressure waves through a medium to a human ear. For traffic, or stationary noise, the medium of concern is air. *Noise* is defined as sound that is loud, unpleasant, unexpected, or unwanted.

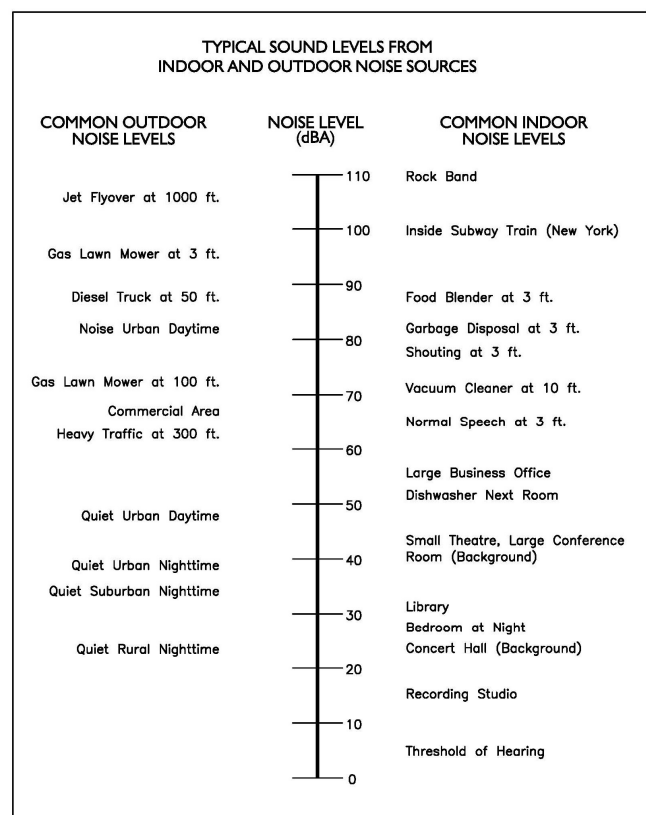
3.2 Frequency and Hertz

A continuous sound is described by its *frequency* (pitch) and its *amplitude* (loudness). Frequency relates to the number of pressure oscillations per second. Low-frequency sounds are low in pitch (bass sounding) and high-frequency sounds are high in pitch (squeak). These oscillations per second (cycles) are commonly referred to as Hertz (Hz). The human ear can hear from the bass pitch starting out at 20 Hz all the way to the high pitch of 20,000 Hz.

3.3 Sound Pressure Levels and Decibels

The *amplitude* of a sound determines its loudness. The loudness of sound increases or decreases as the amplitude increases or decreases. Sound pressure amplitude is measured in units of micro-Newton per square inch meter (N/m²), also called micro-Pascal (μPa). One μPa is approximately one hundred billionths (0.0000000001) of normal atmospheric pressure. Sound pressure level (SPL or L_p) is used to describe in logarithmic units the ratio of actual sound pressures to a reference pressure squared. These units are called decibels abbreviated dB. Exhibit C illustrates reference sound levels for different noise sources.

Exhibit C: Typical A-Weighted Noise Levels



3.4 Addition of Decibels

Because decibels are on a logarithmic scale, sound pressure levels cannot be added or subtracted by simple plus or minus addition. When two sounds of equal SPL are combined, they will produce an SPL 3 dB greater than the original single SPL. In other words, sound energy must be doubled to produce a 3 dB increase. If two sounds differ by approximately 10 dB, the higher sound level is the predominant sound.

3.5 Human Response to Changes in Noise Levels

In general, the healthy human ear is most sensitive to sounds between 1,000 Hz and 5,000 Hz, (A-weighted scale) and it perceives a sound within that range as being more intense than a sound with a higher or lower frequency with the same magnitude. For purposes of this report as well as with most environmental documents, the A-scale weighting is typically reported in terms of A-weighted decibel (dBA). Typically, the human ear can barely perceive the change in noise level of 3 dB. A change in 5 dB is readily perceptible, and a change in 10 dB is perceived as being twice or half as loud. As previously discussed, a doubling of sound energy results in a 3 dB increase in sound, which means that a doubling of sound energy (e.g. doubling the volume of traffic on a highway) would result in a barely perceptible change in sound level.

3.6 Noise Descriptors

Noise in our daily environment fluctuates over time. Some noise levels occur in regular patterns, others are random. Some noise levels are constant while others are sporadic. Noise descriptors were created to describe the different time-varying noise levels.

A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear. A numerical method of rating human judgment of loudness.

Ambient Noise Level: The composite of noise from all sources, near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Community Noise Equivalent Level (CNEL): The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 to 10:00 PM and after addition of ten (10) decibels to sound levels in the night before 7:00 AM and after 10:00 PM.

Decibel (dB): A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals.

dB(A): A-weighted sound level (see definition above).

Equivalent Sound Level (LEQ): The sound level corresponding to a steady noise level over a given sample period with the same amount of acoustic energy as the actual time varying noise level. The energy average noise level during the sample period.

Habitable Room: Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

L(n): The A-weighted sound level exceeded during a certain percentage of the sample time. For example, L10 in the sound level exceeded 10 percent of the sample time. Similarly L50, L90 and L99, etc.

Noise: Any unwanted sound or sound which is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. The State Noise Control Act defines noise as "...excessive undesirable sound...".

Outdoor Living Area: Outdoor spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other noise-sensitive activities; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and, outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

Percent Noise Levels: See L(n).

Sound Level (Noise Level): The weighted sound pressure level obtained by use of a sound level meter having a standard frequency-filter for attenuating part of the sound spectrum.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement and determination of noise and sound levels.

Single Event Noise Exposure Level (SENEL): The dB(A) level which, if it lasted for one second, would produce the same A-weighted sound energy as the actual event.

3.7 Traffic Noise Prediction

Noise levels associated with traffic depends on a variety of factors: (1) volume of traffic, (2) speed of traffic, (3) auto, medium truck (2–3 axle) and heavy truck percentage (4 axle and greater), and sound propagation. The greater the volume of traffic, higher speeds and truck percentages equate to a louder volume in noise. A doubling of the Average Daily Traffic (ADT) along a roadway will increase noise levels by approximately 3 dB; reasons for this are discussed in the sections above.

3.8 Sound Propagation

As sound propagates from a source it spreads geometrically. Sound from a small, localized source (i.e., a point source) radiates uniformly outward as it travels away from the source in a spherical pattern. The sound level attenuates at a rate of 6 dB per doubling of distance. The movement of vehicles down a roadway makes the source of the sound appear to propagate from a line (i.e., line source) rather than a point source. This line source results in the noise propagating from a roadway in a cylindrical spreading versus a spherical spreading that results from a point source. The sound level attenuates for a line source at a rate of 3 dB per doubling of distance.

As noise propagates from the source, it is affected by the ground and atmosphere. Noise models use hard site (reflective surfaces) and soft site (absorptive surfaces) to help calculate predicted noise levels. Hard site conditions assume no excessive ground absorption between the noise source and the receiver. Soft site conditions such as grass, soft dirt or landscaping attenuate noise at a rate of 1.5 dB per doubling of distance. When added to the geometric spreading, the excess ground attenuation results in an overall noise attenuation of 4.5 dB per doubling of distance for a line source and 7.5 dB per doubling of distance for a point source.

Research has demonstrated that atmospheric conditions can have a significant effect on noise levels when noise receivers are located 200 feet from a noise source. Wind, temperature, air humidity and turbulence can further impact how far sound can travel.

4.0 Regulatory Setting

The proposed project is in the city of Milpitas, CA and noise regulations are addressed through the efforts of various federal, state and local government agencies. The agencies responsible for regulating noise are discussed below.

4.1 Federal Regulations

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Publicize noise emission standards for interstate commerce
- Assist state and local abatement efforts
- Promote noise education and research

The Federal Office of Noise Abatement and Control (ONAC) originally was tasked with implementing the Noise Control Act. However, it was eventually eliminated leaving other federal agencies and committees to develop noise policies and programs. Some examples of these agencies are as follows: The Department of Transportation (DOT) assumed a significant role in noise control through its various agencies. The Federal Aviation Agency (FAA) is responsible for regulating noise from aircraft and airports. The Federal Highway Administration (FHWA) is responsible for regulating noise from the interstate highway system. The Occupational Safety and Health Administration (OSHA) is responsible for the prohibition of excessive noise exposure to workers. The Housing and Urban Development (HUD) is responsible for establishing noise regulations as it relates to exterior/interior noise levels for new HUD-assisted housing developments near high noise areas.

The federal government advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that “noise sensitive” uses are either prohibited from being constructed adjacent to a highway or, or alternatively that the developments are planned and constructed in such a manner that potential noise impacts are minimized.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by the transportation source, the City is restricted to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

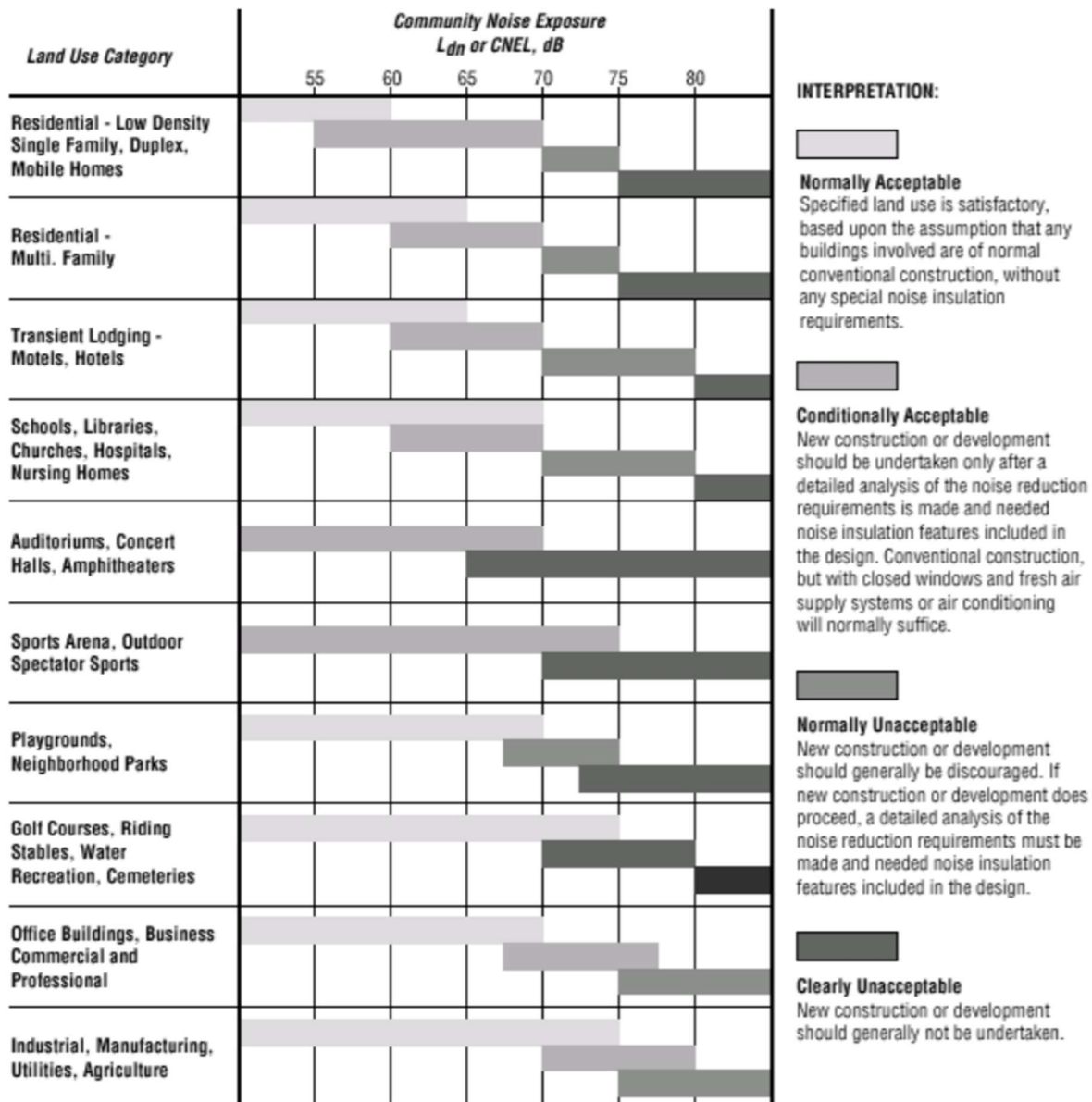
4.2 State Regulations

Established in 1973, the California Department of Health Services Office of Noise Control (ONC) was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the “Land Use Compatibility for Community Noise Environments Matrix”. The matrix allows the local jurisdiction to clearly delineate compatibility of sensitive uses with various incremental levels of noise.

The State of California has established noise insulation standards as outlined in Title 24 and the Uniform Building Code (UBC) which in some cases requires acoustical analyses to outline exterior noise levels and

to ensure interior noise levels do not exceed the interior threshold. The State mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable as illustrated in Exhibit D.

Exhibit D: Land Use Compatibility Guidelines



4.3 City of Milpitas Noise Regulations

City of Milpitas General Plan

The General Plan presents a table almost identical to Exhibit D.

6-I-1 Use the guidelines in Table 6-1 (Noise and Land Use Compatibility) as review criteria for development projects.

6-I-7 Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive

6-I-12 New noise-producing facilities introduced near sensitive land uses which may increase noise levels in excess of “acceptable” levels will be evaluated for impact prior to approval; adequate mitigation at the noise source will be required to protect noise-sensitive land uses.

6-I-13 Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

City of Milpitas Ordinance

V-213-3 - Unlawful to Create or Permit Disturbing Noise

(a) Residential Zone Regulations.

3.01 It shall be unlawful for any person in any district zoned for residential use (under the provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to make, continue, maintain, permit or cause to be made, continued, maintained, or permitted any Disturbing Noise that increases the noise exposure level by three dB over the local ambient noise level measured from the property line of the noise source, or more than 65 dB measured from the property line of the noise source, whichever is more restrictive.

3.02 It shall be unlawful for any person who owns, possesses, or controls any real property in any district zoned for residential use (under the provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to make, continue, maintain, permit or cause to be made, continued, maintained or permitted any Disturbing Noise that increases the noise exposure level by three dB over the local ambient noise level measured from the property line of the noise source, or more than 65 dB measured from the property line of the noise source, whichever is more restrictive.

3.03 Notwithstanding any other provision of this Chapter and in addition thereto, it is unlawful for any person or any person who owns, possesses, or controls real property in any district zoned for residential use (under provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to

make, continue, maintain, permit, or cause to be made, continued, maintained or permitted any Disturbing Noise. It shall be prima facie violation of this Section if any Disturbing Noise is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or from a distance of 100 feet from any nonstationary noise source. It shall also be prima facie violation of this Section if any Disturbing Noise is audible during the hours of 7:01 a.m. to 9:59 p.m. from a distance of 100 feet from the property line of the noise source or any nonstationary noise source.

3.04 The above prohibition against making, continuing, maintaining or permitting any Disturbing Noise in any district zoned for residential use shall not apply to the authorized collection of solid waste, recyclables, and/or yard trimmings by an authorized collector beginning at 6:00 a.m.

(b) Site Construction Regulations.

3.05 No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends. No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.05 of this Chapter.

4.4 Summary of Regulations

The proposed car wash must not increase the ambient level over 3 dB at any residential property line and have a level under 65 dBA at said property lines. Construction must occur between the hours of 7 am and 7 pm except on holidays when prohibited. The car wash must be inaudible past 100 ft of the residential property line during the day and 50 ft at night, which means the car wash must be inaudible at the residential properties since they are over 50 ft away from the car wash property. The DNL level must not increase beyond the status it holds in the noise compatibility guideline given in the general plan. These conditions are met by the proposed car wash.

5.0 Study Method and Procedure

The following section describes the noise modeling procedures and assumptions used for this assessment.

5.1 Noise Measurement Procedure and Criteria

Noise measurements were taken to determine the existing noise levels. A noise receiver or receptor is any location in the noise analysis in which noise might produce an impact. The following criteria are used to select measurement locations and receptors:

- Locations expected to receive the highest noise impacts, such as first row of houses
- Locations that are acoustically representative and equivalent of the area of concern
- Human land usage
- Sites clear of major obstruction and contamination

MD conducted the sound level measurements in accordance to the City and the Federal Highway Transportation (FHWA) technical noise specifications. All measurements equipment meets American National Standards Institute (ANSI) specifications for sound level meters (S1.4-1983 identified in Chapter 19.68.020.AA). The following gives a brief description of the Technical Noise Supplement procedures for sound level measurements:

- Microphones for sound level meters were placed 5-feet above the ground for all measurements
- Sound level meters were calibrated (Larson Davis CAL 200) before and after each measurement
- Following the calibration of equipment, a wind screen was placed over the microphone
- Frequency weighting was set on “A” and slow response
- Results of the long-term noise measurements were recorded on field data sheets
- Temperature and sky conditions were observed and documented

5.2 Noise Measurement Locations

Noise monitoring location was selected based on the distance of the project’s stationary noise sources to the nearest sensitive receptors. One (1) long-term, 24-hour noise measurement was conducted at the project site and represents the noise level from the existing conditions and is illustrated in Exhibit E. Appendix A includes photos, field sheet, and measured noise data.

5.3 Stationary Noise Modeling

SoundPLAN (SP) acoustical modeling software was utilized to model future worst-case stationary noise impacts to the adjacent land uses. SP can evaluate multiple stationary noise source impacts at various receiver locations. SP’s software utilizes algorithms (based on the inverse square law and reference equipment noise level data) to calculate noise level projections. The software allows the user to input specific noise sources, spectral content, sound barriers, building placement, topography, and sensitive receptor locations.

The future worst-case noise level projections were modeled using referenced sound level data for the various stationary on-site sources.

The blowers (six (6) Aerodry blowers) were modeled at 10 feet high as a point source, and the Aerodry blower system will be located approximately 5 to 10 feet inside the exit of the tunnel.

The model was calibrated to match the reference sound level data provided by the manufacturer. The reference equipment sound level data is provided in Appendix C. All other noise producing equipment (e.g., compressors, pumps) will be housed within mechanical equipment rooms.

Exhibit E

Measurement Locations

1 = Long-term
Monitoring Location



6.0 Existing Noise Environment

One (1) long-term 24-hour noise measurement was conducted at the project site and represents the noise level from the existing conditions. The measurement measured the 1-minute Leq, Lmin, Lmax and other statistical data (e.g. L1, L5...). The noise measurements were taken to determine the existing ambient noise levels. This assessment utilizes the ambient noise data as a basis and compares project operational levels to said data.

6.1 Long-Term Noise Measurement Results

The results of the Long-term noise data are presented in Table 1.

Table 1: Long-Term Noise Measurement Data (dBA)¹

Date	Time	dB(A)							
		L _{EQ}	L _{MAX}	L _{MIN}	L ₁	L ₅	L ₁₀	L ₅₀	L ₉₀
3/14/2019	12PM-1PM	68	84	56	77	73	72	66	61
3/14/2019	1PM-2PM	68	87	54	77	74	72	66	61
3/14/2019	2PM-3PM	68	94	52	79	74	72	65	59
3/14/2019	3PM-4PM	68	87	54	78	74	72	66	61
3/14/2019	4PM-5PM	68	88	55	78	74	72	66	61
3/14/2019	5PM-6PM	70	97	53	81	76	73	67	62
3/14/2019	6PM-7PM	69	87	56	77	74	72	67	62
3/14/2019	7PM-8PM	68	83	56	76	73	72	66	62
3/14/2019	8PM-9PM	68	86	55	77	73	72	65	60
3/14/2019	9PM-10PM	67	82	54	76	73	71	64	59
3/14/2019	10PM-11PM	64	81	46	75	71	68	59	55
3/14/2019	11PM-12AM	61	81	47	74	68	64	54	50
3/15/2019	12AM-1AM	62	83	47	74	68	64	56	51
3/15/2019	1AM-2AM	56	82	45	70	62	58	50	49
3/15/2019	2AM-3AM	55	79	44	69	61	57	48	47
3/15/2019	3AM-4AM	56	80	45	68	62	58	50	48
3/15/2019	4AM-5AM	58	82	47	70	63	60	53	51
3/15/2019	5AM-6AM	62	81	50	74	68	64	56	54
3/15/2019	6AM-7AM	65	82	52	76	71	68	59	55
3/15/2019	7AM-8AM	68	83	54	78	74	72	64	58
3/15/2019	8AM-9AM	71	97	54	82	78	76	66	61
3/15/2019	9AM-10AM	69	89	48	78	75	73	66	61
3/15/2019	10AM-11AM	68	84	52	77	74	72	65	60
3/15/2019	11AM-12PM	69	86	52	78	74	72	66	61
DNL		70							
Notes: ¹ Long-term noise monitoring location (LT1) is illustrated in Exhibit E. The quietest hourly noise interval is highlighted in orange when project operations could occur and blue during the park operational hours.									

Noise data indicates that at and near the project site the ambient noise level ranged between 55 dBA to 71 dBA (hourly Leq) with the DNL measuring 70 dBA. Additional field notes and photographs are provided in Appendix A.

For this evaluation, MD has utilized the quietest hourly level (during potential operational hours) and has compared the project's projected noise levels to the said ambient level. The quietest (lowest) hourly level occurred between 2AM to 3AM (55 dBA, Leq(h)). The lowest level during the operational hours of the park occurred from 6AM to 7AM (65 dBA, Leq(h)). It should be noted that from 7AM to 10PM, the ambient level exceeds the residential zone limit of 65 dBA, Leq and the DNL exceeds the standard of 65 dBA.

7.0 Future Noise Environment Impacts and Mitigation

This assessment analyzes future noise impacts as a result of the project. The analysis details the estimated exterior noise levels. Stationary noise impacts are analyzed from the noise sources on-site such as dryers/blowers and vacuums/compressed air systems which include the project design features. The analysis details the estimated exterior noise levels.

7.1 Stationary Source Noise

The following outlines the exterior noise levels associated with the proposed project.

7.1.1 Noise Impacts to Off-Site Receptors Due to Stationary Sources

Sensitive receptors that may be affected by project operational noise include existing residences to the north, and east, with commercial properties to the south, and west. The worst-case stationary noise was modeled using SoundPLAN acoustical modeling software. Worst-case assumes the blowers, vacuums and equipment are always operational when the noise will really be intermittent and cycle on/off depending on the customer usage. Project operations are assumed to occur 24 hours a day.

A total of three (3) receptors R1 – R3 were modeled to evaluate the proposed project’s operational impact to the nearest residential and commercial receptors to the project site. A receptor is denoted by a yellow dot. All yellow dots represent either a property line or a sensitive receptor such as an outdoor sensitive area (e.g. courtyard, patio, backyard, etc).

As previously mentioned, this study compares the Project’s operational noise levels to two (2) different noise assessment scenarios: 1) Project Only operational noise level projections, 2) Project plus ambient noise level projections.

Project Operational Noise Levels

Exhibit F shows the “project only” operational noise levels at the property lines and/or sensitive receptor area. Operational noise levels are anticipated to range between 42 dBA to 59 dBA at adjacent uses (depending on the location).

Project Plus Ambient Operational Noise Levels

Table 2 demonstrates the project plus the ambient noise levels. Project plus ambient noise level projections are anticipated to be 56 dBA, Leq at residential receptors (R1, R3) and 66 dBA, Leq at the park receptor (R2). The car wash operations are not anticipated to increase the ambient level or the DNL at the residential receptors. The park receptor is expected to increase 0-1 dB during operational hours of the park and 1 dB DNL (see Appendix E).

The DNL levels for the residential properties will remain in the conditionally acceptable level. The DNL level for the park will remain in the conditionally unacceptable level. Most of the increased impact for the DNL level at the park is due to an increase in noise at night when the park is not open.

The project does not exceed the residential +3 dB limit in V-213-3 3.02 of the municipal code and 6-I-7 of the general plan. The 65 dB limit is already exceeded by the ambient level during daytime hours and DNL.

Table 2: Worst-Case Predicted Operational Noise Levels (dBA)¹

Receptor ¹	Existing Ambient Noise Level (dBA, Leq) ²	Project Noise Level (dBA, Leq) ³	Total Combined Noise Level (dBA, Leq)	Change in Noise Level as Result of Project ⁴
1	55	42	56	0
2	65	59	66	1
3	55	46	56	0

Notes:

¹ Receptor 1-3 are sensitive receptors.

² Existing noise level during operational hours.

³ See Exhibit E for the operational noise level projections at said receptors.

⁴ Change is less than 0.5 dB which rounds to 0 but rounds the ambient noise level up to 56 dBA.

As shown in Table 2 the existing noise levels are anticipated to change between 0 to 1 dBA at adjacent land uses.

Table 3 provides the characteristics associated with changes in noise levels.

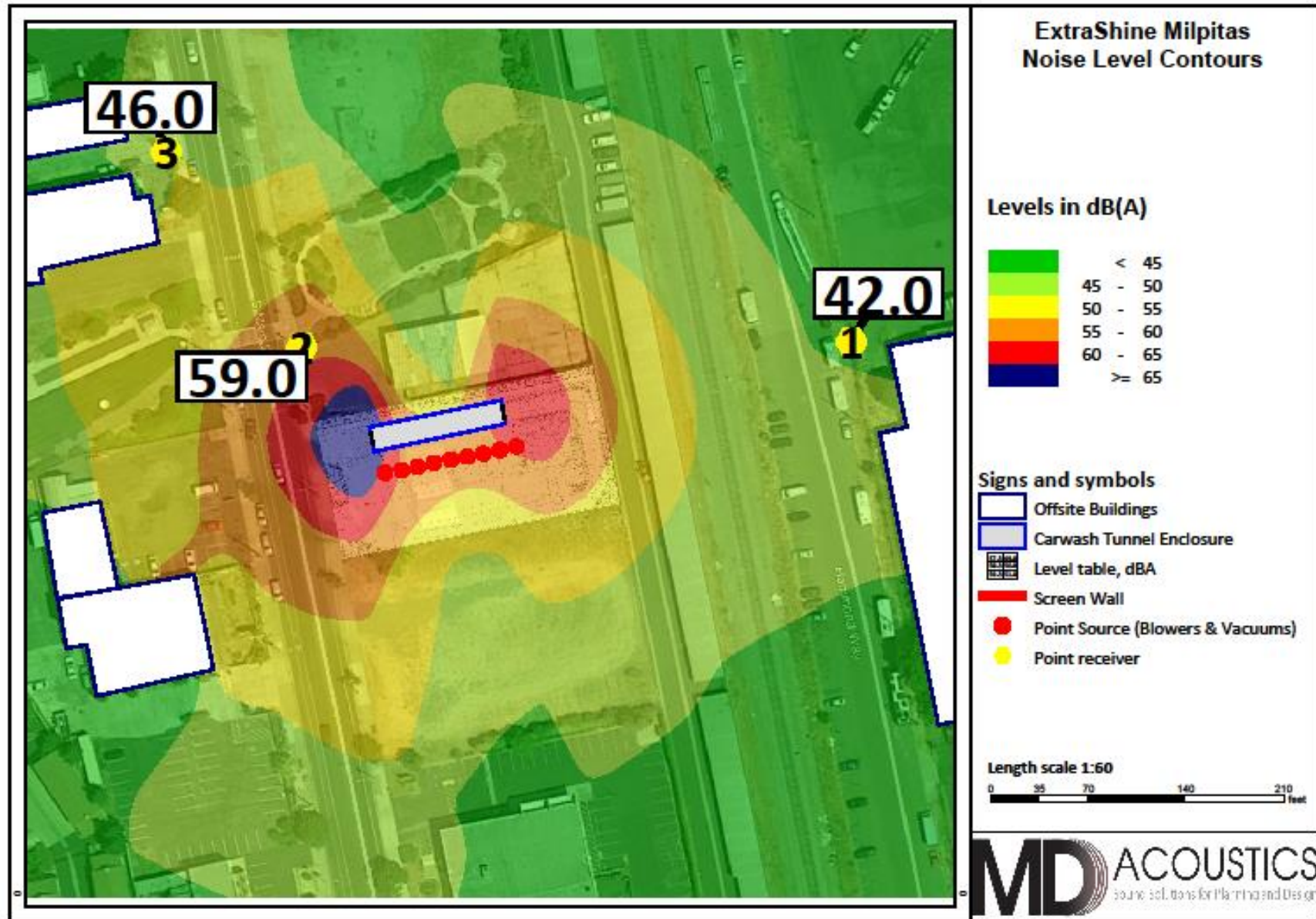
Table 3: Change in Noise Level Characteristics¹

Changes in Intensity Level, dBA	Changes in Apparent Loudness
1	Not perceptible
3	Just perceptible
5	Clearly noticeable
10	Twice (or half) as loud

https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm

The change in noise level would be considered “Not Perceptible” at the residences and the park. The overall raise in noise level at the park should only be noticeable at night. Therefore, the project meets the condition in V-213-3 3.03 that the car wash must not be audible at 50 ft from the property line.

Exhibit F Operational Noise Levels Leq(h)



8.0 Construction Noise Impact

The degree of construction noise may vary for different areas of the project site and also vary depending on the construction activities. Noise levels associated with the construction will vary with the different phases of construction. Construction output calculations are in Appendix D.

8.1 Construction Noise

The Environmental Protection Agency (EPA) has compiled data regarding the noise generated characteristics of typical construction activities. The data is presented in Table 4.

Table 4: Typical Construction Equipment Noise Levels¹

Type	Lmax (dBA) at 50 Feet
Backhoe	80
Truck	88
Concrete Mixer	85
Pneumatic Tool	85
Pump	76
Saw, Electric	76
Air Compressor	81
Generator	81
Paver	89
Roller	74
Notes: ¹ Referenced Noise Levels from FTA noise and vibration manual.	

Construction noise will have a temporary or periodic increase in the ambient noise level above the existing within the project vicinity. Construction must occur between the hours of 7 am and 7 pm not on holidays in order to comply with the construction ordinance (Section V-213-3 3.05).

To further ensure that construction activities do not disrupt the adjacent land uses, the following measures should be taken:

1. The construction equipment shall be fitted with appropriate mufflers such that a 10 to 15-dB reduction is achieved above normal operation.
2. Construction should occur during the permissible hours as defined in City's Municipal Code (Section V-213-3 3.05).
3. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.
4. The contractor should locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.

5. Idling equipment should be turned off when not in use.
6. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

8.2 Construction Vibration

Construction activities can produce vibration that may be felt by adjacent land uses. The construction of the proposed project would not require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. The two (2) pieces of equipment with the most potential to cause vibratory impact are the truck and the roller. According to the FTA Noise and Vibration Impact Assessment manual, a loaded truck has a PPV of 0.076 in/sec (86 VdB) at 25 feet, and a vibratory roller has a PPV of 0.210 in/sec (94 VdB) at 25 ft.

The fundamental equation used to calculate vibration propagation through average soil conditions and distance is as follows:

$$PPV_{\text{equipment}} = PPV_{\text{ref}} (100/D_{\text{rec}})^n$$

Where: PPV_{ref} = reference PPV at 100ft.

D_{rec} = distance from equipment to receiver in ft.

$n = 1.1$ (the value related to the attenuation rate through ground)

The thresholds from the Caltrans Transportation and Construction Induced Vibration Guidance Manual in Table 5 (below) provides general thresholds and guidelines as to the vibration damage potential from vibratory impacts.

Table 5: Guideline Vibration Damage Potential Threshold Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5
Source: Table 19, Transportation and Construction Vibration Guidance Manual, Caltrans, Sept. 2013. Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.		

Table 6 gives approximate vibration levels for particular construction activities. This data provides a reasonable estimate for a wide range of soil conditions.

Table 6: Vibration Source Levels for Construction Equipment¹

Equipment	Peak Particle Velocity (inches/second) at 25 feet	Approximate Vibration Level LV (dVB) at 25 feet
Pile driver (impact)	1.518 (upper range)	112
	0.644 (typical)	104
Pile driver (sonic)	0.734 upper range	105
	0.170 typical	93
Clam shovel drop (slurry wall)	0.202	94
Hydromill (slurry wall)	0.008 in soil	66
	0.017 in rock	75
Vibratory Roller	0.21	94
Hoe Ram	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58
¹ Source: Transit Noise and Vibration Impact Assessment, Federal Transit Administration, May 2006.		

The nearest vibration-sensitive area is located at least 50 feet from the edge of the construction site (the park). Therefore, the maximum PPV at the noise-sensitive locations is 0.027 in/sec for the truck and 0.074 in/sec for the roller. These levels have no likely damage or annoyance impact according to the FTA manual. Therefore, no additional vibration mitigation measures are required. The impact is less than significant, and no mitigation is required.

9.0 *References*

City of Milpitas Code of Ordinances – Chapter 3213 – Noise Abatement, 2014

City of Milpitas General Plan – Chapter 6 – Noise Element, 1994

Caltrans Transportation and Construction Induced Vibration Guidance Manual, 2013

Transit Noise and Vibration Impact Assessment, Federal Transit Administration, May 2006

Appendix A:
Photographs and Field Measurement Data

24-Hour Continuous Noise Measurement Datasheet

Project:	Extra Shine Car Wash Noise Impact Study	Site Observations:	Clear sky, measurement was performed on pole 10 ft high on western property line (to protect SLM).
Site Address/Location:	554 S. Main St, Milpitas, CA		
Date:	3/14/2019 to 3/15/2019		
Field Tech/Engineer:	Mei Wu Acoustics		

General Location:

Sound Meter: LD 831 **SN:** 8312

Settings: A-weighted, slow, 1-min, 1-hour interval, 24-hour duration

Meteorological Con.: Between 39 and 70 degrees. Clear.

Site ID: LT-1

Site Topo: Flat

Ground Type: Hard

Noise Source(s) w/ Distance:

C/L of S Main St is 20 ft from meter

Figure 1: LT-1 Monitoring Location



Figure 2: LT-1 Photo



24-Hour Continuous Noise Measurement Datasheet - Cont.

