SPECIAL JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

AGENDA

TUESDAY, JUNE 11, 2024
CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA
5:30 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:
Đối với Việt Nam, gọi 408-586-2400
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3072

** To access written translation during the meeting, scan the QR Code.*

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

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

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may only be provided live during the City Council meeting in person, unless the City Council approves remote public comment. 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. Members of the public may submit written comments by email to CityClerk@milpitas.gov.

The meeting will be streamed via Zoom for viewing purposes only unless the City Council approves remote public comment. To watch via Zoom, please register at:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_DMXz54YcQ3iIS1W0653CFQ

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

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)

PLEDGE OF ALLEGIANCE

PRESENTATIONS (5:35 PM)

- Community Heroes Awards and Reception

PUBLIC FORUM (6:15 PM)

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (6:20 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. Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2024 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)

Recommendation: Approve the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2024.

C2. Approve a Milpitas Housing Authority Agreement with Bay Area Builders, Inc. dba BAB Commercial for Property Management Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)

Recommendation: Approve a Milpitas Housing Authority Agreement with Bay Area Builders, Inc. DBA BAB Commercial for property management services in an amount not to exceed $50,000 and authorize the City Manager to act as Executive Director in the execution of the agreement.

AGENDA ITEMS (6:25 PM)

3. Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff Through the Council-Approved Prioritization Process (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

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

PUBLIC HEARINGS (7:00 PM)

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for

continuance are subject to Council's consent at the meeting.

4. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to Allow the Development of 43 Townhome Condominiums with 13 Accessory Dwelling Units and Associated Site Improvements at 1905 Tarob Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: Adopt a resolution to approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015, and Environmental Assessment No. EA23-0002 to allow the development of 43 townhome condominiums with 13 accessory dwelling units and associated site improvements at 1905 Tarob Court subject to the Conditions of Approval.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:30 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items. 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 whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT (7:35 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:mmutalipassi@milpitas.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.milpitas.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.milpitas.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

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

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

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve Accounts Receivable Write-offs for the Fiscal Year Ending June 30, 2024 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	6/4/2024
Recommendation	Approve the Accounts Receivable write-offs for the Fiscal Year ending June 30, 2024

BACKGROUND:

As part of the Finance Department routine analysis of outstanding accounts receivable and the annual publication of the City's audited financial statements, staff reviews the City's accounts receivable to identify payments due that have been outstanding for more than one (1) year. These outstanding payments are considered for write-off if collection efforts[1] have been unsuccessful. City of Milpitas Municipal Code I-5-3.00 *Write-off of Uncollectible Accounts* authorizes the City Manager and the Director of Finance, jointly,

> "… to write off as uncollectible up to $50,000.00 in total annually (and up to $10,000.00 for any single account or claim) on all accounts or claims which the City may have against all persons when the City Manager and Director of Finance determine that the claim is:
>
> a. Uncollectible;
> b. Possibly collectible but collection would not be reasonably cost-effective taking into consideration the probable necessary cost to the City in pursuing collection and the likelihood of collection; or
> c. Not a valid, enforceable claim of the City."[2]

As the annual write-off amount is more than $50,000, staff seeks Council approval.

ANALYSIS:

Staff recommends the attached listings of accounts receivable accounts to City Council for write-off approval. This report covers the period through June 2023. Attached are two accounts receivable lists: one for utility accounts (water and sewer) and the other for non-utility accounts that have remained unpaid for more than 12 months. The table below identifies accounts receivable categories, total amounts invoiced as of June 30, 2023, proposed write-off amounts and proposed write-off amount represented as of percent of total amounts invoiced. It should be noted that during this period, the City achieved an overall collection rate of 99.80%. The proposed write-off of $116,270 is approximately 0.20% of all the amounts invoiced during the same period.

	Invoiced Amount	Proposed Write-Off Amounts	% of Invoiced Amount
Utility Accounts	57,950,326	82,868	0.14%
Fire Annual Permit	931,110	13,223	1.42%
Fire False Alarm	58,200	300	0.52%
PD False Alarm	171,165	19,611	11.46%
Shopping Cart Retrieval	11,588	268	2.31%
TOTAL	**$ 59,122,389**	**116,270**	**0.20%**

Finance staff invoices and collects payments for all utility accounts as well as miscellaneous accounts receivable (private development jobs, fire permits, business licenses, retiree medical, police false alarms,

[1] City dunning activities include internal billing mailings, past due notices, phone calls, and referring outstanding balance(s) to an external collection agency, Collection Bureau of America.

[2] City of Milpitas Municipal Code I-5-3.00 *Write-off of Uncollectible Accounts* https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITIAD_CH5SEAU_S3WRFUNAC

police subpoena, animal regulation violations, and Neighborhood Beautification Ordinance [NBO] Fines). For utility accounts, in accordance to Senate Bill 998 *Discontinuance of Residential Water Service*, a bill is due for payment in 21 days from the bill date. Finance staff then sends a reminder notice 23 days from the bill date and final notice 65 days from the bill date. A telephone call follows 73 days from the bill date. The utility account will be tagged for shut-off 80 days from the bill date. If not paid, a utility account will be shut-off 85 days from the bill date and sent to the City's collection agency, Collection Bureau of America. If shut-off and sent to collections, a utility customer will not be able to start new utility service until their outstanding balance is paid in full, even if that balance has been written off.

For miscellaneous accounts receivable, an invoice issued is due for payment in 28 days from issuance date of the invoice. If not paid on the due date, a reminder notice will be issued by Finance staff on the 28th day and due for payment in 14 days from issuance date of the reminder notice. If not paid on the due date, a Final Notice will be issued on the 42nd day and due for payment in 7 days from issuance date of Final Notice. If not paid on the due date, the account will be sent to the City's collection agency on the 49th day. If the account is for a developer, they will not be able to start new work in Milpitas if they have an outstanding balance.

POLICY ALTERNATIVE(S):

Alternative 1: Do not write off proposed recommendation to write off accounts receivable.

Pros: None

Cons: Will not follow Generally Accepted Accounting Principles, thus overstating City financials.

Reason for Not Recommending: The City needs to ensure to follow financial practices consistent with Generally Accepted Accounting Principles (GAAP). Following GAAP is a precursor towards an unqualified or "clean" financial audit.

FISCAL IMPACT:
Write offs of $116,270 from the outstanding accounts receivable will reduce the full-accrual fund balances of the General Fund by $33,402 and the Utility Funds by $82,868.

California Environmental Quality Act (CEQA):
Not Applicable

RECOMMENDATION:
Approve the Accounts Receivable write-offs for the fiscal year ending June 30, 2024.

Attachment(s):
(a) FY2023-2024 Utility Bills Write Off
(b) Miscellaneous Accounts Receivable Write Off

FY 2023-2024 WRITE OFF
Utility Accounts Receivable
as of June 30, 2023

ACCOUNT #	CUSTOMER NAME	FINAL BILL DATE	AMOUNT	REASON
2003907	NARENDRA KISHNANI	09/28/22	115	CLOSED ACCOUNT
2006692	HELEN BRYANT	04/24/23	640	CLOSED ACCOUNT
2007585	SANGJO YI	09/05/22	25	CLOSED ACCOUNT
2010616	ALBERT GUTING	05/22/23	789	CLOSED ACCOUNT
2012142	MUSHARBASH	02/14/22	8	CLOSED ACCOUNT
2013320	CRISTINA YU	11/14/22	365	CLOSED ACCOUNT
2013409	RUBY SANTOS	05/01/23	937	CLOSED ACCOUNT
2014417	LEA GREGORY	10/03/22	543	CLOSED ACCOUNT
2014563	JOEL MARGOLIS	02/06/23	375	CLOSED ACCOUNT
2014667	LARRY NUNES	12/26/22	933	CLOSED ACCOUNT
2015643	HENRY LAO	03/20/23	201	CLOSED ACCOUNT
2017051	EDWARD OVERTON	07/18/22	345	CLOSED ACCOUNT
2017468	SHERINA CHAN	11/07/22	200	CLOSED ACCOUNT
2018218	GEARY CHOPOFF	10/10/22	899	CLOSED ACCOUNT
2019157	DONALD BROWNE	12/19/22	412	CLOSED ACCOUNT
2020300	ELVIRA ATENCIO	04/19/21	20	CLOSED ACCOUNT
2020627	JUDY DALEY	11/14/22	25	CLOSED ACCOUNT
2026476	TRINA BESLER	03/20/23	703	CLOSED ACCOUNT
2027540	JULISSA GILL	10/31/22	934	CLOSED ACCOUNT
2027542	JAMES WELLMAN	09/05/22	310	CLOSED ACCOUNT
2028725	LUZ SORIA	01/16/23	29	CLOSED ACCOUNT
2030684	JOANNA SAIZ	06/07/21	15	CLOSED ACCOUNT
2031184	JIMMY SU	08/24/20	15	CLOSED ACCOUNT
2031559	ARSENIA SERAFICA	10/03/22	1,410	CLOSED ACCOUNT
2031978	YEHONG XU	11/10/22	161	CLOSED ACCOUNT
2032010	ZENAIDA ASUNCION	11/07/22	158	CLOSED ACCOUNT
2032509	HENRY LAO	02/06/23	447	CLOSED ACCOUNT
2032802	HANG PHAN	03/27/23	395	CLOSED ACCOUNT
2035440	KATRINA ACOSTA	09/12/22	1,645	CLOSED ACCOUNT
2036354	KENNETH JOWE	09/05/22	220	CLOSED ACCOUNT
2036814	HEN LAM	07/11/22	1,102	CLOSED ACCOUNT
2037213	AMBER ROBINSON	05/29/23	306	CLOSED ACCOUNT
2038251	CONSUELO MALAPIT	07/04/22	2,021	CLOSED ACCOUNT
2038559	COLOSSEUM NEW YORK PIZZA	03/27/23	904	BANKCRUPTCY
2039379	SPRING VALLEY BIBLE CHURCH	10/12/20	10	BUSINESS CLOSED
2040497	PHUNG NGUYEN	01/10/22	501	CLOSED ACCOUNT
2041604	SHABU HOUSE	01/23/23	686	CLOSED ACCOUNT
2041627	CRAWDADDY RESTAURANT	02/13/23	2,096	BUSINESS CLOSED
2041966	JANET CORNELL	08/29/22	2,477	CLOSED ACCOUNT
2042514	BEAHM DESIGNS CORP	01/09/23	261	CLOSED ACCOUNT
2042618	LIJUAN SANG	09/19/22	470	CLOSED ACCOUNT
2042934	ADRIENNE SPENCER-TENSOS	08/08/22	355	CLOSED ACCOUNT
2043271	PHUNG NGUYEN	04/10/23	670	CLOSED ACCOUNT
2043329	THAI VU	02/06/23	555	CLOSED ACCOUNT
2043410	KAREN CHAN	10/31/22	781	CLOSED ACCOUNT
2043675	YUEYING ZHANG	09/19/22	1,231	CLOSED ACCOUNT
2044067	ANALYNNE ANSAGAY	06/05/23	1,177	CLOSED ACCOUNT
2044960	CHERYL EDORA	07/25/22	407	CLOSED ACCOUNT
2046267	ALLISON ESSEX	03/06/23	403	CLOSED ACCOUNT
2046482	TAMIKA HAMILTON	08/01/22	2,669	CLOSED ACCOUNT
2046823	VI NGUYEN	07/04/22	1,756	CLOSED ACCOUNT
2047114	MARICHELL BAUTISTA	11/09/20	15	CLOSED ACCOUNT
2048127	TUNG LUONG	11/06/23	702	CLOSED ACCOUNT
2048171	DIANE CAO	12/19/22	529	CLOSED ACCOUNT