Project: Extra Shine Car Wash Noise Impact Study
Site Address/Location: 554 S. Main St, Milpitas, CA
Site ID: LT-1

Day: 1 of 1

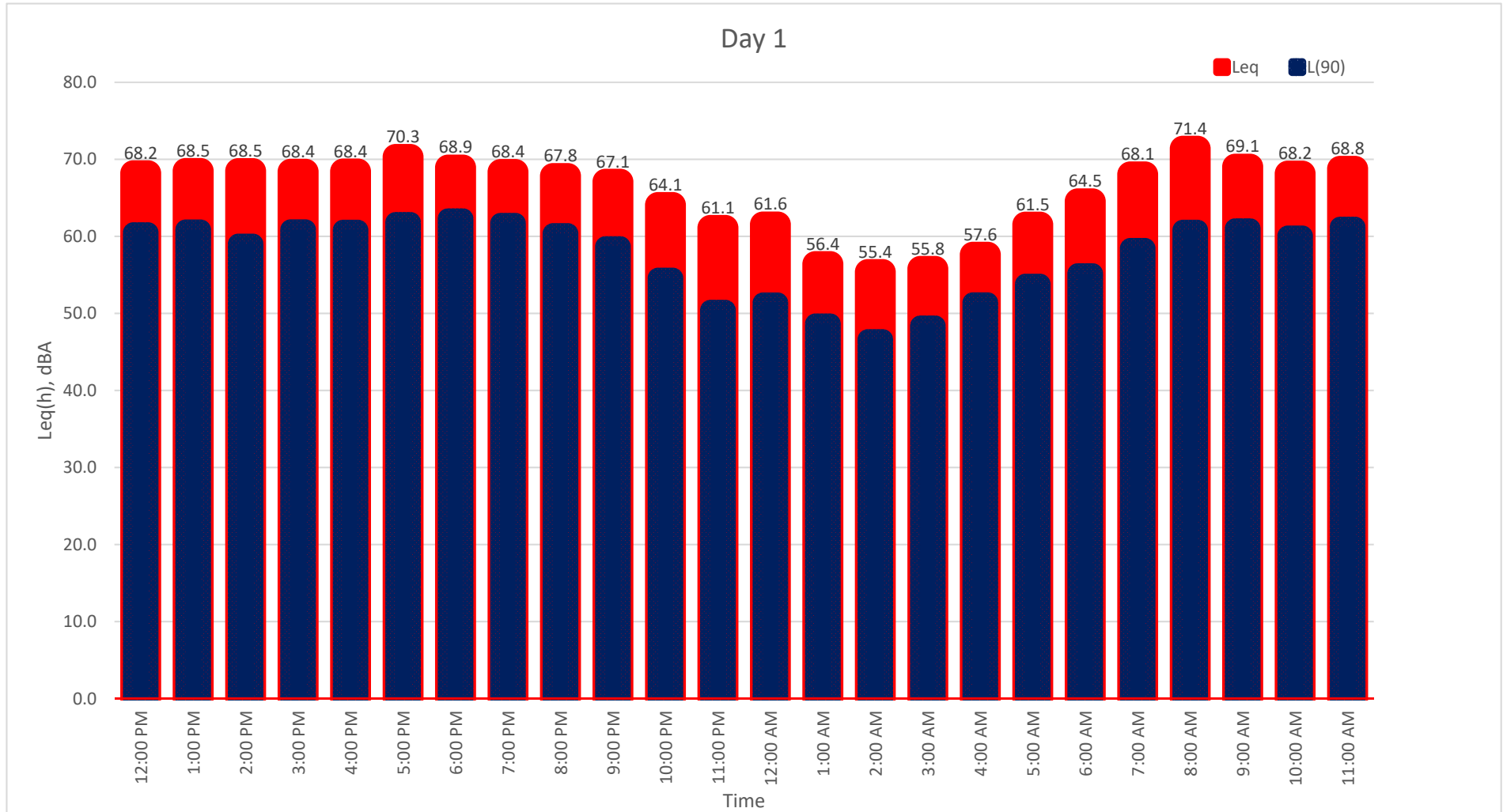
Date	Start	Stop	Leq	Lmax	Lmin	L1	L5	L10	L50	L90
3/14/2019	12:00 PM	1:00 PM	68.2	84.3	55.5	76.6	73.3	71.8	65.9	60.5
3/14/2019	1:00 PM	2:00 PM	68.5	86.5	53.6	77.4	73.9	72.0	65.9	60.9
3/14/2019	2:00 PM	3:00 PM	68.5	93.8	52.2	79.2	74.0	72.0	64.8	59.0
3/14/2019	3:00 PM	4:00 PM	68.4	86.5	54.2	77.6	73.5	71.8	65.8	60.9
3/14/2019	4:00 PM	5:00 PM	68.4	88.3	54.7	77.6	73.7	71.6	65.9	60.8
3/14/2019	5:00 PM	6:00 PM	70.3	97.3	52.7	81.3	76.3	73.2	66.9	61.8
3/14/2019	6:00 PM	7:00 PM	68.9	86.8	55.8	76.6	73.5	72.3	67.3	62.3
3/14/2019	7:00 PM	8:00 PM	68.4	82.7	56.2	76.3	73.2	71.8	66.4	61.7
3/14/2019	8:00 PM	9:00 PM	67.8	85.6	55.3	76.7	73.3	71.6	64.9	60.4
3/14/2019	9:00 PM	10:00 PM	67.1	82.2	53.6	76.4	72.9	71.1	63.7	58.7
3/14/2019	10:00 PM	11:00 PM	64.1	80.8	45.5	75.4	70.7	67.8	58.8	54.6
3/14/2019	11:00 PM	12:00 AM	61.1	80.7	46.7	73.8	67.9	64.1	54.2	50.4
3/15/2019	12:00 AM	1:00 AM	61.6	83.4	46.7	74.4	67.5	64.2	56.2	51.4
3/15/2019	1:00 AM	2:00 AM	56.4	81.9	44.8	69.8	62.5	58.3	50.5	48.7
3/15/2019	2:00 AM	3:00 AM	55.4	78.9	44.3	69.3	61.3	57.1	48.0	46.6
3/15/2019	3:00 AM	4:00 AM	55.8	80.1	45.1	68.3	62.1	58.1	49.7	48.4
3/15/2019	4:00 AM	5:00 AM	57.6	81.9	46.8	70.1	63.3	59.7	53.2	51.4
3/15/2019	5:00 AM	6:00 AM	61.5	80.8	49.5	74.3	68.0	63.9	55.6	53.8
3/15/2019	6:00 AM	7:00 AM	64.5	81.7	51.5	76.3	71.2	68.1	58.6	55.2
3/15/2019	7:00 AM	8:00 AM	68.1	82.8	53.5	77.9	74.3	72.4	63.7	58.5
3/15/2019	8:00 AM	9:00 AM	71.4	97.0	54.0	81.7	77.9	75.6	66.1	60.8
3/15/2019	9:00 AM	10:00 AM	69.1	89.1	47.7	78.4	74.8	72.9	65.6	61.0
3/15/2019	10:00 AM	11:00 AM	68.2	84.4	52.0	77.1	73.9	72.1	64.8	60.1
3/15/2019	11:00 AM	12:00 PM	68.8	85.5	51.5	78.0	73.9	72.3	66.1	61.2

CNEL: 70.4

24-Hour Continuous Noise Measurement Datasheet - Cont.

Project: Extra Shine Car Wash Noise Impact Study
Site Address/Location: 554 S. Main St, Milpitas, CA
Site ID: LT-1

Day: 1 of 1



Appendix B:

SoundPLAN Input/Output

ExtraShine Milpitas

Contribution spectra - Situation 1: Outdoor SP

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Source	Time slice	Sum	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz	200Hz	250Hz	315Hz	400Hz	500Hz	630Hz	800Hz	1kHz	1.25kHz	1.6kHz	2kHz	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz	12.5kHz	16kHz		
		dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)		
Receive	East	FI	G	LrD,linr	59	dB(A)	LrC	42.0	dB(A)	Sigma(LrC	0.0	dB(A)																		
Facade 01		LrD		-0.6						-3.8			-6.8			-17.6			-21.4			-37.3								
Facade 02		LrD		-5.6						-9.1			-11.9			-21.5			-25.4			-40.7								
Facade 03		LrD		-0.7						-3.9			-7.0			-17.9			-22.0			-38.1								
Facade 04		LrD		-14.4						-16.9			-20.6			-38.1			-44.7			-62.1								
Roof 01		LrD		26.3						16.9			19.0			11.5			6.7			-7.5								
Transmissive area 01		LrD		25.9						19.1			15.2			16.1			16.3			7.1								
Transmissive area 02		LrD		41.6						29.3			27.1			34.2			36.7			29.3								
Vac 1		LrD		16.5	-14.9	-7.6	-0.4	-0.4	2.7	4.0	-7.7	-8.3	-8.8	-12.6	-14.1	-11.8	-4.5	-2.7	0.8	4.9	5.3	3.4	8.0	8.7	7.7	6.7	3.6	-4.5	-13.6	-27.6
Vac 2		LrD		16.9	-14.6	-7.3	-0.1	-0.1	3.0	4.3	-7.3	-8.0	-8.4	-12.2	-13.7	-11.4	-4.2	-2.4	1.1	5.1	5.6	3.7	8.4	9.1	8.1	7.3	4.3	-3.6	-12.4	-26.0
Vac 3		LrD		17.1	-14.3	-7.1	0.1	0.3	3.3	4.6	-7.0	-7.6	-8.0	-11.8	-13.3	-11.0	-3.8	-2.6	0.9	4.9	5.4	3.6	8.4	9.3	8.4	7.8	5.0	-2.7	-11.2	-24.4
Vac 4		LrD		17.5	-14.1	-6.8	0.4	0.6	3.7	5.0	-6.6	-7.2	-7.6	-11.3	-12.9	-10.6	-3.5	-2.2	1.2	5.3	5.8	3.9	8.8	9.7	8.9	8.3	5.7	-1.7	-10.0	-22.7
Vac 5		LrD		18.0	-13.8	-6.5	0.7	0.9	4.0	5.3	-6.1	-6.7	-7.2	-10.9	-12.4	-10.1	-3.1	-1.9	1.6	5.6	6.1	4.3	9.2	10.1	9.4	8.9	6.5	-0.8	-8.7	-21.1
Vac 6		LrD		18.5	-13.5	-6.2	1.0	1.3	4.4	5.6	-5.7	-6.3	-6.7	-10.4	-11.9	-9.7	-2.7	-1.5	2.0	6.0	6.5	4.7	9.6	10.6	9.9	9.5	7.2	0.2	-7.4	-19.4
Vac 7		LrD		18.9	-13.2	-5.9	1.3	1.6	4.7	6.0	-5.2	-5.8	-6.3	-9.9	-11.4	-9.2	-2.3	-1.1	2.4	6.3	6.9	5.1	10.0	11.0	10.5	10.1	8.0	1.2	-6.2	-17.8
Vac 8		LrD		19.5	-12.9	-5.6	1.6	2.0	5.1	6.4	-4.7	-5.3	-5.8	-9.4	-10.9	-8.6	-1.9	-0.7	2.8	6.7	7.3	5.5	10.4	11.5	11.0	10.8	8.8	2.2	-4.9	-16.1
Vac 9		LrD		20.0	-12.6	-5.3	1.9	2.4	5.5	6.8	-4.2	-4.8	-5.2	-8.8	-10.4	-8.1	-1.5	-0.2	3.3	7.1	7.7	5.9	10.9	12.0	11.6	11.4	9.5	3.2	-3.6	-14.4
Receive	North	FI	G	LrD,linr	59	dB(A)	LrC	59.0	dB(A)	Sigma(LrC	0.0	dB(A)																		
Facade 01		LrD		2.1						-1.5			-3.2			-20.8			-28.9			-44.8								
Facade 02		LrD		-8.1						-12.1			-13.7			-29.7			-38.1			-54.7								
Facade 03		LrD		15.4						9.3			8.9			12.3			-1.3			-21.0								
Facade 04		LrD		11.2						5.0			5.0			8.1			-5.8			-25.0								
Roof 01		LrD		35.7						26.2			27.9			34.0			21.1			15.4			2.3					
Transmissive area 01		LrD		59.0						43.4			44.7			56.8			50.4			50.9			45.1					
Transmissive area 02		LrD		33.3						23.9			22.6			31.5			22.4			20.6			12.2					
Vac 1		LrD		29.3	-6.5	0.8	8.0	9.3	12.4	13.7	6.0	5.3	4.9	4.1	2.6	4.9	7.8	9.0	12.6	14.2	14.9	13.4	18.6	20.3	20.6	21.6	21.5	17.7	14.5	8.4
Vac 2		LrD		14.2	-10.6	-3.7	3.0	3.8	6.3	6.9	-0.4	-1.9	-3.3	-5.5	-8.0	-6.7	-5.1	-4.7	-2.1	-1.5	-1.7	-4.1	0.4	1.2	0.8	1.1	0.2	-4.3	-8.2	-14.9
Vac 3		LrD		11.3	-12.2	-5.5	1.1	1.6	3.9	4.3	-2.7	-4.4	-6.0	-8.8	-11.5	-10.4	-9.3	-9.1	-6.6	-6.0	-6.3	-8.6	-3.9	-2.8	-3.0	-2.5	-3.1	-7.4	-11.1	-17.8
Vac 4		LrD		10.0	-13.2	-6.5	0.0	0.5	2.7	3.1	-3.7	-5.4	-7.1	-10.1	-12.9	-11.8	-11.0	-10.9	-8.4	-7.8	-8.1	-10.4	-5.6	-4.4	-4.5	-3.9	-4.5	-8.8	-12.6	-19.4
Vac 5		LrD		9.2	-14.0	-7.3	-0.7	-0.3	2.0	2.3	-4.3	-6.1	-7.8	-10.9	-13.7	-12.6	-12.0	-11.9	-9.4	-8.8	-9.1	-11.6	-6.7	-5.5	-5.5	-4.9	-5.5	-9.9	-13.9	-20.9
Vac 6		LrD		8.6	-14.5	-7.8	-1.3	-0.9	1.4	1.7	-4.8	-6.6	-8.3	-11.4	-14.2	-13.2	-12.7	-12.6	-10.1	-9.5	-9.8	-12.4	-7.5	-6.3	-6.4	-5.8	-6.5	-11.0	-15.2	-22.4
Vac 7		LrD		8.1	-15.0	-8.3	-1.7	-1.3	1.0	1.3	-5.2	-7.0	-8.7	-11.9	-14.7	-13.6	-13.2	-13.0	-10.6	-9.9	-10.3	-12.9	-8.3	-7.0	-7.1	-6.6	-7.4	-12.1	-16.4	-24.0
Vac 8		LrD		7.7	-15.3	-8.6	-2.0	-1.6	0.6	0.9	-5.6	-7.4	-9.1	-12.3	-15.1	-14.0	-13.6	-13.4	-10.9	-10.3	-10.7	-13.3	-8.8	-7.6	-7.8	-7.3	-8.2	-13.1	-17.6	-25.5
Vac 9		LrD		7.6	-15.4	-8.7	-2.1	-1.7	0.5	0.9	-5.8	-7.6	-9.3	-12.3	-15.0	-13.9	-13.1	-12.9	-10.4	-9.7	-10.1	-12.7	-8.5	-7.4	-7.8	-7.5	-8.6	-13.7	-18.6	-26.8

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ExtraShine Milpitas
Contribution spectra - Situation 1: Outdoor SP

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Source	Time slice	Sum	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz	200Hz	250Hz	315Hz	400Hz	500Hz	630Hz	800Hz	1kHz	1.25kHz	1.6kHz	2kHz	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz	12.5kHz	16kHz	
		dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	
Receive	NorthWest	FI	G	LrD,linr	59	dB(A)	LrC	46.0	dB(A)	Sigma(LrC	0.0	dB(A)																	
Facade 01	LrD	-6.6						-9.6			-11.9		-13.4			-31.1			-37.9				-54.6						
Facade 02	LrD	-13.9						-17.0			-19.6		-20.1			-35.6			-42.4				-60.5						
Facade 03	LrD	4.1						1.0			-2.6		-1.9			-11.9			-15.5				-30.8						
Facade 04	LrD	-1.6						-4.8			-8.0		-7.4			-17.8			-21.3				-36.1						
Roof 01	LrD	27.2						17.9			19.9		25.3			12.6			8.2				-5.4						
Transmissive area 01	LrD	45.9						34.0			31.4		40.9			38.5			41.2				34.2						
Transmissive area 02	LrD	27.6						20.0			17.0		24.9			17.4			17.4				8.0						
Vac 1	LrD	18.8	-13.3	-6.0	1.2	1.5	4.6	5.9	-5.3	-6.0	-6.4	-10.0	-11.6	-9.3	-2.4	-1.2	2.3	6.2	6.8	5.0	9.9	10.9	10.3	10.0	7.8	0.9	-6.5	-18.2	
Vac 2	LrD	5.7	-17.1	-10.3	-3.5	-3.8	-1.3	-0.7	-9.7	-11.4	-12.9	-16.7	-19.4	-18.3	-15.2	-14.9	-12.4	-9.7	-10.1	-12.8	-8.7	-8.4	-9.7	-10.7	-13.6	-21.1	-29.2	-41.5	
Vac 3	LrD	3.5	-18.5	-11.8	-5.2	-5.7	-3.4	-3.0	-10.8	-12.6	-14.3	-17.8	-20.7	-19.8	-18.7	-18.6	-16.1	-13.7	-14.2	-16.9	-12.5	-12.0	-13.0	-13.8	-16.5	-23.7	-31.6	-43.9	
Vac 4	LrD	2.6	-19.2	-12.5	-6.0	-6.5	-4.2	-3.8	-11.2	-13.0	-14.7	-18.2	-21.1	-20.2	-19.9	-19.8	-17.4	-15.1	-15.7	-18.3	-13.8	-13.2	-14.1	-14.8	-17.4	-24.7	-32.6	-44.9	
Vac 5	LrD	2.2	-19.6	-12.9	-6.4	-6.9	-4.6	-4.2	-11.4	-13.2	-14.9	-18.4	-21.4	-20.4	-20.4	-20.3	-18.0	-15.8	-16.3	-19.1	-14.5	-13.8	-14.7	-15.4	-18.0	-25.4	-33.4	-45.9	
Vac 6	LrD	1.9	-19.8	-13.1	-6.6	-7.1	-4.8	-4.5	-11.6	-13.4	-15.1	-18.6	-21.5	-20.6	-20.7	-20.7	-18.3	-16.2	-16.7	-19.5	-15.0	-14.2	-15.1	-15.9	-18.5	-26.0	-34.2	-46.9	
Vac 7	LrD	1.9	-19.9	-13.2	-6.6	-7.2	-4.9	-4.5	-11.7	-13.5	-15.2	-18.6	-21.6	-20.6	-20.8	-20.8	-18.4	-16.3	-16.9	-19.7	-15.3	-14.5	-15.5	-16.3	-19.0	-26.6	-34.9	-47.8	
Vac 8	LrD	2.0	-19.7	-13.0	-6.4	-7.0	-4.8	-4.4	-11.7	-13.5	-15.3	-18.8	-21.7	-20.7	-20.8	-20.8	-18.5	-16.3	-16.9	-19.8	-14.5	-13.9	-15.0	-16.0	-19.0	-26.9	-35.5	-48.7	
Vac 9	LrD	2.8	-19.0	-12.3	-5.7	-6.3	-4.0	-3.6	-11.6	-13.3	-15.0	-18.6	-21.4	-20.4	-19.3	-19.2	-16.8	-14.3	-14.8	-17.7	-13.0	-12.6	-13.9	-15.2	-18.4	-26.6	-35.5	-49.1	

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Assessed contribution level - Situation 1: Outdoor SP

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Source	Group	Source ty	Tr. lane	LrD dB(A)	A dB	
Receiver East	FI G	LrD,lim 59 dB(A)	LrD 42.0 dB(A)	Sigma(LrD 0.0		dB(A)
Vac 1	Default industrial noise	Point		16.5	0.0	
Vac 2	Default industrial noise	Point		16.9	0.0	
Vac 3	Default industrial noise	Point		17.1	0.0	
Vac 4	Default industrial noise	Point		17.5	0.0	
Vac 5	Default industrial noise	Point		18.0	0.0	
Vac 6	Default industrial noise	Point		18.5	0.0	
Vac 7	Default industrial noise	Point		18.9	0.0	
Vac 8	Default industrial noise	Point		19.5	0.0	
Vac 9	Default industrial noise	Point		20.0	0.0	
Roof 01	Default industrial noise	Area		26.3	0.0	
Facade 01	Default industrial noise	Area		-0.6	0.0	
Facade 02	Default industrial noise	Area		-5.6	0.0	
Transmissive area 02	Default industrial noise	Area		41.6	0.0	
Facade 03	Default industrial noise	Area		-0.7	0.0	
Facade 04	Default industrial noise	Area		-14.4	0.0	
Transmissive area 01	Default industrial noise	Area		25.9	0.0	
Receiver North	FI G	LrD,lim 59 dB(A)	LrD 59.0 dB(A)	Sigma(LrD 0.0		dB(A)
Vac 1	Default industrial noise	Point		29.3	0.0	
Vac 2	Default industrial noise	Point		14.2	0.0	
Vac 3	Default industrial noise	Point		11.3	0.0	
Vac 4	Default industrial noise	Point		10.0	0.0	
Vac 5	Default industrial noise	Point		9.2	0.0	
Vac 6	Default industrial noise	Point		8.6	0.0	
Vac 7	Default industrial noise	Point		8.1	0.0	
Vac 8	Default industrial noise	Point		7.7	0.0	
Vac 9	Default industrial noise	Point		7.6	0.0	
Roof 01	Default industrial noise	Area		35.7	0.0	
Facade 01	Default industrial noise	Area		2.1	0.0	
Facade 02	Default industrial noise	Area		-8.1	0.0	
Transmissive area 02	Default industrial noise	Area		33.3	0.0	
Facade 03	Default industrial noise	Area		15.4	0.0	
Facade 04	Default industrial noise	Area		11.2	0.0	
Transmissive area 01	Default industrial noise	Area		59.0	0.0	
Receiver NorthWest	FI G	LrD,lim 59 dB(A)	LrD 46.0 dB(A)	Sigma(LrD 0.0		dB(A)
Vac 1	Default industrial noise	Point		18.8	0.0	
Vac 2	Default industrial noise	Point		5.7	0.0	
Vac 3	Default industrial noise	Point		3.5	0.0	
Vac 4	Default industrial noise	Point		2.6	0.0	
Vac 5	Default industrial noise	Point		2.2	0.0	
Vac 6	Default industrial noise	Point		1.9	0.0	
Vac 7	Default industrial noise	Point		1.9	0.0	
Vac 8	Default industrial noise	Point		2.0	0.0	
Vac 9	Default industrial noise	Point		2.8	0.0	

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Assessed contribution level - Situation 1: Outdoor SP

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Source	Group	Source ty	Tr. lane	LrD dB(A)	A dB	
Roof 01	Default industrial noise	Area		27.2	0.0	
Facade 01	Default industrial noise	Area		-6.6	0.0	
Facade 02	Default industrial noise	Area		-13.9	0.0	
Transmissive area 02	Default industrial noise	Area		27.6	0.0	
Facade 03	Default industrial noise	Area		4.1	0.0	
Facade 04	Default industrial noise	Area		-1.6	0.0	
Transmissive area 01	Default industrial noise	Area		45.9	0.0	

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Octave spectra of the sources in dB(A) - Situation 1: Outdoor SP

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Name	Source type	I or A m,m²	Li dB(A)	R'w dB	L'w dB(A)	Lw dB(A)	KI dB	KT dB	LwMax dB(A)	DO-Wall dB(A)	Day histogram	Emission spectrum	63Hz dB(A)	125Hz dB(A)	250Hz dB(A)	500Hz dB(A)	1kHz dB(A)	2kHz dB(A)	4kHz dB(A)	8kHz dB(A)	16kHz dB(A)
Facade 01	Area	131.41	84.8	54.0	33.1	54.3	0.0	0.0		3	100%/24h	31_Facade 01_		46.6	49.0	51.4	36.1	30.1	16.7		
Facade 02	Area	14.29	84.2	54.0	32.5	44.0	0.0	0.0		3	100%/24h	32_Facade 02_		36.2	38.7	41.2	25.8	19.7	6.1		
Facade 03	Area	132.08	84.7	54.0	33.0	54.2	0.0	0.0		3	100%/24h	33_Facade 03_		46.5	48.9	51.3	35.9	30.0	16.6		
Facade 04	Area	15.29	87.6	54.0	36.0	47.8	0.0	0.0		3	100%/24h	34_Facade 04_		40.3	42.6	44.8	29.6	23.7	10.6		
Roof 01	Area	156.68	85.2	27.0	60.2	82.2	0.0	0.0		0	100%/24h	29_Roof 01_		71.9	74.3	80.6	67.2	62.3	50.9		
Transmissive area 01	Area	9.30	86.1	0.0	86.1	95.7	0.0	0.0		3	100%/24h	35_Transmissive area 01_		78.5	82.9	94.1	85.9	86.0	80.8		
Transmissive area 02	Area	9.30	82.0	0.0	82.0	91.7	0.0	0.0		3	100%/24h	36_Transmissive area 02_		74.1	78.4	90.2	81.7	81.5	76.0		
Vac 1	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 2	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 3	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 4	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 5	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 6	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 7	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 8	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0
Vac 9	Point				72.6	72.6	0.0	0.0		0	100%/24h	Vacutech	47.3	57.5	54.5	51.8	55.8	59.5	66.1	69.3	65.0

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Appendix C:

Blower Noise Data

August 11, 2016

Ms. Cheryl Dobie
Aerodry Systems, LLC
P.O. Box 907
Broomfield, Colorado 80038

Re: Aerodry – Spectral Sound Measurements (DLAA #16-131) Summary Report

Dear Cheryl,

The following is a summary of the blower sound level measurements taken at the site on August 4, 2016. Attached is Table 1 which is a summary of the 1/3 octave band sound measurements taken at the site.

We measured a variety of configurations with various model numbers that correspond to different groupings of dryers. The system sizes ranging from 45 HP to 120 HP consisted of configurations utilizing 1 and 2 overhead towers and 1 set of 6-outlet side columns..

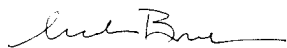
Measurements were taken in ANSI-standard 1/3-octave bands between 25 Hertz (Hz) and 20,000 Hz. The blowers were located as shown in Figure 1. Sound measurements were taken outside the building at four distances: 1m, 20', 50', and 90' from the exterior edge of the building at centerline of the opening as shown in Figure 1.

Table 1 (enclosed) summarizes the measurements taken at the four measurement locations under six different operating conditions as described below Table 1.

Measurements were taken with a Larson Davis Model 831 Type 1 sound level meter and a PCB Piezotronics Model 377B02 condensing microphone. Immediately prior to measuring, the sound level meter's calibration was checked and recorded. Calibration was again verified at the conclusion of the measurements. All of our equipment has been calibrated within the recommended time period set by the manufacturer. Documentation verifying measurement calibration compliance is available upon request,

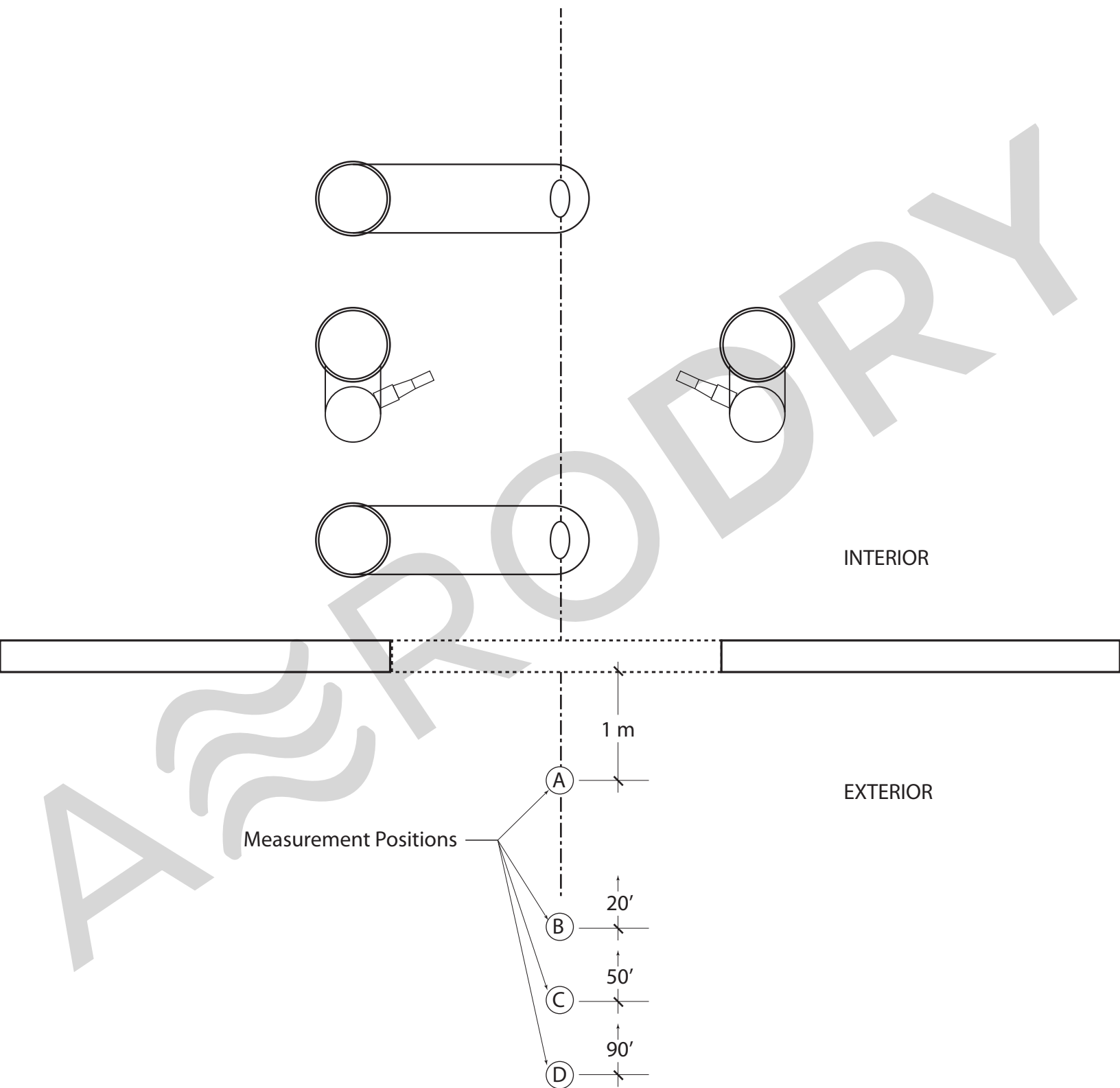
If you have any questions, please call me.

Sincerely,



Mick Barnhardt
Senior Consultant

Encl: Figure 1; Table 1



Dryer Configuration

Aerodry

scale: 1/4" = 1' - 0"

Figure

1



**D. L. ADAMS
ASSOCIATES**

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1536 Ogden Street Denver, Colorado 80218
303/455-1900 FAX 303/455-9187

8-11-16

Project No.
16-161

Drawn by
MBB

TABLE 1: Sound Measurement Summary (in dB)

Location	Condition	1/3 Octave Band Frequency																								dBA						
		25.0	31.5	40.0	50.0	63.0	80.0	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000		6300	8000	10000	12500	16000	20000
A	Condition 1	75	75	76	79	79	78	73	72	76	73	67	75	83	81	66	65	66	65	66	65	62	60	59	57	56	55	52	47	39	82	
B	Condition 1	63	67	69	70	74	67	66	61	64	62	60	64	76	71	55	57	55	56	54	56	54	51	51	50	48	46	45	42	36	29	74
C	Condition 1	60	61	60	64	68	65	62	61	59	57	54	59	68	64	50	50	48	50	49	49	48	45	44	43	40	37	34	30	24	16	67
D	Condition 1	57	55	57	61	62	63	64	56	53	52	49	55	64	58	45	46	45	45	45	44	43	40	39	37	34	30	27	22	16	10	62
A	Condition 2	69	73	74	76	79	80	80	74	74	77	73	68	73	81	81	74	66	69	67	67	66	66	63	62	61	59	58	56	53	49	81
B	Condition 2	65	65	68	70	74	70	66	64	65	63	58	66	73	71	60	57	57	57	57	56	57	53	52	51	49	47	46	43	38	30	73
C	Condition 2	60	60	62	64	69	66	61	61	59	58	53	60	67	65	59	52	51	52	51	50	50	47	45	44	41	39	36	32	26	17	67
D	Condition 2	61	57	59	64	64	62	59	58	54	54	49	55	62	59	46	48	47	47	47	46	46	41	41	39	36	32	29	23	16	9	62
A	Condition 3	76	76	77	78	80	82	74	76	78	73	71	75	84	80	68	67	69	68	69	67	68	64	63	63	60	59	57	54	51	44	83
B	Condition 3	65	67	68	70	74	73	66	64	66	63	59	67	77	72	59	58	57	56	57	56	56	54	53	52	49	47	46	42	37	29	75
C	Condition 3	61	62	63	64	69	68	61	60	61	59	55	62	70	65	51	52	51	52	51	50	50	47	46	45	42	39	36	32	26	17	68
D	Condition 3	59	58	58	60	63	65	58	58	55	53	51	56	65	60	45	47	46	46	47	45	45	43	41	39	35	32	28	23	16	9	63
A	Condition 4	74	75	76	80	81	80	75	76	78	75	69	72	80	84	73	67	71	69	69	68	68	65	64	62	61	59	57	55	50	42	84
B	Condition 4	65	65	68	72	75	73	68	66	66	65	59	63	72	74	63	59	58	59	59	59	58	56	54	53	51	49	48	45	39	31	74
C	Condition 4	61	62	62	66	70	67	63	61	61	60	55	59	65	67	58	52	51	53	53	52	51	49	47	46	43	41	38	34	28	19	68
D	Condition 4	58	57	59	63	64	64	60	58	56	55	52	54	60	62	58	49	47	48	49	48	46	44	42	41	37	34	30	25	18	11	63
A	Condition 5	77	77	79	80	84	84	77	79	81	76	73	74	81	83	73	69	73	71	72	71	71	67	66	66	63	62	60	58	54	46	85
B	Condition 5	68	69	71	72	77	75	69	67	68	65	61	67	75	75	64	61	60	60	61	61	60	57	56	56	53	51	50	47	42	34	76
C	Condition 5	63	63	63	66	72	70	63	62	63	61	57	61	67	68	60	54	54	55	54	54	53	50	49	48	45	42	40	36	30	21	69
D	Condition 5	59	59	60	62	64	66	61	61	58	56	51	56	62	63	54	49	49	49	50	49	48	45	44	42	38	35	32	26	19	11	64
A	Condition 6	76	76	78	79	82	82	75	77	79	74	72	76	83	81	75	68	70	69	69	68	69	65	64	63	61	59	58	55	51	43	84
B	Condition 6	66	68	69	71	76	74	67	65	67	64	60	68	76	72	63	59	57	58	59	58	58	55	54	53	50	49	47	44	39	31	75
C	Condition 6	62	62	62	64	71	69	62	60	61	59	56	61	68	64	55	53	52	52	52	51	51	48	47	46	42	39	37	33	27	18	68
D	Condition 6	58	58	58	62	63	65	60	59	58	55	51	55	63	60	50	48	46	47	48	47	46	44	41	40	36	32	29	24	17	10	63

Location A: 1 meter from exterior door opening
Location B: 20 feet from exterior door opening
Location C: 50 feet from exterior door opening
Location D: 90 feet from exterior door opening

Condition 1: Model A45
Condition 2: Model A60
Condition 3: Model A60+
Condition 4: Model A90
Condition 5: Model A120
Condition 6: Model A75

Results are exclusive to the Advantage Drying System manufactured by Aerodry Systems, LLC. Use and interpretation for other equipment models or brands is expressly prohibited. Aerodry Systems, LLC is an independent, certified WBE.

Appendix D:
Construction Noise Modeling Output

VIBRATION LEVEL IMPACT

Project: 554 S Main Street Extra Shine Car Wash

Date: 3/29/19

Source: Truck

Scenario: Unmitigated

Location: Project Site

Address:

PPV = $PPV_{ref}(25/D)^n$ (in/sec)

DATA INPUT

Equipment = 1 Vibratory Roller INPUT SECTION IN BLUE
Type

PPVref = 0.21 Reference PPV (in/sec) at 25 ft.

D = 50.00 Distance from Equipment to Receiver (ft)

n = 1.50 Vibration attenuation rate through the ground

Note: Based on reference equations from Vibration Guidance Manual, California Department of Transportation, 2006, pgs 38-43.

DATA OUT RESULTS

PPV = 0.074 IN/SEC OUTPUT IN RED

Appendix E:

DNL Calculation

DNL Calculation R1

Time	Existing	Project	Project Plus Existing	Energy E		Energy E+P	CNEL Energy E+P	dB Change
0:00	62	42	62	14301423.1	158489.319	1445991.24	14459912.4	0
1:00	56	42	57	4371285.71	158489.319	452977.503	4529775.03	0
2:00	55	42	56	3443953.03	158489.319	360244.235	3602442.35	0
3:00	56	42	56	3789781.42	158489.319	394827.073	3948270.73	0
4:00	58	42	58	5794087.41	158489.319	595257.673	5952576.73	0
5:00	62	42	62	14223968.8	158489.319	1438245.81	14382458.1	0
6:00	65	42	65	28481401.2	158489.319	2863989.05	28639890.5	0
7:00	68	42	68	6389734.75	15848.9319	6405583.68	6405583.68	0
8:00	71	42	71	13782148.7	15848.9319	13797997.6	13797997.6	0
9:00	69	42	69	8051259.65	15848.9319	8067108.58	8067108.58	0
10:00	68	42	68	6536142.94	15848.9319	6551991.87	6551991.87	0
11:00	69	42	69	7529014.54	15848.9319	7544863.47	7544863.47	0
12:00	68	42	68	6606934.48	15848.9319	6622783.41	6622783.41	0
13:00	68	42	68	7058983.15	15848.9319	7074832.08	7074832.08	0
14:00	68	42	68	7039177.17	15848.9319	7055026.1	7055026.1	0
15:00	68	42	68	6911538.49	15848.9319	6927387.42	6927387.42	0
16:00	68	42	68	6954671.43	15848.9319	6970520.36	6970520.36	0
17:00	70	42	70	10756938.2	15848.9319	10772787.1	10772787.1	0
18:00	69	42	69	7843138.48	15848.9319	7858987.41	7858987.41	0
19:00	68	42	68	6862586.69	15848.9319	6878435.62	6878435.62	0
20:00	68	42	68	6079127.99	15848.9319	6094976.92	6094976.92	0
21:00	67	42	67	5125513.08	15848.9319	5141362.02	5141362.02	0
22:00	64	42	64	25591969.6	158489.319	2575045.89	25750458.9	0
23:00	61	42	61	12909898.3	158489.319	1306838.76	13068387.6	0
				226434678	1664137.85		228098816	
DNL	70	48	70					0

DNL Calculation R2

Time	Existing	Project	Project Plus Existing	Energy E		Energy E+P	CNEL Energy E+P	dB Change
0:00	62	59	63	14301423.1	7943282.35	2224470.55	22244705.5	2
1:00	56	59	61	4371285.71	7943282.35	1231456.81	12314568.1	4
2:00	55	59	61	3443953.03	7943282.35	1138723.54	11387235.4	5
3:00	56	59	61	3789781.42	7943282.35	1173306.38	11733063.8	5
4:00	58	59	61	5794087.41	7943282.35	1373736.98	13737369.8	4
5:00	62	59	63	14223968.8	7943282.35	2216725.11	22167251.1	2
6:00	65	59	66	28481401.2	7943282.35	3642468.36	36424683.6	1
7:00	68	59	69	6389734.75	794328.235	7184062.98	7184062.98	1
8:00	71	59	72	13782148.7	794328.235	14576476.9	14576476.9	0
9:00	69	59	69	8051259.65	794328.235	8845587.89	8845587.89	0
10:00	68	59	69	6536142.94	794328.235	7330471.17	7330471.17	0
11:00	69	59	69	7529014.54	794328.235	8323342.77	8323342.77	0
12:00	68	59	69	6606934.48	794328.235	7401262.71	7401262.71	0
13:00	68	59	69	7058983.15	794328.235	7853311.38	7853311.38	0
14:00	68	59	69	7039177.17	794328.235	7833505.41	7833505.41	0
15:00	68	59	69	6911538.49	794328.235	7705866.73	7705866.73	0
16:00	68	59	69	6954671.43	794328.235	7748999.67	7748999.67	0
17:00	70	59	71	10756938.2	794328.235	11551266.4	11551266.4	0
18:00	69	59	69	7843138.48	794328.235	8637466.71	8637466.71	0
19:00	68	59	69	6862586.69	794328.235	7656914.93	7656914.93	0
20:00	68	59	68	6079127.99	794328.235	6873456.23	6873456.23	1
21:00	67	59	68	5125513.08	794328.235	5919841.32	5919841.32	1
22:00	64	59	65	25591969.6	7943282.35	3353525.2	33535252	1
23:00	61	59	63	12909898.3	7943282.35	2085318.07	20853180.7	2
				226434678	83404464.6		309839143	
DNL	70	65	71					1

DNL Calculation R3

Time	Existing	Project	Project Plus Existing	Energy E		Energy E+P	CNEL Energy E+P	dB Change
0:00	62	46	62	14301423.1	398107.171	1469953.03	14699530.3	0
1:00	56	46	57	4371285.71	398107.171	476939.288	4769392.88	0
2:00	55	46	56	3443953.03	398107.171	384206.02	3842060.2	0
3:00	56	46	56	3789781.42	398107.171	418788.859	4187888.59	0
4:00	58	46	58	5794087.41	398107.171	619219.458	6192194.58	0
5:00	62	46	62	14223968.8	398107.171	1462207.6	14622076	0
6:00	65	46	65	28481401.2	398107.171	2887950.84	28879508.4	0
7:00	68	46	68	6389734.75	39810.7171	6429545.47	6429545.47	0
8:00	71	46	71	13782148.7	39810.7171	13821959.4	13821959.4	0
9:00	69	46	69	8051259.65	39810.7171	8091070.37	8091070.37	0
10:00	68	46	68	6536142.94	39810.7171	6575953.65	6575953.65	0
11:00	69	46	69	7529014.54	39810.7171	7568825.25	7568825.25	0
12:00	68	46	68	6606934.48	39810.7171	6646745.2	6646745.2	0
13:00	68	46	69	7058983.15	39810.7171	7098793.86	7098793.86	0
14:00	68	46	68	7039177.17	39810.7171	7078987.89	7078987.89	0
15:00	68	46	68	6911538.49	39810.7171	6951349.21	6951349.21	0
16:00	68	46	68	6954671.43	39810.7171	6994482.15	6994482.15	0
17:00	70	46	70	10756938.2	39810.7171	10796748.9	10796748.9	0
18:00	69	46	69	7843138.48	39810.7171	7882949.19	7882949.19	0
19:00	68	46	68	6862586.69	39810.7171	6902397.41	6902397.41	0
20:00	68	46	68	6079127.99	39810.7171	6118938.71	6118938.71	0
21:00	67	46	67	5125513.08	39810.7171	5165323.8	5165323.8	0
22:00	64	46	64	25591969.6	398107.171	2599007.68	25990076.8	0
23:00	61	46	61	12909898.3	398107.171	1330800.55	13308005.5	0
				226434678	4180125.29		230614804	
DNL	70	52	70					0

**TRAFFIC STUDY
FOR
554 S. MAIN STREET
EXTRA SHINE – AUTOMATIC CAR WASH CONVERSION**

Milpitas, California

May 3, 2019



BKF Project No. 20178148-11

**Prepared by:
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Table 1 - Project Trip Generation Calculations

Figure 1 – Project Site Location Map

Figure 2 – Car Wash System Review

INTRODUCTION

This report addresses the potential traffic impact associated with the proposed improvements at the existing car wash located at 554 S. Main Street in Milpitas.

The project scope of the work consists of demolishing the existing 4-bay self-service car wash facility, and constructing a new 3,000 SF automatic car wash system.

Both driveways on S. Main Street will remain as existing.

Based on the review letter comments, and our review of the project, the focus of this study included review of:

- Vehicle trip generation change from existing uses to new proposed use
- External traffic circulation - ingress/egress at driveways
- Internal traffic circulation
 - o Sufficient queuing capacity for car wash operations
 - o Traffic patterns to serve building and car wash
 - o Parking space usage

Current Site Conditions

As previously noted, the carwash project site is located at 554 S. Main Street in Milpitas. The site contains 4 self-service car wash bays. The site also has parking stalls and vending machines for drying and vacuuming at the rear of the site.

S. Main Street fronts the property with two 2-way driveways.

Site Access

Regional and Local Roadways

Regional access to site is provided by Highway 680, east of the site, and Highway 880, west of the site. Arterial connections can be made from Calaveras Boulevard to the north and Great Mall Parkway to the south with direct connections to either highway. The nearest intersections on S. Main Street are at Corning Avenue (1-way stop controlled) and Curtis Avenue (signalized).

S. Main Street is a north-south collector. In the vicinity of the site, it is a two-lane street with direct access to the major east-west arterials noted above. Parking is allowed with a bike lane across the street from the site, and a narrow shoulder is striped adjacent to the site with no parking.

Please refer to Figure 1 for the Project Site Location Map.

Surrounding Land Use

Retail, industrial, and large commercial properties occupy the immediate areas around the site, with multi-family properties and a small enclave of single family homes nearby.

Existing Traffic Volumes along S. Main Street

Existing daily traffic volumes along S. Main Street are reported as 12,326 (assumed to be annual average daily traffic, AADT), per the City's Traffic Volume Map's 2007 counts.

Existing Traffic Volumes at Car Wash

Per the car wash owner, the existing site serves about a maximum of 100 vehicles per day.

TRAFFIC CONDITIONS WITH PROPOSED PROJECT

Traffic Volumes for Automatic Car Wash with Proposed Project

Trip Generation

Because of the limited visibility from regional roadways and location on a local collector, the revised car wash facility is not expected to increase a significant amount of traffic on S. Main Street. Instead, any increase in trip ends to the site would be expected to stem mostly from the existing traffic.

For comparison purposes, calculation of the traffic generated by the site was based on trip generation rates listed in the ITE Trip Generation Manual, 9th Edition, for Self-Service Carwash (Land Use 947) and Automated Carwash (Land Use 948). These calculations were prepared for peak hour of the adjacent street. We assume that car washes would generally be during off-peak commute hours and on weekends.

It should also be noted that the daily variability of a car wash business can be quite high depending on the day of the week (Fridays are generally the highest weekday), weather factors, and seasonal fluctuations. The day of heaviest activity is typically a Sunday. Another characteristic is that the car wash will rarely have any business before 9 am, so the weekday AM peak period is not expected to generate many vehicle trips.

Existing traffic counts were not obtained, and therefore are based on calculating trip generation for the existing project. These are then compared to the proposed calculated trips. The ITE generated trips were then adjusted based on the owner's record of maximum daily vehicles serviced. This provides a more site-specific expectation. Having reviewed a number of similar traffic studies, and our experience with other similar sites, we expect the adjusted volumes may be under-estimated. However we also expect the ITE trip generation rates are extremely conservative for this site. A likely expectation for projected volumes may be an average of these two estimates.

The ITE Trip Generation Manual data for both Land Use Codes are extremely limited. Therefore, the calculated volumes (existing and projected) should only be used with caution. When this data is limited, traffic counts for existing and at nearby sites similar to the proposed project are often taken for a more realistic expectation. There are no nearby sites similar to the proposed project, so therefore no traffic counts are available for this purpose.

Please refer to Table 1 for trip generation calculations. The net increase in trips calculated were 29 AM peak hour trips and 20 PM peak hour trips. Because this is a national average with very limited data, it is likely not an accurate evaluation of this specific site. Using the data provided by the owner, the adjusted net increase in trips calculated were 7 AM peak hour trips and 5 PM peak hour trips.

For comparison purposes, the AM peak hour trip increase represents about 100% of the existing trips; and the PM peak hour trip increase represents about 100% of the existing trips.

Trip Distribution and Assignment

Since the project does not significantly change its use, it was assumed that the trip distribution would match current conditions. Trip distribution analysis and trip assignment was not a part of the scope for this project.

Level Of Service (LOS) analysis

Because the project is not expected to significantly increase the amount of traffic along S. Main Street, and that any increase in trip ends to the site would be expected to stem from the existing traffic, the Level Of Service (LOS) was not analyzed for the nearby intersections. Regardless, the net increase in trips generated to the site is so small that it would not statistically change the delay values with standard LOS calculations. LOS calculations were not a part of the scope for this project.

The AADT of S. Main Street is 12,326. The estimated increase in daily trips is 91. This represents less than 1% of the AADT of S. Main Street.

SITE ACCESS AND EGRESS EVALUATION

S. Main Street Access

No concerns with ingress and egress for the current site configuration have been identified by the City or the owner.

The site is in the middle of the block and well situated for ingress and egress without impacting the nearest intersections. There is a mid-block crosswalk about 70 feet to the north of the northernmost driveway. There is sufficient distance and visibility from the driveways for the flashing beacons at this crosswalk.

INTERNAL CIRCULATION EVALUATION

Internal traffic circulation was reviewed based on the proposed site plan by NORR Associates, dated 4/23/2019.

By placing the new car wash facility for circulation around the perimeter of the property, we expect this revised layout will provide sufficient space for internal circulation of vehicles

using the carwash facility. With this configuration, we expect to see relatively little conflicting traffic movements, on site traffic queuing, and competition for parking.

Available space for queues for car washes were compared to the calculations from the trip generations in Table 1. Assuming a maximum of 14 vehicles in the car wash system during the peak hour, we find there is sufficient on-site capacity as shown on Figure 2. Regardless, we expect if there is an excessive number of vehicles queued, customers will forgo the car wash and not create logistical issues.

SUMMARY OF FINDINGS

The following is a summary of findings based on the analysis of the project site:

- Configuration of the site will allow for internal circulation with little potential for vehicular conflicts.
- Configuration of the site will allow for ingress and egress.
- The car wash facility appears to have sufficient capacity to accommodate the expected peak hour service demand and queues.
- Off-peak car wash demand will have fewer impacts to adjacent streets.
- The calculated increase in trips generated to the proposed project represent less than 1% of the AADT of the adjacent street.

TABLE 1
PROJECT TRIP GENERATION CALCULATIONS
(From ITE Trip Generation Manual, 9th Edition)

Existing Use Trip Generation:
Self-Service Carwash (947)

# Stalls	Average Rate	Average Trip Ends	Owner Recorded Trips	Percent of Average	Period
					Weekday
4	8.00	32	7	23%	AM Peak Hr of Adjacent Street
4	5.54	22	5	23%	PM Peak Hr of Adjacent Street
4	108.00	432	100	23%	Weekday

* ITE Trip Generation rates for Weekday and AM Peak Hour for Code 947 is based on a small sample size.

** Owner recorded trips for AM and PM is extrapolated based on the Weekday value and percent of average.

Proposed Use Trip Generation:
Automated Carwash (948)

Thousand Square Feet	Average Rate	Average Trip Ends	Percent of Average	Adjusted Trip Ends	Period
					Weekday
3.00	20.39	61	23%	14	AM Peak Hr of Adjacent Street
3.00	14.12	42	23%	10	PM Peak Hr of Adjacent Street
3.00	275.26	826	23%	191	Weekday

* ITE Trip Generation rates for Weekday and AM Peak Hour of Code 948 is not available. Percentage difference between 947 and 948 for PM was used to extrapolate an average rate for Weekday and AM.

** ITE Trip Generation rates for PM Peak Hour for Code 948 is based on a small sample size.

Land Use 948 trip ends - Land Use 947 trip ends = trips related to change in car wash during period noted

Average trips related to change

Percent increase compared to existing

29 AM Peak Hr of Adjacent Street
20 PM Peak Hr of Adjacent Street

91.2%
91.2%

TABLE 1
PROJECT TRIP GENERATION CALCULATIONS
(From ITE Trip Generation Manual, 9th Edition)

BKF # 20178148-11
J.Mansfield
5/3/2019

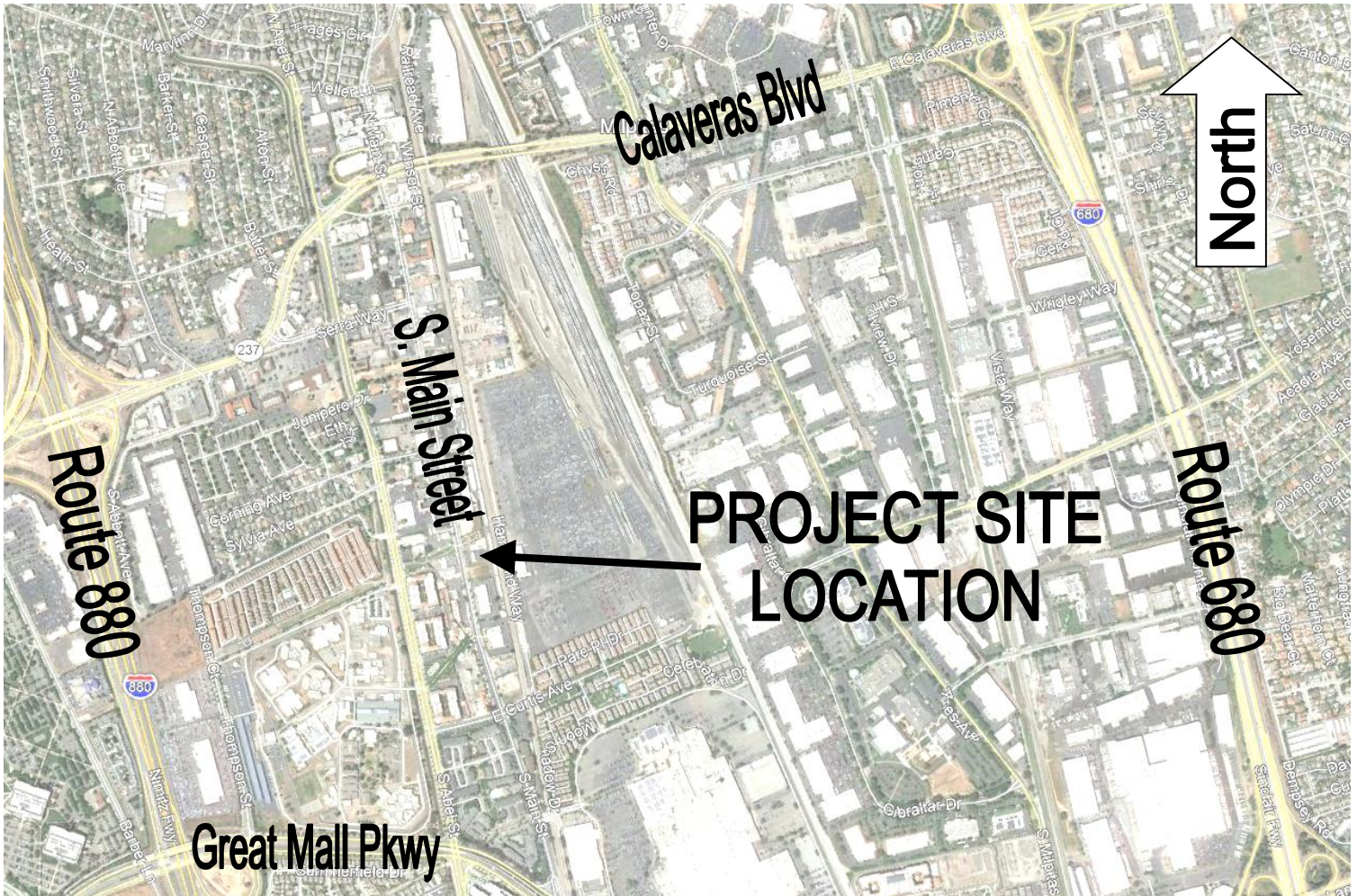
<u>Adjusted</u> Average trips related to change	Percent increase compared to existing
Weekday	
8 AM Peak Hr of Adjacent Street	108.7%
5 PM Peak Hr of Adjacent Street	92.4%

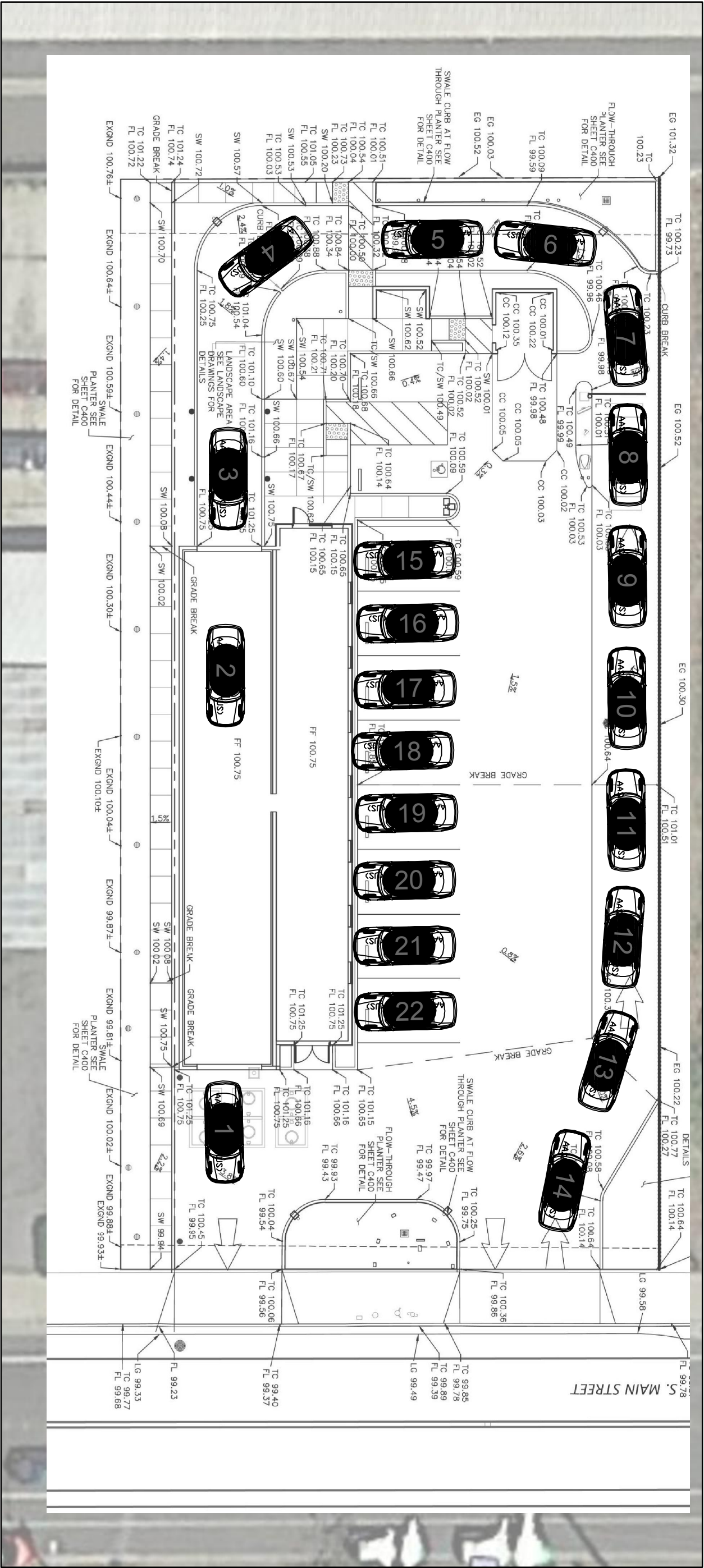
Carwash Queue Analysis

14 maximum vehicles using car wash during peak hour

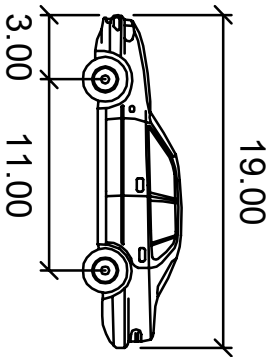
At 7 min per car wash cycle (8 complete the cycle during peak hour) = $14 - 8 = 6$ **max vehicles in system**

FIGURE 1
PROJECT SITE LOCATION MAP





22 Cars Shown



P
feet
Width : 7.00
Track : 6.00
Lock to Lock Time : 6.0
Steering Angle : 31.6



(IN FEET)
1 inch = 20 ft.



MEMORANDUM

Milpitas Police Department



Armando Corpuz
Chief of Police

DATE: August 24, 2019
TO: Lieutenant Steve Fox #274
FROM: Sergeant Kyle Sanchez #280 *KS 280*
SUBJECT: Extra Shine Car Wash, 554 South Main Street
Project # P-SD18-0010

I have reviewed the building plan proposal for the Extra Shine Car Wash by NORR Associates Inc., Ingenium Group Company. This project is located at 554 South Main Street which is North of East Curtis Avenue. This project has a total site area of 22,277 square feet. Within the site is a 3,189 square foot facility and a 2,301 square foot canopy covered area. Within the facility is a 1,342 square foot occupied area which consists of an office space, a restroom, a storage room, and an equipment bay. The site would include 8 vacuum equipped parking stalls, 1 van accessible stall, and 1 non-vacuum equipped stall. A service driveway into the washing facility would allow approximately 13 vehicles to be in queue. The project would also require the demolition of 2,301 square feet of the existing car wash.

Utilizing concepts and principals of Crime Prevention Through Environmental Design (CPTED), the police department can deliver high value service. We must work closely with city planners and developers in preparing proactive patrol tactics and security measures for this project. The following recommendations should be considered:

- It is recommended that lighting of sufficient wattage to provide adequate illumination and to make clearly visible the presence of any person in or about the outside premises during hours of darkness.
- This project site appears to allow for circulation of police patrols (foot, bicycles and vehicles).
- All entrances to the facility should be posted with appropriate signage such as "No Trespassing/ Loitering" and applicable towing advisement such as 22658(a) CVC to assist in the removal of unauthorized person and vehicles on the private premises.
- All exits to the facility should be posted with appropriate signage to restrict left turns, such as "Right turn only." This signage would stop vehicles from attempting to make a left turn to travel south, alleviating traffic congestion and limiting the likelihood of a vehicle collision.

Attachment G - Public Comment.pdf

PUBLIC COMMENT Wed 03102021 0833 PM.pdf

PUBLIC COMMENT Wed 03102021 1222 PM.pdf

PUBLIC COMMENT Wed 03102021 0132 PM.pdf

PUBLIC COMMENT Wed 03102021 0138 PM.pdf

PUBLIC COMMENT Wed 03102021 0152 PM.pdf

PUBLIC COMMENT Wed 03102021 0155 PM.pdf

PUBLIC COMMENT Wed 03102021 0157 PM.pdf

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PUBLIC COMMENT Wed 03102021 0241 PM a.pdf

PUBLIC COMMENT Wed 03102021 0241 PM.pdf

PUBLIC COMMENT Wed 03102021 0242 PM.pdf

PUBLIC COMMENT Wed 03102021 0253 PM.pdf

PUBLIC COMMENT Wed 03102021 0429 PM a.pdf

PUBLIC COMMENT Wed 03102021 0429 PM b.pdf

PUBLIC COMMENT Wed 03102021 0429 PM.pdf

PUBLIC COMMENT Wed 03102021 0444 PM.pdf

PUBLIC COMMENT Wed 03102021 0447 PM.pdf

PUBLIC COMMENT Wed 03102021 0506 PM.pdf

PUBLIC COMMENT Wed 03102021 0510 PM.pdf

PUBLIC COMMENT Wed 03102021 0606 PM.pdf

PUBLIC COMMENT Wed 03102021 0618 PM.pdf

PUBLIC COMMENT Wed 03102021 0647 PM.pdf

PUBLIC COMMENT Wed 03102021 0649 PM.pdf

PUBLIC COMMENT Wed 03102021 0728 PM.pdf

PUBLIC COMMENT Wed 03102021 0729 PM.pdf

Public Comment Received for Car Wash 030921 (1).pdf

Public Comment Received for Car Wash 030921 (2).pdf

Liz Medina

From: Ned Thomas
Sent: Tuesday, March 9, 2021 4:17 PM
To: Liz Medina
Cc: Jessica Garner; Rozalynne Thompson
Subject: FW: Car wash

Below is another email in support of the car wash.

Liz: We may receive several of these types of email this afternoon. It may be best to collect them until 5 p.m. and then package them all up and forward to the PCers.

Thank you,

Ned

From: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Sent: Tuesday, March 9, 2021 2:26 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: FW: Car wash

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, March 9, 2021 1:59 PM
To: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Subject: Car wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

I am in favor of new car wash on main Street . Milpitas
Which is in hearing by Milpitas planning commission on March 10
At 7.00 pm
Thank you

Liz Medina

From: Ned Thomas
Sent: Tuesday, March 9, 2021 2:16 PM
To: Liz Medina
Cc: Jessica Garner; Rozalynne Thompson
Subject: FW: Subject: Questions.

Attached below is a public comment submitted to the Clerk's Office this afternoon for the carwash on tonight's PC agenda. Please forward to the PCers and note that it was received in the presentation.

Thank you,

Ned

From: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Sent: Tuesday, March 9, 2021 1:40 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: FW: Subject: Questions.

From: Dhanwant Dhaliwal <[REDACTED]>
Sent: Tuesday, March 9, 2021 1:23 PM
To: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Subject: Subject: Questions.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rachelle,

On March 10, 2021 Milpitas Planning Commission scheduled a to have a public hearing to remodel the old car wash. Why am I in favor of a new car wash?

1. Old car wash is not environmentally friendly. All chemicals are going in the drains directly. New technology saves the environment.
 2. Old car wash is junk and with ugly look. All surrounding areas have new looks.
 3. I was scared to walk at night time in that area.
- I support having a new car wash. Thanks.

With Regards,

Dhanwant Dhaliwal

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 8:33 PM
To: Liz Medina
Subject: FW: Car wash upgrade at 554 South Main St - Milpitas

Categories: Green Category

Hi Liz,

This came in during my presentation.

Roz

From: KASHMIRI Lal <[REDACTED]>
Sent: Wednesday, March 10, 2021 8:07 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Car wash upgrade at 554 South Main St - Milpitas

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Ms. Rozalynne,
This is Kashmiri Lal from San Jose and I often visiting my nephew's restaurant on Main St and also shop from New Indian Bazar on Main St. We (family) also visit Jain Center Hindu Temple 722 S Main St. We saw the notice regarding car wash upgrade at 554 S Main St. Since main St is very busy street and we prefer the area neat and clean. It is very difficult and dangerous to go temple in the evening to attend Temple especially for females. A female scared to walk alone after the services. We noticed many times homeless people sitting in car wash property in dark. If owner would like to upgrade with modern equipment and give employment to few local people then I think it is in the benefit of the City and local residents too and the surrounding businesses. More cars will come to new car wash, more sales for nearby restaurants and grocery stores. I think City of Milpitas should approve this car wash upgrade so that area will look nice, neat/clean, more tax for City and more safe for local community. So please this is my and my family request to approve at your earliest convenience.

Should you have any questions regarding this request you are always welcome to conatct me.

Kindest regards,
Kashmiri

----- Forwarded Message -----

From: Rachelle Currie <no-reply@zoom.us>

To: "[REDACTED]" <[REDACTED]>
Sent: Wednesday, March 10, 2021, 06:41:03 PM PST
Subject: 03/10 Milpitas Planning Commission Confirmation



Hi KASHMIRI LAL,

Thank you for registering for "03/10 Milpitas Planning Commission".

Please submit any questions to: rcurrie@ci.milpitas.ca.gov

Date Time: Mar 10, 2021 07:00 PM Pacific Time (US and Canada)

Join from a PC, Mac, iPad, iPhone or Android device:

[Click Here to Join](#)

Note: This link should not be shared with others; it is unique to you.

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Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 831 9868 9220

International numbers available: <https://ci-milpitas-ca-gov.zoom.us/j/kdGL3jswoL>

You can [cancel](#) your registration at any time.



Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 12:22 PM
To: Liz Medina
Cc: Ned Thomas; Jessica Garner
Subject: FW: Extra Shine Car Wash

Categories: Green Category

Hi Liz,

I just received this email from someone in support of the car wash.

Rozalynne

-----Original Message-----

From: Lakh singh [REDACTED] >
Sent: Wednesday, March 10, 2021 12:20 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Cc: [REDACTED]
Subject: Extra Shine Car Wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Ms Rozalynne

My name is Lakhbir Randev, many times we have walked to the store and passed by the Extra Shine car wash located on 554 south Main Street Milpitas CA. It looks old and obsolete. I strongly recommend it should be renovated / replaced with a new one.

Thanks,
Lakhbir Randev

Sent from my iPhone

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 1:32 PM
To: Liz Medina
Cc: Jessica Garner; Ned Thomas
Subject: FW: [BULK] The Extra Shine Car Wash

Importance: Low

Categories: Green Category

Hi Liz,

I've received another comment from the public.

Roz

From: Ajaypal Randev <[REDACTED]>
Sent: Wednesday, March 10, 2021 1:10 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: [BULK] The Extra Shine Car Wash
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Rozalynne,

I feel as if the Extra Shine Car wash needs to be replaced. It looks old and makes the entire area look bad in the process. I have seen it many times when I drive by. Please fix this as soon as possible.

Thank you,

Ajaypal Randev



Virus-free. www.avast.com

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 1:38 PM
To: Liz Medina
Cc: Ned Thomas; Jessica Garner
Subject: FW: Car Wash 554 South main street

Categories: Green Category

Hi Liz,

Here's another one.

Rozalynne

From: Pritpal Kaur <[REDACTED]>
Sent: Wednesday, March 10, 2021 12:36 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Car Wash 554 South main street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

Saw the notice regarding the car wash upgrade at 554 South main street, Milpitas.

My entire family washes our car there, the car wash is in need of an upgrade I have mentioned this a number of times over the last 2 years to the people who work there. They have mentioned this is under consideration by the city.

Fail to understand what is there to consider, in the community we need this capability it is not like our cars are going to clean themselves, why is it taking this long.

At times it is very cold and difficult to manually wash the car it would be great to just sit in the car and have the entire process automated. Due to the slow manual process at times cars get lined up all the way to the street, an automated process would ensure that does not happen.

Also it is not like the run down look is contributing to the neighborhood, please approve this as soon as possible.

Thanks,
Pritpal Kaur.

Liz Medina

From: BK Milpitas <[REDACTED]>
Sent: Wednesday, March 10, 2021 1:52 PM
To: Rozalynne Thompson
Subject: Car Wash on Main Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne Thompson

Greetings of Peace

I am writing you from Meditation Center Abel Street, I am director of this center. I request you to please give permission to remodel CAR WASH on Main Street, as it is very Ruinous, doesn't look nice for the City like Milpitas.

I am sure you will think about this.

God's Blessings

BK Kusum Kejriwal

Om Shanti,
BK Kusum Kejriwal

BK Meditation Center

[REDACTED]
Milpitas, CA 95035, USA

Phone: [REDACTED]
www.svbrahmakumaris.org

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 1:55 PM
To: Liz Medina
Cc: Jessica Garner; Ned Thomas
Subject: FW: Renovations at Extra Shine Carwash

Importance: Low

Categories: Green Category

Hi Liz,

Here's another one.

Rozalynne

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, March 10, 2021 1:47 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: [BULK] Renovations at Extra Shine Carwash
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Good afternoon,

I am reaching out to Ms. Rozalynne about the Extra Shine car wash on Main St. It seems to be very old and run down, making the area around it far less attractive than the excellent service it provides. The area deserves renovations in order to make it a more welcoming car wash.

Best,
Vishaal Singh Bhardwaj
[REDACTED]

Liz Medina

From: Tapish Kumar <[REDACTED]>
Sent: Wednesday, March 10, 2021 1:57 PM
To: Rozalynne Thompson
Subject: [BULK] Subj: Automatic Car wash on 554 S Main street --> Public Hearing Planning Commission, City of Milpitas.

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello esteemed city official: Rozalynne,

I am a resident of Milpitas and often visit the Meditation center on 540 S. Abel Street. This is on the other side of the car wash. This car wash facility not only attracts lots of cars but also some junkies/homeless. As a result, these junkies are starting to infiltrate our premises too. By supporting this automatic car wash I am hoping to see less infiltration.

In addition there are only 2 good car washes in the city with both of them being full over the weekend. The cars line up and hence the streets tend to overflow with cars. Getting a new automatic one will not only reduce the traffic but will also save water.

I support the Automatic Car wash!

Thanks,

Tapish Kumar
resident of Milpitas, CA

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 2:22 PM
To: Liz Medina
Subject: FW: [BULK] Extra Shine car wash

Importance: Low

Categories: Green Category

And another.

Roz

From: Sanjeev Singla <[REDACTED]>
Sent: Wednesday, March 10, 2021 2:20 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: [BULK] Extra Shine car wash
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne,

I'm a long-time Milpitas resident. I would like your support to rebuild the car wash located at 554 S Main St, Milpitas. The old car wash looks really bad. I think the new car wash will beautify the area. Thank you for your support.

Sanjeev Singla

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 2:22 PM
To: Liz Medina
Subject: FW: [BULK] Car Wash 554 S Main St Milpitas

Importance: Low

Categories: Green Category

And here's another one.

Rozalynne

From: Jaswant Bhardwaj <[REDACTED]>
Sent: Wednesday, March 10, 2021 1:57 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: [BULK] Car Wash 554 S Main St Milpitas
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi

I work in this area and this car wash is very convenient for me, however, it old and run down.
If it is upgraded with new technology, it will serve the public well.
Please ask the owner to complete the upgrade asap.

--

Jas Bhardwaj

Liz Medina

From: Ranjit Patro <[REDACTED]>
Sent: Wednesday, March 10, 2021 2:41 PM
To: Rozalynne Thompson
Subject: [BULK] Regarding Automatic Carwash - 554 South Main Street , Milpitas
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Sir, Madam,

We have a meditation center across the street and walk in the park next to that. The carwash @554 S Main street is very old and also broken. We request your cooperation for renovations. This will be very beneficial for us and the nearby community.

Thanks
Ranjit Patro

--

"If you see a friend without a smile; give him one of yours." - Brahma Kumaris

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 2:41 PM
To: Liz Medina
Subject: FW: [BULK] Extra Shine car wash

Importance: Low

Categories: Green Category

Another one.

Roz

From: Sanjeev Singla <[REDACTED]>
Sent: Wednesday, March 10, 2021 2:20 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: [BULK] Extra Shine car wash
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne,

I'm a long-time Milpitas resident. I would like your support to rebuild the car wash located at 554 S Main St, Milpitas. The old car wash looks really bad. I think the new car wash will beautify the area. Thank you for your support.

Sanjeev Singla

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 2:42 PM
To: Liz Medina
Subject: FW: [BULK] Extra Shine Car Wash

Importance: Low

And another one.

Rozalynne

From: Amarjit <[REDACTED]>
Sent: Wednesday, March 10, 2021 2:31 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: [BULK] Extra Shine Car Wash
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne,

I live near the Extra Shine Car Wash located at 554 S Main St. Milpitas for a long time. We would like your support to rebuild the old car wash with new one. The old car wash is very ugly.

Thanks you for your support.

Best Regards,
Amarjit

Liz Medina

From: Lokesh Gopal <[REDACTED]>
Sent: Wednesday, March 10, 2021 2:53 PM
To: Rozalynne Thompson
Subject: Automatic Car Wash - P-SD18-0010 and P-UA18-0020 - 544 South Main Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Rozalynne,

This car wash is very old requires an update, make it more customer friendly and easy to use system.

please support this project by renovating the existing facility.

Regards,

-Lokesh

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 4:29 PM
To: Liz Medina
Subject: FW: Extra Shine Car Wash Hearing

Categories: Green Category

And another.

-----Original Message-----

From: Amrit Singh <[REDACTED]>
Sent: Wednesday, March 10, 2021 4:01 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Extra Shine Car Wash Hearing

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Rozalynne,

I will be unable to join the hearing scheduled for the Extra Shine Car Wash but wanted to send you a quick note in support for the proposed changes and a new car wash there. I believe this will enhance the quality of services offered to the community and will be a very positive change for the neighborhood.

Best,
Amrit

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 4:29 PM
To: Liz Medina
Subject: FW: Extra Shine Car Wash

Categories: Green Category

And another.