FY 2023-2024 WRITE OFF
Utility Accounts Receivable
as of June 30, 2023

ACCOUNT #	CUSTOMER NAME	FINAL BILL DATE	AMOUNT	REASON
2048214	JONATHAN QUIBUYEN	01/23/23	31	CLOSED ACCOUNT
2048274	TERESA LOPEZ	11/14/22	1,104	CLOSED ACCOUNT
2048294	GANESH BABU NELAMANGALA	09/12/22	470	CLOSED ACCOUNT
2048343	KAREN BAINS	06/19/23	15	CLOSED ACCOUNT
2048377	MANUEL BERBER	01/23/23	188	CLOSED ACCOUNT
2048459	ALFRED DOMINGUEZ	05/22/23	192	CLOSED ACCOUNT
2048470	LONNIE TODD NALL	08/08/22	260	CLOSED ACCOUNT
2048475	MARIBEL BONILLA	10/31/22	731	CLOSED ACCOUNT
2048496	JOSEPHINE HERRERA	10/31/22	2,144	CLOSED ACCOUNT
2048568	ANDY LEDANG	08/01/22	2,455	CLOSED ACCOUNT
2048600	MARC SANZONE	06/05/23	199	CLOSED ACCOUNT
2048727	RAYNA MATA	07/25/22	1,273	CLOSED ACCOUNT
2048788	MARLON JOHN	08/29/22	25	CLOSED ACCOUNT
2048822	SVC ASSET MANAGEMENT INC	10/31/22	4,069	BUSINESS CLOSED
2048828	RICARDO RODRIGUES JR	09/19/22	1,953	CLOSED ACCOUNT
2048892	SCOTTISH MAIDS	05/22/23	206	CLOSED ACCOUNT
2049075	GOWTHAM PAIMAGAM	11/28/22	84	CLOSED ACCOUNT
2049163	JONATHON RAZO	09/05/22	2,921	CLOSED ACCOUNT
2049200	ROSEMARIE MATSUMOTO	07/18/22	598	CLOSED ACCOUNT
2049262	EDWIN GUZMAN	12/07/20	24	CLOSED ACCOUNT
2049320	JOSE RODRIGUEZ	09/12/22	1,438	CLOSED ACCOUNT
2049346	PEDRO ZERNA GARCIA	09/12/22	289	CLOSED ACCOUNT
2049347	KRYSTAL LOPEZ	07/04/22	86	CLOSED ACCOUNT
2049438	ANDREW MARTINEZ	09/12/22	233	CLOSED ACCOUNT
2049459	ERIC BALDEMOR	07/04/22	460	CLOSED ACCOUNT
2049636	GONZALO PRUDENCIO	01/25/21	10	CLOSED ACCOUNT
2049712	KHANH NGUYEN	08/08/22	3,860	CLOSED ACCOUNT
2049713	MABUHAY GRILL LLC	01/16/23	1,293	CLOSED ACCOUNT
2049760	RICHARD ONG	07/04/22	1,955	CLOSED ACCOUNT
2049825	BRIAN VAN HOOK	03/29/21	7	CLOSED ACCOUNT
2049875	RAMIRO BAEZ	09/05/22	1,864	CLOSED ACCOUNT
2049929	ELLAINE GRION	06/05/23	307	CLOSED ACCOUNT
2049945	MICHAEL PILLOW	06/12/23	434	CLOSED ACCOUNT
2049946	DAWN ATENCIO	09/05/22	976	CLOSED ACCOUNT
2049961	IRENE PEREZ	07/18/22	2,397	CLOSED ACCOUNT
2049985	SUMMIT ASSET MANAGEMENT LLC	04/03/23	743	BUSINESS CLOSED
2050118	RAMKUMAR VENKATESAN	12/26/22	116	CLOSED ACCOUNT
2050122	NICHOLAS MALONE	08/08/22	331	CLOSED ACCOUNT
2050456	BRENDA DUKE	06/12/23	850	CLOSED ACCOUNT
2050467	KARINA PICHARDO	09/12/22	1,558	CLOSED ACCOUNT
2050667	MARISSA ESTRADA	02/06/23	711	CLOSED ACCOUNT
2050803	BAILEY WIRTH	03/13/23	281	CLOSED ACCOUNT
2050855	SHAUNTEREL TATUM	01/30/23	2,029	CLOSED ACCOUNT
2050856	REDWOOD HOLDINGS LLC	07/11/22	291	BUSINESS CLOSED
2050987	TANYA PAWLOVICH	07/11/22	133	CLOSED ACCOUNT
2051000	RAHUL KHURANA	05/22/23	21	CLOSED ACCOUNT
2051004	VERONICA MADRIZ	03/07/22	17	CLOSED ACCOUNT
2051049	NATALIE KESSINGER	05/01/23	877	CLOSED ACCOUNT
2051086	SAMANTHA DUNCUN	09/12/22	499	CLOSED ACCOUNT
2051094	SANTOSH PRAVEEN KARRI	08/22/22	170	CLOSED ACCOUNT
2051154	VICKY LAM	04/10/23	617	CLOSED ACCOUNT
2051165	MARINA URROZ	04/25/22	9	CLOSED ACCOUNT
2051418	FRANCISCO MALAPIT	05/22/23	252	CLOSED ACCOUNT
2051453	JAMES D OVERMAN	12/12/22	926	CLOSED ACCOUNT

FY 2023-2024 WRITE OFF
Utility Accounts Receivable
as of June 30, 2023

ACCOUNT #	CUSTOMER NAME	FINAL BILL DATE	AMOUNT	REASON
2051535	RISHBAH GUPTA	08/15/22	153	CLOSED ACCOUNT
2051670	SABRINA ALVAREZ	11/07/22	10	CLOSED ACCOUNT
2051693	ADI TUIFAGALL	06/19/23	510	CLOSED ACCOUNT
2051774	OPEN DOOR REALTY	02/13/23	403	BUSINESS CLOSED
2051884	LINH HA	01/23/23	274	CLOSED ACCOUNT
2051933	VETERANS DESIGN	06/26/23	375	BUSINESS CLOSED
2052006	ROWELL ORIENTE	06/12/23	746	CLOSED ACCOUNT
2052128	JIANPING ZHANG	04/03/23	58	CLOSED ACCOUNT
	TOTAL AMOUNT		**$ 82,868**	

FY 2023-2024 WRITE OFF
Miscellaneous Accounts Receivable
as of June 30, 2023

INVOICE #	DATE	CUSTOMER NAME	CUSTOMER ID NUMBER	AMOUNT	DESCRIPTION
I000051683	11/04/22	RAW ASF	F22-0106	307	Fire Annual Permit
I000051685	11/04/22	SHANGHAI FAMILY CUISINE	F22-0113	307	Fire Annual Permit
I000051887	12/23/22	CTC PROPERTY, LLC	F15-0327	618	Fire Annual Permit
I000051865	12/23/22	CTC PROPERTY, LLC	F15-0351	1,530	Fire Annual Permit
I000051911	12/23/22	MAJI PALACE LLC	F22-0103	912	Fire Annual Permit
I000051912	12/23/22	KOKOLO DONBURI	F22-0173	912	Fire Annual Permit
I000051869	12/23/22	LANTANA	F22-0263	3,298	Fire Annual Permit
I000051873	12/23/22	ROYAL TACO	F89-0192	296	Fire Annual Permit
I000053018	03/10/23	CHEUNG HING RESTAURANT	F22-0255	947	Fire Annual Permit
I000053023	03/10/23	VIRGILS GARAGE	F22-0518	641	Fire Annual Permit
I000053025	03/10/23	MICHAEL'S CLEANERS	F22-0526	641	Fire Annual Permit
I000053026	03/10/23	SUNRUN	F22-0534	641	Fire Annual Permit
I000054261	05/26/23	T-MOBILE WEST, LLC SF04589A	F23-0047	641	Fire Annual Permit
I000051862	12/23/22	APT. COMPLEX (RAGALA PROPERTI)	F20-0318	307	Fire Annual Permit
I000051851	12/23/22	CONDOMINIUM COMPLEX	F94-0741	1,223	Fire Annual Permit
		Fire Annual Permit	**$**	**13,223**	
I000054268	05/26/23	ELEANOR APARTMENTS	00013532	300	Fire False Alarm
		Fire False Alarm	**$**	**300**	
I000052100	02/03/23	ROUND TABLE PIZZA #2	00011015	25	PD False Alarm
I000052099	02/03/23	ILARA APARTMENTS	00012648	300	PD False Alarm
I000052138	02/03/23	NEEKA ACCOUNTANCY CORP	00012968	25	PD False Alarm
I000052094	02/03/23	SURESITE CONSULTING GROUP LLC	00013163	150	PD False Alarm
I000052112	02/03/23	VENTURE ENTERPRISE INNOVATION	00013354	300	PD False Alarm
I000052124	02/03/23	CURRENCY EXCHANGE INTERNATIONA	00013360	25	PD False Alarm
I000052162	02/10/23	AJIT SANE	00013372	25	PD False Alarm
I000052168	02/10/23	MARIELLA TAM	00013377	25	PD False Alarm
I000052181	02/10/23	MIRAJ GROUP	00013387	25	PD False Alarm
I000052183	02/10/23	ELI RESIDENCE	00013388	25	PD False Alarm
I000052184	02/10/23	RAISA WAITE	00013389	300	PD False Alarm
I000052294	02/17/23	UNITED RENTALS	00013151	50	PD False Alarm
I000052292	02/17/23	RIDECELL INC	00013400	50	PD False Alarm
I000052304	02/17/23	CRAWDADDY408 INCORP	00013411	50	PD False Alarm
I000052682	03/06/23	OFF 5TH SAKS FIFTH AVE OUTLET	00000980	50	PD False Alarm
I000052683	03/06/23	MILPITAS MONTESSORI SCHOOL	00010065	25	PD False Alarm
I000052698	03/06/23	HEADWAY TECHNOLOGY	00010439	25	PD False Alarm
I000052706	03/06/23	NAUTICA	00010902	25	PD False Alarm
I000052741	03/06/23	ILARA APARTMENTS	00012648	2,750	PD False Alarm
I000052750	03/06/23	AT & T MOBILITY	00012720	2,475	PD False Alarm
I000052761	03/06/23	SUBWAY SANDWICH	00012956	300	PD False Alarm
I000052762	03/06/23	SUBWAY SANDWICH	00012956	550	PD False Alarm
I000052774	03/06/23	TESLA ENERY OPERATIONS INC	00013100	50	PD False Alarm
I000052777	03/06/23	AREVO INC	00013113	150	PD False Alarm
I000052793	03/06/23	LIBERTIS AUTO ELECTRIC	00013167	25	PD False Alarm
I000052803	03/06/23	NUTRITION HOUSE RESTAURANT INC	00013206	25	PD False Alarm
I000052804	03/06/23	GOLDEN STATE URGENT CARE PROVI	00013208	25	PD False Alarm
I000052807	03/06/23	JACKLIN SHELL	00013236	25	PD False Alarm
I000052820	03/06/23	DAVID JOHNSON	00013264	300	PD False Alarm
I000052824	03/06/23	DISH DASH RESTAURANT INC	00013273	25	PD False Alarm
I000052827	03/06/23	NGUYEN & MA DENTAL CORPORATION	00013313	25	PD False Alarm
I000052828	03/06/23	TEAZENTEA MILPITAS, INC	00013342	150	PD False Alarm
I000052829	03/06/23	VENTURE ENTERPRISE INNOVATION	00013354	275	PD False Alarm
I000052831	03/06/23	RAISA WAITE	00013389	275	PD False Alarm
I000052906	03/10/23	ILARA APARTMENTS	00012648	825	PD False Alarm
I000052926	03/10/23	DISH DASH RESTAURANT INC	00013273	25	PD False Alarm
I000052929	03/10/23	RAISA WAITE	00013389	275	PD False Alarm
I000052931	03/10/23	GLOBAL VILLAGE MONTESSORI SCHO	00013392	150	PD False Alarm
I000053050	03/17/23	JONES LANG LASALLE AMERICAS IN	00013048	25	PD False Alarm