From: Prabh Thind <[REDACTED]>
Sent: Wednesday, March 10, 2021 4:15 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Extra Shine Car Wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne,

We wanted to bring it to the city the we are in favor of new express car wash which will be build at 554 S Main Street. Existing self-serve car wash is an eye sore and looks like it should be replaced with a new one which will help local residents like us as well as city by bringing new buildings making the city more pleasant instead of having old buildings like existing car which doesn't even feel safe to walk by after sunset.

Regards,
Jay Thind

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 4:29 PM
To: Liz Medina
Subject: FW: Extra Shine Car Wash 554 S Main St. Milpitas

Categories: Green Category

Another one...

Roz

From: paul judge <[REDACTED]>
Sent: Wednesday, March 10, 2021 3:33 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Extra Shine Car Wash 554 S Main St. Milpitas

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Ms Thompson

I would like to give my support to the owners of Extra Shine Car Wash in their quest for planning permission to renovate the business.

The existing car wash is somewhat antiquated and needs replacing. I truly believe a brand new and modern car wash facility is long overdue and would bring tremendous benefits to all in the local community.

I thank you for your consideration in this matter.

Regards

Mr Judge

[Sent from AT&T Yahoo Mail on Android](#)

Liz Medina

From: Gur preet <[REDACTED]>
Sent: Wednesday, March 10, 2021 4:44 PM
To: Rozalynne Thompson
Subject: Extra Shine Car Wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne,

I have lived near the Extra Shine Car Wash which is located on 554 S Main St. Milpitas for a while now. I would like your support to build the old car wash with a new and full service car wash. The old car was has been there for a while and it isn't very appealing.

Thank you,
Gurpreet

Liz Medina

From: Atma Dayal <[REDACTED]>
Sent: Wednesday, March 10, 2021 4:47 PM
To: Rozalynne Thompson
Subject: [BULK] Car wash located at 554 South Main St Milpitas

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Ms Thompson

I am writing in support of replacing the current manual car wash with a new automated car wash. The current car wash building is old and an eyesore.

The current car wash attracts a lot of homeless and undesired folks

Also over the weekend cars are lined up along Main Street a traffic hazard.

I attend meditation temple across the street and use the park. Sometimes is a bit scary in the morning to walk around the area.

I request the City to issue a permit to the owners to replace the current car wash with a new automated car wash.

Atma Dayal

Liz Medina

From: PARVIN K <[REDACTED]>
Sent: Wednesday, March 10, 2021 5:06 PM
To: Rozalynne Thompson
Subject: Extra Shine Car Wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rozalynne,

I live near the Extra Shine Car Wash that is located in Milpitas on 554 S Main St. I have lived here for a long time and would like your support to build a new car wash in place of the old car wash that is very dirty.

Thanks,
Parvinder

Liz Medina

From: Rachelle Currie
Sent: Wednesday, March 10, 2021 5:10 PM
To: Liz Medina; Ned Thomas; Jessica Garner
Subject: FW: [BULK] Car wash located at 554 South Main St Milpitas
Importance: Low

From: Atma Dayal <[REDACTED]>
Sent: Wednesday, March 10, 2021 5:08 PM
To: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Subject: [BULK] Car wash located at 554 South Main St Milpitas
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Ms Thompson

I am writing in support of replacing the current manual car wash with a new automated car wash. The current car wash building is old and an eyesore.

The current car wash attracts a lot of homeless and undesired folks

Also over the weekend cars are lined up along Main Street a traffic hazard.

I attend meditation temple across the street and use the park. Sometimes is a bit scary in the morning to walk around the area.

I request the City to issue a permit to the owners to replace the current car wash with a new automated car wash.

Liz Medina

From: Balraj <[REDACTED]>
Sent: Wednesday, March 10, 2021 6:06 PM
To: Rozalynne Thompson
Subject: Car Washing station at 554 South Main Street, Milpitas

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi

I am a resident in Milpitas since 1998 and have been using car wash in South Main Street since many years. Saw the notice regarding the upgrade. Was very glad to hear that the city is considering to upgrade it.

My entire family washes our car there, the car wash is in need of an upgrade we have mentioned this a number of times over the the years to the people who work there. They have mentioned this is under consideration by the city.

Please approve this as soon as possible.

Best Regards
Balraj Gill
[REDACTED]

Sent from my iPhone

Liz Medina

From: Mandeep Dhaliwal <[REDACTED]>
Sent: Wednesday, March 10, 2021 6:18 PM
To: Rozalynne Thompson
Subject: [BULK] In Favor of Renovation for Car Wash on Main Street

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Ms. Thompson,

I am a life long Milpitas resident that wishes to express my support for allowing the remodeling of the Car Wash on 554 S. Main Street in Milpitas. In a time where so many businesses and individuals are struggling financially, there is a business that wishes to contribute to the economy of Milpitas by remodeling their car wash business with the top of the line technology that will be safer, better for the environment and remain at an affordable cost for their customers. It is imperative to support small businesses, especially those that are seeking to innovate and enhance their services. Automation of their services will allow for quicker turnaround for their customers and avoid burdensome traffic on Main Street. Finally, improvement of this building will increase the property values in this area overall, which benefits the community greatly.

Please approve this plan to remodel the Car Wash business on 554 S. Main Street expeditiously and swiftly.

Thank you.

Mandeep Dhaliwal
[REDACTED]

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 6:47 PM
To: Liz Medina
Subject: FW: Renovations to Extra Shine car wash

Categories: Green Category

Liz,

Here's another one.

Roz

-----Original Message-----

From: Surjit Bhardwaj <[REDACTED]>
Sent: Wednesday, March 10, 2021 6:46 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Renovations to Extra Shine car wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

I am emailing you about the extra shine car wash on Main St. It is old, run down, and very outdated. The area deserves major renovation and believe that it will make Extra Shine a more welcoming car wash.

Sent from my iPhone

Liz Medina

From: Rozalynne Thompson
Sent: Wednesday, March 10, 2021 6:49 PM
To: Liz Medina
Subject: FW: Need new Car wash

Categories: Green Category

And another one.

Rozalynne

From: S Cheema <[REDACTED]>
Sent: Wednesday, March 10, 2021 6:49 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: Need new Car wash

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello, Ms. Rozalynne!!

Just wanted to bring it to your attention that we need a new car wash. Coz the area looks bad with the old car wash (Extra shine car wash, 554 s main street Milpitas) Walking through this area makes me uncomfortable at times. I thank you in advance for all your efforts in this regard.

With best regards:
Kiran Cheema

[Sent from Yahoo Mail for iPhone](#)

Liz Medina

From: Rachelle Currie
Sent: Wednesday, March 10, 2021 7:28 PM
To: Liz Medina; Ned Thomas; Jessica Garner
Cc: Rozalynne Thompson
Subject: Fwd: 03/10 Milpitas Planning Commission Confirmation

Categories: Green Category

Sent from my iPhone

Begin forwarded message:

From: KASHMIRI Lal <[REDACTED]>
Date: March 10, 2021 at 19:07:31 PST
To: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Subject: Fw: 03/10 Milpitas Planning Commission Confirmation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Ms. Rozalynne,
This is Kashmiri Lal from San Jose and I often visiting my nephew's restaurant on Main St and also shop from New Indian Bazar on Main St. We (family) also visit Jain Center Hindu Temple 722 S Main St. We saw the notice regarding car wash upgrade at 554 S Main St. Since main St is very busy and we prefer the are neat and clean. It is very difficult and dangerous to go temple in the evening to attend Temple especially for females. We noticed many times homeless people sitting in car wash property. If owner would like to upgrade with modern equipment and give employment to few local people then I think it is in the benefit of the City and local residents too and the surrounding businesses. More cars will come to new car wash and more sales for nearby restaurants and grocery stores.
I think City of Milpitas should approve this upgrade so that area will look nice and more tax for City and more safe for local community.
So please this is my and my family request to approve at your earliest convenience.

Should you have any questions regarding this request you are always welcome to conatct me.

Kindest regards,
Kashmiri

----- Forwarded Message -----

From: Rachelle Currie <no-reply@zoom.us>

To: "[REDACTED]" <[REDACTED]>

Sent: Wednesday, March 10, 2021, 06:41:03 PM PST

Subject: 03/10 Milpitas Planning Commission Confirmation



Hi KASHMIRI LAL,

Thank you for registering for "03/10 Milpitas Planning Commission".

Please submit any questions to: rcurrie@ci.milpitas.ca.gov

Date Time: Mar 10, 2021 07:00 PM Pacific Time (US and Canada)

Join from a PC, Mac, iPad, iPhone or Android device:

[Click Here to Join](#)

Note: This link should not be shared with others; it is unique to you.

[Add to Calendar](#) [Add to Google Calendar](#) [Add to Yahoo Calendar](#)



Or iPhone one-tap :

US: +16699006833,,83198689220# or +12532158782,,83198689220#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 831 9868 9220

International numbers available: <https://ci-milpitas-ca-gov.zoom.us/j/kdGL3jswoL>

You can [cancel](#) your registration at any time.

Liz Medina

From: Rachelle Currie
Sent: Wednesday, March 10, 2021 7:29 PM
To: Liz Medina; Ned Thomas; Jessica Garner
Subject: Fwd: 554 s. main St. Milpitas

Categories: Green Category

Sent from my iPhone

Begin forwarded message:

From: Vanita Sharma <[REDACTED]>
Date: March 10, 2021 at 17:32:10 PST
To: Rachelle Currie <rcurrie@ci.milpitas.ca.gov>
Subject: 554 s. main St. Milpitas

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Rachelle,

This is regarding the Car Wash Project at 554 S .Main St. Milpitas, Since I will not be able attend the Zoom meeting today at 7PM I will like to voice my opinion via email. I am in support of that project being modernized as the old one is worn out and not so good looking. It will an addition to nicer business on the main street and provide better facilities to Milpitas residents.

I own a business very close to this business located at 454 S. Main St. in Milpitas and I vote in favor of this project. Please feel free to reach out to me if you have any questions.

Thanks
Vanita Sharma
[REDACTED]

Wendy Wood

Subject: FW: Appeal

From: rsood rsood

Sent: Friday, April 16, 2021 9:59 AM

To: Wendy Wood <wwood@ci.milpitas.ca.gov>

Cc: Pam Caronongan <pcaronongan@ci.milpitas.ca.gov>; Karen Chew <kchew@ci.milpitas.ca.gov>; Ned Thomas <nthomas@ci.milpitas.ca.gov>; City Manager Office <CityManagerOffice@ci.milpitas.ca.gov>; Jagjot Kahlon; Joel Chapin

Subject: Re: Appeal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Ms. Wood good morning,

Thanks for scheduling our appeal in the City Council meeting on April 20th, but we need some more time to prepare our case presentation. So can you please cancel this date and schedule our appeal hearing in the next City Council's meeting on May 5th.

Please confirm by E-Mail.

Thanks for your help and cooperation.

With best Regards,
Ramesh Sood CEO.
Extra Shine Car Wash



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Approving the Fiscal Year 2021-22 Master Fee Schedule
Category:	Leadership and Support Services
Meeting Date:	5/4/2021
Staff Contact:	Lauren Lai, Finance Director, 408-586-3111
<u>Recommendation:</u>	Adopt a Resolution Approving the Fiscal Year 2021-22 Master Fee Schedule

Background:

Consistent with Council adopted fiscal policy regarding user fees, staff is bringing forward the attached Master Fee Schedule for Fiscal Year 2021-22 for Council consideration and adoption. Per the fiscal policy, all fees were reviewed for potential adjustments to recover the full cost of services provided.

The City's master fee schedule identifies fees for services and activities provided at the request of, or on behalf of, a single party as opposed to the public at large. Examples of user and regulatory fees collected by the City of Milpitas and municipalities throughout California include, but are not limited to:

- **Planning Fees**, such as entitlement review and review for compliance with the zoning code
- **Building Fees**, such as permitting of new construction or modifications to existing structures
- **Engineering Fees**, such as map review, encroachment permitting, and public improvement review
- **Utility Fees**, such as requests for sewer lateral inspections, and restoration of discontinued service
- **Police Fees**, such as vehicle impound and false alarm response
- **Animal Regulation Fees**, such as licensing and impound fees
- **Fire Fees**, such as annual inspections and construction review to ensure compliance with the fire code
- **Recreation Fees**, such as program participation fees, and facility rental fees
- **Administrative Fees**, such as requests for public records

User and regulatory fees specifically exclude:

- Taxes
- Assessments
- Franchise Fees
- Development Impact Fees
- Fines or Penalties
- Utility Rates and Services Charges

User and regulatory fees are established by the City Council. The master fee schedule was most recently comprehensively updated on May 5, 2020. Amendments to the fee schedule were adopted May 19, 2020 and June 2, 2020.

The fee schedule is reviewed annually by City staff as part of the normal course of operations. Typically, a cost of service study is completed every three to five years with incremental updates occurring in the years in between comprehensive studies. This update represents an interim year update with minor, incremental,

changes proposed that incorporate feedback received during prior fee studies and feedback received subsequent to adoption of the City's current schedule of fees.

Analysis:

During interim years (i.e., during years in between comprehensive fee studies) the City Council has authorized inflationary adjustments to fees. The inflationary adjustments are based on the estimated average annual increase in total employee compensation costs, with distinct averages calculated for employees commonly classified as miscellaneous employees and employees commonly classified as safety employees. If the estimated average employee compensation costs do not change or go down, no change shall be made to the fee schedule for that year unless an adjustment is made to targeted cost recovery levels or fee study findings indicate that an adjustment is appropriate. Since the majority of the employees are not scheduled to receive annual salary increases for FY 2021/22, almost all fee amounts are recommended to remain unchanged. Moreover, Council recently approved a City recreation and community services cost recovery framework. Staff is still evaluating cost recovery levels and may bring back additional fee adjustments next year.

There are some minor changes recommended to improve fee schedule clarity, to eliminate antiquated items from the fee schedule, to reflect rounding adjustments, and to refine charges to more closely correlate to services provided. Red-line version of changes are illustrated in attachment 2 and summarized below:

- Clarify applicable credit card/ACH vendor processing fees for payments made electronically
- Modify Title 19 Fire Sprinkler 5-Year Automatic Fire Sprinkler certification to reflect varying levels of review by project type and scale. The City's current fee is a fixed amount regardless of building type or size. The modified fee structure allows for scaling of fees based on building type and size.
- Clarify fee schedule to identify permit renewal fee for short-term rental permit fees.
- Clarify certificate of occupancy review fee when Planning Division review is required.

Additionally, one new fee is proposed to recover a portion of Police Department costs related to permitting of residential and commercial alarm systems. The Police Department typically responds to more than 1,500 false alarms per year. Instituting an alarm permitting system will assist the department with outreach efforts for any follow-up activities required subsequent to false alarm responses. Additionally, in order to encourage more effective deployment of City resources, the proposed fee schedule recalibrates the City's existing false alarm response fees. The illustration below identifies current the current and proposed fees associated with alarm permitting and false alarm response by the Police Department.

Alarm Permitting and False Alarm Response Fees

Fee Description		Current Fee	Proposed Fee
1	Alarm Permit		
	a) Alarm Permit - Initial	n/a - new	\$40
	b) Alarm Permit - Renewal	n/a - new	\$20
	c) Alarm Permit - Late Filing Fee	n/a - new	50% of permit fee
2	False Alarm Response (per calendar year)		
	a) First	\$500	No Charge
	b) Second	No Charge	No Charge
	c) Third	No Charge	\$75
	d) Fourth	\$50	\$125
	e) Fifth	\$100	\$250
	f) Sixth or More	\$250	\$250
3	False Alarm Response - Additional Fee for Unregistered Alarm	n/a - new	\$25

The proposed alarm permit fees and false alarm response fees are in-line with fees charged by other agencies within the region. The following tables provide comparison information.

False Alarm Response Fees

		# of False Alarms Per Year					
Agency		1st	2nd	3rd	4th	5th	6th...More
1	Milpitas PD - Current Fees	\$0	\$0	\$0	\$50	\$100	\$250
2	Redwood City PD	\$0	\$0	\$0	\$178	\$178	\$178
3	Newark PD	\$55	\$105	\$210	\$210	\$210	\$210
4	Santa Clara PD	\$0	\$50	\$111	\$136	\$161	\$161
5	Milpitas PD - Proposed Fees	\$0	\$0	\$75	\$125	\$250	\$250
6	Campbell PD	\$0	\$0	\$0	\$208	\$208	\$208...\$312
7	Mountain View PD	\$0	\$100	\$150	\$250	\$500	\$500
8	Sunnyvale DPS	\$0	\$0	\$200	\$200	\$350	\$350...\$750

* For illustrative purposes only. Amounts shown based on interpretation of agency fee schedules. As of February 2021.

Alarm Permit Fees

Agency		Initial	Renewal
1	Milpitas PD - Current Fees	n/a	n/a
2	Newark PD	\$10	\$10
3	Santa Clara PD	\$37	\$15
4	Milpitas PD - Proposed Fees	\$40	\$20
5	Sunnyvale DPS	\$35 Residential; \$70 Commercial	\$35 Residential; \$70 Commercial
6	Mountain View PD	\$20 Residential; \$80 Commercial	\$20 Residential; \$80 Commercial

* For illustrative purposes only. Amounts shown based on interpretation of agency fee schedules. As of February 2021.

Policy Alternatives:

Since fees are proposed to remain relatively unchanged, no alternatives are recommended.

Fiscal Impact:

The anticipated revenue impact of the proposed changes is \$100,000 per year. This forecast revenue change is tied to the proposed changes to alarm permitting and false alarm response fees. The actual revenue is dependent upon actual amount collected. The vast majority of fees are proposed to remain unchanged.

California Environmental Quality Act:

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

Recommendation:

Adopt a Resolution Approving the Fiscal Year 2021-22 Master Fee Schedule.

Attachments:

1. Resolution Approving the Master Fee Schedule for Fiscal Year 2021-22
2. Red-Line Illustration of Current and Proposed Fees and Fee Schedule Changes
3. Cost of Service Analysis Supporting Minor Change Requests

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2021-22**

WHEREAS, the City of Milpitas (the “City”) charges fees for licenses, permits, and various services provided by the City (collectively, the “Fees”); and

WHEREAS, the Fees are established to offset all, or portions of, the costs of providing the various services for which the Fees are collected; and

WHEREAS, certain of the Fees are subject to the adoption procedures set forth under Government Code section 66016, and others are subject to the procedures of Government Code section 66018; and

WHEREAS, in addition to Fees, the City’s Master Fee Schedule also identifies various fines and penalties (the “Penalties”) for violations of applicable State or local law, including violation of a provision of any ordinance or the City’s Municipal Code; and

WHEREAS, it is useful to consolidate into one place such fees for services, permits, licenses and fines for public information and transparency into a Master Fee Schedule, attached hereto as **Exhibit 1** and incorporated into this Resolution by this reference; and

WHEREAS, on February 5, 2019, pursuant to the procedural and substantive requirements of article XIII D, section 6 of the California Constitution (also known as “Proposition 218”), the City Council approved a schedule of automatic increases for the rates for its water and sewer service fees and charges; and

WHEREAS, all references to the approved schedule of automatic increases for the rates for water and sewer service fees and charges are included in the Master Fee Schedule for information purposes only and are not being considered, modified, or “increased” as such term is defined under Government Code section 53750; and

WHEREAS, on November 19, 2019, pursuant to the procedural and substantive requirements of Government Code Section 66000 *et seq.* (“Mitigation Fee Act”), the City Council approved a schedule of fees and automatic increases for the Transit Area Development Impact Fee; and

WHEREAS, all references to the approved schedule of automatic increases for the Transit Area Development Impact Fee are included in the Master Fee Schedule for information purposes only and are not being considered, modified, increased, as part of this Resolution; and

WHEREAS, staff recommends authorizing the Finance Director to make annual inflationary adjustments for various fees identified in the Master Fee Schedule; and

WHEREAS, inflationary adjustments will be based on the estimated average annual increase in total employee compensation costs, with distinct averages calculated for employees commonly classified as miscellaneous employees and employees commonly classified as safety employees; and

WHEREAS, if the estimated average employee compensation costs do not change or go down, no change shall be made to the fee schedule for that year unless an adjustment is made to targeted cost recovery levels or fee study findings indicate that an adjustment is appropriate; and

WHEREAS, the City Council now wishes to adopt the updated Master Fee Schedule set forth in Exhibit 1 hereto; and

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

1. The above Recitals are true and correct and by this reference incorporated herein.
2. The City Council hereby approves the Master Fee Schedule included herewith as **Exhibit 1**. The fees and penalties adopted pursuant to this Resolution shall supersede any prior fees, charges, penalties, or other exactions imposed by resolution or otherwise by the City Council, to the extent such prior fees, charges, penalties, or other exactions conflict with the Fees and Penalties set forth in Exhibit 1 hereto.
3. 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. Based upon such consideration, the City Council finds and determines that:
 - (a) The Fees established by this Resolution:
 - (1) are imposed for a specific government service provided directly to the payor, or for reasonable regulatory costs of the City for issuing licenses and permits, performing investigations, inspections, and administrative enforcements of the City's Municipal Code or other rules or ordinances;
 - (2) are no more than necessary to cover the reasonable costs of the governmental activity for which the Fee is imposed; and
 - (3) the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity for which the Fee is imposed.
 - (b) The Penalties established by this resolution are imposed for a violation of applicable State or local law, including violation of an ordinance of the City or the Municipal Code, and persons upon whom the Penalty is imposed have adequate rights to appeal such penalty under the Municipal Code.
 - (c) The Fees and Penalties are not taxes within the meaning of California Constitution article XIII C, section 1(e).
4. The Finance Director is hereby authorized to increase the rates for fees set forth in Exhibit A, except as provided in Sections 5 and 6 below, to account for increased costs of inflation. The fees subject to such inflationary increase set forth in the Master Fee Schedule shall be increased based on the estimated average annual increase in total employee compensation costs, with distinct averages calculated for employees commonly classified as miscellaneous employees and employees commonly classified as safety employees, up to a total increase of 10% in any calendar year. If the estimated average employee compensation costs do not change or go down, no change shall be made to the fee schedule for that year unless an adjustment is made to targeted cost recovery levels or fee study findings indicate that an adjustment is appropriate.
5. The inflationary changes authorized by this Resolution do not apply to the rates for water and sewer service fees and charges. These rates and charges are established pursuant to the procedural and substantive requirements of article XIII D, section 6 of the California Constitution (also known as "Proposition 218"). Any reference to rates for water and sewer service fees and charges are included in the Master Fee Schedule for information purposes only and are not considered, modified, or "increased" as such term is defined under Government Code section 53750 as part of the City's fee schedule update.

6. The inflationary changes authorized by this Resolution do not apply to the Transit Area Development Impact Fee. This fee is established pursuant to the procedural and substantive requirements of Government Code Section 66000 *et seq.* ("Mitigation Fee Act"). Any reference to the Transit Area Development Impact Fee are included in the Master Fee Schedule for information purposes only and are not considered, modified, or "increased" as part of the City's fee schedule update.

7. The updated Master Fee Schedule will become effective July 1, 2021.

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 1



Illustration of Current and Proposed Fees with Redline Changes
Effective Fiscal Year 2021-22

City of Milpitas

MASTER FEE SCHEDULE

Services / Activities / Subject Matter	Page
BUILDING	3
ANIMAL REGULATION	20
PLANNING	22
ENGINEERING	25
TRANSIT AREA DEVELOPMENT IMPACT FEE	26
PUBLIC WORKS	27
FIRE	32
AMBULANCE	39
POLICE	42
RECREATION	44
FINANCE	58
CITY CLERK	59
INFORMATION SERVICES	60

City of Milpitas

BUILDING SAFETY AND HOUSING - CONSTRUCTION

New Construction, Tenant Improvements, Remodels

			FY 20/21 Fee		FY 20/21 Fee		FY 21/22 Fee		FY 21/22 Fee		Y'rly In'ftr
			Plan Review		Inspection		Plan Review		Inspection		
Occupancy Classification	Threshold SqFt		Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	
1	Single-Family, Two-Family, Additional Dwelling Units / Remodels	100	\$ 261.44		\$ 428.03		\$ 261.44		\$ 428.03		Y
		200	\$ 374.58		\$ 642.05		\$ 374.58		\$ 642.05		Y
		300	\$ 544.29		\$ 856.07		\$ 544.29		\$ 856.07		Y
		400	\$ 996.84		\$ 1,177.09		\$ 996.84		\$ 1,177.09		Y
		500	\$ 1,223.12	\$ 154.11	\$ 1,712.13	\$ 171.21	\$ 1,223.12	\$ 154.11	\$ 1,712.13	\$ 171.21	Y
		1,000	\$ 1,993.68	\$ 181.02	\$ 2,568.20	\$ 171.21	\$ 1,993.68	\$ 181.02	\$ 2,568.20	\$ 171.21	Y
		1,500	\$ 2,898.80	\$ 181.02	\$ 3,424.26	\$ 256.82	\$ 2,898.80	\$ 181.02	\$ 3,424.26	\$ 256.82	Y
		2,000	\$ 3,803.91	\$ 154.11	\$ 4,708.36	\$ 342.43	\$ 3,803.91	\$ 154.11	\$ 4,708.36	\$ 342.43	Y
		2,500	\$ 4,574.47	\$ 135.77	\$ 6,420.49	\$ 342.43	\$ 4,574.47	\$ 135.77	\$ 6,420.49	\$ 342.43	Y
		3,000	\$ 5,253.31	\$ 77.06	\$ 8,132.62	\$ 149.81	\$ 5,253.31	\$ 77.06	\$ 8,132.62	\$ 149.81	Y
		4,000	\$ 6,023.87	\$ 90.51	\$ 9,630.73	\$ 214.02	\$ 6,023.87	\$ 90.51	\$ 9,630.73	\$ 214.02	Y
		5,000	\$ 6,928.99	\$ 45.26	\$ 11,770.89	\$ 107.01	\$ 6,928.99	\$ 45.26	\$ 11,770.89	\$ 107.01	Y
		Tract or Repetitive Fees:	25% of Original	Same as regular	25% of Original	Same as regular	N				
	Commercial / Multi-Family / Non-Residential - New Construction, Tenant Improvement, and Shell										
2	A-Assembly - New Construction	1,500	\$ 4,216.43	\$ 61.48	\$ 10,767.69	\$ 138.75	\$ 4,216.43	\$ 61.48	\$ 10,767.69	\$ 138.75	Y
		7,500	\$ 7,905.81	\$ 87.84	\$ 15,382.42	\$ 128.08	\$ 7,905.81	\$ 87.84	\$ 15,382.42	\$ 128.08	Y
		15,000	\$ 14,493.99	\$ 79.06	\$ 24,611.87	\$ 85.38	\$ 14,493.99	\$ 79.06	\$ 24,611.87	\$ 85.38	Y
		30,000	\$ 26,352.71	\$ 14.64	\$ 44,301.36	\$ 39.14	\$ 26,352.71	\$ 14.64	\$ 44,301.36	\$ 39.14	Y
		75,000	\$ 32,940.88	\$ 19.32	\$ 69,220.88	\$ 40.56	\$ 32,940.88	\$ 19.32	\$ 69,220.88	\$ 40.56	Y
		150,000	\$ 47,434.87	\$ 31.63	\$ 86,141.54	\$ 57.64	\$ 47,434.87	\$ 31.63	\$ 86,141.54	\$ 57.64	Y
3	A-Assembly - Tenant Improvement	500	\$ 1,581.60	\$ 69.19	\$ 2,996.23	\$ 64.21	\$ 1,581.60	\$ 69.19	\$ 2,996.23	\$ 64.21	Y
		2,500	\$ 2,965.51	\$ 98.85	\$ 4,280.33	\$ 102.73	\$ 2,965.51	\$ 98.85	\$ 4,280.33	\$ 102.73	Y
		5,000	\$ 5,436.77	\$ 88.96	\$ 6,848.52	\$ 109.57	\$ 5,436.77	\$ 88.96	\$ 6,848.52	\$ 109.57	Y
		10,000	\$ 9,885.03	\$ 22.16	\$ 12,327.34	\$ 46.23	\$ 9,885.03	\$ 22.16	\$ 12,327.34	\$ 46.23	Y
		25,000	\$ 13,209.13	\$ 37.14	\$ 19,261.46	\$ 18.83	\$ 13,209.13	\$ 37.14	\$ 19,261.46	\$ 18.83	Y
		50,000	\$ 22,494.56	\$ 44.99	\$ 23,969.82	\$ 47.94	\$ 22,494.56	\$ 44.99	\$ 23,969.82	\$ 47.94	Y
5	B - Business - New Construction:	1,000	\$ 3,987.37	\$ 86.08	\$ 7,490.57	\$ 80.26	\$ 3,987.37	\$ 86.08	\$ 7,490.57	\$ 80.26	Y
		5,000	\$ 7,430.45	\$ 118.64	\$ 10,700.81	\$ 128.41	\$ 7,430.45	\$ 118.64	\$ 10,700.81	\$ 128.41	Y
		10,000	\$ 13,362.60	\$ 105.50	\$ 17,121.30	\$ 136.97	\$ 13,362.60	\$ 105.50	\$ 17,121.30	\$ 136.97	Y
		20,000	\$ 23,912.04	\$ 19.47	\$ 30,818.34	\$ 57.78	\$ 23,912.04	\$ 19.47	\$ 30,818.34	\$ 57.78	Y
		50,000	\$ 29,752.46	\$ 30.61	\$ 48,153.66	\$ 28.25	\$ 29,752.46	\$ 30.61	\$ 48,153.66	\$ 28.25	Y
		100,000	\$ 45,053.74	\$ 45.05	\$ 62,278.73	\$ 62.28	\$ 45,053.74	\$ 45.05	\$ 62,278.73	\$ 62.28	Y

City of Milpitas

BUILDING SAFETY AND HOUSING - CONSTRUCTION

New Construction, Tenant Improvements, Remodels

			FY 20/21 Fee		FY 20/21 Fee		FY 21/22 Fee		FY 21/22 Fee		Y'rly In'fltr
			Plan Review		Inspection		Plan Review		Inspection		
Occupancy Classification	Threshold SqFt		Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	
6	B - Business - Tenant Improvement:	500	\$ 1,528.24	\$ 66.86	\$ 3,277.12	\$ 70.22	\$ 1,528.24	\$ 66.86	\$ 3,277.12	\$ 70.22	Y
		2,500	\$ 2,865.44	\$ 95.51	\$ 4,681.61	\$ 112.36	\$ 2,865.44	\$ 95.51	\$ 4,681.61	\$ 112.36	Y
		5,000	\$ 5,253.31	\$ 85.97	\$ 7,490.57	\$ 119.85	\$ 5,253.31	\$ 85.97	\$ 7,490.57	\$ 119.85	Y
		10,000	\$ 9,551.47	\$ 15.92	\$ 13,483.02	\$ 50.56	\$ 9,551.47	\$ 15.92	\$ 13,483.02	\$ 50.56	Y
		25,000	\$ 11,939.34	\$ 21.02	\$ 21,067.22	\$ 20.60	\$ 11,939.34	\$ 21.02	\$ 21,067.22	\$ 20.60	Y
		50,000	\$ 17,192.65	\$ 34.38	\$ 26,216.99	\$ 52.44	\$ 17,192.65	\$ 34.38	\$ 26,216.99	\$ 52.44	Y
7	E - Education - New Construction:	500	\$ 1,793.31	\$ 78.42	\$ 4,119.81	\$ 88.29	\$ 1,793.31	\$ 78.42	\$ 4,119.81	\$ 88.29	Y
		2,500	\$ 3,362.46	\$ 112.08	\$ 5,885.45	\$ 141.25	\$ 3,362.46	\$ 112.08	\$ 5,885.45	\$ 141.25	Y
		5,000	\$ 6,164.51	\$ 100.87	\$ 9,416.72	\$ 150.66	\$ 6,164.51	\$ 100.87	\$ 9,416.72	\$ 150.66	Y
		10,000	\$ 11,208.20	\$ 18.68	\$ 16,950.09	\$ 63.56	\$ 11,208.20	\$ 18.68	\$ 16,950.09	\$ 63.56	Y
		25,000	\$ 14,010.25	\$ 24.66	\$ 26,484.51	\$ 25.90	\$ 14,010.25	\$ 24.66	\$ 26,484.51	\$ 25.90	Y
		50,000	\$ 20,174.76	\$ 40.35	\$ 32,958.50	\$ 65.92	\$ 20,174.76	\$ 40.35	\$ 32,958.50	\$ 65.92	Y
8	E - Education - Tenant Improvement:	100	\$ 843.29	\$ 184.46	\$ 1,498.11	\$ 160.51	\$ 843.29	\$ 184.46	\$ 1,498.11	\$ 160.51	Y
		500	\$ 1,581.16	\$ 263.53	\$ 2,140.16	\$ 256.82	\$ 1,581.16	\$ 263.53	\$ 2,140.16	\$ 256.82	Y
		1,000	\$ 2,898.80	\$ 237.17	\$ 3,424.26	\$ 273.94	\$ 2,898.80	\$ 237.17	\$ 3,424.26	\$ 273.94	Y
		2,000	\$ 5,270.54	\$ 43.92	\$ 6,163.67	\$ 115.56	\$ 5,270.54	\$ 43.92	\$ 6,163.67	\$ 115.56	Y
		5,000	\$ 6,588.18	\$ 57.98	\$ 9,630.73	\$ 47.08	\$ 6,588.18	\$ 57.98	\$ 9,630.73	\$ 47.08	Y
		10,000	\$ 9,486.97	\$ 94.87	\$ 11,984.91	\$ 119.85	\$ 9,486.97	\$ 94.87	\$ 11,984.91	\$ 119.85	Y
9	F - Factory - New Construction:	5,000	\$ 5,797.60	\$ 19.94	\$ 8,560.65	\$ 42.81	\$ 5,797.60	\$ 19.94	\$ 8,560.65	\$ 42.81	Y
		25,000	\$ 9,784.96	\$ 44.92	\$ 17,121.30	\$ 102.74	\$ 9,784.96	\$ 44.92	\$ 17,121.30	\$ 102.74	Y
		50,000	\$ 21,013.24	\$ 14.48	\$ 42,803.25	\$ 29.96	\$ 21,013.24	\$ 14.48	\$ 42,803.25	\$ 29.96	Y
		100,000	\$ 28,254.15	\$ 8.36	\$ 57,784.39	\$ 7.85	\$ 28,254.15	\$ 8.36	\$ 57,784.39	\$ 7.85	Y
		250,000	\$ 40,791.19	\$ 4.64	\$ 69,555.28	\$ 14.98	\$ 40,791.19	\$ 4.64	\$ 69,555.28	\$ 14.98	Y
		500,000	\$ 52,380.30	\$ 10.47	\$ 107,008.13	\$ 21.40	\$ 52,380.30	\$ 10.47	\$ 107,008.13	\$ 21.40	Y
10	F - Factory - Tenant Improvement:	2,000	\$ 2,233.31	\$ 18.92	\$ 2,334.72	\$ 19.46	\$ 2,233.31	\$ 18.92	\$ 2,334.72	\$ 19.46	Y
		10,000	\$ 3,746.65	\$ 45.40	\$ 3,891.20	\$ 46.70	\$ 3,746.65	\$ 45.40	\$ 3,891.20	\$ 46.70	Y
		20,000	\$ 8,286.66	\$ 15.04	\$ 8,560.65	\$ 15.57	\$ 8,286.66	\$ 15.04	\$ 8,560.65	\$ 15.57	Y
		40,000	\$ 11,294.98	\$ 8.41	\$ 11,673.61	\$ 8.91	\$ 11,294.98	\$ 8.41	\$ 11,673.61	\$ 8.91	Y
		100,000	\$ 16,345.73	\$ 4.83	\$ 17,024.02	\$ 4.87	\$ 16,345.73	\$ 4.83	\$ 17,024.02	\$ 4.87	Y
		200,000	\$ 21,166.63	\$ 10.59	\$ 21,888.03	\$ 10.94	\$ 21,166.63	\$ 10.59	\$ 21,888.03	\$ 10.94	Y