FY 2023-2024 WRITE OFF
Miscellaneous Accounts Receivable
as of June 30, 2023

INVOICE #	DATE	CUSTOMER NAME	CUSTOMER ID NUMBER	AMOUNT	DESCRIPTION
I000053058	03/17/23	CRST SPECIALIZED	00013188	275	PD False Alarm
I000053063	03/17/23	CISCO	00013251	25	PD False Alarm
I000053065	03/17/23	MILPITAS CHARITY BINGO	00013259	550	PD False Alarm
I000053082	03/24/23	UNION BANK OF CALIFORNIA	00011165	26	PD False Alarm
I000053084	03/24/23	AESTHETIC DENTAL	00012296	156	PD False Alarm
I000053088	03/24/23	HABITAT FOR HUMANITY SILICON V	00012533	52	PD False Alarm
I000053089	03/24/23	ILARA APARTMENTS	00012648	26	PD False Alarm
I000053097	03/24/23	SUBWAY SANDWICH	00012956	26	PD False Alarm
I000053106	03/24/23	MILPITAS CHARITY BINGO	00013259	156	PD False Alarm
I000053107	03/24/23	VENTURE ENTERPRISE INNOVATION	00013354	26	PD False Alarm
I000053109	03/24/23	SUN RUN	00013397	26	PD False Alarm
I000053110	03/24/23	CRAWDADDY408 INCORP	00013411	26	PD False Alarm
I000053301	04/21/23	ADIDA BENKAT	00013438	25	PD False Alarm
I000053304	04/21/23	AESTHETIC DENTAL	00013441	300	PD False Alarm
I000053307	04/21/23	ALFRED DOMINGUEZ	00013444	25	PD False Alarm
I000053309	04/21/23	ALSAN MARKETING LLC	00013446	325	PD False Alarm
I000053310	04/21/23	AMANDA BATA	00013447	25	PD False Alarm
I000053314	04/21/23	AMRENDRA KUMAR	00013451	25	PD False Alarm
I000053321	04/21/23	APT LI-XIANG RESTAURANT	00013456	25	PD False Alarm
I000053331	04/21/23	BAO HOUSE	00013466	25	PD False Alarm
I000053333	04/21/23	BARBARA RAMIREZ	00013468	25	PD False Alarm
I000053344	04/21/23	BOWLERO MILPITAS	00013479	25	PD False Alarm
I000053346	04/21/23	BRAMANDIA RAMADHANA	00013481	50	PD False Alarm
I000053348	04/21/23	BRUWETTA FAMILIES INC	00013483	25	PD False Alarm
I000053349	04/21/23	BUREAU VERITAS CONSUMER PRODUC	00013484	50	PD False Alarm
I000053350	04/21/23	BUREAU VERITAS CONSUMER PRODUC	00013484	25	PD False Alarm
I000053359	04/21/23	CELSIUS	00013493	25	PD False Alarm
I000053389	04/21/23	DESIGNER FRAGRANCES & COSMETIC	00013520	25	PD False Alarm
I000053390	04/21/23	DIEUCHAU NGUYEN	00013521	25	PD False Alarm
I000053403	04/21/23	ELIZABETH QUINTERO	00013534	25	PD False Alarm
I000053405	04/21/23	ENRICO CARBONELL	00013536	25	PD False Alarm
I000053406	04/21/23	ENTERPRISE RENT-A-CAR	00013537	50	PD False Alarm
I000053424	04/28/23	GEOLINKS CALIFORNIA INTERNET	00013549	50	PD False Alarm
I000053438	04/28/23	HARJOT KHALSA	00013563	50	PD False Alarm
I000053439	04/28/23	HAUTE ROCK CREATIVE	00013564	150	PD False Alarm
I000053440	04/28/23	HH THE AGAKHAN SHIA IMAMIISMAI	00013565	50	PD False Alarm
I000053495	04/28/23	KEVIN MARBERRY	00013619	50	PD False Alarm
I000053509	04/28/23	LETICIA FERGUSON	00013632	25	PD False Alarm
I000053533	05/05/23	WHEELWORKS	00000914	150	PD False Alarm
I000053540	05/05/23	MARY URISTA	00013647	150	PD False Alarm
I000053550	05/05/23	MILPITAS DIALYSIS	00013656	50	PD False Alarm
I000053563	05/05/23	NEAL TANICALA	00013669	50	PD False Alarm
I000053566	05/05/23	NEW TUNG KEE NOODLE HOUSE #2	00013672	50	PD False Alarm
I000053569	05/05/23	NGOC HOANG	00013675	25	PD False Alarm
I000053574	05/05/23	NICHOLS MANUFACTURING INC	00013679	150	PD False Alarm
I000053582	05/05/23	OPSARA	00013687	25	PD False Alarm
I000053585	05/05/23	PAUL LUKINS	00013690	25	PD False Alarm
I000053591	05/05/23	PG CACTUS MILPITAS LLC	00013696	150	PD False Alarm
I000053606	05/05/23	RAYMOND WU	00013711	25	PD False Alarm
I000053607	05/05/23	READY PRESCHOOL INC	00013712	25	PD False Alarm
I000053614	05/05/23	RICHARD AYALA	00013718	25	PD False Alarm
I000053616	05/05/23	ROBERT KEESECKER	00013720	25	PD False Alarm
I000053617	05/05/23	ROBERT REHRIG	00013721	25	PD False Alarm
I000053618	05/05/23	ROCELLE MALIKSI RN DDS	00013722	50	PD False Alarm
I000053633	05/05/23	SANGO COURT APARTMENTS	00013736	150	PD False Alarm
I000053635	05/05/23	SAROJ SINGH	00013738	550	PD False Alarm
I000053638	05/05/23	SERRA PROPERTY	00013741	50	PD False Alarm
I000053652	05/05/23	SILICON VALLEY FORCE INTEGRATI	00013753	275	PD False Alarm
I000053651	05/05/23	SILICON VALLEY FORCE INTEGRATI	00013753	300	PD False Alarm

FY 2023-2024 WRITE OFF
Miscellaneous Accounts Receivable
as of June 30, 2023

INVOICE #	DATE	CUSTOMER NAME	CUSTOMER ID NUMBER	AMOUNT	DESCRIPTION
I000053655	05/05/23	SMART & FINAL STORES LLC	00013756	25	PD False Alarm
I000053656	05/05/23	SPAREX	00013757	150	PD False Alarm
I000053670	05/05/23	SUPER MICRO COMPUTER	00013771	150	PD False Alarm
I000053673	05/05/23	TEDDY LINE E2V INC	00013774	25	PD False Alarm
I000053680	05/05/23	THE RICE HOUSE LLC	00013780	25	PD False Alarm
I000053685	05/05/23	THREE WAY LOGISTICS INC	00013785	25	PD False Alarm
I000053691	05/05/23	TOAN LUONG	00013791	25	PD False Alarm
I000053700	05/05/23	VG ASSOCIATES LLC	00013800	25	PD False Alarm
I000053742	05/12/23	PARIS BAGUETTE	00013132	150	PD False Alarm
I000053810	05/12/23	AMANDA BATA	00013447	25	PD False Alarm
I000053746	05/12/23	BESTEK MANUFACTURING INC	00013475	25	PD False Alarm
I000053750	05/12/23	JSJ MILPITAS INC	00013604	25	PD False Alarm
I000053753	05/12/23	LEGOLAND DISCOVERY CENTER SAN	00013630	25	PD False Alarm
I000053755	05/12/23	MCCARTHY DENTAL SPA	00013650	275	PD False Alarm
I000053757	05/12/23	NEW TUNG KEE NOODLE HOUSE #2	00013672	100	PD False Alarm
I000053825	05/12/23	RAYMOND WU	00013711	25	PD False Alarm
I000053759	05/12/23	SAROJ SINGH	00013738	275	PD False Alarm
I000053760	05/12/23	SERRA PROPERTY	00013741	100	PD False Alarm
I000053832	05/12/23	SUPER MICRO COMPUTER	00013771	150	PD False Alarm
I000053833	05/12/23	THE BEST SANDWICHES	00013779	275	PD False Alarm
I000053834	05/12/23	THE RICE HOUSE LLC	00013780	100	PD False Alarm
I000053765	05/12/23	THE RICE HOUSE LLC	00013780	25	PD False Alarm
I000053773	05/12/23	BARETTA FAMILY LLC	00013832	25	PD False Alarm
I000053774	05/12/23	CALAYAN SKINCARE AESTHETICS	00013833	25	PD False Alarm
I000053776	05/12/23	CHEUNG HING RESTAURANT	00013835	25	PD False Alarm
I000053782	05/12/23	IMRAN AKTHER	00013841	25	PD False Alarm
I000053787	05/12/23	MCCARTHY MEDICAL CENTER INC	00013846	25	PD False Alarm
I000053795	05/12/23	SHRAVAN PANYAM	00013854	25	PD False Alarm
I000053798	05/12/23	SUBRAMANYA RESIDENCE	00013857	25	PD False Alarm
I000053856	05/12/23	PEARSON PROFESSIONAL CENTER	00013888	25	PD False Alarm
I000053863	05/12/23	SECURESPACE SELF STORAGE MILPI	00013895	150	PD False Alarm
I000053869	05/12/23	T-MOBILE WEST LLC	00013901	25	PD False Alarm
I000053872	05/12/23	UNITED COMFORT SOLUTIONS	00013904	25	PD False Alarm
I000053873	05/12/23	VIA DEL ORO PARTNERS LLC	00013905	25	PD False Alarm
I000054201	05/19/23	ROSS STORE INC	00011096	26	PD False Alarm
I000054160	05/19/23	AESTHETIC DENTAL	00012296	156	PD False Alarm
I000054161	05/19/23	AESTHETIC DENTAL	00012296	286	PD False Alarm
I000054157	05/19/23	200 SERRA WAY LLC	00012708	26	PD False Alarm
I000054210	05/19/23	TESLA ENERY OPERATIONS INC	00013100	26	PD False Alarm
I000054209	05/19/23	SURESITE CONSULTING GROUP LLC	00013163	26	PD False Alarm
I000054204	05/19/23	SERVICE KING COLLISION REPAIR	00013169	156	PD False Alarm
I000054091	05/19/23	EXTRA SPACE MANAGEMENT INC	00013546	26	PD False Alarm
I000054188	05/19/23	MARY URISTA	00013647	26	PD False Alarm
I000054103	05/19/23	MILPITAS DIALYSIS	00013656	52	PD False Alarm
I000054105	05/19/23	OPSARA	00013687	26	PD False Alarm
I000054202	05/19/23	SAROJ SINGH	00013738	26	PD False Alarm
I000054213	05/19/23	THE SANDWICH SPOT	00013781	26	PD False Alarm
I000054111	05/19/23	THE SHERWIN WILLIAMS COMPANY	00013782	52	PD False Alarm
I000054121	05/19/23	UNITED COMFORT SOLUTIONS	00013904	26	PD False Alarm
I000054123	05/19/23	ALSON MARKETING LLC	00013915	26	PD False Alarm
I000054133	05/19/23	HIGH CONNECTION DENSITY	00013925	26	PD False Alarm
I000054136	05/19/23	LIEN NGUYEN	00013928	26	PD False Alarm
I000054145	05/19/23	PRAGNESH MEHTA	00013937	26	PD False Alarm
I000054155	05/19/23	TOLL WEST COAST LLC	00013947	26	PD False Alarm
I000054229	05/19/23	EDWARD ONG	00013956	26	PD False Alarm
I000054233	05/19/23	GOODWILL INDUST OF SC COUNTY	00013960	26	PD False Alarm
I000054249	05/19/23	TASTE GOOD BEIJING CUISINE	00013976	52	PD False Alarm
I000054364	06/02/23	KENTUCKY FRIED CHICKEN	00000475	26	PD False Alarm
I000054372	06/02/23	CERANO APARTMENTS	00012416	26	PD False Alarm