City of Milpitas

BUILDING SAFETY AND HOUSING - CONSTRUCTION

New Construction, Tenant Improvements, Remodels

			FY 20/21 Fee		FY 20/21 Fee		FY 21/22 Fee		FY 21/22 Fee		Y'rly In'fltr
			Plan Review		Inspection		Plan Review		Inspection		
Occupancy Classification	Threshold SqFt		Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	
11	H - Hazardous Materials - New Construction:	1,000	\$ 4,558.02	\$ 99.70	\$ 8,426.89	\$ 90.29	\$ 4,558.02	\$ 99.70	\$ 8,426.89	\$ 90.29	Y
		5,000	\$ 8,546.29	\$ 142.43	\$ 12,038.41	\$ 144.46	\$ 8,546.29	\$ 142.43	\$ 12,038.41	\$ 144.46	Y
		10,000	\$ 15,668.20	\$ 128.19	\$ 19,261.46	\$ 154.10	\$ 15,668.20	\$ 128.19	\$ 19,261.46	\$ 154.10	Y
		20,000	\$ 28,487.64	\$ 23.74	\$ 34,670.63	\$ 65.01	\$ 28,487.64	\$ 23.74	\$ 34,670.63	\$ 65.01	Y
		50,000	\$ 35,609.55	\$ 31.34	\$ 54,172.86	\$ 26.49	\$ 35,609.55	\$ 31.34	\$ 54,172.86	\$ 26.49	Y
		100,000	\$ 51,277.75	\$ 51.28	\$ 67,415.12	\$ 67.41	\$ 51,277.75	\$ 51.28	\$ 67,415.12	\$ 67.41	Y
12	H - Hazardous Materials - Tenant Improvement:	1,000	\$ 2,279.01	\$ 49.86	\$ 4,494.34	\$ 48.15	\$ 2,279.01	\$ 49.86	\$ 4,494.34	\$ 48.15	Y
		5,000	\$ 4,273.15	\$ 71.22	\$ 6,420.49	\$ 77.04	\$ 4,273.15	\$ 71.22	\$ 6,420.49	\$ 77.04	Y
		10,000	\$ 7,834.10	\$ 64.10	\$ 10,272.78	\$ 82.18	\$ 7,834.10	\$ 64.10	\$ 10,272.78	\$ 82.18	Y
		20,000	\$ 14,243.82	\$ 11.87	\$ 18,491.00	\$ 34.67	\$ 14,243.82	\$ 11.87	\$ 18,491.00	\$ 34.67	Y
		50,000	\$ 17,804.78	\$ 15.67	\$ 28,892.19	\$ 14.12	\$ 17,804.78	\$ 15.67	\$ 28,892.19	\$ 14.12	Y
		100,000	\$ 25,638.88	\$ 25.64	\$ 35,954.73	\$ 35.95	\$ 25,638.88	\$ 25.64	\$ 35,954.73	\$ 35.95	Y
13	I - Licensed Clinics - New Construction:	2,000	\$ 2,739.80	\$ 29.96	\$ 5,617.93	\$ 30.10	\$ 2,739.80	\$ 29.96	\$ 5,617.93	\$ 30.10	Y
		10,000	\$ 5,137.12	\$ 42.81	\$ 8,025.61	\$ 48.15	\$ 5,137.12	\$ 42.81	\$ 8,025.61	\$ 48.15	Y
		20,000	\$ 9,418.05	\$ 38.53	\$ 12,840.98	\$ 51.37	\$ 9,418.05	\$ 38.53	\$ 12,840.98	\$ 51.37	Y
		40,000	\$ 17,123.73	\$ 7.13	\$ 23,113.76	\$ 21.67	\$ 17,123.73	\$ 7.13	\$ 23,113.76	\$ 21.67	Y
		100,000	\$ 21,404.66	\$ 9.42	\$ 36,115.24	\$ 8.83	\$ 21,404.66	\$ 9.42	\$ 36,115.24	\$ 8.83	Y
		200,000	\$ 30,822.71	\$ 15.41	\$ 44,943.41	\$ 22.47	\$ 30,822.71	\$ 15.41	\$ 44,943.41	\$ 22.47	Y
14	I - Licensed Clinics - Tenant Improvement:	1,000	\$ 1,106.59	\$ 24.21	\$ 2,340.80	\$ 25.08	\$ 1,106.59	\$ 24.21	\$ 2,340.80	\$ 25.08	Y
		5,000	\$ 2,074.86	\$ 34.58	\$ 3,344.00	\$ 40.12	\$ 2,074.86	\$ 34.58	\$ 3,344.00	\$ 40.12	Y
		10,000	\$ 3,803.91	\$ 31.13	\$ 5,350.41	\$ 42.81	\$ 3,803.91	\$ 31.13	\$ 5,350.41	\$ 42.81	Y
		20,000	\$ 6,916.20	\$ 5.76	\$ 9,630.73	\$ 18.05	\$ 6,916.20	\$ 5.76	\$ 9,630.73	\$ 18.05	Y
		50,000	\$ 8,645.25	\$ 7.61	\$ 15,048.02	\$ 7.35	\$ 8,645.25	\$ 7.61	\$ 15,048.02	\$ 7.35	Y
		100,000	\$ 12,449.16	\$ 12.45	\$ 18,726.42	\$ 18.73	\$ 12,449.16	\$ 12.45	\$ 18,726.42	\$ 18.73	Y
15	M - Mercantile - New Construction:	500	\$ 2,266.55	\$ 99.16	\$ 4,681.61	\$ 100.32	\$ 2,266.55	\$ 99.16	\$ 4,681.61	\$ 100.32	Y
		2,500	\$ 4,249.79	\$ 141.66	\$ 6,688.01	\$ 160.51	\$ 4,249.79	\$ 141.66	\$ 6,688.01	\$ 160.51	Y
		5,000	\$ 7,791.28	\$ 127.49	\$ 10,700.81	\$ 171.22	\$ 7,791.28	\$ 127.49	\$ 10,700.81	\$ 171.22	Y
		10,000	\$ 14,165.96	\$ 23.61	\$ 19,261.46	\$ 72.23	\$ 14,165.96	\$ 23.61	\$ 19,261.46	\$ 72.23	Y
		25,000	\$ 17,707.45	\$ 31.17	\$ 30,096.04	\$ 29.43	\$ 17,707.45	\$ 31.17	\$ 30,096.04	\$ 29.43	Y
		50,000	\$ 25,498.73	\$ 51.00	\$ 37,452.84	\$ 74.90	\$ 25,498.73	\$ 51.00	\$ 37,452.84	\$ 74.90	Y

City of Milpitas

BUILDING SAFETY AND HOUSING - CONSTRUCTION

New Construction, Tenant Improvements, Remodels

Occupancy Classification			FY 20/21 Fee		FY 20/21 Fee		FY 21/22 Fee		FY 21/22 Fee		Y'rly In'fltr
			Plan Review		Inspection		Plan Review		Inspection		
			Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	
Threshold SqFt											
16	M - Mercantile - Tenant Improvement:	250	\$ 1,040.77	\$ 91.06	\$ 1,872.64	\$ 80.26	\$ 1,040.77	\$ 91.06	\$ 1,872.64	\$ 80.26	Y
		1,250	\$ 1,951.44	\$ 130.09	\$ 2,675.20	\$ 128.41	\$ 1,951.44	\$ 130.09	\$ 2,675.20	\$ 128.41	Y
		2,500	\$ 3,577.63	\$ 117.08	\$ 4,280.33	\$ 136.97	\$ 3,577.63	\$ 117.08	\$ 4,280.33	\$ 136.97	Y
		5,000	\$ 6,504.79	\$ 21.68	\$ 7,704.59	\$ 57.78	\$ 6,504.79	\$ 21.68	\$ 7,704.59	\$ 57.78	Y
		12,500	\$ 8,130.98	\$ 28.62	\$ 12,038.41	\$ 23.55	\$ 8,130.98	\$ 28.62	\$ 12,038.41	\$ 23.55	Y
		25,000	\$ 11,708.62	\$ 46.83	\$ 14,981.14	\$ 59.92	\$ 11,708.62	\$ 46.83	\$ 14,981.14	\$ 59.92	Y
17	R-1 - Residential Hotels - New Construction:	2,000	\$ 10,140.81	\$ 110.92	\$ 25,748.83	\$ 137.94	\$ 10,140.81	\$ 110.92	\$ 25,748.83	\$ 137.94	Y
		10,000	\$ 19,014.02	\$ 158.45	\$ 36,784.04	\$ 220.71	\$ 19,014.02	\$ 158.45	\$ 36,784.04	\$ 220.71	Y
		20,000	\$ 34,859.05	\$ 142.60	\$ 58,854.47	\$ 235.41	\$ 34,859.05	\$ 142.60	\$ 58,854.47	\$ 235.41	Y
		40,000	\$ 63,380.08	\$ 26.41	\$ 105,938.04	\$ 99.32	\$ 63,380.08	\$ 26.41	\$ 105,938.04	\$ 99.32	Y
		100,000	\$ 79,225.10	\$ 34.86	\$ 165,528.19	\$ 40.47	\$ 79,225.10	\$ 34.86	\$ 165,528.19	\$ 40.47	Y
		200,000	\$ 114,084.15	\$ 57.04	\$ 205,990.64	\$ 102.99	\$ 114,084.15	\$ 57.04	\$ 205,990.64	\$ 102.99	Y
18	R-1 - Residential Hotels - Tenant Improvement:	500	\$ 2,410.66	\$ 105.47	\$ 5,992.46	\$ 128.41	\$ 2,410.66	\$ 105.47	\$ 5,992.46	\$ 128.41	Y
		2,500	\$ 4,520.00	\$ 150.66	\$ 8,560.65	\$ 205.45	\$ 4,520.00	\$ 150.66	\$ 8,560.65	\$ 205.45	Y
		5,000	\$ 8,286.66	\$ 135.60	\$ 13,697.04	\$ 219.15	\$ 8,286.66	\$ 135.60	\$ 13,697.04	\$ 219.15	Y
		10,000	\$ 15,066.65	\$ 25.12	\$ 24,654.67	\$ 92.46	\$ 15,066.65	\$ 25.12	\$ 24,654.67	\$ 92.46	Y
		25,000	\$ 18,833.31	\$ 33.14	\$ 38,522.93	\$ 37.67	\$ 18,833.31	\$ 33.14	\$ 38,522.93	\$ 37.67	Y
		50,000	\$ 27,119.97	\$ 54.24	\$ 47,939.64	\$ 95.88	\$ 27,119.97	\$ 54.24	\$ 47,939.64	\$ 95.88	Y
19	R-2 - Residential Multi-Family - New Construction:	2,000	\$ 21,211.62	\$ 11.10	\$ 32,771.24	\$ 175.56	\$ 21,211.62	\$ 11.10	\$ 32,771.24	\$ 175.56	Y
		10,000	\$ 22,099.64	\$ 184.16	\$ 46,816.05	\$ 280.89	\$ 22,099.64	\$ 184.16	\$ 46,816.05	\$ 280.89	Y
		20,000	\$ 40,516.01	\$ 165.74	\$ 74,905.69	\$ 299.62	\$ 40,516.01	\$ 165.74	\$ 74,905.69	\$ 299.62	Y
		40,000	\$ 73,665.47	\$ 30.69	\$ 134,830.24	\$ 126.40	\$ 73,665.47	\$ 30.69	\$ 134,830.24	\$ 126.40	Y
		100,000	\$ 92,081.83	\$ 40.52	\$ 210,672.25	\$ 51.50	\$ 92,081.83	\$ 40.52	\$ 210,672.25	\$ 51.50	Y
		200,000	\$ 132,597.84	\$ 66.30	\$ 262,169.91	\$ 131.08	\$ 132,597.84	\$ 66.30	\$ 262,169.91	\$ 131.08	Y
20	R-2 - Residential Multi-Family - Tenant Improvement:	500	\$ 3,068.93	\$ 134.26	\$ 6,554.25	\$ 140.45	\$ 3,068.93	\$ 134.26	\$ 6,554.25	\$ 140.45	Y
		2,500	\$ 5,754.24	\$ 191.81	\$ 9,363.21	\$ 224.71	\$ 5,754.24	\$ 191.81	\$ 9,363.21	\$ 224.71	Y
		5,000	\$ 10,549.44	\$ 172.63	\$ 14,981.14	\$ 239.70	\$ 10,549.44	\$ 172.63	\$ 14,981.14	\$ 239.70	Y
		10,000	\$ 19,180.80	\$ 31.97	\$ 26,966.05	\$ 101.12	\$ 19,180.80	\$ 31.97	\$ 26,966.05	\$ 101.12	Y
		25,000	\$ 23,976.00	\$ 42.19	\$ 42,134.45	\$ 41.19	\$ 23,976.00	\$ 42.19	\$ 42,134.45	\$ 41.19	Y
		50,000	\$ 34,525.45	\$ 69.06	\$ 52,433.98	\$ 104.86	\$ 34,525.45	\$ 69.06	\$ 52,433.98	\$ 104.86	Y

City of Milpitas

BUILDING SAFETY AND HOUSING - CONSTRUCTION

New Construction, Tenant Improvements, Remodels

			FY 20/21 Fee		FY 20/21 Fee		FY 21/22 Fee		FY 21/22 Fee		Y'rly In'ftr
			Plan Review		Inspection		Plan Review		Inspection		
Occupancy Classification	Threshold SqFt		Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	
21	R-4 - Care / Assisted Living - New Construction:	2,000	\$ 6,191.23	\$ 67.71	\$ 14,044.82	\$ 75.24	\$ 6,191.23	\$ 67.71	\$ 14,044.82	\$ 75.24	Y
		10,000	\$ 11,608.55	\$ 96.74	\$ 20,064.02	\$ 120.38	\$ 11,608.55	\$ 96.74	\$ 20,064.02	\$ 120.38	Y
		20,000	\$ 21,282.34	\$ 87.07	\$ 32,102.44	\$ 128.41	\$ 21,282.34	\$ 87.07	\$ 32,102.44	\$ 128.41	Y
		40,000	\$ 38,695.17	\$ 16.12	\$ 57,784.39	\$ 54.17	\$ 38,695.17	\$ 16.12	\$ 57,784.39	\$ 54.17	Y
		100,000	\$ 48,368.96	\$ 21.28	\$ 90,288.11	\$ 22.07	\$ 48,368.96	\$ 21.28	\$ 90,288.11	\$ 22.07	Y
		200,000	\$ 69,651.30	\$ 34.83	\$ 112,358.53	\$ 56.18	\$ 69,651.30	\$ 34.83	\$ 112,358.53	\$ 56.18	Y
22	R-4 - Care / Assisted Living - Tenant Improvement:	1,000	\$ 3,015.56	\$ 65.97	\$ 7,490.57	\$ 80.26	\$ 3,015.56	\$ 65.97	\$ 7,490.57	\$ 80.26	Y
		5,000	\$ 5,654.17	\$ 94.23	\$ 10,700.81	\$ 128.65	\$ 5,654.17	\$ 94.23	\$ 10,700.81	\$ 128.65	Y
		10,000	\$ 10,365.99	\$ 84.81	\$ 17,121.30	\$ 136.97	\$ 10,365.99	\$ 84.81	\$ 17,121.30	\$ 136.97	Y
		20,000	\$ 18,847.25	\$ 15.70	\$ 30,818.34	\$ 57.78	\$ 18,847.25	\$ 15.70	\$ 30,818.34	\$ 57.78	Y
		50,000	\$ 23,559.06	\$ 20.73	\$ 48,153.66	\$ 23.55	\$ 23,559.06	\$ 20.73	\$ 48,153.66	\$ 23.55	Y
		100,000	\$ 33,925.04	\$ 33.92	\$ 59,924.55	\$ 59.92	\$ 33,925.04	\$ 33.92	\$ 59,924.55	\$ 59.92	Y
23	S-1 - Storage Moderate Hazard - New Construction:	1,000	\$ 3,688.05	\$ 80.67	\$ 7,022.41	\$ 76.28	\$ 3,688.05	\$ 80.67	\$ 7,022.41	\$ 76.28	Y
		5,000	\$ 6,915.10	\$ 115.25	\$ 10,032.01	\$ 120.38	\$ 6,915.10	\$ 115.25	\$ 10,032.01	\$ 120.38	Y
		10,000	\$ 12,677.68	\$ 103.73	\$ 16,051.22	\$ 128.41	\$ 12,677.68	\$ 103.73	\$ 16,051.22	\$ 128.41	Y
		20,000	\$ 23,050.32	\$ 19.21	\$ 28,892.19	\$ 54.17	\$ 23,050.32	\$ 19.21	\$ 28,892.19	\$ 54.17	Y
		50,000	\$ 28,812.90	\$ 25.36	\$ 45,144.05	\$ 22.07	\$ 28,812.90	\$ 25.36	\$ 45,144.05	\$ 22.07	Y
		100,000	\$ 41,490.58	\$ 41.49	\$ 56,179.27	\$ 56.18	\$ 41,490.58	\$ 41.49	\$ 56,179.27	\$ 56.18	Y
24	S-2 - Storage Low Hazard - New Construction:	1,000	\$ 2,028.16	\$ 44.37	\$ 4,119.81	\$ 44.14	\$ 2,028.16	\$ 44.37	\$ 4,119.81	\$ 44.14	Y
		5,000	\$ 3,802.80	\$ 63.38	\$ 5,885.45	\$ 70.63	\$ 3,802.80	\$ 63.38	\$ 5,885.45	\$ 70.63	Y
		10,000	\$ 6,971.81	\$ 57.04	\$ 9,416.72	\$ 75.34	\$ 6,971.81	\$ 57.04	\$ 9,416.72	\$ 75.34	Y
		20,000	\$ 12,676.02	\$ 10.57	\$ 16,950.09	\$ 31.78	\$ 12,676.02	\$ 10.57	\$ 16,950.09	\$ 31.78	Y
		50,000	\$ 15,845.02	\$ 13.95	\$ 26,484.51	\$ 12.95	\$ 15,845.02	\$ 13.95	\$ 26,484.51	\$ 12.95	Y
		100,000	\$ 22,816.83	\$ 22.82	\$ 32,958.50	\$ 32.96	\$ 22,816.83	\$ 22.82	\$ 32,958.50	\$ 32.96	Y
25	S - Storage - Tenant Improvement:	500	\$ 1,501.55	\$ 65.70	\$ 2,574.88	\$ 55.17	\$ 1,501.55	\$ 65.70	\$ 2,574.88	\$ 55.17	Y
		2,500	\$ 2,815.41	\$ 93.85	\$ 3,678.40	\$ 88.29	\$ 2,815.41	\$ 93.85	\$ 3,678.40	\$ 88.29	Y
		5,000	\$ 5,161.58	\$ 84.46	\$ 5,885.45	\$ 94.17	\$ 5,161.58	\$ 84.46	\$ 5,885.45	\$ 94.17	Y
		10,000	\$ 9,384.69	\$ 15.64	\$ 10,593.80	\$ 39.73	\$ 9,384.69	\$ 15.64	\$ 10,593.80	\$ 39.73	Y
		25,000	\$ 11,730.87	\$ 20.64	\$ 16,552.82	\$ 16.18	\$ 11,730.87	\$ 20.64	\$ 16,552.82	\$ 16.18	Y
		50,000	\$ 16,892.45	\$ 33.79	\$ 20,599.06	\$ 41.19	\$ 16,892.45	\$ 33.79	\$ 20,599.06	\$ 41.19	Y

City of Milpitas

BUILDING SAFETY AND HOUSING - CONSTRUCTION

New Construction, Tenant Improvements, Remodels

Occupancy Classification		Threshold SqFt	FY 20/21 Fee Plan Review		FY 20/21 Fee Inspection		FY 21/22 Fee Plan Review		FY 21/22 Fee Inspection		Y'rly In'fltr
			Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	Base Fee	Fee Per Add'l 100 SF or Fraction	
26	U - Utility - Misc - New Construction:	150	\$ 869.97	\$ 126.87	\$ 1,591.75	\$ 113.69	\$ 869.97	\$ 126.87	\$ 1,591.75	\$ 113.69	Y
		750	\$ 1,631.20	\$ 181.24	\$ 2,273.92	\$ 181.92	\$ 1,631.20	\$ 181.24	\$ 2,273.92	\$ 181.92	Y
		1,500	\$ 2,990.53	\$ 163.12	\$ 3,638.28	\$ 194.04	\$ 2,990.53	\$ 163.12	\$ 3,638.28	\$ 194.04	Y
		3,000	\$ 5,437.32	\$ 30.21	\$ 6,548.90	\$ 81.86	\$ 5,437.32	\$ 30.21	\$ 6,548.90	\$ 81.86	Y
		7,500	\$ 6,796.65	\$ 39.87	\$ 10,232.65	\$ 33.35	\$ 6,796.65	\$ 39.87	\$ 10,232.65	\$ 33.35	Y
		15,000	\$ 9,787.18	\$ 65.25	\$ 12,733.97	\$ 84.90	\$ 9,787.18	\$ 65.25	\$ 12,733.97	\$ 84.90	Y
27	U - Utility - Misc - Tenant Improvement:	100	\$ 579.98	\$ 126.87	\$ 1,123.59	\$ 120.38	\$ 579.98	\$ 126.87	\$ 1,123.59	\$ 120.38	Y
		500	\$ 1,087.46	\$ 181.24	\$ 1,605.12	\$ 192.62	\$ 1,087.46	\$ 181.24	\$ 1,605.12	\$ 192.62	Y
		1,000	\$ 1,993.68	\$ 163.12	\$ 2,568.20	\$ 205.45	\$ 1,993.68	\$ 163.12	\$ 2,568.20	\$ 205.45	Y
		2,000	\$ 3,624.88	\$ 30.21	\$ 4,622.75	\$ 86.67	\$ 3,624.88	\$ 30.21	\$ 4,622.75	\$ 86.67	Y
		5,000	\$ 4,531.10	\$ 39.87	\$ 7,223.05	\$ 35.31	\$ 4,531.10	\$ 39.87	\$ 7,223.05	\$ 35.31	Y
		10,000	\$ 6,524.78	\$ 65.25	\$ 8,988.68	\$ 89.89	\$ 6,524.78	\$ 65.25	\$ 8,988.68	\$ 89.89	Y
28	Shell Building:	5,000	\$ 5,479.59	\$ 23.97	\$ 10,299.53	\$ 22.07	\$ 5,479.59	\$ 23.97	\$ 10,299.53	\$ 22.07	Y
		25,000	\$ 10,274.24	\$ 34.25	\$ 14,713.62	\$ 35.31	\$ 10,274.24	\$ 34.25	\$ 14,713.62	\$ 35.31	Y
		50,000	\$ 18,836.10	\$ 30.83	\$ 23,541.79	\$ 37.67	\$ 18,836.10	\$ 30.83	\$ 23,541.79	\$ 37.67	Y
		100,000	\$ 34,247.45	\$ 5.71	\$ 42,375.22	\$ 15.89	\$ 34,247.45	\$ 5.71	\$ 42,375.22	\$ 15.89	Y
		250,000	\$ 42,809.32	\$ 7.53	\$ 66,211.28	\$ 6.47	\$ 42,809.32	\$ 7.53	\$ 66,211.28	\$ 6.47	Y
		500,000	\$ 61,645.42	\$ 12.32	\$ 82,396.26	\$ 16.48	\$ 61,645.42	\$ 12.32	\$ 82,396.26	\$ 16.48	Y

* Amounts exclude City of Milpitas standard permitting fees and State of California fees.

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
MISCELLANEOUS FEES - RESIDENTIAL						
Combination Permits						
1	Attached Garage - 1 to 3 cars	\$1,290	\$1,290		Y	
2	Detached Garage or Shed	\$1,108	\$1,108		Y	
3	Bathroom Remodel (1 or more if inspected at same time)	\$945	\$945		Y	
4	Kitchen Remodel	\$1,373	\$1,373		Y	
5	Standard Patio Encl / Sun Room, manufactured	\$1,215	\$1,215		Y	
6	Engineered Patio Encl / Sun Room, custom	\$1,272	\$1,272		Y	
7	Garage conversion	\$1,215	\$1,215		Y	
8	Green House	\$1,001	\$1,001		Y	
9	Patio Cover	\$1,001	\$1,001		Y	
10	Window, Skylight or Exterior Door	\$838	\$838		Y	
Miscellaneous Construction						
11	Wood Fences over 7' high, concrete / masonry over 4' high	\$746	\$746		Y	
12	Sound Wall	\$1,293	\$1,293		Y	
13	Structural Roof Conversions	\$1.99	\$1.99	per sq ft	Y	
14	AC Condenser Replacement	\$268	\$268		Y	
15	Furnace Replacement	\$321	\$321		Y	
16	Water Heater Replacement	\$321	\$321		Y	
17	Solar Permit					
	a) 15kW or less	\$450	\$450		N	
	b) Above 15kW – base	\$450	\$450	base	N	
	c) Above 15kW – per kW	\$15	\$15	per kW	N	
18	Solar Thermal					
	a) 10kWth or less	\$450	\$450		N	
	b) 10kWth or more - base	\$450	\$450	base	N	
	c) 10kWth or more – per kWth	\$15	\$15	per kWth	N	
19	Fireplace reconstruction	\$633	\$633		Y	
20	Siding/stucco replacement	\$535	\$535		Y	
21	Seismic Strengthening	\$633	\$633		Y	

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
Mobilehome Permit Fees						
22	Mobilehome Installation Fee	\$196	\$196	each	N	
23	Permit Issuance Fee	\$196	\$196	each	N	
24	Awning (each)	\$196	\$196	each	N	
25	Porch > than 12 sq. ft.	\$196	\$196	each	N	
26	Deck > 12 sq. ft.	\$196	\$196	each	N	
27	Cabana (each)	\$196	\$196	each	N	
28	Ramada (each)	\$196	\$196	each	N	
29	Private Garage (each)	\$196	\$196	each	N	
30	Fence > 6 ft. height (each)	\$196	\$196	each	N	
31	Windbreak > 6 ft. height (each)	\$196	\$196	each	N	
32	MEP (each)	\$196	\$196	each	N	
33	Re-inspection Fees					
	a) First Hour	\$178	\$178		N	
	b) 1 additional hour	\$82	\$82		N	
	c) 1/2 hour additional	\$41	\$41		N	
MISCELLANEOUS FEES - COMMERCIAL						
Miscellaneous Construction						
34	Permit Issuance Fee	\$138	\$138		Y	
35	Equipment Installation					
	a) Each Type - Plan Check	\$453	\$453		Y	
	b) Each Type (max 3 pieces) - Inspection	\$428	\$428		Y	
36	Racks, each type					
	a) First Rack / Each Rack Type	\$774	\$774		Y	
	b) Each 5 additional racks or fraction thereof	\$214	\$214		Y	
37	Roof Screen	\$988	\$988		Y	
38	Fences	\$988	\$988		Y	
39	Monument Sign					
	a) Each Piece - Not Electrical	\$654	\$654		Y	
	b) Each Piece - Including Electrical	\$818	\$818		Y	
40	Wall Mounted Sign					

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
a) Each Type (max 2 pieces) - Not Electrical	\$440	\$440		Y	
b) Each Type (max 2 pieces) - Including Electrical	\$604	\$604		Y	
41 Solar Permit					
a) 50kW or less	\$1,000	\$1,000		N	
b) 50kW – 250kW – Base	\$1,000	\$1,000	base	N	
c) 50kW – 250kW – per kW above 50kW	\$7	\$7	per kW	N	
b) Above 250kW – base	\$2,400	\$2,400	base	N	
c) Above 250kW – per kW	\$5	\$5	per kW	N	
42 Solar Thermal					
a) 30kWth or less	\$1,000	\$1,000		N	
b) 30kWth – 260kWth – Base	\$1,000	\$1,000	base	N	
c) 30kWth – 260kWth – per kWth above 30kWth	\$7	\$7	per kWth	N	
d) 260+ kWth – Base	\$2,610	\$2,610	base	N	
e) 260+ kWth – per kWth above 260kWth	\$5	\$5	per kWth	N	
43 Structures not listed: See hourly rates for PC and INSP					
Other Plan Check, Inspection and Permit Fees					
44 Certificate of Occupancy (inspection, record review, printing)	\$665	\$665		Y	
45 Temporary Building Permit Issuance *****	\$410	\$410		Y	
46 Accessibility Exception Request	\$544	\$544		Y	
47 Christmas Tree Lot	\$306	\$306		Y	
48 Faithful Performance Bond Execution	\$318	\$318		Y	
49 Inspection Investigation Fee (Construction w/o Permits, Per MMC)	100% of insp. Fee	100% of insp. Fee		N	
RESIDENTIAL, COMMERCIAL, AND MEP FEES					
Grading					
50 Permit Issuance Fee	\$137	\$137		Y	
51 Plan Check:					
a) 0 - 10,000 Cubic Yards	\$453	\$453		Y	
b) Add for each additional 10,000 CY or fraction thereof	\$113	\$113		Y	
c) Over 100,000 Cubic Yards	\$1,471	\$1,471		Y	

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'filtr	Note
	d) Over 100,000 Cubic Yards – add for each additional 10,000 CY or fraction thereof	\$57	\$57		Y	
52	Inspection:					
	a) 0 - 10,000 Cubic Yards	\$749	\$749		Y	
	b) Add for each additional 10,000 CY or fraction thereof	\$107	\$107		Y	
	c) Over 100,000 Cubic Yards	\$1,712	\$1,712		Y	
	d) Over 100,000 Cubic Yards – add for each additional 10,000 CY or fraction thereof	\$54	\$54		Y	
	Site Improvement					
53	Permit Issuance	\$138	\$138		Y	
54	Plan Check					
	a) 0-50,000 SF	\$2,263	\$2,263		Y	
	b) 50,001-100,000 SF	\$3,168	\$3,168		Y	
	c) 100,001-500,000 SF	\$9,051	\$9,051		Y	
	d) 500,001+ SF	\$1.36	\$1.36	per 100 SF	Y	
55	Inspection					
	a) 0-50,000 SF	\$3,424	\$3,424		Y	
	b) 50,001-100,000 SF	\$5,136	\$5,136		Y	
	c) 100,001-500,000 SF	\$10,701	\$10,701		Y	
	d) 500,001+ SF	\$1.78	\$1.78	per 100 SF	Y	
	Pools or Spas					
56	Swimming Pool					
	a) Private	\$972	\$972		Y	
	b) Public	\$1,532	\$1,532		Y	
57	Spa - separate	\$972	\$972		Y	
58	Private Pool & Spa together	\$1,627	\$1,627		Y	
59	Existing Pools / Spas – Mechanical, Electrical, Plumbing - per trade	\$532	\$532	per trade	Y	
	Re-Roofing					
60	Single-Family and Two-Family	\$627	\$627		Y	
61	Multi-Family, Residential, each building	\$1,007	\$1,007		Y	

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
62	Commercial/Industrial, each building **	\$1,275	\$1,275		Y	
	Miscellaneous Fee					
63	Change of Address	\$624	\$624	per request	Y	
64	Extension of Plan Check	\$92	\$92		Y	
65	Extension of Permit	\$92	\$92		Y	
66	Records Research	\$92	\$92		Y	
67	Records Research with Documentation, per Address	\$138	\$138	per address	Y	
68	Report of Monthly or Yrly Bldg Permit Activity (no charge to public agencies)	\$92	\$92		Y	
69	Reprinting of Building Permit Cards	\$61	\$61		Y	
70	Alternative Materials or Methods of Construction	\$679	\$679		Y	
	Other Plan Check and Inspection Permit Fees					
71	Inspection Investigation Fee (Construction w/o Permits, Per MMC)	100% of insp. Fee	100% of insp. Fee		N	
72	Reinspection Fee - per reinspection	\$321	\$321	per reinspection	Y	
73	Demolition Permit	\$526	\$526		Y	
74	Revision / Deferred Submittal Plan Check - per hour	\$226	\$226	per hour	Y	
75	Digitizing					
	a) Document Size up to 11"x17"					
	i) 1st 10 pages	\$1	\$1	each	N	
	ii) Each additional page	0.50	0.50	each	N	
	b) Document Size Larger than 11"x17"	\$4	\$4	per page	N	
	Hourly Rates					
76	Hourly Rates - Normal Business Hours					
	a) Plan Check	\$226	\$226		Y	
	b) Inspection	\$214	\$214		Y	
77	Afterhours (Overtime) Hourly Rates					
	a) Plan Check	\$271	\$271		Y	
	b) Inspection	\$255	\$255		Y	
	Standard Permitting Fees					
78	Community Planning Fee - % of Building Permit	5.00%	5.00%		N	
79	Technology Fee - % of Building Permit	3.80%	3.80%		N	

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
STATE FEES						
Strong Motion Instrumentation and Seismic Hazard Mapping Fees: ***						
80	Category 1 - Residential - Min Fee = \$0.50	Val. x 0.00013	Val. x 0.00013			N
81	Category 2 - All Other Buildings - Min Fee = \$0.50	Val. x 0.00028	Val. x 0.00028			N
Building Standards Administration Special Revolving Fund: ***						
82	Permit Valuation					
	a) \$1-\$25,000	\$1	\$1			N
	b) \$25,001 - \$50,000	\$2	\$2			N
	c) \$50,001 - \$75,000	\$3	\$3			N
	d) \$75,001 - \$100,000	\$4	\$4			N
	e) Every \$25,000 or fraction thereof above \$100,000	\$1	\$1			N
ELECTRICAL						
83	Electrical Permit Issuance ****	\$183	\$183			Y
84	Plan Check Fee - (min. 1 hr) - per hour	\$226	\$226	per hour		Y
85	Receptacle Outlets, multiple on one circuit					
	a) First 20	\$107	\$107			Y
	b) Each additional 20	\$89	\$89			Y
86	Receptacle, fed from dedicated circuit	\$54	\$54	each		Y
87	Switches, Dimmers, Occupancy sensors, Sensor Power Packs, etc.					
	a) First 20	\$107	\$107			Y
	b) Each additional 20	\$89	\$89			Y
88	Lighting Fixtures, Sockets					
	a) First 20	\$107	\$107			Y
	b) Each additional 20	\$89	\$89			Y
89	Track lighting with fixtures - per linear feet	\$1.07	\$1.07			Y
90	Pole/Platform-Mounted/Theatrical Fixtures - each	\$54	\$54	each		Y
91	Circuit Breaker Panel/Subpanel, Lighting Control Panel – each	\$89	\$89	each		Y
92	Residential Equipment or Appliance, fed from dedicated circuit – each	\$54	\$54	each		Y
93	Commercial Equipment or Appliance, fed from dedicated circuit – each	\$89	\$89	each		Y
94	Power pole for cubicles	\$54	\$54	each		Y

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
95	Generator					
	a) Portable	\$107	\$107	each	Y	
	b) 10 kW or less	\$107	\$107	each	Y	
	c) More than 10 kW	\$161	\$161	each	Y	
96	Electrical vehicle charging station					
	a) Residential	\$54	\$54		Y	
	b) Commercial	\$89	\$89		Y	
97	HEPA filter					
	a) First 20	\$107	\$107		Y	
	b) Each additional 20	\$89	\$89		Y	
98	Time Clock	\$54	\$54	each	Y	
99	Junction box, fed from dedicated circuit	\$54	\$54		Y	
100	Sign, lighting systems from one branch circuit					
	a) First one	\$214	\$214		Y	
	b) Each additional	\$107	\$107		Y	
101	Services					
	a) Not over 200 amps (new or change) – each	\$107	\$107	each	Y	
	b) 201 amps - 1000 amps (new or change)	\$214	\$214	each	Y	
	c) Over 1000 amperes (new or change)	\$268	\$268	each	Y	
102	Power Apparatus (UPS) or Transformer	\$89	\$89	each	Y	
103	Miscellaneous Apparatus, Conduits & Conductors	\$89	\$89	each	Y	
104	Construction Temporary Power Pole with service panel, each pole	\$107	\$107		Y	
105	Elevator	\$214	\$214	each	Y	
106	Special Circuitry, per circuit	\$89	\$89	per circuit	Y	
MECHANICAL						
107	Mechanical Permit Issuance ****	\$183	\$183		Y	
108	Plan Check Fee (min.1 hr)	\$226	\$226	per hour	Y	
109	Install Furnace or Heater, Residential (not including duct work)	\$143	\$143		Y	
110	Install, Relocate, Replace Flue Vent (not including with appliance)	\$107	\$107		Y	
111	Install Hood with Mechanical Exhaust					
	a) Residential	\$89	\$89		Y	

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
	b) Commercial	\$214	\$214		Y	
112	Duct Work per unit or System	\$89	\$89		Y	
113	Install Industrial-type Incinerator	\$161	\$161		Y	
114	Install/Replace					
	a) Boiler	\$107	\$107	each	Y	
	b) Condenser, VAV or Fan Coil 0-5 ton <2000 CFM	\$107	\$107	each	Y	
	c) Condenser, VAV or Fan Coil Over 5 ton >2000 CFM	\$214	\$214	each	Y	
115	Roof-top HVAC package unit including duct work	\$214	\$214		Y	
116	Dryer vent					
	a) Dryer vent, residential	\$89	\$89	each	Y	
	b) Dryer vent, commercial	\$214	\$214	each	Y	
117	Pump	\$161	\$161	each	Y	
118	Install/Replace Fire or Fire/Smoke Dampers - 5 (or portion of)	\$107	\$107		Y	
119	Non-portable Evaporative Cooler	\$161	\$161		Y	
120	Single Bathroom Ventilation Fan and Duct	\$89	\$89		Y	
121	Ventilation System, not HVAC	\$107	\$107		Y	
122	Other Regulated Appliance	\$161	\$161		Y	

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
123	Process Piping					
	a) Hazardous process piping system					
	i) First 4 outlets	\$161	\$161			Y
	ii) Over 4 outlets - per outlet	\$89	\$89	per outlet		Y
	b) Non-Hazardous process piping system					
	i) First 4 outlets	\$161	\$161			Y
	ii) Over 4 outlets - per outlet	\$89	\$89	per outlet		Y
	PLUMBING					
124	Plumbing Permit Issuance ****	\$183	\$183			Y
125	Plan Check Fee (min. 1 hr) - per hour	\$226	\$226	per hour		Y
126	Plumbing Fixtures					
	a) First 5 traps (or portion of)	\$161	\$161			Y
	b) Each Additional trap	\$89	\$89			Y
127	Building Drain or Sewer (New or Replacement)	\$161	\$161			Y
128	Rain Water Drainage System	\$107	\$107			Y
129	Water Heater and Vent	\$161	\$161			Y
130	Gas Piping System - (each appliance)	\$107	\$107			Y
131	Automatic Gas Shut-off Device (Seismic or Excess Flow) if not part of new gas piping system	\$107	\$107			Y
132	Industrial Waste Pre-Treatment System	\$214	\$214			Y
133	Grease Trap	\$161	\$161			Y
134	Grease Interceptor	\$214	\$214			Y
135	Water System Installation					
	a) New	\$321	\$321			Y
	b) Re-pipe	\$214	\$214			Y
136	Pump	\$161	\$161	each		Y
137	Repair/Alteration of Drain/Vent	\$161	\$161			Y
138	Landscape Sprinkler System	\$161	\$161			Y
139	Landscape Reclaim Water	\$268	\$268	per valve		Y
140	Backflow Protection					
	a) first 5	\$161	\$161			Y

City of Milpitas

BUILDING SAFETY AND HOUSING - MISCELLANEOUS

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
b) each additional 5 (or portion of)	\$89	\$89		Y	
141 Reclaim Water System, No Irrigation	\$321	\$321		Y	
142 Private Sewage Disposal System	\$107	\$107		Y	

** Additional fees may be charged for roof penetrations and/or equipment installation.

*** Fees set by the State of California and are subject to change.

**** Permit issuance fee. When more than one specialty permit (electrical, mechanical, plumbing) is concurrently issued to one applicant, only one permit issuance fee will be charged.