FY 2023-2024 WRITE OFF
Miscellaneous Accounts Receivable
as of June 30, 2023

INVOICE #	DATE	CUSTOMER NAME	CUSTOMER ID NUMBER		AMOUNT	DESCRIPTION
I000054374	06/02/23	ILARA APARTMENTS	00012648		26	PD False Alarm
I000054382	06/02/23	SURESITE CONSULTING GROUP LLC	00013163		26	PD False Alarm
I000054389	06/02/23	RIDECELL INC	00013400		26	PD False Alarm
I000054393	06/02/23	JANICE BRADLEY	00013582		26	PD False Alarm
I000054394	06/02/23	JSJ MILPITAS INC	00013604		26	PD False Alarm
I000054413	06/02/23	T-MOBILE WEST LLC	00013901		26	PD False Alarm
I000054433	06/02/23	HAUTE ROCK CREATIVE MERCH REVO	00013999		26	PD False Alarm
I000054441	06/02/23	MILPITAS CHARITY BINGO INC	00014007		156	PD False Alarm
I000054470	06/02/23	VENTURE ENTERPRISE INNOVATION	00014034		130	PD False Alarm
		PD False Alarm		**$**	**19,611**	
I000051209	07/21/22	HOME DEPOT #1041	00010714		16	Shopping Cart Retrieval
I000051214	07/21/22	HOME DEPOT #1041	00010714		32	Shopping Cart Retrieval
I000051222	07/21/22	BEVERAGES AND MORE	00011077		80	Shopping Cart Retrieval
I000051464	09/01/22	HOME DEPOT #1041	00010714		44	Shopping Cart Retrieval
I000051728	11/11/22	HOME DEPOT #1041	00010714		32	Shopping Cart Retrieval
I000051841	12/09/22	HOME DEPOT #1041	00010714		32	Shopping Cart Retrieval
I000053123	03/31/23	HOME DEPOT #1041	00010714		32	Shopping Cart Retrieval
		Shopping Cart Retrieval		**$**	**268**	
		OVERALL TOTAL		**$**	**33,402**	

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve a Milpitas Housing Authority Agreement with Bay Area Builders, Inc. dba BAB Commercial for Property Management Services (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)**
Category:	Consent Calendar-Community Development
Meeting Date:	6/11/2024
Recommendation:	Approve a Milpitas Housing Authority Agreement with Bay Area Builders, Inc. DBA BAB Commercial for property management services in an amount not to exceed $50,000 and authorize the City Manager to execute the agreement.

BACKGROUND:

The Milpitas Housing Authority owns commercial property commonly known as 1432-1446 S. Main Street (Parcel 1). The property contains seven commercial units and one residential apartment that has been occupied by the former property manager who completed his property management services on May 31, 2024. The tenant mix is automotive storage/service/repair, cat boarding, private storage, a food pantry, and a residence. Two units are vacant. The agreement before the Milpitas Housing Authority Commission is a one-year term contract, with an option to renew for a second-year term, with Bay Area Builders, Inc., doing business as BAB Commercial, to provide property management services for Parcel 1.

In 2011, when the former Milpitas Redevelopment Agency purchased Parcel 1 for purposes of building affordable housing, staff had requested the prior property owner to serve as property manager for the existing businesses and one apartment to allow for a seamless transition in ownership. The property manager also resides in the residential unit and leases one of the Parcel 1 units. A property management firm, Callahan Property Company, was retained in 2012 for two City-owned parcels adjacent to Parcel 1. In early 2023, Callahan Property Company, informed staff that it would no longer provide property management services. As the residential tenant located on Parcel 1 was also the property manager, and there was not much time to act, the Parcel 1 property manager agreed to manage the two adjacent City-owned parcels as well 1452-1466 South Main Street (Parcel 2, and 1474-1488 South Main Street (Parcel 3).

Several of the tenants have been late with rent payments on both City- and Housing- Authority owned parcels. In the fall of 2023, the property manager informed staff he could no longer manage Parcels 2 and 3 but did not provide a 30-day written notice. Staff began the search to identify local commercial property management firms interested in managing all three Parcels. Staff concluded a professional commercial property management firm is in the best interest for these key reasons: (1) experience enforcing lease terms such as collecting current and arrears rent; (2) ability to market the vacant storefronts and screen qualified applicants should the City or Housing Authority opt to lease the vacant spaces; (3) ensure tenant compliance with the use of the City and Housing parcels; and (4) brings decades of experience, industry knowledge, and resources to efficiently manage the parcels. BAB Commercial is the property manager for Parcels 2 and 3 as of June 1, 2024.

ANALYSIS:

On January 24, 2024, the Housing Authority and the City issued a request for quote (RFQ) for a professional commercial property management firm to manage the tenants on Parcels 1-3. The RFQ requested a commercial property management firm with experience in debt collection, tenant and landlord regulations, and overall knowledge and experience with commercial leases, insurance, common area maintenance, and

building codes to assist the Housing Authority. The RFQ was publicly noticed in accordance with the City Municipal Code and shared with hundreds of firms who signed up to receive opportunities to partner with the City and Housing Authority, advertised on the City's website. Also, email notifications were sent to eight local commercial property management firms on January 24, 2024. A mandatory bid walk was held on February 5, 2024, which was essential to successfully participate in the RFQ procurement. One firm, BAB Commercial attended the bid walk. On the February 14, 2024 RFQ response deadline, the City and Housing Authority received one quote from a commercial property management firm, Bay Area Builders, Inc., doing business as BAB Commercial.

Staff is recommending BAB Commercial, a full-service commercial property management firm. Based in Santa Clara, the firm has in-house services, including facilities maintenance, engineering, construction, leasing, and accounting software to develop high-level financial reporting. BAB Commercial is familiar with Milpitas, and currently provides property management services for Milpitas Square, a retail and restaurant outdoor shopping center on Barber Lane in Milpitas, where 99 Ranch Market is the anchor tenant.

The proposed terms for property management services on Parcel 1 are as follows:

Agreement Amount:	$50,000
Duration:	One-year with option to renew for second year term
Scope:	*Task 1:* Flat fee of $1,520 per month ($18,240 flat fee in year 1) or greater of 4% of collected gross rent for property management and accounting fee. $380 one-time transition fee for property onboarding and setup. *Task 2:* $13,140 optional task for new leases, construction and capital management, and lease renewals if authorized by the Housing Authority.

POLICY ALTERNATIVES

Alternative 1: Reject Bay Area Builders, Inc.'s bid and reissue a request for quote to solicit new bids.

Pros: The Housing Authority may determine if another firm can provide a lower quote.

Cons: The Housing Authority will delay the property management services required on Parcel 1.

Reasons for Not Recommending: As stated above, the RFQ resulted in only one bid proposal. Some property managers have declined submitting a bid stating that their fees would be half the current rent rolls. Another stated they do not have significant amount of time required to clean up the properties.

Fiscal Impact:

The fiscal impact is not to exceed $50,000 with the Housing Authority Fund.

California Environmental Quality Act:

The action does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project pursuant to Cal. Code of Regs., tit. 14, § 15378.

RECOMMENDATION:

Approve Milpitas Housing Authority Agreement with Bay Area Builders, Inc. dba BAB Commercial in an amount not to exceed $50,000 and authorize the City Manager to act as Executive Director in the execution of the agreement.

ATTACHMENT(S):

Professional Services Agreements between the Milpitas Housing Authority and Bay Area Builders, Inc. doing business as BAB Commercial

PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE
MILPITAS HOUSING AUTHORITY AND BAY AREA
BUILDERS INC DOING BUSINESS AS BAB
COMMERCIAL
CONTRACT NO. 24-061 HA

This Agreement is made and entered into as of _____, ("Effective Date") by and between the Milpitas Housing Authority ("MHA") , a public body corporate and politic and operating under the laws of the State of California, with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 and **Bay Area Builders, Inc. doing business as BAB Commercial**, a California corporation with its principal place of business at **3360 De La Cruz Blvd., Santa Clara, CA 95054** (hereinafter referred to as "Agent"). MHA and Agent are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. Housing Authority is a public body corporate and politic, and is in need of property management services for the Housing Authority's real properties, hereinafter known as "Property", which is described as follows:

1432-1446 South Main Street (APN 083-41-001), hereinafter referred to as "Parcel 1"

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

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

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Agent 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 Agent under this Agreement exceed the sum of **Fifty Thousand Dollars and Zero Cents ($50,000.00)**.

TASK 1: Monthly property management and accounting fee: The greater of 4% of collected gross income or a flat-fee of $1,520.00. Two-year (twenty-four months) property management services total estimated at a minimum of $36,480.00. Gross income includes, but is not limited to, the collection of monthly rents, common area maintenance (CAM) estimates and reconciliations which are calculated annually, late rent penalties, etc.

One-time initial transition fee: $380.00 for property onboarding and set-up. The one-time transition fee will be paid 30-days after the execution of this agreement.

TASK 2: Optional leasing, capital improvements management, lease amendments fees: up to $13,140.00 for leasing storefront spaces, conducting lease amendments, and providing project management for capital improvements if requested in writing by the Housing Authority prior to work commencement. The fee schedule for specific tasks is itemized in **Exhibit B**.

3. Additional Work.

[Reserved]

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Agent 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 MHA.

5. Term.

The term of this Agreement shall be from **the Date first written above** for a **one year term** with an option to renew for a second year term at the expiration of this Agreement and month-to-month thereafter until the total agreement amount is expended and/or the agreement is amended with approved additional funds, unless earlier terminated as provided herein. The MHA reserves the right to review the Agent's performance at the end of each year and cancel all or part of the Agreement.

Agent shall perform its services in a prompt and timely manner and shall commence performance upon the Effective Date.

6. Delays in Performance.

a. Neither MHA nor Agent 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. Agent shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Agent shall assist the MHA, as requested, in obtaining and maintaining all permits required of Agent by federal, state and local regulatory agencies.

Agent

8. Standard of Care

Agent'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 Subagent

Agent shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the MHA, 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 Agent from employing independent associates, and subcontractors as Agent may deem appropriate to assist in the performance of services hereunder.

10. Independent Agent

Agent is retained as an independent contractor and is not an employee of MHA. No employee or agent of Agent shall become an employee of MHA. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from MHA as herein provided.

11. Insurance.

Agent shall not commence work for the MHA until it has provided evidence satisfactory to the MHA it has secured all insurance required under Exhibit D (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Agent 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, Agent shall defend (with counsel of MHA's choosing), indemnify and hold the MHA, their 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 Agent, its officials, officers, employees, subcontractors, Agents or agents in connection with the performance of the Agent'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. Agent's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Agent, the MHA, its officials, officers, employees, agents, or volunteers.

b. If Agent's obligation to defend, indemnify, and/or hold harmless arises out of Agent'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, Agent'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 Agent, and, upon Agent obtaining a final adjudication by a court of competent jurisdiction, Agent's liability for such claim, including the cost to defend, shall not exceed the Agent's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Agent 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, Agent agrees to fully comply with such Prevailing Wage Laws. Agent shall defend, indemnify and hold the MHA, 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 Agent and all subagents 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 Agent and all subagents performing such services must be registered with the Department of Industrial Relations. Agent shall maintain registration for the duration of the Project and require the same of any subagents, 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 Agent's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Agent or any subcontractor that affect Agent's Agent performance of services, including any delay, shall be Agent's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Agent caused delay and shall not be compensable by the MHA. Agent Ashall defend, indemnify and hold the MHA, 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 Agent or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Agent 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 subagents and sub-subagents 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. MHA has the right to terminate or abandon any portion or all of the work under

this Agreement by giving thirty (30) calendar days written notice to Agent. In such event, MHA shall be immediately given title and possession to all accounting records, monthly and annual written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. MHA shall pay Agent 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 MHA and Agent of the portion of such task completed but not paid prior to said termination. MHA shall not be liable for any costs other than the charges or portions thereof which are specified herein. Agent shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

a. Agent 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 Agent.

b. The Agent understands and accepts that at all times; the Agreement is subject to appropriation of funds by the Milpitas Housing Authority. The Agreement may terminate without penalty, liability or expense of any kind to the MHA at the end of Agreement term. The MHA has no obligation to make appropriations for the Agreement in lieu of appropriations for new or other contracts. MHA budget decisions are subject to the discretion of the Chair and Housing Authority Commission. Agent'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, accounting, monthly and annual reports, 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 MHA.

18. Organization

Agent shall assign **Marissa Borgman** as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the MHA.

19. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

20. Notice

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

CITY:	AGENT:
City of Milpitas	Bay Area Builders, Inc. dba BAB Commercial
455 E. Calaveras Boulevard	3360 De La Cruz Boulevard
Milpitas, California 95035	Santa Clara, CA 95054
Attn: Economic Development Director	Attn: Marissa Borgman

and shall be effective upon receipt thereof.

21. Third Party Rights

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

22. Equal Opportunity Employment.

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

23. Entire Agreement

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

24. Severability

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

25. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Agent 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 MHA. Any attempted assignment without such consent shall be invalid and void.

26. Non-Waiver

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

27. Time of Essence

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

28. MHA's Right to Employ Other Agents

MHA reserves its right to employ other firms, including pest control, landscaping, and building and property maintenance companies n connection with this Project or other projects.

29. Prohibited Interests

Agent maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Agent, to solicit or secure this Agreement. Further, Agent 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 Agent, 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, MHA shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of MHA, during the term of his or her service with MHA, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

30. Wage Theft Prevention

a. Agent, and any subagent 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, AGENT 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 AGENT OR ITS SUBAGENTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. AGENT FURTHER AFFIRMS THAT IT OR ITS SUBAGENT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, AGENT AFFIRMS THAT IT OR ITS SUBAGENT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT AGENT OR ITS SUBAGENT(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 Agent or a subagent it employs to perform work under this Agreement has violated any applicable wage and hour law, or Agent learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Agent shall inform the MHA 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. Agent or its subagent(s) shall, within thirty (30) calendar days after notifying the MHA, either (i) fully satisfy any such judgment, decision, or order and provide the MHA with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the MHA documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Agent or its subagent is subject to a payment or other alternative plan, the Agent or its subagent 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 MHA, 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 MHA shall be addressed to: Attention: Economic Development 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 MILPITAS HOUSING AUTHORITY AND BAY AREA BUILDERS INC DOING BUSINESS AS BAB COMMERCIAL

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

CITY OF MILPITAS

Approved By:

_____
Ned Thomas, City Manager

_____
Date

Approved As To Form:

_____
Michael Mutalipassi, City Attorney

Approved:

_____
Luz Cofresi-Howe,
Finance Director/Risk Manager

Approved As To Content:

_____
Alex Andrade, Economic Development Director

BAY AREA BUILDERS INC, DBA BAB COMMERCIAL

_____
Signature

_____
Name

_____
Title

_____
Date

EXHIBIT A

Scope of Services

Agent will provide full service property management: service contract management, property maintenance and repairs, lease abstracting, accounts payable, accounts receivable, tenant liaison, tenant financial review, rent collection, evictions, preparing monthly and annual financial reporting, annual budgeting, CAM estimate and reconciliations, capital improvement planning, tenant improvement oversight, vendor communication, collaboration with the legal as needed, property inspections, disaster prevention, ensure compliance with lease terms and local city ordinances, sub-meter readings, ownership meeting as requested, and assisting with leasing team as needed.

TASK 1: Property Management Services

Tenant Relations and Rents

1. Tenant liaison - serve as the primary point of contact for tenants regarding their lease agreements and other related inquiries, respond to tenant complaints, inquiries, and requests in a timely manner, and monitor tenant compliance with all lease terms and negotiations.
2. Collect rent, outstanding debt and submit to the Authority's Finance Department
3. Create a repayment plan for tenants in arrears. If tenants do not pay within the Housing Authority's agreed timeframe, advise the Housing Authority on next steps
4. Ensure that existing tenants are not subletting any or all of their leased space without written consent from the Housing Authority
5. Ensure commercial tenants are not using the premise for residential use
6. Work with existing tenants to move their personal items out of the vacant spaces and surface lot that are not part of their lease agreements
7. Work with tenants and Housing Authority to identify and remove abandoned vehicles
8. Carry out monthly inspections and more if deemed necessary around the tenant spaces and the property itself to ensure tenants comply with agreed upkeep of the property and lease agreement
9. Respond timely and courteously to problems and requests of tenants
10. Organize tenant move-in, move-out, and eviction when necessary
11. Change locks for the vacant storefronts and gate

Lease Agreements and Common Area Maintenance (CAM)

12. Provide advice on the preparation of new and amended lease agreements
13. Obtain certificate of insurance per requirements in the lease and track renewals as needed
14. Provide advice on method for tenants to pay prorata share of water and garbage for consideration to incorporate into the leases
15. Provide advice on the type of maintenance and CAM charges to upkeep the common areas for consideration into the lease agreements

Maintenance

16. Create and supervise maintenance schedules and repairs
17. If applicable, insure independent contractor license status and insurance coverage.

18. Prepare work orders for maintenance staff and vendors
19. Recommend alterations and improvements

Reports

20. Set up and maintain proper records, provide monthly reports to the Housing Authority by the 15th of each month, and submit detailed annual statements to the Housing Authority that cover all operations: income statement, rent roll, monthly summery of activity, and maintenance log.

TASK 2: Optional if Requested by the Housing Authority: Leasing Vacant Spaces

1. Determine if vacant spaces can be leased by evaluating cost for building improvements and market rental rates
2. Administer tenant occupancy and provide new tenant with introductory letters as regards to maintenance request and rent collection procedures
3. Qualify and investigate a prospective tenant's credit.
4. Other assignments listed in Exhibit B, tasks 2A through 2C.

[Current Rent Roles on Following Page]

Table 1: Parcel #1 Property Information and Rent Rolls

Parcel	**1**
Owner	Milpitas Housing Authority
Address	1432-1446 S. Main St.
Acres	1.06 acres
APN	083-41-001
Lease terms	All tenants are currently month-to-month since leases have lasped
City pays	water, garbage, possessory interest tax
Rent Collection Start Date	2011

Business Name **Business Type**	**Abbott Auto Service** Auto repair	**Vacant**	**Cat Nest Boarding** cat hotel	**M & B Plumbing** plumbing storage	**Disruptive Rides** auto restoration	**Milpitas Food Pantry** food pantry	**Vacant** former locksmith	**Resident Apt.** resident living above the former locksmith
Address	1432 S. Main St.	1434 S. Main St.	1436 S. Main St.	1438A S. Main St.	1438B S. Main St.	1440 S. Main St.	1444 S. Main St.	1446 S. Main St.
Unit Sqft	3,000		1,600			3,104	3,000	
Monthly Rent	$2,884		$1,324	$900	$850	$1,600; $1 (2)		$750; $175(3)
Deposit	$5,600		$1,200	$600	$600	$1,000		$500

(1) Effective March 2015, Food Pantry rent reduced to $1 per month

(2) rent reduced to $175/mo starting 4/1/23 because resident was hired as the property manager to replace former property mgr to manage parcel 2 and 3. Instead of paying him management fee, rent reduction is used.

As of December 18, 2023

EXHIBIT B

Schedule of Charges/Payments

Agent will invoice Milpitas Housing Authority on a monthly cycle. Agent will include with each invoice a detailed monthly report Agent will inform Milpitas Housing Authority regarding any out-of-scope work being performed by Agent. Payments to Agent for property management services for Task 1 will be made on a monthly billing basis or deducted from the tenants' gross income. The Finance Director or his/her designee will make the determination.