***** Full permit fees of the main building permit shall be paid prior to issuance of the temporary building permit.

City of Milpitas

BUILDING SAFETY AND HOUSING - NEIGHBORHOOD BEAUTIFICATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
1	1st Violation to Neighborhood Beautification Ordinance	\$100	\$100	N	
2	2nd Violation to Neighborhood Beautification Ordinance	\$200	\$200	N	
3	3rd or More Violations to Neighborhood Beautification Ordinance	\$500	\$500	N	
4	Delinquency Penalty on Neighborhood Beautification Ordinance	\$25	\$25	N	
5	Graffiti Abatement	Actual Cost	Actual Cost	N	
6	Public Nuisance Abatement	As defined in Municipal Code Sections	As defined in Municipal Code Sections	N	

City of Milpitas

ANIMAL REGULATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
1	Animal Bites Penalty	\$200	\$200		N	
2	Animal Impoundment Hearing	\$50	\$50		N	
3	Animal Nuisance (e.g. barking)	\$100	\$100		N	
4	Animals in Excess of Maximum Allowed Penalty	\$50	\$50		N	
5	Failure to Apply for Annual Animal Facility Permit	\$20	\$20		N	
6	Inadequate Control or Confinement of Potentially Dangerous Animal Penalty	\$100	\$100		N	
7	Late Payments for Animal Fees	10%	10%	7 days	N	
8	Unlicensed dog or cat penalty	\$50	\$50		N	
9	Violation of Leash Law	\$25	\$25		N	
10	Dog License					
	a) Altered	\$25	\$25		N	
	b) Late Fee	\$20	\$20		N	
	c) Unaltered	\$65	\$65		N	
11	Cat License					
	a) Altered	\$15	\$15		N	
	b) Late Fee	\$20	\$20		N	
	c) Unaltered	\$35	\$35		N	
12	Dog Seller Fee					
	a) 1st Permit within Calendar Year	\$78	\$78		Y	
	b) 2nd Permit within Calendar Year	\$156	\$156		Y	
13	Cat Seller Fee					
	a) 1st Permit within Calendar Year	\$52	\$52		Y	
	b) 2nd Permit within Calendar Year	\$104	\$104		Y	
14	Animal Disposal Fee	Actual Cost	Actual Cost		N	
15	Quarantining Animal Fee	Actual Cost	Actual Cost		N	
16	Redemption of Impounded Animal Fee	Actual Cost	Actual Cost		N	
17	Annual Animal Adoption Permit Fee	\$52	\$52		Y	
18	Annual Animal Facility Permit Application Fee	\$52	\$52		Y	
19	Dangerous Animal Annual Permit Fee	\$156	\$156		Y	
20	Permit for Exception to Number or Type of Animals Allowed, Application Fee	\$21	\$21		Y	

City of Milpitas

ANIMAL REGULATION

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
21 Other Requested/Required Services - See City of San Jose (The City of Milpitas contracts with the City of San Jose for various Animal Regulation services)	See City of San Jose fee schedule	See City of San Jose fee schedule		N	

City of Milpitas

PLANNING

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
Special Events:					
1	Application Fee				
	a) Minor Events	\$945	\$945	Y	
	b) Major Events	\$5,787	\$5,787	Y	
2	Conceptual Review - Planning Staff Only - per meeting	\$362	\$362	Y	
Pre-Application Review:					
3	Single Family /Additional Dwelling Units	\$2,712	\$2,712	Y	[a]
4	All Others	\$8,775	\$8,775	Y	
Tentative Maps:					
5	Parcel Map	\$13,375	\$13,375	Y	
6	Tract Map	\$19,396	\$19,396	Y	
Minor Site Development:					
7	Over the Counter Review	\$241	\$242	Y	[b]
8	Staff Review Fee				
	a) Staff Review - Zoning Administrator	\$3,062	\$3,062	Y	
	b) Staff Review Hill Side - Zoning Administrator	\$4,301	\$4,301	Y	
9	Requiring PC / CC Approval	\$9,158	\$9,158	Y	
Site Development:					
10	New Development	\$16,174	\$16,174	Y	
11	Additions/Alterations 200+ sf	\$4,636	\$4,636	Y	[e]
11	Zoning Administrator	\$13,280	\$13,280	Y	
12	SB35 Housing Project	\$8,775	\$8,775	Y	[d]
Minor Conditional Use Permit:					
13	Staff Review - Zoning Administrator	\$1,230	\$1,230	Y	
14	Requiring PC / CC Approval	\$2,920	\$2,920	Y	
15	Telecommunications	\$945	\$945	Y	
Conditional Use Permit:					
16	Single Family Districts	\$539	\$539	Y	
17	Family Day Care Homes	\$973	\$973	Y	[e]
17	Temporary Use Permit	\$842	\$842	Y	
18	Zoning Administrator	\$12,418	\$12,418	Y	[e]

City of Milpitas

PLANNING

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
18 All Other CUPs	\$14,632	\$14,632	Y	
Signs:				
19 Temporary (Including Banners)	\$114	\$114	Y	
20 Permanent (Including Wall Signs)	\$330	\$330	Y	
21 Freestanding signs over 6ft in height	\$558	\$558	Y	
Variance:				
22 Single Family	\$993	\$993	Y	
23 Signs	\$974	\$974	Y	
24 Multi-Family / Non-Residential	\$3,057	\$3,057	Y	
Special Use Permit:				
25 Staff Review	\$945	\$945	Y	
26 Requiring PC / CC Approval	\$2,421	\$2,421	Y	
Short-Term Rental Permit				
27 Short-Term Rental Permit - Initial	\$488	\$488	Y	[e]
28 Short-Term Rental Permit - Renewal	\$488	\$488	Y	[e]
Deposit-Based Fees:				
29 Amendments, General Plan, Zoning, or Specific Plan (Map or Text)	\$20,000	\$20,000	N	
30 Development Agreements	\$20,000	\$20,000	N	
31 Environmental Review/CEQA clearance	\$35,000	\$35,000	N	
32 Planned Unit Development	\$20,000	\$20,000	N	
33 Billboards	\$2,500	\$2,500	N	
34 Initial Deposit to Offset Costs of Legal Review, Peer Review, Other Agency Review, etc.		\$5,000	N	[f];[h]
Miscellaneous Fees:				
35 Amendments/Modifications to an Existing Permit	50% of permit	50% of permit	N	
36 Appeal To Planning Commission/City Council	\$1,933	\$1,933	Y	
37 Time Extensions	\$797	\$797	Y	
38 Noticing Fee	\$571	\$571	Y	
39 Copies - per page	\$0.10	\$0.10	N	
40 Planning Research - per hour	\$242	\$242	Y	
41 Zoning Conformance Letter	\$228	\$228	Y	
42 Lot Line Adjustment	\$1,439	\$1,439	Y	*

City of Milpitas

PLANNING

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
42 Home Occupation Permit / Business License Review	\$57	\$57	Y	[g]
43 Tree Removal	\$231	\$231	Y	
44 Building Plan Check Support	\$241	\$242	Y	[b]
45 Building Inspection Support	\$241	\$242	Y	[b]
46 Certificate of Occupancy Review		\$121	Y	[i]
47 Permit Compliance Review	\$483	\$483	Y	
48 Letter of Determination / Interpretation	\$965	\$965	Y	
49 Pass Through for Legal Fees	Pass - Through	Pass - Through	N	
50 Vendor Payment Processing Fees		Pass - Through	N	[j]
51 Technology Fee - % of Permit	3.80%	3.80%	N	

[a] No change to fee. Change fee description to clarify that stand-alone requests for additional dwelling units would not be subject to pre-application review.

[b] Rounding adjustment made for FY 21/22. Amount aligns to hourly billing rate.

[c] Remove antiquated fee from schedule.

[d] No change to fee. Was originally collected under Pre-Application Review - All Other, but adding distinct line item to clarify fees for SB35 projects.

[e] Clarify fee schedule to confirm that initial and renewal application fees apply for short-term rental permits.

[f] This deposit will be collected in addition to any other deposits or fixed fees. Any unused deposit amounts will be returned to applicant.

[g] Clarify that fee applies for business license review in addition to home occupation permit reviews.

[h] Identifying as unique deposit amount to aid in accounting and reimbursement of outside agency costs. Not a new fee or service. Previously collectable with applicable project initial deposit amount.

[i] Identifying as fixed fee in the City's Master Fee Schedule to enhance fee schedule clarity. Not a new fee or service. Previously collectable via building plan check and inspection support fees.

[j] For payments made using vendor portal services, applicant shall be responsible for processing fees charged by vendor, as applicable.

* Fee will be collected via Engineering Section of fee schedule.

** Applicants for full cost (deposit-based) submittals shall pay for all City staff and contract service provider time and materials required to process the application. Hourly rates for City staff time vary by position, as outlined in the City's full cost allocation plan.

City of Milpitas

ENGINEERING

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
1	Minor Encroachment Permit	\$1,113	\$1,113	Y	
2	Lot Line / Merger Adjustment	\$3,284	\$3,284	Y	[a]
3	Street / Alley Easement Vacation	\$2,385	\$2,385	Y	
Bldg Permit Reviews:					
4	Single Family New Building / Addition	\$611	\$611	Y	
5	Commercial / Industrial New Building	\$2,036	\$2,036	Y	
6	Commercial / Industrial Tenant Improvement	\$204	\$204	Y	
7	Commercial / Industrial Site Improvement (including Grading)	\$1,832	\$1,832	Y	
8	All Other Permit Application Reviews (per hour)	\$204	\$204	Y	
Engineering Plan Review: (Construction Cost Estimate)					
9	Up to \$50,000	\$5,200	\$5,200	Y	
10	\$50,001-\$200,000	\$10,400	\$10,400	Y	
11	\$200,001-\$500,000	\$15,600	\$15,600	Y	
12	Over \$500,001	\$20,800	\$20,800	Y	
Engineering Inspection: (Construction Cost Estimate)					
13	Up to \$50,000	\$5,200	\$5,200	Y	
14	Greater than \$50,000 - % of Construction Cost Estimate	10%	10%	N	
15	Technology Fee - % of Permit	3.80%	3.80%	N	

[a] Fee includes Planning and Engineering review.

City of Milpitas

TRANSIT AREA DEVELOPMENT IMPACT FEE

Activity Description		FY 20/21 Maximum Fee	FY 21/22 Fee	Unit	Y'rly In'fltr	Note
Transit Area Development Impact Fee						
1	Residential	\$42,657	\$44,009	per unit	Y	[a];[b]
2	Commercial	\$27.91	\$28.79	per square foot	Y	[a];[b]
3	Office	\$47.96	\$49.48	per square foot	Y	[a];[b]
4	Hotel	\$0	\$0	per room	Y	[a];[b]
5	Other Uses	To Be Determined	To Be Determined		Y	[a];[b]

[a] Source: Resolution No. 8923.

[b] The Transit Area Development Impact Fee shall be automatically increased each fiscal year by the Finance Director or his or her designee in conjunction with the City's annual budget process. The percentage increase shall be based on the Engineering News Record (ENR) Construction Cost Index for the San Francisco Bay Area, as measured from the immediately preceding December and December of the prior year.

* Incorporating into Master Fee Schedule for references purposes only. Fees are not being considered for update by City Council as part of this action.

City of Milpitas

PUBLIC WORKS

Activity Description		FY 20/21 Fee / Rate	FY 21/22 Fee / Rate	Y'rly In'fltr	Note
Water					
1	Water Meter Size				
	a) 5/8"	\$30.34	\$32.17	N	
	b) 3/4"	\$45.52	\$48.25	N	
	c) 1"	\$75.86	\$80.41	N	
	d) 1-1/2"	\$151.72	\$160.83	N	
	e) 2"	\$242.76	\$257.32	N	
	f) 3"	\$455.17	\$482.48	N	
	g) 4"	\$758.61	\$804.13	N	
	h) 6" and above	\$1,517.23	\$1,608.26	N	
2	Fire Service Line Size				
	a) 2"	\$48.55	\$51.46	N	
	b) 3"	\$91.03	\$96.50	N	
	c) 4"	\$151.72	\$160.83	N	
	d) 6" and above	\$303.45	\$321.65	N	
3	Volumetric Charge				
	a) Residential	\$5.97	\$6.32	N	
	b) Commercial/ Industrial/ Institutional/ Construction Meter	\$5.97	\$6.32	N	
	c) Irrigation (potable)	\$5.97	\$6.32	N	
	d) City Accounts (potable)	\$5.97	\$6.32	N	
	e) Ed Levin Park	\$4.10	\$4.10	N	
	f) Recycled				
	i) Recycled - Irrigation	\$4.01	\$4.25	N	
	ii) Recycled - Industrial/ Dual Plumbed/ Construction Water	\$4.01	\$4.25	N	
	iii) Recycled - City Accounts (recycled)	\$4.01	\$4.25	N	
	g) Capital Surcharge	\$1.08	\$1.08	N	
Water Meter					
4	Water Meter Testing				
	a) Residential Deposit	\$110	\$110	N	[a]
	b) Commercial Deposit	\$300	\$300	N	[a]

City of Milpitas

PUBLIC WORKS

Activity Description		FY 20/21 Fee / Rate	FY 21/22 Fee / Rate	Y'rly In'fltr	Note
Sewer					
5	Flat Rate				
	a) Single-Family	\$111.07	\$118.34	N	
	b) Multiple-Family	\$85.30	\$90.88	N	
	c) Mobile Home Parks	\$70.08	\$74.66	N	
	d) Non-Residential Flat Rate	\$25.78	\$26.55	N	
6	Quantity and Strength Charges				
	a)Motels, hotels & senior citizen housing developments	\$4.97	\$5.37	N	
	b) General offices, banks, government offices, general merchandise, retail, and shopping centers; building, hardware, and gardening material facilities; amusement centers, and theaters	\$5.67	\$6.14	N	
	c) City of Milpitas	\$4.91	\$5.31	N	
	d) Service stations, repair shops, and car washes	\$4.93	\$5.32	N	
	e) Eating and drinking establishments	\$8.11	\$8.73	N	
	f) Convalescent hospitals, day care centers and health service facilities	\$4.84	\$5.23	N	
	g) Personal services - laundry, barber/beauty shops, cleaners	\$4.56	\$4.92	N	
	h) Electrical and electronics design, fabrication, assembly and storage facilities	\$5.58	\$6.04	N	
	i) Metal fabrication, machinery, and tool fabrication facilities	\$7.12	\$7.70	N	
	j) RockTenn (Jefferson Smurfit Corporation)	\$9.39	\$10.11	N	
	k) T. Marzetti Co.	\$10.65	\$11.48	N	
	l) Prudential Overall Supply	\$7.08	\$7.66	N	
	m) Siemens Water (previously US Filter)	\$5.87	\$6.36	N	
	n) Elmwood Rehabilitation center	\$5.89	\$6.35	N	
	o) Linear Technology Corporation	\$5.71	\$6.18	N	
	p) DS Water	\$4.92	\$5.34	N	
	q) Headway Technology Corporation	\$6.07	\$6.57	N	
	r) Lucky Pure Water	\$4.54	\$4.91	N	
	s) Milpitas Materials	\$4.54	\$4.91	N	
	t) Union Pacific Railroad	\$6.12	\$6.63	N	
	u) Cisco	\$5.58	\$6.04	N	
	v) Lifescan	\$5.58	\$6.04	N	
	x) Schools, colleges and churches	\$8.05	\$8.73	N	
7	City of San Jose - North McCarthy Properties				
	a) Bimonthly for discharge up to 75,000 gallons per day (maximum flow)	\$555.00	\$555.00	N	
	b) Excess flow charge (for each 1,000 gallons per day in excess of the maximum flow or part thereof)	\$100.00	\$100.00	N	

City of Milpitas

PUBLIC WORKS

Activity Description		FY 20/21 Fee / Rate	FY 21/22 Fee / Rate	Y'rly In'fltr	Note
Utilities					
8	Service Request and Basic Inspection	\$128	\$128	Y	
9	Discontinuance of Service	\$128	\$128	Y	
10	Meter Removal / Installation				
	a) Less than 2"	\$103	\$103	Y	
	b) Greater than or Equal to 2"	\$304	\$304	Y	
11	Hydrant Flow Test				
	a) Two or Fewer Hydrants	\$635	\$635	Y	
	b) Three Hydrants	\$659	\$659	Y	
	c) Four Hydrants	\$686	\$686	Y	
12	Sewer Lateral Inspection				
	a) Visual Inspection	\$103	\$103	Y	
	b) Video Inspection - Residential	\$448	\$448	Y	
	c) Video Inspection - Commercial	\$670	\$670	Y	
13	Late Payment Penalty Fee (% of amount due)	5%	5%	N	
14	Final Notice Penalty	5%	5%	N	
15	Discontinuance of Service Warning Notice	\$10	\$10	N	
16	Restoration Fee - During Normal Operating Hours				
	a) Low Income	\$50	\$50	N	[b]
	b) All Others	\$128	\$128	N	
17	Restoration Fee - During Non-Operational Hours				
	a) Low Income	\$150	\$150	N	[b]
	b) All Others	\$337	\$337	N	

Notes

- [a] If meter is not accurate, deposit is refunded. If meter has been tampered with, the resident or business is charged for the repair.
- [b] For residential customers who demonstrate to the City a household income below 200 percent of the federal poverty line, the City will limit any service restoration charges during normal operating hours to fifty dollars (\$50), and during nonoperational hours to one hundred fifty dollars (\$150) for 2020. The limits will only apply if the City's service restoration charges actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021.

City of Milpitas

PUBLIC WORKS

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
Public Sewers					
1	Delinquent Fees	varies	varies	N	[a]
2	Civil Penalties	varies	varies	N	[b]
3	Unmetered Wastes	varies	varies	N	[c]
4	Authority to Disconnect	varies	varies	N	[d]
5	Payment for Sewage Services	varies	varies	N	[e]
6	Inspection Fees	varies	varies	N	[f]
7	House Lateral Fee	varies	varies	N	[g]
8	Disbursements of Short Side Charges	varies	varies	N	[h]
FOG and Stormwater Industrial/Commercial Violation					
9	First Citation	\$500	\$500	N	[i]
10	Second Citation	\$625	\$625	N	[i]
11	Third Citation	\$750	\$750	N	[i]
Water Service Charges					
12	Construction Water	\$2,000	\$2,000	N	
13	Deposits for service	\$150	\$150	N	

Notes

- [a] See City of Milpitas Municipal Code Section VIII-2-5.33. Permit applications are due ninety (90) days prior to commencing discharge to the sanitary system or expiration of existing discharge permit. Any person who fails to file an application for a discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows: (1) Up to and including thirty (30) days delinquency, the penalty shall be fifty percent (50%) of the permit fee. More than thirty (30) days but less than one year delinquency, the penalty shall be one hundred percent (100%) of the permit fee. (3) More than one(1) year delinquency, the penalty shall be one thousand percent (1,000%) of the permit fee. (b) Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the City may have with respect to the discharge.
- [b] See City of Milpitas Municipal Code Section VIII-2-5.50. Any person who intentionally, accidentally, or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally, accidentally, or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the City in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.

City of Milpitas

PUBLIC WORKS

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Y'rly In'fltr	Note
[c] See City of Milpitas Municipal Code Section VIII-2-6.02. Where rates are herein specified to be in accordance with the use of water, all such premises shall be separately metered. Where such metering is not provided, or for newly constructed units, the City shall make a reasonable estimate of the volume of water consumed to be used as a basis for sewer service charges.				
[d] See City of Milpitas Municipal Code Section VIII-2-6.03. In the event of a failure to pay the charges as provided for sewage service, the City is authorized to disconnect sewer or water service, or both.				
[e] See City of Milpitas Municipal Code Section VIII-2-6.04. All accounts are due and payable within fifteen (15) days of the date of the bill. Accounts shall become delinquent and a late fee equal to five percent (5%) of the amount due shall be imposed if a payment has not been received by 5:00 p.m. on the due date.				
[f] See City of Milpitas Municipal Code Section VIII-2-7.01. Each connector shall pay a fee to City for issuing of each permit, for the inspection of each house lateral, house sewer or side sewer, the sum of five dollars (\$5). Where connector has on file with the City cash deposit for inspection of work, no inspection fee shall be required. In such case, all cost and expenses incurred by City in inspection of the connection shall be made from said deposit.				
[g] See City of Milpitas Municipal Code Section VIII-2-7.02. Before the issuance of a permit for the installation of a house lateral, connector shall pay City a fee which shall include the following: (A) An engineering charge to defray the cost of processing the permit application, which shall be an amount equal to forty cents (\$0.40) times one-half the width of the street expressed in feet in which the house lateral is being constructed. (B) A short side charge shall be collected in all cases where the main or trunk to which connection is being made is located between the center line of the street and the property to be served. Said short side charge shall be an amount equal to four dollars and fifty cents (\$4.50) times the distance in feet between the center line of the street and the main or trunk sewer to which the connection is being made. The purpose of this charge is to equalize connection cost for property on both sides of the street.				
[h] See City of Milpitas Municipal Code Section VIII-2-7.03. The City Council may disburse to connectors whose house laterals connect to a main or trunk sewer at a point beyond the center line of the street an amount equal to \$4.50 times the distance in feet between the center of the street and the main or trunk sewer to which said connection was made.				
[i] See City of Milpitas Municipal Code Section XI-16-14. Any person who intentionally or negligently violates any provision of this Chapter or any provision of any permit or certificate issued pursuant to this Chapter shall be civilly liable to the city in a sum not to exceed \$25,000.00 per day for each day in which such violation occurs.				

City of Milpitas

FIRE

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
FIRE INVESTIGATION/ENFORCEMENT/RESPONSE					
1 Emergency Response – Haz Mat Calls, Minimum 1-hr	HR(s) * hourly rate	HR(s) * hourly rate		N	
2 Response to DUI	HR(s) * hourly rate	HR(s) * hourly rate		N	
3 Non-Milpitas Response	HR(s) * hourly rate	HR(s) * hourly rate		N	
4 Response/Investigation Fee	HR(s) * hourly rate	HR(s) * hourly rate		N	
5 Referral Inspection (Life/Safety) 2 hrs minimum charge	HR(s) * hourly rate	HR(s) * hourly rate		N	
6 Referral Inspection (Haz Mat) 2 hrs minimum charge	HR(s) * hourly rate	HR(s) * hourly rate		N	
7 Fire Code Chapter 50 (Haz Mat) - Release Cleanup 2hrs minimum charge	HR(s) * hourly rate	HR(s) * hourly rate		N	
8 Enforcement Cost Recovery	HR(s) * hourly rate	HR(s) * hourly rate		N	
FALSE ALARM					
9 False Alarm					
a) First two in 12 month time-frame	no charge	no charge		N	
b) 3rd occurrence	\$300	\$300		N	
c) 4th occurrence	\$600	\$600		N	
d) 5th or more	\$900	\$900		N	
MISCELLANEOUS					
10 Data input (HMBP/HMIS), Minimum of 2 hours	HR(s) * hourly rate	HR(s) * hourly rate		N	
11 Late fee – over 60 days	Collection Cost	Collection Cost		N	
12 Failure to obtain a permit	Double permit fee	Double permit fee		N	
13 Weed Abatement. Fee = (hrs * \$/HR), minimum 1-hr	HR(s) * hourly rate	HR(s) * hourly rate		N	
14 Fire Watch, Fee = (hrs * hourly rate). Std. or OT rate	HR(s) * hourly rate	HR(s) * hourly rate		N	[a]
15 Pre-inspection (residential care facilities)	Per Code	Per Code		N	
16 Confined Space permits	HR(s) * hourly rate	HR(s) * hourly rate		N	
17 Electronic Archive, per permit	\$25	\$25		N	
18 Use of Trailer	\$60	\$60	per hour	N	
19 Administrative Fee	\$70	\$70	per hour	N	
20 Instructor	Actual Cost	Actual Cost		N	
21 Fire Reports	\$13	\$13		N	
22 Other Services Not Listed	HR(s) * hourly rate	HR(s) * hourly rate		N	

City of Milpitas

FIRE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
FIRE PREVENTION						
ANNUAL OPERATIONAL PERMITS						
23	A-1 Occupancy (theaters and other small viewing halls)	\$1,160	\$1,160		Y	
24	A-2 Occupancy (Food & Drink Establishment)	\$877	\$877		Y	
25	A-3 Occupancy (Worship, recreation, or amusement)	\$877	\$877		Y	
26	A-4 & A-5 Occupancy (indoors or outdoors sport event structures)	\$2,009	\$2,009		Y	
27	High Piled Storage	\$1,160	\$1,160		Y	
28	Malls					
	a) Small (0 to 50,000 s.f.)	\$863	\$863		Y	
	b) Medium (50,001 to 100,000 s.f.)	\$1,443	\$1,443		Y	
	c) Large (over 100,000 s.f.)	\$2,009	\$2,009		Y	
29	Combustible Dust Producing Facility	\$580	\$580		Y	
30	Motels	\$877	\$877		Y	
31	Hotels & Multi-Story Structures					
	a) <5 stories	\$1,726	\$1,726		Y	
	b) 5+ stories - per floor	\$290	\$290		Y	
32	Commercial Daycare					
	a) Small (<100 children or elderly)	\$566	\$566		Y	
	b) Large (100+ children or elderly)	\$1,132	\$1,132		Y	
33	Residential Daycare					
	a) Small Family Daycare (8 or fewer children)	\$0	\$0		N	
	b) Large Family Daycare (9-14 children)	\$0	\$0		N	
	c) Elderly Care (6 or fewer people)	\$0	\$0		N	
34	Small Apartments (3-4 units)	\$284	\$284		Y	
35	Medium Apartments (5-15 units)	\$1,132	\$1,132		Y	
36	Large Apartments (more than 15 units)	\$1,699	\$1,699		Y	
37	Small Chemical User (Example: doctor/dentist, dry cleaner, photo shop, graphic design, print shop, automobile engine repair, propane, CO2 beverage dispensing system, battery systems, emergency generators, pools, etc.)	\$594	\$594		Y	

City of Milpitas

FIRE

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
38 Medium Chemical User (Example: automobile body shop, research and design, analytical labs, pool supplies, big-box retail stores)	\$1,470	\$1,470		Y	
39 Large Chemical User (Semiconductor or similar facilities)	\$2,320	\$2,320		Y	
40 Plating Shops	\$1,754	\$1,754		Y	
41 Toxic Gas					
a) Small Toxic Gas - Annual Monitoring Certification	\$1,132	\$1,132		Y	
b) Large Toxic Gas - Annual Monitoring Certification	\$2,265	\$2,265		Y	
42 Mobile Fueling					
a) Vendor	\$1,470	\$1,470		Y	
b) Site	\$1,470	\$1,470		Y	
43 Underground Tanks	\$892	\$892		Y	
44 Urban Runoff Inspections					
a) Industrial	\$594	\$594		Y	
b) Restaurants (once every 2 years)	\$594	\$594		Y	
45 Other Miscellaneous Annual Inspections Fee - per hour	HR(s) * hourly rate	HR(s) * hourly rate		N	
CONSTRUCTION REVIEW / PERMIT / INSPECTION					
Building Life / Safety:					
Demolition Fees:					
46 Interior or Partial Building or Misc. Demolition	\$567	\$567		Y	
47 Complete Building with or without Site Demolition	\$851	\$851		Y	
48 Grading Fees: These are only assessed if permits are submitted separately to Building Department from new construction or remodel permits.					
a) Less than 1 acre	\$567	\$567		Y	
b) 1-5 acres	\$851	\$851		Y	
c) Greater than 5 acres	\$1,135	\$1,135		Y	
49 Site Improvement Fees: These are only assessed if permits are submitted separately to Building Department from new construction or remodel permits.					
a) Less than 1 acre	\$851	\$851		Y	
b) 1-5 acres	\$1,702	\$1,702		Y	
c) Greater than 5 acres	\$284	\$284	per acre	Y	

City of Milpitas

FIRE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
50	New Building – Shell:					
	a) Less than 5,000 sq. ft.	\$851	\$851		Y	
	b) 5,000-25,000 sq. ft.	\$1,702	\$1,702		Y	
	c) 25,000-50,000 sq. ft.	\$2,553	\$2,553		Y	
	d) 50,000+ sq. ft. – per sq. ft.	\$0.06	\$0.06	per sq ft	Y	
51	New Building – New Construction:					
	a) Less than 5,000 sq. ft.	\$851	\$851		Y	
	b) 5,000-25,000 sq. ft.	\$2,269	\$2,269		Y	
	c) 25,000-50,000 sq. ft.	\$4,255	\$4,255		Y	
	d) 50,000+ sq. ft. – per sq. ft.	\$0.09	\$0.09	per sq ft	Y	
52	Additions, Alterations, and Tenant Improvements:					
	a) Less than 5,000 sq. ft.	\$541	\$541		Y	
	b) 5,000-25,000 sq. ft.	\$2,136	\$2,136		Y	
	c) 25,000-50,000 sq. ft.	\$3,990	\$3,990		Y	
	d) 50,000+ sq. ft. – per sq. ft.	\$0.09	\$0.09	per sq ft	Y	
53	Missed Plan Check by Appointment	\$284	\$284		Y	
54	Revision to Project Fee - per hour (min 1 hr)	HR(s) * hourly rate	HR(s) * hourly rate		N	
55	Tents, Canopies, or Membrane Structures:					
	a) 4 or less	\$850	\$850		Y	
	b) 5+	\$1,134	\$1,134		Y	
56	Temporary Assembly (Indoors or outdoors), with or w/out tent					
	a) Occupancy 50-299	\$850	\$850		Y	
	b) Occupancy 300-999	\$1,417	\$1,417		Y	
	c) Occupancy 1000+	\$2,268	\$2,268		Y	
	Fire Extinguishing Systems: These are typically deferred submittals and reviewed and inspected after building plan submittals.					
57	Fire Service Underground:					
	a) New or Replace - each	\$1,417	\$1,417		Y	
	b) Repairs	\$567	\$567		Y	

City of Milpitas

FIRE

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
58 Fire Sprinkler Systems:					
a) Less than 2,000 sq. ft	\$824	\$824		Y	
b) 2,000+ sq. ft. – per sq. ft., fee = Base Fee + [(project sq. ft. - 2,000 sq. ft.) * per sq. ft. fee]	\$0.21	\$0.21		Y	
59 Hood & Duct Systems – Each	\$1,134	\$1,134		Y	
60 FM 2000 (under floor systems, etc.) each	\$1,134	\$1,134		Y	
61 Other (deluge, foam, preaction, etc.) each	\$1,134	\$1,134		Y	
Fire Alarm Systems:					
62 Additions, Alterations, or Repairs: If more than 10 devices then the New Fire Alarm fee applies.					
a) 1-5 Devices	\$567	\$567		Y	
b) 6-10 Devices	\$1,134	\$1,134		Y	
63 New Fire Alarm:					
a) Less than 5,000 sq. ft.	\$1,134	\$1,134		Y	
b) 5,000+ sq. ft. – per sq. ft., fee = Base Fee + [(project sq. ft. - 5,000 sq. ft.) * per sq. ft. fee]	\$0.19	\$0.19		Y	
64 Hazardous Materials - Building Construction:					
a) Small TI (Example: registration form, inert compressed gas system installations)	\$575	\$575		Y	
b) Medium TI (Construction not otherwise classified as Small or Large TI. Example: emergency generator, lift stations, aboveground tanks, treatment systems, battery systems, CO2 beverage dispensing system, propane system, large tank installations)	\$1,440	\$1,440		Y	
c) Large TI (H Occupancy, Plating)	\$2,589	\$2,589		Y	
65 Toxic Gas Tools (furnaces, implanter, reactors)	\$2,305	\$2,305		Y	
66 Closure - process / tools	\$865	\$865		Y	
67 Closure - Facility					
a) Small TI	\$433	\$433		Y	
b) Medium TI	\$865	\$865		Y	
c) Large TI	\$1,440	\$1,440		Y	
68 Underground Tank Installation:					
a) 4 Tank System or less	\$5,177	\$5,177		Y	
b) Each additional tank	\$581	\$581		Y	

City of Milpitas

FIRE

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
69 Underground Tank Removal:					
a) 2 Tank System or Less	\$2,311	\$2,311		Y	
b) Each additional tank	\$291	\$291		Y	
70 CERS & APSA - Fee no longer applicable					
a) CERS - Fee no longer applicable	\$0	\$0		N	
b) APSA - Fee no longer applicable	\$0	\$0		N	
MISCELLANEOUS FEES:					
71 After Hours or Fast-Track Plan Check, Inspection - 3 hrs min at OT Rate	\$1,000	\$999		Y	[a]
72 Alternate Materials & Methods Review	\$1,030	\$1,030		Y	
73 New Occupancy (new business)					
a) No Hazardous Materials	\$284	\$284		Y	
b) With Hazardous Materials	\$566	\$566		Y	
74 Smoke Detectors Verifications (new owner)	\$284	\$284		Y	
75 Title 19 5-year automatic fire sprinkler certification					
a) Commercial, Industrial, Mixed Use, Hotel/Motel, Apartments, Condominiums,					
i. Building less than or equal to 50,000 sq. ft.	\$824	\$568		Y	
ii. Building over 50,000 sq. ft.	\$824				
a) First 50,000 sq. ft.		\$568		Y	
b) Each additional 50,000 sq. ft. or fraction thereof		\$284		Y	
b) Townhome Buildings					
i. Building less than or equal to 25,000 sq. ft.	\$824	\$284		Y	
ii. Building over 25,000 sq. ft.	\$824				
a) First 25,000 sq. ft.		\$284		Y	
b) Each additional 25,000 sq. ft. or fraction thereof		\$284		Y	
76 Failure to cancel a scheduled inspection 24 hrs. prior	\$284	\$284		Y	
77 Temporary Certificate of Occupancy	\$142	\$142		Y	
78 Standard Hourly Rate - per hour	\$284	\$284		Y	
79 Overtime Hourly Fee - per hour	\$333	\$333		Y	
80 Other activities not listed - per hour	\$284	\$284		Y	

City of Milpitas
FIRE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
81	Fire Department Technology Fee - % of permit	3.80%	3.80%		N	
82	Emergency Response Mapping - new projects - per hour	\$257	\$257		Y	
[a]	Minimum 3 hours.					