In no event shall the total amount paid for services rendered by Agent under this Agreement exceed the sum of **Fifty Thousand Dollars and Zero Cents ($50,000.00)**.

Rate: **TASK 1 Monthly Management & Accounting Fee:**

- Greater of 4% collected Gross Income *or* flat-fee of $1,520.00 per month. The 4% of monthly gross rents is currently less than $1,520.00; therefore, the monthly property management fee is $1,520.00. When and if the monthly gross income collected exceeds $38,000 ($1,520 divided by 4%), the management fees will revert to 4% of gross rent. Gross income includes, but is not limited to, the collection of monthly rents, common area maintenance (CAM) estimates and reconciliations which are calculated annually, and late rent penalties. Gross income does not include any contribution for shared utilities. .

TASK 2A Optional Construction & Capital Project Management Fee*: *if requested in writing by the Housing Authority*

- Up to $150,000 5%
- $150,000 - $300,000 4%
- $300,000 - $450,000 3%
- $450,000 & above 2%

Leasing: **TASK 2B Optional New Leases:** **if requested in writing by Housing Authority*

- Year 1 6%
- Year 2 5%
- Year 3 5%
- Year 4 4%
- Year 5+ 3%

TASK 2C Optional Lease Renewals: **if requested in writing by Housing Authority*

- $1,500 flat-rate per Agreement/Amendment/Addendum

Transition: One-time transition fee of $380.00 for property onboarding and set-up.

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 Agent's Agreement.**

Contractor or Agent 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 Agent, its agents, representatives, employees or subcontractors.

Contractor or Agent 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 Agent shall furnish Milpitas Housing Authority 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 Milpitas Housing Authority before work commences. Milpitas Housing Authority has the right to require Contractor's or Agent's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

____ Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

_X___ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

____ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

_X___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Agent 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 Agent, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

_X__ Insurance appropriates to the Contractor or Agent'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 Agent'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 Agent 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 Milpitas Housing Authority, 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 Milpitas Housing Authority's site.

Contractor's or Agent's Pollution Legal Liability:

____ Contractor's or Agent'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 Agent 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 Agent. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to Milpitas Housing Authority.

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 Agent 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 Milpitas Housing Authority and its elected and appointed officials, officers, attorneys, agents employees and volunteers 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 Milpitas Housing Authority (if agreed to in a written contract or agreement) before the Milpitas Housing Authority'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 Agent may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the Milpitas Housing Authority 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 Economic Development Director.

_X__ Waiver of Subrogation:

Contractor or Agent hereby grants to Milpitas Housing Authority a waiver of any right to subrogation which any insurer of said Contractor or Agent may acquire against the Milpitas Housing Authority by virtue of the payment of any loss under such insurance. Contractor or Agent 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 Milpitas Housing Authority 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 Milpitas Housing Authority for all work performed by Contractor or Agent, 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 Milpitas Housing Authority 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 Milpitas Housing Authority. The Milpitas Housing Authority y may require the Contractor or Agent 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 Milpitas Housing Authority, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Milpitas Housing Authority, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Agent 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 Milpitas Housing Authority.

Milpitas Housing Authority 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 Milpitas Housing Authority.

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 Agent 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 Milpitas Housing Authority 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 Agent shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that Milpitas Housing Authority is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and Milpitas Housing Authority in the same manner and to the same extent as Contractor is bound to Milpitas Housing Authority 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 Milpitas Housing Authority indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Agent shall furnish the Milpitas Housing Authority 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 Milpitas Housing Authority before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Agent's obligation to provide them. The Milpitas Housing Authority 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

Milpitas Housing Authority 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 Milpitas Housing Authority, 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 Agent'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:	**Review the List of Agenda Item Requests From Individual Councilmembers and Provide Direction to Staff Through the Council-Approved Prioritization Process (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**
Category:	Leadership and Support Services
Meeting Date:	6/11/2024
Recommendation:	(1) Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; and (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance.

BACKGROUND:

At City Council meetings, under the Announcements section, City Councilmembers may request items for the full Council to consider. These items are placed on a list for a future City Council discussion and action. On January 19, 2021, at a Special City Council meeting, Council provided direction to staff to streamline the process by presenting individual Council agenda item requests for prioritization to City Council on a quarterly basis.

On January 10, 2023, City Council approved a City Council Request Prioritization Policy which guides the prioritization process. As part of the January 10, 2023 approval, language was included in this Policy to remove items recommended by prior members of the City Council unless a current City Councilmember chose to sponsor the continuation of those items.

The last prioritization was held on February 20, 2024. Links to prior prioritization reports and minutes are included under Attachments.

ANALYSIS:

Staff is now bringing forward the next prioritization of items requested by Council between February 20, 2024 and May 21, 2024, including the status on items previously approved by Council.

As shown in Attachment 1, a total of 39 items, some which were discussed during the prior prioritization discussion, have been grouped into four categories differentiated by level of effort and status of the agenda request as outlined below:

Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources (12 items).
Group 2 – Items that have not been initiated but will require less than 4 hours of staff work (2 items).
Group 3 – Items that are currently underway and/or already included in workplan (19 items).
Group 4 – Items that have been completed, postponed indefinitely, or withdrawn (6 items).

Prioritization Process

There are a total of 15 new items since February 20, 2024. Of these 15 items, 12 items are in Group 1, 2 items are in Group 2, and 1 item is in Group 4.

Similar to the prior prioritization process, the new Group 1 agenda item requests are detailed in Attachment 2. As these requests have not yet been discussed, staff has attempted to identify alignment with Council priority areas to the extent possible. As part of Attachment 2, staff provided a summary which includes the

lead and supporting departments, estimated resources and cost to complete the work, description of work effort, any actions taken to date, clarification or direction sought from City Council, and other additional considerations including impacts on other workplan items. To the extent possible, staff sought clarification from City Councilmembers sponsoring the request; however, some items may need additional clarification from the requesting Councilmember(s). To facilitate Council prioritization, Group 1 items have been further categorized into three sub-groups: Ordinances and Policies, Projects and Programs, and Miscellaneous.

For the Group 1 items, the total annual costs are estimated as follows:

Item	Potential Ongoing Costs		Potential One Time Costs	
	Low Range	High Range	Low Range	High Range
CC01: Revisit solicitation ordinance	TBD	TBD	$3,000	$10,000
CC02: Strengthening of No Smoking ordinance	TBD	TBD	$10,000	$10,000
CC03: Tobacco Ordinance Review	$273,000	$273,000	$23,000	$23,000
CC04: Animal Cruelty Ordinance	TBD	TBD	$10,000	$10,000
CC05: Arts Month: Recommend an arts month exhibit for commissioners to showcase art	$5,500	$5,500	$0	$0
CC06: Veteran Banner program	$40,000	$40,000	$0	$0
CC07: Community Advisory Commission: Change focus to housing	TBD	TBD	$0	$0
CC08: Explore increasing stipend for planning commission	$11,550	$11,550	$0	$0
CC09: Citywide Banner Program	$20,000	$20,000	$0	$0
CC10: Escuela Parkway Traffic Safety Review	$0	$0	$100,000	$150,000
CC11*: Review of a potential catalytic converter ordinance	TBD	TBD	$5,000	$5,000
CC12*: Accessory Dwelling Unit Ordinance to Allow Condominium Conversions	$0	$0	$12,000	$12,000

*Items C11 and C12 will not be proposed to be voted on during the prioritization discussion based on coordination with Vice Mayor Evelyn Chua, who originally referred these items.

Since Group 2 items (see Attachment 1) require less than four hours of staff time, these items can be advanced without requiring a majority vote; however, Council may wish to provide additional input or direction on this item. For Group 3 items, which are underway and/or already included in staff workplans, staff provided an update in Attachment 1. A list of Items completed, postponed indefinitely, or withdrawn, are presented as a separate attachment (Attachment 3).

Voting Process

In accordance with the adopted City Council Prioritization Policy, existing staff workload and the number of Group 1 items, staff proposes the Council prioritize no more than two items. The typical voting process for

prioritization is summarized below.

Round 1
Each member of the Council will be asked to prioritize their top two items from Group 1. Councilmembers will receive hard copies to help them review and complete the preliminary prioritization, and electronic voting will be conducted on mobile devices.

All items receiving three or more votes will move forward. If the number of items receiving three or more votes is two or greater, the prioritization process will be deemed complete. If the number of items is less than two, the remaining items will be prioritized as described in Round 2.

Round 2
If items receiving three or more votes are less than two in number, Councilmembers will be asked to prioritize the remaining items to develop a top two list. Each member of the Council will be given the number of votes equivalent to two minus the number of items prioritized for staff work at the completion of Round 1. For example, if after Round 1, the Council agreed on advancing one item, one additional item will require prioritization. Therefore, each Member of the Council will be asked to vote on one item. Any item receiving three or more votes will be added to the prioritized list. If the total number of items on the list is one or greater, the prioritization process will be deemed complete.

Additional Rounds, if needed
If the total number of prioritized items after Round 2 is less than two, all remaining items which received at least one vote will be prioritized through additional rounds of voting. Items which receive zero votes in a round will be eliminated from the subsequent round of voting.

Please note that any items that do not advance through this multi-step prioritization process will be removed from the active list and would have to be resubmitted through Announcements for the next prioritization discussion, tentatively scheduled for September or October 2024.

Group 4 Items
As discussed above, there are 6 items that have been moved to “Group 4” in this update as they are either completed or no longer prioritized as discussed further below:

- *Item 34. Update the Commissioner Handbook to include an option for outgoing commissioners to make presentations to other commissions:* This item is complete. The revised Handbook was adopted by City Council on March 19, 2024.
- *Item 35. Workshop for retailers focusing on best practices and safety with plans for quarterly sessions:* This item is complete. On March 22, the Police Department held a community forum at the Seasons Market Place (Seafood City) in cooperation with the Santa Clara County District Attorney's Office to discuss crime trends and organized retail theft. This event cost approximately $800 to host and consumed significant Police Department resources and staff time to complete. Future events of this magnitude would require funding. Due to staffing constraints, it is recommended future forums be reduced in size and provided at the request of the business community. When staffing within the Police Department improves, the Police Department will evaluate hosting additional events on a more regular basis.
- *Item 36. Explore Ordinance for Residential Home Solicitors:* This item was brought forward to the City Council for consideration on April 2, 2024. The City Council determined not to proceed with the ordinance, which completed this item. This item was referred again by Councilmember Barbadillo on April 16, 2024. This line item will be shown as completed; however, the new referral made on April 16, 2024 will be tracked as a separate line item for potential prioritization.
- *Item 37. Satellite Consulate Office:* This item is complete. Economic Development and Recreation and Community Services staff coordinated a service on April 13, 2024 for a Consular Outreach Mission at the Community Center Auditorium.
- *Item 38. Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe:* As funding for this analysis was not provided in the Fiscal Year 2024-2025 CIP process, staff has deemed this item completed for the time being. It is possible staff can review this location

again in the future for potential improvements.