City of Milpitas

AMBULANCE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
SERVICE FEES						
1	ALS-1 (Advanced Life Support)	\$1,710.12	\$1,710.12		N	
2	ALS-2 (Advanced Life Support)	\$1,710.12	\$1,710.12		N	
3	Mileage	\$55.42	\$55.42		N	
4	Hourly Ambulance Standby	\$216.41	\$216.41		N	
5	Hourly Paramedic – Individual	\$108.21	\$108.21		N	
6	Hourly EMT – Individual	\$72.14	\$72.14		N	
EQUIPMENT/SUPPLIES						
7	Airway/Nasal	\$33.25	\$33.25		N	
8	Airway/Oral	\$18.14	\$18.14		N	
9	Bag Valve Mask	\$110.34	\$110.34		N	
10	Bandage, Elastic	\$8.91	\$8.91		N	
11	Bandages Triangular	\$15.11	\$15.11		N	
12	Bed Pan	\$15.11	\$15.11		N	
13	Blanket, Disposable	\$36.28	\$36.28		N	
14	Blood Glucose Test	\$30.23	\$30.23		N	
15	Burn Sheet	\$55.92	\$55.92		N	
16	Cervical Collar	\$108.83	\$108.83		N	
17	Cold/Hot Pack	\$22.67	\$22.67		N	
18	Cpap Procedure	\$468.56	\$468.56		N	
19	Defib Pads	\$66.50	\$66.50		N	
20	Dressing - Major	\$15.11	\$15.11		N	
21	Dressing - Minor	\$15.11	\$15.11		N	
22	Ekg Electrodes	\$28.72	\$28.72		N	
23	Ekg Monitor 12 Lead	\$143.59	\$143.59		N	
24	Emesis Basin/Bag	\$11.78	\$11.78		N	
25	Endotracheal Tube Introducer/Gum Elastic Bougie	\$100.97	\$100.97		N	
26	Headbed Immobilizer	\$25.69	\$25.69		N	
27	Hepa Mask	\$37.79	\$37.79		N	
28	Hood, Spit Sock	\$24.89	\$24.89		N	

City of Milpitas

AMBULANCE

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
29 Intravenous Saline Lock	\$79.58	\$79.58		N	
30 Intravenous Infusion Set	\$134.52	\$134.52		N	
31 Intravenous Start Kit	\$60.41	\$60.41		N	
32 Intubation Supplies	\$68.02	\$68.02		N	
33 IO Supplies	\$450.42	\$450.42		N	
34 King Vision Video Larynoscope Channel Blade	\$25.00	\$25.00		N	
35 Lma Supreme - Supraglottic Airway	\$30.00	\$30.00		N	
36 Meconium Aspirator	\$13.44	\$13.44		N	
37 Nebulizer	\$71.04	\$71.04		N	
38 Non-Rebreather Mask	\$16.63	\$16.63		N	
39 O2 Cannula With End-Tidal	\$51.35	\$51.35		N	
40 O2 Mask/Cannula	\$34.76	\$34.76		N	
41 OB Pack	\$120.92	\$120.92		N	
42 Patient Mover	\$48.51	\$48.51		N	
43 Plueral Decompression	\$102.85	\$102.85		N	
44 Pulse Oximetry	\$63.48	\$63.48		N	
45 Razor, Disposable	\$1.26	\$1.26		N	
46 Splint Arm	\$22.67	\$22.67		N	
47 Splint Leg	\$22.67	\$22.67		N	
48 Splinting (Extremity)	\$108.83	\$108.83		N	
49 Strap, 5 Foot Immobilization	\$16.73	\$16.73		N	
50 Suction Tube	\$46.86	\$46.86		N	
51 Suctioning	\$95.22	\$95.22		N	
52 Temperature Measurement	\$25.52	\$25.52		N	
53 Tourniquet, Combat	\$90.88	\$90.88		N	
54 Universal Precautions	\$42.32	\$42.32		N	
55 Urinal	\$15.11	\$15.11		N	

City of Milpitas

AMBULANCE

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
MEDICATIONS					
56 Acetaminophen (Ofirmev)	\$183.00	\$183.00		N	
57 Activated Charcoal	\$30.71	\$30.71		N	
58 Adenosine	\$87.67	\$87.67		N	
59 Albuterol	\$36.28	\$36.28		N	
60 Amiodarone	\$58.31	\$58.31		N	
61 Aspirin	\$9.07	\$9.07		N	
62 Atrophine	\$25.69	\$25.69		N	
63 Atrophine High Dose	\$121.21	\$121.21		N	
64 Benadryl	\$25.69	\$25.69		N	
65 Calcium Chloride	\$25.69	\$25.69		N	
66 Dextrose 10% 25G In 250ML Bag	\$36.63	\$36.63		N	
67 Dopamine Drip	\$81.62	\$81.62		N	
68 Duodote Autoinjector	\$75.95	\$75.95		N	
69 Epi 1:1,000 1Mg/1Cc	\$42.32	\$42.32		N	
70 Epi 1:10,000	\$42.32	\$42.32		N	
71 Glucagon	\$430.77	\$430.77		N	
72 Glucose Paste	\$13.16	\$13.16		N	
73 Lidocaine 2%	\$33.25	\$33.25		N	
74 Midazolam	\$2.40	\$2.40		N	
75 Morphine	\$25.69	\$25.69		N	
76 Narcan	\$48.37	\$48.37		N	
77 Nitroglycerin Tablet	\$1.29	\$1.29		N	
78 Nitropaste	\$11.77	\$11.77		N	
79 Normal Saline Flush Pls 10Cc	\$22.60	\$22.60		N	
80 Normal Saline 1000Cc	\$146.61	\$146.61		N	
81 Ondansetron Injectable	\$52.60	\$52.60		N	
82 Ondansetron Oral Dissolving Tablet	\$43.44	\$43.44		N	
83 Sodium Bicarb	\$45.34	\$45.34		N	
84 Sterile Water	\$36.28	\$36.28		N	

* These fees are intended to mirror fees authorized by the Santa Clara County Emergency Services Agency. If Santa Clara County EMS updates fees subsequent to the adoption of this schedule, this schedule shall be presumed to reflect updated amounts. In the case of discrepancies, fee amounts authorized by Santa Clara County EMS shall supersede the amounts listed above. The City will periodically examine costs to ensure that fees collected do not exceed the City's program costs of service.

** Fees adopted on May 19, 2020.

City of Milpitas

POLICE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
Citations						
1	Citation Sign off for Non Milpitas Residents	\$20	\$20		N	
2	Parking Citations	\$65 - \$280	\$65 - \$280		N	[a]
3	Copy of Traffic & Parking citations	\$5	\$5		N	
Alarm Fees and Fines						
4	Alarm Permit					
	a) Alarm Permit - Initial	n/a - new	\$40	per year	Y	[b]
	b) Alarm Permit - Renewal	n/a - new	\$20	per year	Y	[b]
	c) Alarm Permit - Late Filing Fee	n/a - new	50% of permit fee		N	
5	False Alarm Response (per calendar year)					
	a) First	No Charge	No Charge		Y	
	b) Second	No Charge	No Charge		Y	
	c) Third	No Charge	\$75		Y	
	d) Fourth	\$50	\$125		Y	
	e) Fifth	\$100	\$250		Y	
	f) Sixth or More	\$250	\$250	per response	Y	
6	False Alarm Response - Additional Fee for Unregistered Alarm	n/a - new	\$25	per response	Y	
Miscellaneous						
7	Fingerprints					
	a) Ink Card Up to (2) Cards	\$25	\$25		N	
	b) Ink Card Over (2) Cards	\$5	\$5	Each Additional Card	N	
	c) Live Scan plus DOJ and FBI fees	\$25	\$25		N	
8	Subpoenas					
	a) Officer	\$275	\$275		N	
	b) Records	\$15	\$15		N	
9	Booking Fee	\$139	\$139		N	[c]
10	Administrative Tow Fees					
	a) Impound	\$346	\$346		N	
	b) Stored	\$50	\$50		N	

City of Milpitas

POLICE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
11	Repossession Fee	\$15	\$15		N	
12	Incident (Log Event) Reports	\$5	\$5		N	
13	Photos on CD / Digital Media	\$15	\$15		N	
14	Police Reports					
	a) Up to (10) Pages	\$13	\$13		N	
	b) Police Reports Over (10) Pages	\$1	\$1	per page	N	
15	US Investigative Request for Law Enforcement Data	\$15	\$15		N	
16	Videos / Digital Reproduction	\$50	\$50		N	
17	Massage Permits	\$1,000	\$1,000		N	

[a] Amounts vary depending on citation type.

[b] Alarm permits are issued per calendar year. Permits will expire annually on December 31st.

[c] Pursuant to AB 1869, effective September 18, 2020, this fee shall remain in effect only until July 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before July 1, 2021, deletes or extends that date.

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
ADULT RECREATION						
Adult Enrichment Fees						
1	Sports League (full season)					
	a) per team	\$500	\$500	per season	N	
	b) Additional fee per non-resident player	\$10	\$10	per season	N	
2	Garden Plots (Residents Only)	\$60	\$60	per year	N	
AQUATICS						
3	Recreational Swim	\$2 - \$5	\$2 - \$5	per person	N	
4	Swimming Lessons Group					
	a) Residents	\$75 - \$85	\$75 - \$85		N	
	b) Non-Resident	\$95 - \$105	\$95 - \$105		N	
5	Semi-Private/Private Swimming Lessons					
	a) Residents	\$38	\$38	per half hour lesson	N	
	b) Non-Resident	\$58	\$58	per half hour lesson	N	
6	Parent-Tot Drop-in swim pass					
	a) Residents	\$15	\$15	per 5 visits	N	
	b) Non-Resident	\$35	\$35	per 5 visits	N	
7	Monthly Swim Club Fee Development Group					
	a) Residents	\$68 - \$88	\$68 - \$88	per month	N	
	b) Non-Resident	\$108 - \$128	\$108 - \$128	per month	N	
8	Monthly Swim Club Juniors/Intermediate					
	a) Residents	\$78 - \$98	\$78 - \$98	per month	N	
	b) Non-Resident	\$118 - \$138	\$118 - \$138	per month	N	
9	Monthly Swim Club-Senior					
	a) Residents	\$88 - \$108	\$88 - \$108	per month	N	
	b) Non-Resident	\$128 - \$148	\$128 - \$148	per month	N	
10	CLASSES	Instructor: hrs. * hourly rate	Instructor: hrs. * hourly rate		N	

MEMBERSHIP

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
Senior Enrichment Fees(50+ years of age)						
11	Senior Center Membership					
	a) Residents	\$12	\$12		N	
	b) Non-Resident	\$30	\$30		N	
Sports Center Membership						
12	Fitness Passes- Per Visit Packages					
	a) 5 visits	\$25	\$25	per visit	N	
	b) 10 visits	\$50	\$50	per visit	N	
	c) 15 visits	\$75	\$75	per visit	N	
	d) 20 visits	\$100	\$100	per visit	N	
13	Fitness Passes Senior (50+)- Per Visit Packages					
	a) 5 visits	\$15	\$15	per visit	N	
	b) 10 visits	\$30	\$30	per visit	N	
	c) 15 visits	\$45	\$45	per visit	N	
	d) 20 visits	\$60	\$60	per visit	N	
14	Drop-In Fee	\$7 - \$12	\$7 - \$12	per visit	N	
15	Sports Center Unlimited Packages					
	a) Monthly	\$60	\$60		N	
	b) 3 Months	\$180	\$180		N	
	c) 6 Months	\$280	\$280		N	
	d) 12 Months	\$480	\$480		N	
16	Sports Center Unlimited Packages - Senior (50+)					
	a) Monthly	\$38	\$38		N	
	b) 3 Months	\$85	\$85		N	
	c) 6 Months	\$135	\$135		N	
	d) 12 Months	\$235	\$235		N	
17	Annual Non-Resident Fee	\$50 - \$100	\$50 - \$100		N	
Department General Fees						
18	General Internal Class Program Fees	Staff time + Materials	Staff time + Materials		N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
19	Membership Card replacement fee	\$5	\$5		N	
20	Transaction Fee	\$1 - \$3	\$1 - \$3	per receipt	N	
21	Trips	Actual cost to City + Trip Admission Fee	Actual cost to City + Trip Admission Fee		N	
22	General Non-Resident Fees	\$20 - \$30	\$20 - \$30	per person/class/ month/program or trip	N	
Artificial Turf Field						
23	Deposit (Football/Soccer)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV & V	\$1,000	\$1,000		N	
24	Deposit (Soccer/Volleyball)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV & V	\$750	\$750		N	
25	Artificial Turf Football/Soccer w/o lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$150	\$150	per hour	N	
	c) Priority V	\$300	\$300	per hour	N	
26	Artificial Turf Football/Soccer w/ lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$160	\$160	per hour	N	
	c) Priority V	\$320	\$320	per hour	N	
27	Artificial Turf Volleyball/Soccer w/o lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$100	\$100	per hour	N	
	c) Priority V	\$200	\$200	per hour	N	
28	Artificial Turf Volleyball/Soccer w/ lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$110	\$110	per hour	N	
	c) Priority V	\$220	\$220	per hour	N	
29	Tournament: Field w/o lights (Football)					
	a) Priority II & III	n/a	n/a		N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
	b) Priority IV	\$210	\$210	per hour	N	
	c) Priority V	\$315	\$315	per hour	N	
30	Tournament: Field w/ lights (Football)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$220	\$220	per hour	N	
	c) Priority V	\$330	\$330	per hour	N	
31	Tournament: Field w/o lights (Small)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$160	\$160	per hour	N	
	c) Priority V	\$240	\$240	per hour	N	
32	Tournament: Field w/ lights (Small)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$170	\$170	per hour	N	
	c) Priority V	\$255	\$255	per hour	N	
Community Center Rentals						
33	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30	per hour	N	
34	Rental Deposits: Auditorium	\$500	\$500	per hour	N	
35	Auditorium (3 hr. minimum)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$100	\$100	per hour	N	
	c) Priority IV	\$200	\$200	per hour	N	
	d) Priority V	\$260	\$260	per hour	N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
36	Conference Room (2 hr. minimum)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$35	\$35	per hour	N	
	c) Priority IV	\$70	\$70	per hour	N	
	d) Priority V	\$130	\$130	per hour	N	
37	Dance Studio. Craft Classroom (2 hr. minimum)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$20	\$20	per hour	N	
	c) Priority IV	\$40	\$40	per hour	N	
	d) Priority V	\$100	\$100	per hour	N	
38	Facility Attendant Fees					
	a) Priority II,III, IV	\$30	\$30	per hour	N	
	b) Priority V	\$60	\$60	per hour	N	
39	Piano					
	a) Priority III, IV	\$20	\$20	per day	N	
	b) Priority V	\$80	\$80	per day	N	
40	Auditorium Screen Deposit	\$250	\$250		N	
41	Auditorium Sound System (includes staff time)	\$50	\$50	per hour	N	
Field Rentals						
42	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30		N	[a]
43	Cricket Pitch					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$30	\$30	per hour	N	
	c) Priority V	\$60	\$60	per hour	N	
44	Rental Deposits					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV & V	\$750	\$750		N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
45	Soccer Field w/o lights (2hr. Minimum) (grass)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$30	\$30	per hour	N	
	c) Priority V	\$60	\$60	per hour	N	
46	Soccer Field w/ lights (2hr. Minimum) (grass)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$40	\$40	per hour	N	
	c) Priority V	\$80	\$80	per hour	N	
47	Softball/ Baseball Field w/o lights (2hr minimum)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$20	\$20	per hour	N	
	c) Priority V	\$40	\$40	per hour	N	
48	Softball/ Baseball Field w/ lights (2hr minimum)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$30	\$30	per hour	N	
	c) Priority V	\$60	\$60	per hour	N	
49	Tournaments: Field w/o lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$60	\$60	per hour	N	
	c) Priority V	\$120	\$120	per hour	N	
50	Tournaments: Field w/ lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$80	\$80	per hour	N	
	c) Priority V	\$160	\$160	per hour	N	
Gym, Fields, Courts & Pool Rentals						
51	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30		N	
52	Rental Deposit					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV & V	\$750	\$750		N	
53	Large Gymnasium (3 hr. minimum)					

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$80	\$80		N	
	c) Priority V	\$160	\$160		N	
54	Tournaments: Large Gymnasium (3 hr. Minimum)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$140	\$140		N	
	c) Priority V	\$220	\$220		N	
55	Training Pool (2hr. minimum)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$50	\$50	per hr + 2 guards	N	
	c) Priority V	\$100	\$100	per hr + 2 guards	N	
56	Yard Pool (2 hr. minimum)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$60	\$60	per hr + 2 guards	N	
	c) Priority V	\$120	\$120	per hr + 2 guards	N	
57	Meter Pool (2 hr. minimum)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$70	\$70	per hr + 2 guards	N	
	c) Priority V	\$140	\$140	per hr + 2 guards	N	
58	Facility Attendant/Scorekeeper (per attendant)					[a]
	a) Priority II & IV	\$30	\$30	per hour	N	
	b) Priority V	\$60	\$60	per hour	N	
59	Lifeguard Fees (per Lifeguard)					[a]
	a) Priority II & IV	\$15	\$15	per hour	N	
	b) Priority V	\$30	\$30	per hour	N	
Higuera Adobe						
60	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30		N	[b]
61	Rental Deposit	\$750	\$750		N	[b]
62	Auditorium					
	a) Priority II	no fee	no fee		N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
	b) Priority III	\$50	\$50	per hour	N	
	c) Priority IV	\$100	\$100	per hour	N	
	d) Priority V	\$160	\$160	per hour	N	
63	Facility Attendant Fees (per attendant)					
	a) Priority II, III, & IV	\$30	\$30	per hour	N	
	b) Priority V	\$60	\$60	per hour	N	
Mobile Stage Rental						
64	Deposit (All Priorities)	\$1,000	\$1,000		N	
65	Rental (All Priorities)	\$1,250 - \$2,500	\$1,250 - \$2,500	per day	N	
66	Light Package	\$100 - \$1,000	\$100 - \$1,000	per rental	N	[c]
67	Light Mixer	\$100 - \$400	\$100 - \$400	per rental	N	[d]
68	Light Tech	\$30 - \$100	\$30 - \$100	per hour	N	[e]
69	Stage Extentions/Stage Risers	\$100 - \$500	\$100 - \$500	per rental	N	[c]
70	Staff Fee	\$30 - \$100	\$30 - \$100	per hour	N	[f]
71	Sound Package	\$100 - \$2,500	\$100 - \$2,500	per rental	N	[c]
72	Sound Tech	\$30 - \$100	\$30 - \$100	per hour	N	[e]
73	Audio Mixer	\$100 - \$400	\$100 - \$400	per rental	N	[d]
74	Mileage	\$0.30 - \$2.00	\$0.30 - \$2.00	per mile outside City	N	[g]
75	ADA Ramp	\$250	\$250		N	
76	Truss Roof Cover/ Banner Support	\$100 - \$400	\$100 - \$400	per rental	N	[c]
Picnic Area Rentals						
77	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30		N	
78	Rental Deposit: Large Picnic Area	\$250	\$250		N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
79	Small Parks with Restrooms (50 or less capacity)					
	a) Priority III & IV	\$80	\$80	per day per area	N	[b]
	b) Priority V	\$140	\$140	per day per area	N	[b]
80	Small Parks without Restrooms (50 or less capacity)					
	a) Priority III & IV	\$60	\$60	per day per area	N	[b]
	b) Priority V	\$120	\$120	per day per area	N	[b]
81	Medium Parks 50 to 100 or less capacity					
	a) Priority III & IV	\$140	\$140	per day per area	N	[b]
	b) Priority V	\$200	\$200	per day per area	N	[b]
82	Large Parks More than 100+ capacity					
	a) Priority III & IV	\$320	\$320	per day per area	N	[b]
	b) Priority V	\$380	\$380	per day per area	N	[b]
Sal Cracolice Facility Rental						
83	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30		N	
84	Rental Deposits	\$750	\$750		N	[h]
85	Auditorium w/kitchenette (3hr. Minimum)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$80	\$80	per hour	N	
	c) Priority IV	\$160	\$160	per hour	N	
	d) Priority V	\$220	\$220	per hour	N	
86	Facility Attendant Fees (per attendant)					
	a) Priority II, III, & IV	\$30	\$30	per hour	N	
	b) Priority V	\$60	\$60	per hour	N	
87	Amphitheatre					
	a) Priority II, III, & IV	\$120	\$120	per day	N	
	b) Priority V	\$180	\$180	per day	N	
88	Meeting Room					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$45	\$45	per hour	N	
	c) Priority IV	\$90	\$90	per hour	N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
d) Priority V		\$150	\$150	per hour	N	
Senior Center Rentals						
89	Application Fee (non-refundable)	\$20 - \$30	\$20 - \$30		N	
90	Rental Deposits: Auditorium	\$750	\$750		N	[h]
91	Rental Deposits: Classrooms					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$75	\$75	per hour	N	
	c) Priority IV	\$150	\$150	per hour	N	
	d) Priority V	\$240	\$240	per hour	N	
92	Community Room Auditorium (3hr. Minimum)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$90	\$90	per hour	N	
	c) Priority IV	\$180	\$180	per hour	N	
	d) Priority V	\$240	\$240	per hour	N	
93	Classroom 140 and 141 (Full)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$45	\$45	per hour	N	
	c) Priority IV	\$90	\$90	per hour	N	
	d) Priority V	\$150	\$150	per hour	N	
94	Classroom 140 and 141 (Half)					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$25	\$25	per hour	N	
	c) Priority IV	\$50	\$50	per hour	N	
	d) Priority V	\$110	\$110	per hour	N	
95	Facility Attendant Fees (per attendant)					
	a) Priority II, III, & IV	\$30	\$30	per hour	N	
	b) Priority V	\$60	\$60	per hour	N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
96	Dance Studio					
	a) Priority II	no fee	no fee		N	
	b) Priority III	\$20	\$20	per hour	N	
	c) Priority IV	\$40	\$40	per hour	N	
	d) Priority V	\$100	\$100	per hour	N	
	Senior Enrichment Fees(50+ years of age)					
97	Garden Plots (Residents Only)	\$15	\$15	per year	N	
	Tennis Court Rentals					
98	Deposit	\$250	\$250		N	[h]
99	Tennis Courts w/o lights (per court)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$8	\$8	per hour	N	
	c) Priority V	\$10	\$10	per hour	N	
100	Tennis Courts w/ lights (per court)					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$10	\$10	per hour	N	
	c) Priority V	\$12	\$12	per hour	N	
101	Tournament: Tennis Courts w/o lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$26	\$26	per hour	N	
	c) Priority V	\$52	\$52	per hour	N	
102	Tournament: Tennis Courts w/ lights					
	a) Priority II & III	n/a	n/a		N	
	b) Priority IV	\$30	\$30	per hour	N	
	c) Priority V	\$60	\$60	per hour	N	
103	Rental Deposits: All other rooms	\$200	\$200		N	[h]

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
SALES						
Department General Fees						
104	Recreation Services Merchandise	actual cost + % mark-up	actual cost + % mark-up		N	
SENIORS						
Department General Fees						
105	Milpitas Resident Senior Citizen Discount (50 years+)	25% off any non-senior center based class	25% off any non-senior center based class		N	
Senior Enrichment Fees(50+ years of age)						
106	Senior Center Programs-Classes	\$2 - \$5	\$2 - \$5	per hour instruction	N	
107	Senior Center Citizen Trip Admin Fee	\$5 - \$10	\$5 - \$10	per activity	N	[i]
108	Misc. Senior Center staff-run Programs/Events	\$0.00 - \$15	\$0.00 - \$15		N	[j]
109	Senior Center Program/Class Non-Resident Fee	\$10	\$10	per class	N	
110	Senior Center Fitness Room	\$1.50	\$1.50	per visit	N	
SPECIAL EVENTS						
Special Event Fees						
111	Special Event Entrance Fee	\$0 - \$50	\$0 - \$50		N	
112	Special Events Activity Fee	\$0 - \$15	\$0 - \$15		N	
113	Special Event Vendor Fees	\$100-\$500	\$100-\$500	per space OR 5% - 20% net sales	N	
114	Special Event Non-Profit Vendor Fees	\$0 - \$250	\$0 - \$250	per space OR 0% - 10% net sales	N	

City of Milpitas

RECREATION

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
YOUTH						
Youth Enrichment Fees						
115	Youth Sports User Fee					
	a) Outdoor	\$10	\$10	per player per season	N	
	b) Indoor	\$20	\$20	per player per season	N	
116	Junior Warriors Basketball League	\$129-\$160	\$129-\$160	per player per season	N	
117	After School Program					
	a) Residents	\$8 - \$12	\$8 - \$12	per day for residents	N	
	b) Non-residents	\$8 - \$12 with add'l \$20/year	\$8 - \$12 with add'l \$20/year	day for non-residents with add'l \$20/year	N	
118	Late fee for After-School/Day Camp Programs					
	a) 1st offense & 2nd offense	\$10	\$10	per each 10 minutes	N	
	b) 3rd offense or more	\$25	\$25	per each 10 minutes	N	
119	Day Camp (Regular Day) – Staff Run	\$175 - \$195	\$175 - \$195	per week	N	
120	Trip Week Day Camp	\$299 - \$350	\$299 - \$350	per week	N	
121	Extended Care Day Camp	\$40	\$40	per week	N	
RENTALS						
Special Event Venue/Open Space						
122	Application Fee (non-refundable)	\$30	\$30	per application	N	
123	Rental Deposits	\$1,000	\$1,000	per day	N	
124	Rental Fee					
	a) Priority II & III	\$990	\$990	per day	N	
	b) Priority IV	\$1,980	\$1,980	per day	N	
	c) Priority V	\$2,970	\$2,970	per day	N	
125	Facility Attendant Fees (per attendant)	\$30	\$30	per hour	N	

City of Milpitas

RECREATION

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
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- Notes:
- [a] No fee for Priority III.
 - [b] No fee for Priority II.
 - [c] Based on needs and packages.
 - [d] Based on needs and days.
 - [e] Based on cost of tech.
 - [f] Based on needs, actual costs of staff used in rental, time for load in/out and transportation.
 - [g] Based on current gas prices.
 - [h] No fee for Milpitas residents.
 - [i] Depending on trip costs.
 - [j] Includes holiday dinner, tea parties, cooking classes, dances, misc. activities.

- Additional Notes:
- * Recreation Fees recovery goals may be adjusted/balanced based on "market factors".
 - ** Legend, Recreation Fees:
 - Priority II= Milpitas Public Schools, Chamber, and Gov. Agencies
 - Priority III= Resident Non-Profits
 - Priority IV= Milpitas Residents
 - Priority V= Non-Resident

City of Milpitas

FINANCE

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'ftr	Note
1	Bond Payoff Calculation	\$172	\$172		Y	
2	Business License					
	a) New Application Processing Fee	\$50	\$50	per year	N	
	b) Processing Fee (renewal)	\$25	\$25	per year	N	
3	Phone Check Fee (User Fee - Finance)	\$15	\$15		N	
4	Property Damage Invoice Processing Fee	\$30	\$30	plus replacement cost	N	
5	Credit Card Transaction Processing Fee (for payments greater than \$10,000)	2.4%	2.4%	% of amount paid by credit card	N	[a]

[a] Fee will only apply when credit card is used for payment of fees in excess of \$10,000 for development/fire-related fees, permits, plan review, etc.

City of Milpitas
CITY CLERK

Activity Description		FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
Miscellaneous						
1	Campaign Late Filing Fees (per day. Set by State of California)	\$10	\$10	per day	N	
2	Bingo License Renewals (Municipal Code)	\$50	\$50		N	
3	Passport Application/Execution Fee (set by U.S. Government)	\$35	\$35		N	
4	Requests Requiring Special Programming or Formatting	Actual Cost	Actual Cost	per hour / T&M	N	

City of Milpitas
INFORMATION SERVICES

Activity Description	FY 20/21 Fee	FY 21/22 Fee	Charge Basis	Y'rly In'fltr	Note
1 Digital Media Reproduction	\$20	\$20	per flash drive/DVD, etc.	N	
2 Requests Requiring Special Programming or Formatting	Actual Cost	Actual Cost	per hour / T&M	N	

User and Regulatory Fees

Fee-Related Cost of Service Analysis Supporting FY 21/22 Proposed Fee Adjustments

City of Milpitas
Fee Schedule Update - FY 21/22
Cost of Service Calculation for Fee Adjustments

Fee Description		Labor Hours		Hourly Rate	=	Cost of Service	Current Fee	Current Cost Recovery	Targeted Cost Recovery	Proposed Fee	Proposed Fee Structure
1	Fire Department Title 19 5-year automatic fire sprinkler certification										
	a) Commercial, Industrial, Mixed Use, Hotel/Motel, Apartments, Condominiums, etc.										
	i. Building less than or equal to 50,000 sq. ft.	2.0	x	\$284	=	\$568	\$824	145%	100%	\$568	fixed fee
	ii. Building over 50,000 sq. ft.						\$824	varies			
	a) First 50,000 sq. ft.	2.0	x	\$284	=	\$568			100%	\$568	fixed fee
	b) Each additional 50,000 sq. ft. or fraction thereof	1.0	x	\$284	=	\$284			100%	\$284	fixed fee
	b) Townhome Buildings										
	i. Building less than or equal to 25,000 sq. ft.	1.0	x	\$284	=	\$284	\$824	290%	100%	\$284	fixed fee
	ii. Building over 25,000 sq. ft.						\$824	varies			
	a) First 25,000 sq. ft.	1.0	x	\$284	=	\$284			100%	\$284	fixed fee
	b) Each additional 25,000 sq. ft. or fraction thereof	1.0	x	\$284	=	\$284			100%	\$284	fixed fee
1	Planning - Certificate of Occupancy Review	0.5	x	\$242	=	\$121	Bill Hourly Using Bldg Plan Check / Insp. Support Fee		100%	\$121	fixed fee
2	Planning - Initial Deposit to Offset Costs of Legal Review, Peer Review, Other Agency Review, etc.	varies	x	varies	=	varies	varies		100%	\$5,000 deposit; unused amounts will be returned	deposit

Cost of Service Calculation for Fee Adjustments

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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Report on the Community Identification and Brand Study (Phase II) and Provide Direction on the Community Mark/Logo and the Evaluation and Exploration of the City Seal/The Minuteman
Category:	Community Development
Meeting Date:	5/4/2021
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053 Charmaine Angelo, Public Information Officer, 408-586-3055
Recommendations:	1. Receive report on the Community Identification and Brand Study (Phase II). 2. Provide direction to staff on the Community Mark/Logo for Citywide use. 3. Provide direction to staff on the evaluation and exploration of the City Seal/The Minuteman.

Background:

On May 19, 2020, Council provided staff direction to proceed with Phase II of the Community Identification and Brand Study.

Milpitas has been experiencing tremendous growth and, according to the US Census, was recently ranked the second fastest growing city in the state and the eighth fastest growing city in the nation. With this fast pace of growth come significant changes in demographics as the City welcomes new members to the community while nurturing those who have resided here for decades. With a diverse resident population estimated at more than 80,000 and a total service population of approximately 127,000, Milpitas prides itself on accomplishing the community's vision of preserving a close-knit community and rich cultural diversity as it moves with innovation into the future.

This transformational time in the City's history will be reflected in several visioning and strategic efforts underway such as the recent Council approved General Plan and Economic Development Strategy and the forthcoming Recreation and Parks Master Plan, Trail, Bike, and Pedestrian Master Plan, and major updates to Transit Area Specific Plan (Milpitas Metro) and Mid-Town Specific Plan (Milpitas Gateway/Main Street). With these long-term planning efforts and place-making initiatives completed and underway, it is timely to modernize and strengthen the City's brand.

The Community Identification and Brand Study provides an essential foundation for understanding the history, values, unique attributes, and overall personality of the City of Milpitas. All of these elements fit together to create the City's brand. The consultant team from Articulate Solutions was asked to develop a strong and modernized brand to support economic development, guide placemaking in the City, and complement the implementation of several other long-term planning initiatives.

The scope of this Study was developed to be accomplished in multiple Phases - Phase I included a needs assessment, historical research, current identity marks, brand assets, community engagement, and findings about the City's unique attributes. Phase II involves the development of brand collateral for wayfinding, placemaking, and economic development, based on the input received during Phase I.

Phase I Summary

The consultant team-initiated Phase 1 of the Brand Study in 2019 with a citywide tour of Milpitas and in-depth research into the history and socio-economic growth and development of the community. The consultant team engaged various stakeholders and target audiences through focus group discussions, online surveys, and community meetings. Stakeholders were broadly categorized in the following groups:

1. Internal: City Council, Planning Commission, other relevant City Commissions, Executive Leadership Team, City employees;
2. Milpitas residents;
3. Businesses and non-profit groups currently based in Milpitas;
4. Developers, real estate brokers, and contractors looking to invest in Milpitas;
5. Other Milpitas community partners (e.g. Chamber of Commerce, School District); and
6. Other cities and regional partners (e.g. Fremont, San Jose).

Based on stakeholder input and the consultant team's research, the following key themes rose to the top:

1. **Diversity** was a theme that came up repeatedly in conversations and was the top word used to reflect Milpitas. The City of Milpitas includes a diverse mix of races, cultures, ages, and backgrounds. While that in itself is not unusual in the Bay Area, it became clear that in Milpitas these different groups are not separated into "silos"; rather, they all live, work, and recreate together. This spirit of integration and inclusiveness has been part of this community since its earliest days.
2. Milpitas is also a very **Friendly** community; this was something the consultant team noted that they experienced first-hand in all of their stakeholder interviews, meetings, and other interactions. The people of Milpitas are very friendly, down-to-earth, and welcoming. They acknowledged that the city has opportunities for improvement but are genuinely excited to share the good things that are experienced here.
3. Another key aspect of Milpitas is that it has always been a **Crossroads**. Main Street was once the main connecting road between Oakland and San Jose. The City is now located between two major freeways (I-680 and I-880) and between two major cities (San Jose and Fremont) in the heart of Silicon Valley. And, the Bay Area Rapid Transit (BART) extension to Milpitas will provide a vital new connection between the South Bay, San Francisco, and East Bay. Milpitas is a place where people literally and figuratively come together.

In addition to these three top themes, the consultant also heard from the stakeholders that this is an exciting time of opportunity for Milpitas and that the history of the origins of the City is strongly woven into its fabric. Other top archetypes for the City's character included compassion, wholesomeness, and a progressive attitude. Stakeholders also identified the following unique attributes and key assets of the City: restaurants, shopping at the Great Mall, undeveloped hillsides, parks and open spaces, golf courses, good schools, and fun activities for families.

The consultant team completed Phase I of the Brand Study in February 2020, prior to the start of the COVID-19 pandemic. Thus, Phase 1 does not address any potential changes to the City's economy or growth outlook due to current temporary conditions. On May 19, 2020, Council received a presentation on Phase 1 from the consultant team and directed staff to proceed with Phase II of the Study, including development of options for a new community mark/logo for the City. Given the state of emergency because of the pandemic, staff had proposed initiating Phase II after the end of the pandemic, assuming it would be a few months away. However, it became clear that the end of the pandemic may be much further away and that it would be prudent to initiate Phase II because of its connection to many other City initiatives and programs.

Analysis:

This section provides information on Phase II of the Brand Study including Community Mark/Logo finalists, the importance of a mark/logo representative of the City's brand, and initial information on the City seal. Staff is seeking input on the presented Mark/Logo finalists and potential changes on the City seal.

Community Mark/Logo

Articulate Solutions began work on Phase II of the Study in November 2020. Combining research, strategy, and creativity, the consultants explored numerous strategic designs for community marks/logos with the intention of achieving the following:

- Differentiating the City of Milpitas through a meaningful brand identification;
- Filling the "lack of a strong Milpitas brand" void, per stakeholder input from Phase I;
- Infusing the prevailing themes such as Diversity, Friendly and Crossroads from Phase I in the design exploration process;
- Facilitating brand recognition through a ubiquitous communication tool that will eventually appear on City facility signages and equipment, Website and City-owned channels, community engagement collaterals, annual reports, etc.;
- Influencing investors' decisions through a symbolism that conveys the essence of the City brand;
- Sparking visitor interest; and
- Evoking a sense of pride from the Milpitas community.

The consultant team evaluated dozens of designs for a new community mark/logo for Milpitas and focused on five concepts for initial consideration by the City (See Attached Reference). Implementation of any of these concepts could play an instrumental role in the City's overall economic development and placemaking strategies. The intent is to identify a community mark/logo that provides a meaningful connection to existing residents and business community, attracts potential home buyers and business investors, instills a sense of community pride and cohesion, and enhances economic vitality.

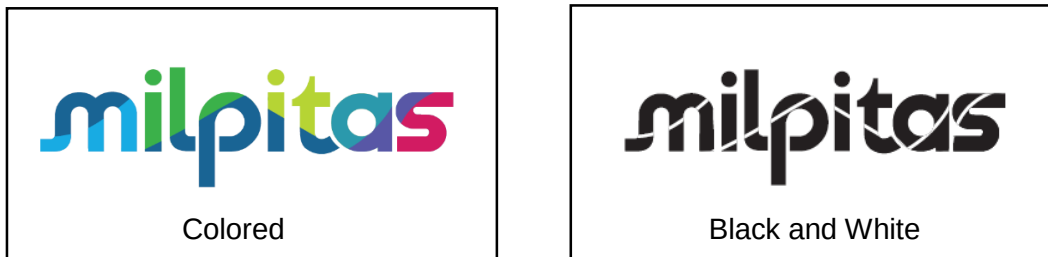
After gathering feedback from a number of informal focus groups, including the Executive Leadership Team and City staff, the following two community mark/logo signatures were identified as top contenders:

1. Community Mark #1



This community mark/logo is characterized by intersecting crossroads, curved lines suggesting rolling hills, a mix of modern colors symbolizing diversity of cultures, and a graphic element resembling the Wi-Fi symbol and hi-tech. The community mark/logo mark is centered conveying strength, and the bright color choices feel solid and friendly.