- *Item 39. Recognize March as National Endometriosis Month:* This item was completed. March was recognized as National Endometriosis Month at the March 19, 2024 City Council meeting.

POLICY ALTERNATIVE:
Not applicable

FISCAL IMPACT:
For the Group 1 items, the annual ongoing and one-time costs are summarized in the table in the analysis section of this report. Based on Council direction, staff will consider prioritized items that require new funding as part of a future budget process.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:
This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Although the use of funding will be discussed, any project scope and potential environmental analysis would be speculative at this time, and future environmental analysis will be conducted for the potential projects prior to the City making any commitment or approval of any project.

RECOMMENDATION:

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

ATTACHMENTS:
1. List of Councilmember Agenda Item Requests
2. Information on Group 1 items
3. List of Completed, Postponed Indefinitely, or Withdrawn Items
4. Links to Prior Prioritization Reports and Minutes
   - March 16, 2021 Agenda and Minutes
   - August 9, 2021 Agenda and Minutes
   - January 11, 2022 Agenda and Minutes
   - May 3, 2022 Agenda and Minutes
   - September 6, 2022 Agenda and Minutes
   - February 7, 2023 Agenda and Minutes
   - June 20, 2023 Agenda and Minutes
   - November 14, 2023 Agenda and Minutes
   - February 20, 2024 Agenda and Minutes

Attachement 1

List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.								
Ordinances and Policies								
1	Revisit solicitation ordinance	Barbadillo	4/16/2024	Maybe, pending clarification	Attorney	Public Safety	See attached writeup	Yes
2	Strengthening of No Smoking ordinance	Chua	5/7/2024	Yes	Attorney	Public Safety	See attached writeup	Yes
3	Tobacco Ordinance Review	Chua	5/7/2024	Yes	Planning	Public Safety	See attached writeup	Yes
4	Animal Cruelty Ordinance	Chua	5/21/2024	Yes	Attorney	Public Safety	See attached writeup	Yes
Projects and Programs								
5	Arts month: wants to recommend that we have an arts month exhibit for commissioners to showcase art	Chua	3/5/2024	Yes	Recreation & Community Services	Community Wellness & Open Space	See attached writeup	Yes
6	Veteran Banner program	Chua	3/19/2024	Yes	City Manager's Office	Community Wellness & Open Space	See attached writeup	Yes
7	Community Advisory Commission: Change focus to housing	Chua	4/2/2024	No	City Manager's Office: Housing	Neighborhoods & Housing	See attached writeup	Yes
8	Explore increasing stipend for planning commission	Barbadillo	4/16/2024	Yes	City Manager's Office: City Clerk	Neighborhoods & Housing	See attached writeup	Yes
9	Citywide Banner Program	Chua	5/7/2024	Yes	Public Works	Economic Development & Job Growth	See attached writeup	Yes
10	Escuela Parkway Traffic Safety Review	Montano	5/7/2024	Yes	Public Works	Transportation & Transit	See attached writeup	Yes
Other: These items require more than 4 hours work. However, based on a conversation with the councilmember who referred these items, they are not proposed to be voted on for the 6/11/2024 meeting.								
11	Review of a potential catalytic converter ordinance	Chua	2/20/2024	Yes	Police	Public Safety	See attached writeup	Yes
12	Accessory Dwelling Unit Ordinance to Allow Condominium Conversions	Chua	3/5/2024	Yes	Planning	Neighborhoods & Housing	See attached writeup	Yes
Group 2 – items that have not been initiated but will require less than 4 hours of staff time								
13	Feasibility Study for Night Market/Food Trucks on Main Street	Montano	5/7/2024	No	City Manager's Office: Economic Development	Economic Development & Job Growth	**June 2024 update:** As this is aligned with the Office of Economic Development's existing workplan tasks, there is no additional staff time required to implement this analysis.	
14	Letter to County regarding horseriding	Chua	5/21/2024	No	City Manager's Office	Community Wellness & Open Space	**June 2024 update:** Staff is workign on a letter to the County and expects it to be send by mid June 2024.	
Group 3 - Items that are currently underway and/or already included in workplan								
15	Affordable Housing Ordinance Review	Montano	12/5/2023	Yes	City Manager's Office: Housing	Neighborhoods & Housing	**June 2024 Update:** This project was prioritized by the Mayor and City Council in February 2024. Funding for the assessment of the ordinance was approved as part of the Adopted Fiscal Year 2024-2025 Operating Budget.	
16	Explore possibility of naming the County library on Main Street	Phan	1/23/2024	No	Recreation & Community Services	Community Wellness & Open Space	**June 2024 Update:** Staff consulted with Milpitas Library staff that provided the recent example of the Morgan Hill Library, which was renamed in 2021 to incorporate the name of a local official and advocate for library services. Staff will provide an informational report to the City Council regarding the level of work that could be involved in this re-naming for future prioritization consideration. **February 2024 Update:** Staff will reach out to the County in February 2024 to determine the process for a potential name change. It is possible that this could turn into a work effort in excess of 4 hours in the future pending the results of this discussion. If it does, staff will bring this item back to council for a discussion regarding prioritization.	Additional funding likely needed pending further staff analysis.

Attachement 1
List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
17	Request that the Arts Commission explore alternatives for future of statue in front of City Hall	Phan	1/30/2024	No	Recreation & Community Services	Community Wellness & Open Space	**June 2024 Update:** Planned discussion on this topic will occur at September 2024 Arts Commision meeting. **February 2024 Update:** During February or March 2024, staff will request that the Arts Commission have a discussion about potential alternatives for the statue in front of City Hall. It is possible that this could turn into a work effort in excess of 4 hours in the future pending the results of this discussion. If it does, staff will bring this item back to council for a discussion regarding prioritization.	Additional funding likely needed pending further staff analysis.
18	Charter City Evaluation	Phan	9/5/2023	Yes	City Manager's Office, City Attorney	Governenace & Administration	**June 2024 Update:** Resources to analyze this policy issue are expected to be approved in the Fiscal Year 2024-2025 operating budget. Staff expects to begin work on this item in late 2024. **February 2024 Update:** At the January 30, 2024 Operating budget study session consensus was received to allocate funding towards this effort as part of the Fiscal Year 2024-2025 Operating budget. Further work on this item is pending budget allocation.	Additional funding likely needed pending further staff analysis.
19	Main Street International Festival	Lien	10/3/2023	Yes	Recreation & Community Services	Community Wellness & Open Space	**June 2024 Update:** Addressing in the FY24-25 budget through existing Movie Nights series which will be held in Summer 2025. **February 2024 Update:** At the January 30, 2024 operating budget study session consensus was received to continue to discuss this item as part of the re-organization of the events calendar that the Recreation & Community Services department is reviewing with the City Council. **November 2023 update:** see attached writeup	
20	Staff to complete analysis if, working with the County, it would be beneficial to have a location where residents can pickup Narcan	Chua	9/5/2023	No	Fire	Public Safety	**June 2024 update:** Info Memo delivered to CMO and Council on March 19, 2024. Fire EMS Division will continue to track community data relative to OD calls and mirror County Health emergencing trends and best-practices. Additionally, Fire is updating webpage to include information on how members of the community can safely obtain Narcan from the County. Lastly, Fire will obtain Fentanyl safety and awareness brochures that will be handed out during community events along with traditional fire safety information. **February 2024 update:** Fire Staff is developing a informational memo for Council that will provide an update on various programs and actions that can be implemented in the community to minimize the impacts of the Opioid Epidemic. Fire anticipates that the information will be ready to share with Council by March 2024. **November 2023 update:** Staff will provide an update on this analysis to the Mayor and City Council by the end of 2023.	

Attachement 1
List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
21	Recreation & Community Services Depatrment to Review of potentially returning additional programs for Bingo and Senior Trips	Chua	11/7/2023	No	Recreation & Community Services	Community Wellness & Open Space	**June 2024 update:** Staff addressing request through regular course of business. Currently, staff are moving forward with applying for their Bingo License, and setting up a survey for new trip ideas from the senior membership. It is estimated that trips will resume in mid Fall of 2024, and Bingo would start in early Winter. **February 2024 Update:** Staff is assessing Bingo equipment and will be starting a new Bingo license application in Spring 2024. Staff is assessing alternate ways to provide trips to seniors until and potentially after the new van has been purchased. **November 2023 update:** **Bingo:** Senior Center Bingo participation had reduced drastically before the pandemic with an average of 20 people per session. Contributing factors could have been the normal loss of participants due to moving away, moving into care homes, and/or the opening of Milpitas Charity Bingo. Staff has heard from some seniors that the buy-in costs at Charity Bingo are too expensive. Recreation program staff is currently investigating the option of renewing the City's Bingo License and potentially bringing back the program opportunity utilizing volunteers. Staff will report back to the City Council once this analysis is completed. **Trips:** The Senior Center has monthly meetup trips at local destinations. There is also the "Foodie Club" which is an open club of senior center members that meet once a month at a Milpitas restaurant. The large Senior Center Bus that was previously used to transport Seniors to these	
22	City Employment Job Fair at City Hall	Chua	5/2/2023	No	Human Resources	Governenace & Administration	**June 2024 update:** Staff will be hosting a table at the June 14th Summer Concert Event (RCS) that will be generally educational and titled "Career with the City of Milpitas" and will also highlight existing or upcoming recruitments. **February 2024 Update:** Staff is partnering with Recreation and Community Services to identify 1-2 existing community events this yearr for HR to host a "Careers with the City of Milpitas" table to share information about open opportunities and education about the mission driven work of our full service City. **November 2023 update:** Staff will coordinate with an upcoming community event to staff a table to promote employement opporutnities within the City of Milpitas. **June 2023 update:** Staff is evaluating synergies with existing Economic Devlopment activities and endeavors to which recruiting efforts can be incorporated and creates space for multiple events throughout the year increasing overall exposure to local talent.	

Attachement 1
List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
23	Look into possibility of Senior citywide discount from all Milpitas businesses.	Barbadillo	2/7/2023	Yes	City Attorney/City Manager's Office	Community Wellness & Open Space	**June 2024 update:** Staffing and survey resources for the policy work for this item are expected to be approved as part of the Fiscal Year 2024-2025 Operating budget. Staff expects to return to the City Council with policy options and cost estimates by the end of 2024. **February 2024 update:** At the January 30, 2024 Operating budget study session consensus was received to allocate funding towards this effort as part of the Fiscal Year 2024-2025 Operating budget. Further work on this item is pending budget allocation, however staff is in the process of meeting with a survey consultant to receive a firm cost estimate on a potential survey of businesses for this proposal. **November 2023 update:** Staff have begun preliminary investigation into alternatives and staff anticipates being able to frame potential options and next steps more thoroughly by early 2024. **June 2023 update:** see attached writeup	
24	Look into defining either a standalone teen center or updating information to indicate the Senior Center also functions as a Teen Center	Chua	9/20/2022	Yes	Recreation & Community Services	Community Wellness & Open Space	**June 2024 update:** Based on surveys of teens, it appears that the ideal course of action is to have mutliple locations avaialble for their use. Staff have begun a "Teen Center Everywhere" campaign and have brought teen drop-ins back to the Sports Center which have been successful. Staff will continue to amplify this campaign and monitor usage rates and report back to the City Council in future updates. **February 2024 update:** Staff conducted multiple survey outreach efforts resulting in lower than anticipated participation. Initial results are being reviewed and staff will follow up with the City Council on next steps. **November 2023 update:** Staff is conducting a Teen Center User Survey with the teens of Milpitas ages 12 - 18. Feedback from this survey is anticipated to be completed by mid November 2023. **June 2023 update:** A Teen Center Survey has been released and is currently gathering responses. It is anticipated that data on the use of the center and/or its programs relative to it's proximity to home and/or school, and the type of programming desired will provide the input needed for the resolution to this request.	