2. Community Mark #2



This community mark/logo is casual and friendly with an inward facing stroke that feels welcoming. The “l” and “p” characters connect to form a crossroads, the dark blue shape suggests rolling hills, and the upward-facing arrow is a symbol of exciting growth. The tail on the letter “s” extends to the right, conveying forward progress, and the bright colors suggest diversity and feel modern, innovative, and energetic.

Connection to Economic Development Strategy and other Long-Term Planning Initiatives

Developing a strong City brand and a distinctive community mark/logo will complement and support the City’s Economic Development Strategy, adopted in 2020, and the new Milpitas 2040 General Plan adopted in March 2021. Similar to these efforts, City branding builds upon the values of a community to create a unified and consistent narrative that connects with residents, business community, prospective investors, and visitors. Milpitas’ name and reputation are intangible and extremely valuable assets that must be protected and nurtured. By growing and enhancing the City’s name and reputation through a strong community mark/logo, our City and businesses will benefit from more recognition and a positive image of the community as a whole. In the commercial world, logo design and brand recognition are important driving factors in the consumer’s purchase decisions of goods and services. In cities, people associate the representation with a reputation or memorable experience, and meaningful branding can help our residents, businesses and visitors associate our City with positive customer service experiences and a safe, clean, diverse, and friendly environment.

Economic Development Strategy

The City Council approved the Economic Development Strategy and Implementation Actions report (EDS) on May 5, 2020 to serve as Milpitas’ road map to grow and diversify the City’s economy, support businesses and workforce, and improve quality of life in the community. The EDS includes 35 strategies and 64 implementation actions which will guide the City’s economic development activities over a five-year period. A major theme of the EDS is Strategy 33, titled “City Marketing and Processes” meant to develop consistent, modern branding based on City goals for business attraction and retention. Action 33.1 calls for developing a brand identity for Milpitas’ economic development efforts, focusing on enhancing the City’s identity as a unique part of the Silicon Valley and Bay Area economy with specialized workforce, real estate, and mobility assets for businesses. And, Action 33.2 requires staff to develop and disseminate online and print media as well as updated marketing materials that present the City’s brand and assets for potential employers and businesses. There is a general agreement among small businesses that Milpitas lacks a specific brand and broader recognition within the region, especially as a business destination.

How will the community mark/logo be used?

The updated community mark/logo would establish a cohesive expression across the many external-facing services that the Office of Economic Development promotes through its various initiatives that support the Milpitas business community. In the fall of 2021, the City of Milpitas will host its 5th annual Manufacturing Day event where Milpitas will join other San Francisco Bay Area cities in showcasing its strong advanced manufacturing and technology sectors. An updated community mark/logo will elevate Milpitas’ brand identity and image as a regional destination for high-quality manufacturing and technology jobs. This elevated image

will be important as Manufacturing Day 2021 will be advertised regionally by the [Bay Area Urban Manufacturing Initiative](#) and will attract hundreds of participants. Therefore, the proposed Phase II of the Community Identification and Brand Study will improve competitiveness and strengthen Milpitas' position within the regional Silicon Valley economy.

General Plan

On March 9, 2021, the Milpitas City Council unanimously adopted a new General Plan to establish goals, policies, and actions to guide ongoing and future development in the City. Key objectives addressed in the Milpitas 2040 General Plan include protecting and enhancing the unique character of the Milpitas community, promoting the efficient use of limited land resources, fostering strategic land use decisions, and facilitating the use of alternative transportation options, while promoting opportunities for economic development, improving public health outcomes, high-quality local job growth, and fiscal sustainability. The General Plan Update also highlights the importance of creating a distinct sense of place within the community to distinguish Milpitas as an attractive city that improves the lives of those who live, work, learn, play, and visit.

For the first time, the City's General Plan includes a separate Economic Development Element, or chapter, which outlines broad economic development goals, policies, and actions that will be used as a framework for creating a resilient and sustainable local economy. The new element supports the development of business incubators, accelerators, and co-working spaces for emerging businesses. Establishing a strong and clear City brand, including a unique and compelling community mark/logo, is especially important for economic development purposes because these image-enhancing tools help differentiate the City of Milpitas from other communities and provide a powerful tool for Economic Development to attract new business investment and gain regional attention. This in turn will help achieve the long-term goals of cultivating a strong, stable, and diverse local economy, achieving fiscal sustainability, encouraging new development in key opportunity areas, and pursuing economic development opportunities that foster and improve quality of life.

Milpitas Metro and Gateway Specific Plans

In addition to adopting a new General Plan, the City is now preparing the Milpitas Metro Specific Plan (Transit Area Specific Plan (TASP) Update), and the Council has given direction to staff on a new strategic focus for updating the Midtown Specific Plan, which will be renamed as the "Milpitas Gateway/Main Street Specific Plan." A citywide branding program will provide guidance and direction in developing a unified theme that ties these Specific Plan areas to the larger city while strengthening the unique qualities and characteristics of each neighborhood. Development regulations and design guidelines included in each plan will create a distinct sense of place through the physical design of buildings and public infrastructure as well as other placemaking elements such as landscaping, signage, and public gathering areas. The careful and deliberate design and placement of branding elements, both strong and subtle, will connect residents to their community and help generate a strong sense of community pride and identity.

How will the community mark/logo be used?

A recent development project on Montague Expressway (Rotten Robbie's) included the requirement for installation of a "Welcome to Milpitas" sign as part of the project approval. The developer will install the sign as soon as the City provides a design for the lettering and logo. In other areas of the City, including the Metro Specific Plan area, the City's brand and logo will be incorporated into wayfinding signage around the Milpitas Transit Center to help residents and visitor navigate this area of the City on foot and bicycle.

City Seal and The Minuteman

During the August 18, 2020 Council meeting, the City Council, at the request of Councilmember Phan directed City staff to include a discussion of "The Milpitas Minuteman" image when the Community Identification and Brand Study (Phase II) comes forward for Council discussion. Results from the Phase I study reveal that there is mixed feedback from the Milpitas community with regard to the Minuteman image. While some community members are attached to the legacy and the history behind the imagery, others had concerns about the presence of a firearm (musket).

Since any modifications to the seal will likely require extensive community outreach, staff is seeking preliminary feedback from Council on potential options that should be discussed with the community, which could include:

1. Develop a new City seal that complements the approved community mark/logo
2. Modify the City seal to address the presence of a firearm
3. Maintain the City seal with no changes

Next Steps

Upon receiving Council direction on the community mark/logo designs and City seal, specific projects will be determined. Staff will work with the consultant to finalize the second part of the Phase II scope of work, which will include the following:

1. Creating a comprehensive communications template and style guide with guidelines and design templates for brand application to all City communications tools, to drive consistency, awareness and influence;
2. Refreshing the City website design to align with updated brand;
3. Developing a gateway and wayfinding signage guide to reinforce the new brand throughout the City and establish a sense of place and affiliation; and
4. Identifying other potential projects as needed in alignment with economic development and new development projects.

Policy Alternative:

Alternative: Do not move forward with applying any of the community mark/logo designs to a comprehensive communications template and style guide with guidelines and design templates, which will jumpstart the important work related to the City's overall placemaking strategy.

Pros: The City could divert the remaining consultant funds to other purposes.

Cons: This would delay the development of a strong and modern brand to attract economic development, support local economic recovery, enhance placemaking, and implement several long-term planning initiatives.

Reason not recommended: Despite the current fiscal climate and uncertainty because of COVID-19, proceeding with the creation of a comprehensive communications template and style guide (upon Council direction on the community mark/logo), with guidelines and design templates will jumpstart the important work related to the City's overall placemaking strategy. The community mark/logo signature will provide a meaningful connection to residents, local business owners, and visitors and instill a sense of community pride and boost economic performance. Phase II of the Study is timely since it is linked to the success of many other important long-term efforts. The consultant costs for Phase II have already been budgeted and encumbered. Using the next several months, as economic activity is expected to be in early recovery, developing a strong and modern brand will allow the City to be well positioned for the future as the development projects are complete, BART is operational, and the City facilitates local economic recovery.

Fiscal Impact:

There are no additional consultant costs for Phase II since these have already been encumbered. Any additional implementation costs will be brought forward separately during the annual budget process or as part of other projects and programs.

California Environmental Quality Act:

This action does not qualify as a "Project" under the California Environmental Quality Act (CEQA) Guidelines Section 15378 as this action has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Recommendations:

1. Receive report on the Community Identification and Brand Study (Phase II).
2. Provide direction to staff on the Community Mark/Logo for Citywide use.
3. Provide direction to staff on the evaluation and exploration of the City Seal design.

Attachment:

Community Identification Logo Options (Phase II)

Community Mark: Concept 1A



+



+



+



+



Abstract "M" created by intersecting lines that represent **crossroads**

Curved lines also suggest **rolling hills**

Mix of modern colors symbolizes **diversity** of cultures

Graphic resembles wi-fi symbol and **high tech**

Logo mark is centered, conveying **strength**

Warm, modern colors feel **solid** and **friendly**



MILPITAS

Community Mark: Concept 1A



T-Shirt 1



T-Shirt 2



Hat 1



Hat 2

Community Mark: Concept 1A



Community Mark: Concept 1A



Community Mark: Concept 1B



Abstract "M" created by intersecting lines that represent **crossroads**

+



Curved lines also suggest **rolling hills**

+



Graphic resembles wi-fi symbol and **high tech**

+



Logo mark is centered, conveying **strength**

+



Bright colors feel **modern, innovative,** and **energetic**



MILPITAS

Community Mark: Concept 1B



T-Shirt 1



T-Shirt 2



Hat 1



Hat 2

Community Mark: Concept 1B



Community Mark: Concept 1B



Community Mark: Concept 2




+



+



+



+



Lower-case "m" is casual and **friendly**, with an inward-facing stroke that feels welcoming

The "l" and "p" characters connect to form a **crossroads**

Dark blue shape suggests the rolling hills and also an upward-facing arrow as a symbol of **exciting** growth

Tail on the letter "s" extends to the right, conveying **forward progress**

Bright colors feel **modern, innovative,** and **energetic**



Community Mark: Concept 2



Community Mark: Concept 2



Options Explored, Not Recommended to Move Forward



Community Mark: Concept 3



Community Mark: Concept 4A



Community Mark: Concept 4B



Community Mark: Concept 5





CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an Update and Presentation from Santa Clara Valley Water District Staff on Flood protection projects within the City of Milpitas
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	5/4/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Receive an Update and Presentation from Santa Clara Valley Water District Staff on Flood Protection Projects within the City of Milpitas

Background

The Santa Clara Valley Water District ("Water District") owns and maintains waterways within the City of Milpitas ("City"), and recently completed improvements to Upper and Lower Berryessa Creek to improve flood capacity.

Analysis

The Water District is moving forward with final design and construction of additional improvements within the City and intends to complete significant flood protection improvements for segments of lower Calera Creek, lower Penitencia Creek, and minor levee trail paving along portions of Lower Berryessa Creek in 2021.

Water District staff will provide a presentation and an update on their intended flood protection projects within the City.

Fiscal Impact: Not applicable

California Environmental Quality Act: Not applicable

Recommendation:

Receive an Update and Presentation from Santa Clara Valley Water District Staff on Flood Protection Projects within the City of Milpitas



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	FY 2020-21 Third Quarter Financial Status Report
Category:	Leadership and Support Services
Meeting Date:	5/4/2021
Staff Contact:	Lauren Lai, 408-586-3111
Recommendation:	Review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending March 31, 2021

Background:

On June 2, 2020, the City Council approved the Fiscal Year (FY) 2020-21 Adopted Operating Budget in the amount of \$220.3 million and the General Fund Budget in the amount of \$117.0 million. After adoption of the budget, staff monitors and tracks revenues and expenditures for all funds with an emphasis on the General Fund and Enterprise Funds.

Analysis:

This staff report provides a quarterly update on budget versus actual expenditures and revenues of the General, Water and Sewer Funds, the City's major operating funds, based on unaudited financial reports for FY 2020-21 as of March 31, 2021.

The summary information below as well as the attachments provide an overview of the financial status for the General, Water, and Sewer funds for FY 2020-21 as of March 31, 2021, a variance analysis of budget versus actual expenditures and revenues for the third quarter of FY 2020-21 as well as prior year actual expenditures and revenues for the third quarter of FY 2019-20 for comparison purposes. Major revenue sources and expenditures are discussed below.

General Fund Revenues

For the nine months ending March 31, 2021, the General Fund has received \$66.3 million, or 61.1%, of the FY 20-21 amended operating budget of \$108.5 million, which includes operating transfers-in. The amended budget of \$108.5 million is comprised of \$112.6 million of the adopted budget less budget amendments of \$4.1 million. An update on major revenue sources is provided below.

- **Property Taxes and Redevelopment Property Tax Trust Fund (RPTTF):** For the nine months ending March 31, 2021, \$20.7 million, or 56.0%, of the \$36.9 million of the adopted budget has been received. Revenues are 7.4% higher than last year at the same time. Current revenue projections from the County of Santa Clara estimate \$39.7 million in total revenue for the City, which would be \$2.8 million, or 8%, above budgeted revenues. Contrary to past reports, based on current discussions with the State, the County now anticipates disbursing ERAF (Educational Revenue Augmentation Fund) in amount of \$2.3 million, of which \$1.9 million is included in the adopted budget.
- **Sales & Use Tax:** For the nine months ending March 31, 2021, \$13.3 million, or 57.1%, of the \$23.3 million amended budget has been received. Revenues are 18.7% less than last year at the same time due to shelter-in-place orders during the Pandemic, which resulted in less consumption overall. The

City's sales tax experts recently reported the "most likely" FY21 estimated sales tax revenues and it is \$0.4 million below the amended budget.

- **Franchise Fees:** For the nine months ending March 31, 2021, \$2.2 million, or 39.8%, of the \$5.5 million budget has been received. Revenues are 10.6% lower than last year at the same time. Garbage franchise fees are 10.1% lower than last year at the same time, due to COVID-19 restrictions that shuttered businesses for a period of time, resulting in a decrease of commercial waste. Further, the franchise fees from PG&E are received annually in the final quarter of the fiscal year.
- **Hotel/Motel (TOT) Tax:** For the nine months ending March 31, 2021, \$2.5 million, or 61.4%, of the \$4.1 million amended budget has been received. Revenues are 75.6% lower than last year at the same time due to the effects of COVID-19. Revenues for TOT are below budgeted estimates due to shelter-in-place order for the COVID-19 Virus. Current projections for FY2021 revenues may be approximately \$0.4 million below the amended budget.
- **License and Permits:** For the nine months ending March 31, 2021, \$6.5 million, or 69.5%, of the \$9.4 million amended budget has been received. Revenues are 25.6% less than last year at the same time which is due to less building permits being issued. Current projections for FY2021 revenues may be approximately \$0.7 million below the amended budget.
- **Charges for Services:** For the nine months ending March 31, 2021, \$2.9 million, or 59.0%, of the \$4.9 million amended budget has been received. Revenues are 43.2% lower than last year due to COVID-19 shelter-in place-restrictions. Current projections for FY2021 revenues may be approximately \$0.6 million below the amended budget.

General Fund Expenditures

For the nine months ending March 31, 2021, the General Fund has utilized \$84.7 million, or 74.1%, of the FY 20-21 amended operating budget of \$114.4 million. Without encumbrance, the General Fund has utilized \$80.6 million, or 70.6% of the amended operating budget. The amended budget is comprised of \$117.1 million of the adopted budget, \$2.8 million of carryover encumbrances from the previous fiscal year for goods and services as well as approximately \$5.5 million of net decreased department appropriations as approved by Council during the past nine months of the fiscal year. At the end of the third quarter, total expenditures plus encumbrances are below the par of 75% by 0.9% or \$1.1 million primarily due to vacancies and contractual savings related to COVID-19 service restrictions. Regardless, staff will continue monitoring expenditures to ensure that departments will not exceed their appropriations.

Unanticipated Expenditure Reserve

In accordance with the City Council approved Budget Guidelines, as part of the quarterly financial status reports, staff is reporting on the use of the Unanticipated Expenditure Reserve for the third quarter.

Table 1: Unanticipated Expenditure Reserve Uses

Description	Amount
Additional Cleaning Services and Supplies	\$94,359
Communication and Outreach	6,246
Personal Protective Equipment (Isolation Suits/Face Shields, Nitrile Gloves and Masks, Sanitizing Wipes, Disinfectants)	67,002
First Responder UV Sterilizer	14,680
Legal Services (Best, Best and Krieger)	14,642
Mobile and County Testing Sites	36,404
Employee Quarantine Housing and Testing	12,688
Emergency Operations Center (EOC) Staffing	33,062

Miscellaneous COVID-19 Expenditures	1,399
Other Services (Background Investigation, IT Project Planning, Resident Analysis)	20,098
TOTAL for the Quarter Ending March 31, 2021	300,585

Water Maintenance & Operation (M&O) Fund Financial Status (Attachment 3)

Revenues: For the nine months ending March 31, 2021, \$23.5 million of charges for services, or 75.2%, of the \$31.2 million budgeted has been received. Total revenue received amounts to \$23.7 million, or 74.1%, of the \$31.9 million budgeted.

Expenditures: For the nine months ending March 31, 2021, \$20.2 million, or 70.9%, of the \$28.5 million amended budgeted has been spent.

Sewer Maintenance & Operation (M&O) Fund Financial Status (Attachment 3)

Revenues: For the nine months ending March 31, 2021, \$14.6 million of charges for services, or 70.8%, of the \$20.7 million budgeted has been received. Total revenue received amounts to \$14.8 million, or 70.7%, of the \$20.9 million budgeted.

Expenditures: For the nine months ending March 31, 2021, \$10.2 million, or 55.5%, of the \$18.3 million amended budgeted has been spent. We received a refund of \$1.4 million for billing true-up from FY19-20. The City makes payments based upon estimated billings and receive true-up credits at the end of each fiscal year from Regional Wastewater Facility.

Fiscal Impact:

There is no fiscal impact from this report; it is intended to provide an update of the City's financials comparing budget versus actual expenditures and revenues for the third quarter of FY 2020-21 as well as comparing prior year actual expenditures and revenues for the third quarter of FY 2019-20 for the General Fund.

California Environmental Quality Act:

N/A

Recommendation:

Review the FY 2020-21 Quarterly Financial Status Report for the Quarter Ending March 31, 2021

Attachments:

1. FY 2020-2021 General Fund Revenue Report for Fiscal Year-To-Date March 31, 2021
2. FY 2020-2021 General Fund Expenditures by Department March 31, 2021
3. FY 2020-2021 Water and Sewer Funds Financial Status for Fiscal Year-To-Date March 31, 2021

CITY OF MILPITAS

General Fund Revenues

For Fiscal Year-To-Date March 31, 2021

General Fund Revenues	FY21 Adopted Budget Budget	FY21 Budget Amendments As of 12/31/2020	FY21 Mid-Year Budget Changes As of 02/16/2021	FY21 Amended Budget	FY21 Revenue As of 3/31/21	FY21 Percentage of Budget	FY20 Revenue As of 3/31/20	Percentage Inc (Dec) FY21 / FY20
Property Taxes	\$ 36,872,241		\$ -	\$ 36,872,241	\$ 20,652,913	56.01%	\$ 19,237,344	7.36%
Sales Taxes	28,371,951		(5,068,851)	23,303,100	13,306,245 *	57.10%	16,368,898	-18.71%
Sales Tax - Measure F	-		1,203,117	1,203,117	- **	0.00%	-	0.00%
Hotel/Motel Tax	13,452,683		(9,352,683)	4,100,000	2,517,786	61.41%	10,307,042	-75.57%
License & Permits	9,907,120		(508,000)	9,399,120	6,536,183	69.54%	8,783,206	-25.58%
Charges for Services	7,814,500		(2,865,000)	4,949,500	2,921,849	59.03%	5,140,510	-43.16%
Franchise Fees	5,514,787		-	5,514,787	2,195,851	39.82%	2,455,213	-10.56%
Interest Income	1,364,000		(364,000)	1,000,000	759,350	75.93%	1,218,727	-37.69%
Other Taxes	1,196,860		-	1,196,860	759,576	63.46%	1,010,560	-24.84%
Intergovernmental	808,597	621,405	2,544,515	3,974,517	3,061,355	77.02%	278,337	999.87%
Other Revenue	258,000	2,500	631,938	892,438	795,374	89.12%	279,556	184.51%
Operating Transfers In	7,013,990		9,036,671	16,050,661	13,875,148	86.45%	4,121,315	236.67%
Total General Fund Revenue	\$112,574,729	\$623,905	(4,742,293)	\$108,456,341	\$67,381,630	62.13%	\$69,200,707	-2.63%

* Amount includes first two quarter payments of Sales Tax and one month of third quarter payment.

** Sales Tax Measure F effective April 1, 2021.

General Fund Expenditures by Department

For Fiscal Year-To-Date March 31, 2021

Percent of Year									
Department/Division	FY 2020-21 Adopted Budget	FY 2020-21 Budget Amend. 3/31/2021	FY 2020-21 Carryover Grants	FY 2020-21 Carryover Encumbrances	FY 2020-21 Amended Budget	FY 2020-21 Exp. incl. Encumbr. As of 03/31/2021	FY 2020-21 Percent of Amended Budget	FY 2019-20 Exp. incl. Encumbr. As of 03/31/2020	Percent Exp & Enc Inc (dec.) FY21/FY20
City Council	546,979	(99,903)	-	-	447,076	287,755	64.36% (a)	249,786	15.20%
City Manager	2,436,753	(179,235)	-	59,935	2,317,453	1,549,628	66.87% (a)	1,583,767	-2.16%
City Clerk	615,270	(15,579)	-	-	599,691	463,881	77.35%	454,496	2.06%
Economic Development	914,119	(95,589)	50,000	47,127	915,657	610,583	66.68% (b)	683,723	-10.70%
Policy Planning	4,513,121	(390,306)	50,000	107,062	4,279,877	2,911,847	68.04%	2,971,772	-2.02%
Building, Safety, and Housing	6,948,858	(1,487,687)		213,810	5,674,981	4,308,354	75.92%	4,502,673	-4.32%
City Attorney	1,340,303	(3,513)		16,611	1,353,401	790,261	58.39% (c)	1,241,560	-36.35%
Finance	4,377,990	(261,714)		167,508	4,283,784	3,293,104	76.87%	3,210,241	2.58%
Public Works	9,155,208	(318,380)		572,586	9,409,414	7,744,525	82.31%	7,383,868	4.88%
Engineering	4,154,817	(514,421)		177,600	3,817,996	2,917,053	76.40%	2,673,333	9.12%
Planning	1,931,383	516,321		40,919	2,488,623	1,660,018	66.70% (d)	1,549,742	7.12%
Police	38,296,018	(3,875,955)	17,979	298,483	34,736,525	26,323,138	75.78%	25,614,786	2.77%
Fire	28,280,291	(376,574)		272,430	28,176,147	21,576,472	76.58%	19,880,754	8.53%
Information Technology	3,721,547	(174,620)		28,054	3,574,981	2,561,244	71.64%	2,322,964	10.26%
Human Resources	2,101,658	(77,346)		107,020	2,131,332	1,466,087	68.79% (a)	1,610,506	-8.97%
Recreation	6,304,108	(2,004,948)		9,845	4,309,005	2,597,675	60.28% (e)	4,540,246	-42.79%
Non-Departmental	5,624,683	3,430,433		775,912	9,831,028	6,246,582	63.54% (f)	6,417,202	-2.66%
Transfers Out	300,000				300,000	300,000	100.00%	6,800,000	4.41%
Total	117,049,985	(5,538,710)	67,979	2,787,840	114,367,094	84,696,360	74.06%	90,719,647	-6.64%

(a) Vacancy savings accumulated during the year.

(b) Miscellaneous grants not yet spent \$50K, savings from contractual services \$48K.

(c) BBK invoices are two months in arrear

(d) Grants were appropriated but no expenditures have been made in related contractual services.

(e) Services have been reduced due to COVID related restrictions, which resulted in salary and contractual savings.

(f) Vacancy factor allocated to departments, which resulted in budget increase.

City of Milpitas
Water and Sewer Financial Status
For Fiscal Year-To-Date March 31, 2021

Percent of Year	75%						
Revenue	FY 2020-21 Adopted Budget	FY 2020-21 Budget Amendments As of 03/31/2021	FY 2020-21 Amended Budget	FY 2020-21 Revenue As of 03/31/2021	FY 2020-21 Percent of Amended Budget	FY 2019-20 Revenue As of 03/31/2020	Percent Revenue (dec.) FY21/FY20
Water Fund							
Revenue:							
Revenue from Investments	473,000		473,000	187,382	39.62%	389,549	-51.90%
Intergovernmental Revenue	0		0	9,667	0.00%	-	0.00%
Charges for Services	31,192,091		31,192,091	23,466,022	75.23%	25,229,995	-6.99%
Miscellaneous Revenue	250,000		250,000	0	0.00%	17,601	-100.00%
Operating Transfer In	0		0	0	0.00%	3,089	-100.00%
Total Water Fund Revenue	31,915,091	0	31,915,091	23,663,071	74.14%	25,640,234	-7.71%

Expense	FY 2020-21 Adopted Budget	FY 2020-21 Budget Amendments As of 03/31/2021	FY 2019-20 Carryover Encumbrances	FY 2020-21 Amended Budget	FY 2020-21 Exp. incl. Encumbr. As of 03/31/2021	FY 2020-21 Percent of Amended Budget	FY 2019-20 Exp. incl. Encumbr. As of 03/31/2020	Percent Exp & Enc Inc (dec.) FY21/FY20
Water Fund								
Expenses:								
Personnel Services	3,789,646		0	3,686,808	2,887,995	78.33%	3,055,929	-5.50%
Services and Supplies	2,390,086	-8,328	458,263	2,840,021	2,200,475	77.48%	2,174,883	1.18%
Wholesale Water Purchase	18,424,037		214,395	18,638,432	12,493,582 (a)	67.03%	12,680,317	-1.47%
Debt Service							-	
Capital Outlay	540,000		282	540,282	504,816	93.44%	509,757	-0.97%
Operating Transfer Out	2,798,779		0	2,798,779	2,111,584	75.45%	2,056,388	2.68%
Total Water Fund Expenses	27,942,548	-8,328	672,940	28,504,322	20,198,452	70.86%	20,477,274	-1.36%

Percent of Year	75%						
Revenue	FY 2020-21 Adopted Budget	FY 2020-21 Budget Amendments As of 03/31/2021	FY 2020-21 Amended Budget	FY 2020-21 Revenue As of 03/31/2021	FY 2020-21 Percent of Amended Budget	FY 2019-20 Revenue As of 03/31/2020	Percent Revenue (dec.) FY21/FY20
Sewer Fund							
Revenue:							
Revenue from Investments	202,000		202,000	122,595	60.69%	118,365	3.57%
Intergovernmental Revenue				9,667	0.00%	-	0.00%
Charges for Services	20,691,985		20,691,985	14,642,921	70.77%	14,640,556	0.02%
Miscellaneous Revenue	0		0	0	0.00%	(5)	0.00%
Operating Transfer In	0		0	0	0.00%	119,878	-100.00%
Total Sewer Fund Revenue	20,893,985	0	20,893,985	14,775,183	70.72%	14,878,794	-0.70%

Expense	FY 2020-21 Adopted Budget	FY 2020-21 Budget Amendments As of 03/31/2021	FY 2019-20 Carryover Encumbrances	FY 2020-21 Amended Budget	FY 2020-21 Exp. incl. Encumbr. As of 03/31/2021	FY 2020-21 Percent of Amended Budget	FY 2019-20 Exp. incl. Encumbr. As of 03/31/2020	Percent Exp & Enc Inc (dec.) FY21/FY20
Sewer Fund								
Expenses:								
Personnel Services	2,711,569		0	2,711,569	1,622,587	59.84%	1,684,565	-3.68%
Services and Supplies	1,587,387	-3,603	325,849	1,909,633	1,469,266	76.94%	1,521,566	-3.44%
Treatment Plant	9,429,908		0	9,429,908	4,118,444 (b)	43.67%	6,077,094	-32.23%
Debt Service	2,447,400		0	2,447,400	1,587,654	64.87%	428,750	370.30%
Capital Outlay	200,000		282	200,282	129,178	64.50%	47,574	271.53%
Operating Transfer Out	1,635,433		0	1,635,433	1,239,075	75.76%	1,176,364	105.33%
Total Sewer Fund Expenses	18,011,697	-3,603	326,131	18,334,225	10,166,204	55.45%	10,935,913	-7.04%

(a) Year to date expenditure only includes 8 out of 12 payments.

(b) FY20 Sewer O&M refund from Wastewater Facility of \$1.44M resulting from Regional Wastewater Facility fiscal year billing true-up.

**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	Discussion a policy that makes human trafficking training mandatory in the hospitality industry	Dominguez	A	4/20/2021	
2	Earth Day clean-up	Montano	A	4/20/2021	
3	Requested that the City have mini-libraries in the low-income areas of the City.	Montano	A	4/20/2021	
4	Closed session presentation from a member of the executive team to receive an update on the City's preparedness against cyber-crime	Chua	A	4/20/2021	
5	Discussion on developing a pilot neighborhood association program	Dominguez	A	4/6/2021	Councilmember to work with City Manager on this request and provide a memo to the City Council
6	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	A	4/6/2021	Info memo will be prepared
7	Staff to look into creating a rose garden with a children's memorial site	Montano	A	4/6/2021	
8	Staff to look into creating "Welcome to Milpitas" signs in key areas of in the City	Montano	A	4/6/2021	To be agendized at a future City Council meeting
9	ballot to change the Mayor from directly elected to a rotational at-large position	Tran	CCM	3/16/2021	To be agendized at a future City Council meeting, along with discussion of

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Topic	Submitted by	A, F, CM,	Date requested or Rec'd Form	STATUS and/or DATE scheduled on City Council meeting agenda:
10	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
11	Discussion on exploring a mural program and requested information on the framework or best practices	Montano	A	3/16/2021	To be agendized at a future City Council meeting, within 90 days
12	Discussion to memorialize those that have passed due to COVID19 and acknowledge the lives that have been lost in the City of Milpitas	Dominguez	A	3/2/2021	
13	Discussion to explore opportunity housing and prohibit single family zoning	Phan	A	2/16/2021	

2021	ACTIVE				
Request No.	Topic	Submitted by	A, F, CM, or	Date requested or Rec'd Form	STATUS and/or DATE scheduled on City Council meeting agenda:
14	Letter to Santa Clara Valley Water to strongly oppose a tax increase	Montano	A	4/20/2021	Agendized for 5/4/2021 Council meeting
15	Discussion on emergency grocery worker's pay as a temporary emergency item	Tran	A	4/20/2021	Agendized for 5/04/2021 Council meeting

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

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:
16	City Manager to provide a monthly progress report on homeless camp assessments; and Staff to provide statistics on how many Milpitas unhoused were assessed and what homeless sites the City has cleaned up and meeting	Chua	A	3/02/2021; and 4/6/2021	Agendized for 5/04/2021 City Council meeting
17	Requested that the City provide a second round of small business grants using CDBG/Federal funds to help the small business community.	Montano	A	3/2/2021	Agendized for discussion on 4/06/2021; CC direction to Agendize for 5/11/2021
18	food delivery vendor services to prohibit regulatory response fees	Phan	A	2/16/2021	deferred to 4/06/2021; CC direction for City Attorney to prepare a report
19	Performance Evaluation (Contract) of City Attorney	Tran	A	1/5/2021	2/2/2021; 3/2/2021; 4/6/2021 closed session item; adendized for 5/4/2021
20	Emergency power resources during COVID-19	Phan	A	1/19/2021	Information will be prepared for
21	Amend Accessory Dwelling Units (ADU) ordinance to address unpermitted ADUs	Chua	A	1/5/2021	approved to move forward on 4/6/2021
22	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	A	12/15/2020	Info Memo to Council in March
23	Amend ordinance to remove affordable housing in-lieu fee	Chua	A	12/15/2020	Agendized on 1/5/21, CC direction to agendize for further meeting
24	Consider "Old Town" Main St. revitalization, funding, economic dev., improve area	Montano	A	12/15/2020	Info Memo to Council in March; Item on 4/20 CC Agenda; agendize for future
25	Ordinance to ban vaping in the City	Montano	A	12/15/2020	Staff to bring back an Ordinance
26	Review City policy on speed bumps	Tran	A	12/15/2020	Presented to Transportation Subcommittee on 2/12
27	Discussion of Minute Man as City's image, when City branding comes back	Phan	A	8/18/2020	Discuss when report on "Branding" is on CC agenda in 2021; adendized for

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

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:	
28	Discuss a "safety first" or other event in lieu of National Night Out (per CAC)	Phan (Nuñez)	A	10/20/2020	Dec. 15: for 2021 @Public Safety month, new Police Chief	
29	Bring back update report & discuss status of playing fields for girls' softball in Milp.	Dominguez	A	10/20/2020	to City/Schools Subcomm. then CC. See C. Montano 10/14 Bobby Sox softball	
30	Consider naming "Milpitas Hills"	Dominguez	A	10/20/2020	to Econ. Dev. Commission first. Return later to City Council	
31	Require implicit bias training for City Council, Commissioners & staff	Dominguez	A	6/16/2020	approved 8/18/2020	
32	Discussion/staff report on Beautify Milpitas, graffiti abatement, resources	Montano	A	6/30/2020	8/18/20: Directed to staff develop program requiring min. staff resource & return to CC	
33	Consider change in term limits for Mayor + Councilmembers	Montano	A	6/16/2020	8/4/2020: Voted 3 -2 to pursue	
34	Restrict smoking in multi-unit bldgs	Montano	A	1/7/2020	Ordinance pending. Discussed	
35	Request for Dumpster Days	Tran	A	1/7/2020	(from 2019) 5/12/2020	(from 2019) 5/12/2020 in FY 2020-21 budget. Mayor
36	Consider Community Museum and Park on Main St.	Nuñez, Phan	F	8/20/2019	to Rules 8/23/2019	

CCM: City Council Meeting

A: @Announcements

F: on a Form

CM: to/from City Manager

MILPITAS CITY COUNCIL AGENDA PREVIEW LIST

May 18, 2021

CLOSED SESSION

INVOCATION (assigned to Councilmember Chua)

PRESENTATION

- Public Works Week (Proclamation)
- Eritrea Independence Day Flag Raising (Proclamation)
- Memorial Day (Proclamation)

CONSENT CALENDAR

1. Receive City Council calendar for May and June 2021 (City Clerk)
2. Approve City Council meeting minutes of May 4, 2021 and Special meetings of May 7, 2021 and May 11, 2021 (City Clerk)
3. Accept Three Donations Totaling \$5,500 (Renee Lorentzen)
4. Milpitas Unified School District Memorandum of Understanding (MOU) (Alex Andrade)
5. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the California Circle Residential Project located at 1210 California Circle, Tract 10359 by KB Home South Bay, Inc., and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period.(Steve Erikson)
6. Adopt a Resolution Approving the Annual Engineer's Report, and Adopt a Resolution Declaring Its Intention to Levy and Collect Assessments, and Adopt a Resolution Confirming Assessment and Ordering the Levey for Fiscal Year 2021-22 for Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1 McCarthy Ranch), and Provide Notice of Public Hearing to be held on June 15, 2021 for LLMD 95-1 McCarthy Ranch (Steve Erickson)
7. Adopt a Resolution Approving the Annual Engineer's Report, and Adopt a Resolution Declaring Its Intention to Levy and Collect Assessments, and Adopt a Resolution Confirming Assessment and Ordering the Levey for Fiscal Year 2021-22 for Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1 McCarthy Ranch), and Provide Notice of Public Hearing to be held on June 15, 2021 for LLMD 98-1 Sinclair Horizon(Steve Erickson)
8. Approve a Legislative Advocacy Policy and Legislative Guiding Principles (Ashwini Kantak)

PUBLIC HEARING

COMMUNITY DEVELOPMENT

9. Report on Uncodified Urgency Ordinance No. 307 to Eliminate Consumer Fees Charged by Third-party Food Delivery Service Providers (Alex Andrade)

COMMUNITY SERVICES

10. Receive Presentation on the City of Milpitas Water Master Plan (Tony Ndah)
11. Receive Presentation on the City of Milpitas Sewer Master Plan (Tony Ndah)

PUBLIC SAFETY

LEADERSHIP

12. Approve and Authorize the City Manager to Execute the Five-Year Professional Services Agreement with up to two additional two-year options to extend the service with PFM Asset Management LLC to Provide Section 115 Trust Management Services and Establish a Section 115 Pension Trust (Walter C. Rossmann/Lauren Lai)

REPORTS

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

PREVIEW NEXT AGENDA

14. Preview list of items for June 1, 2021 (City Clerk)