Attachement 1

List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
25	Look into implementing a workshop for small businesses on the bidding process for projects in the city.	Chua	8/9/2022	Yes	City Manager's Office/Economic Development/Public Works/Engineering	Economic Development & Job Growth	**June 2024 update:** City staff from Economic Devleopment, City Manager's Office and procurement paritipcated in the Milpitas Small Business expo on April 20, 2024. As a next step, staff is expected to perform data analysis on local business' participation in the City's bidding process. This data analysis is expected to be completed in Fall 2024. **February 2024 Update:** Staff will either present or have a booth to share information about the City's bidding process at the Milpitas Small Business Expo on Saturday, April 20, 2024. **November 2023 udpate:** Staff presented in August to the Economic Devleopment and Trade Commission. Feedback was received regarding the need for more thorough metrics regarding current local business partipation and goals of the program. **June 2023 update:** Staff was scheduled to provide a report to the Economic Development and Trade Commission on June 12, 2023 however that meeting with postoned due to lack of quorum. Staff will present to the Commission at the next avaialble date. Further analysis on options and alternatives to connect more local and local small City of Milpitas businesses to our procurement processes will continue through 2023.	
26	Pickleball Pilot Project	Chua	2/28/2023	Yes	Recreation & Community Services	Community Wellness & Open Space	**June 2024 update**: Staff presented the status of the finalization of the Pickleball Pilot program and potential next steps for permanent court designation at the March 19, 2024. Council provided direction to close Hall Courts at 9pm, install safety fencing between existing tennis and pickleball courts, and install accoustic fencing enhancement. Staff is also assessing traffic concerns in the area. Hall Court open hours were adjusted to close at 9pm on Monday, April 29. Fencing and accoustic enhancements are expected to be completed in summer 2024. Staff will assess any improvements to pickleball sound carrying into the surrounding neighbhorhood, and court experience with the safety fencing. **February 2024 update:** A new community survey was conducted from December 2023 through January 2024. A community meeting was held on February 8, 2024 to receive futher input. Staff expects to return to the City Council for a final recommendation on the use of Hall Park Courts for tennis and/or pickleball in March 2024. **November 2023:** Staff is currently engaged in a communtiy outreach process to determine the potential uses of the City Council allocated $100,000 to create a permanent pickleball opportunity in Milpitas. Staff anticipates returning to the City Council with a recommendation on this prior to the end of 2023. Recently the tennis community has engaged of the tennis around this project topic, and so staff anticipates returning to City Council with a recommendation after the first of the year.	

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
27	Main Street Infrastructure Projects	Montano	2/28/2023	Yes	Public Works	Transportation & Transit	**June 2024 update:** Staff was informed in May 2024 that Represenative Ro Khanna has submitted a request to the federal government for the remaining $1.9 million required to complete the first phase of the Main Street lighting project. Staff expects to hear a progress udpate on this funding request by Fall 2024. **February 2024 Update:** Staff is still working on determine how to best use and access the $500,000 that was received during the 2023 Federal earmark process. Additionally, staff has listed this as a priority project for 2024 potential State and Federal earmark dollars. **November 2023 update:** As part of the 2023 Federal appropriations process, $500,000 of the requested $2.1 million was received for the Main Street lighting project. Staff will work with federal and state represenatives to review options for use of this funding over the next several months (often it takes several months after the budget is passed in order for staff to be able to work with the Federal Agency repsonsible for use of funds received). **Prior update:** As part of the 2023 State and Federal appropriations processes, both State Assemblymember Alex Lee and Federal Represenative Ro Khanna have requested funding for Main Street infrastructure improvements. Further information on whether these appropriation requests are apporved will be avaialble in late 2023.	
28	Main Street Flooding at Library	Chua	2/28/2023	Yes	Public Works	Environment	**June 2024 update:** New CIP for FY24/25 has been created with $500,000 budgeted for preliminary feasability and some subsequent design work, if needed. **February 2024 update:** As part of the proposed Fiscal Year 2024-2025 Budget study session on February 22, 2024, staff will be presenting options to conduct a feasibility study to inform what engineering solutions would be required and to determine order of magnitute costs. **November 2023 update:** Staff is reviewing the Technical Memo regarding removal of the weir wall at the Wrigley Ford Pump Station. Once confirmed there would be no adverse impacts to the pump station/trash rack operations, staff will schedule construction to remove the weir wall. **June 2023 update:** Staff will continue to explore short-term mitigation as part of the FY 23/24 CIP program. Funds have been budgeted in FY 23/24 for the possible replacement/removal of the flap gate, should that be determined to be a viable option. Furthermore, three very small CIPs to address existing undersized pipes have been identified in the Downtown Specific Plan area which could improve flow. Those will be investigated as well in FY 23/24.	

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
29	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022		Recreation & Community Services	Community Wellness & Open Space	**June 2024 update:** Staff is working on creating capacity in the workplan for further analysis on this item. No additional update at this time. **February 2024 update:** Staff is working on creating capacity in the workplan for further analysis on this item. No additional update at this time. **November 2023 update:** City staff have performed preliminary evaluations of the Sal Cracolice and Milpitas Communtiy Center Facilities. Based on these preliminary evaluations, significant challenges would likely deter the improvements required to become a licensed childcare facility. However, as a next step, staff will be reaching out to a non profit partner and/or the Santa Clara County Office of Education to receive a third party opinion on staff's preliminary evaluation. **June 2023 update:** Staff are currently working on this request, identifying the improvements to the Sal Cracolice Recreation Facility that would be required for a licensed childcare provider to operate in the building. **Prior updates:** No additional funds required to complete the internal review. Internal review can be done by late 2023. Approved during Spring Quarterly City Council Workplan Items Prioritization Discussionon 5/03/2022.	
30	Have a picture of Albert Vogel Sr. put up in the Senior Center & Include Maria Lemire on the Mural in front of the Senior Center	Montano	10/19/2021 & 8/17/2021		Recreation & Community Services	Community Wellness & Open Space	**June 2024 update:** Staff is contacting the painting subjects for pictures for the artist to use for the portrait. Staff is also working on the orientation of the new mural panels for symetry and potential additional subjects to be added. It is estimated that the mural will be finished in October 2024 at the latest. **February 2024 update:** Staff is working on developing a contract with an artist for this work. **November 2023 udpate:** At this time, staff is proceeding with the original city council approved names - Maria Lemery and Albert Vogel - to add to the mural. Additional names would require City Council direction. **June 2023 update:** The approved CC request included to add Maria Lemery and Albert Vogel to the Mural at the Senior Center. Staff has spoken to the artist and confirmed that additional images would not fit with the existing piece. However, due to the location of the current mural, additional mural panels featuring additional people could be added to the senior center entry way. Staff received interest from Mayor Montano to add Joanne Souza to this request. **Prior updates:** No additional funding needed. Need final names from City Council. . Approved to move forward at the 1/11/2022 Council meeting; Staff engaged the artist of the existing mural regarding this	

Attachement 1
List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
31	Memorial Plaque in honor of youth skateboarder that passed away	Montano	6/7/2022		Recreation & Community Services	Community Wellness & Open Space	**June 2024 update:** Staff is working on the plaque wording. Install of the plaque is anticipated in early Fall 2024. **February 2024 update:** Staff met with the family of the Skateboarder and is working with them on plaque language. **November 2023:** Staff will reach out to the family in Fall to start the process to identify the location and plaque wording. **June 2023 update:** This request was approved as part of the FY23-24 Budget. Staff will begin working with the family in Fall 2023. **Prior update:** At the January 31 2023 City Council budget hearing, City Council votes to consider this item in the FY 2023-24 budget development. . Item will be brought forward as part of the next City Council additional workplan items prioritization in August/September .	
32	Present Quarterly or Monthly crime statistics on the Homekey Project	Chua	6/7/2022		City Manager's Office: Housing	Neighborhoods & Housing	**June 2024 Update:** Police and Fire administrators continue attend montlhy public safety planning meetings with the County-OSH, Jamboree, ABODE Services, and the on-site security company to collaborate on the calls for service, montlhy statistics, and emerging issues/responses. Additionally, the City hosts a quarterly stakeholder meetings with these same entities as well as the CMO, Mayor/Vice Mayor, Residents, and Business Community members to provide status updates, discuss trends, and address emerging issues including the potential responses to those issues. **February 2024 Update:** Staff has continued a regular bi-monthly stakeholders meeting on the Hillview project. The next stakeholder meeting is scheduled for late February 2024. **November 2023 update**: In September 2023, the the City and project partners began a monthly stakeholder meeting on this topic. **Prior update:** Next presentation is scheduled for June 20, 2023 City Council meeting. Quarterly reporting started in August 2022.	

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
33	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021		Recreation & Community Services	Community Wellness & Open Space	**June 2024 update:** A Public Art Selection Committee has been established and has invited artists to submit design proposals. It is anticipated that the committee will review proposals in late June 2024. Final designs will go through a public response period in mid to late summer. **February 2024 update:** Required permits have been obtained by VTA. Marketing for residents and surrounding businesses to serve on the art project stakeholder group. **November 2023 update:** Staff are proceeding with this project. Next steps are finalizing the license agreement with the Valley Transportation Authority and outreach to potential artists. **June 2023 update:** Staff was able to meet with and get approval from VTA in May 2023. Staff are currently completing the appropriate permits associated with this project for VTA approval. Monies for this project are available in the Public Art Fund. **Prior updates:** VTA is not responsive to requests from the City to meet on this project. A discussion on other locations or projects with Council may be needed. . Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved at the 5/03/2022 meeting; discussed funding at the 5/10/2022 budget meeting and approved $100,000 of funding for only one site.	
Group 4 – items that have been completed, postponed indefinitely, or withdrawn since last City Council update								
34	Update the Commissioner Handbook to include an option for outgoing commissioners to make presentations to other commissions	Chua	1/23/2024	No	City Manager's Office: City Clerk	Governenace & Administration	**June 2024 Update:** Revised Handbook adopted by City Council on March 19, 2024 **February 2024 Update:** an update to the Commissioner handbook will be brought to the City Council in Spring 2024 incorporating this change.	
35	Workshop for retailers focusing on best practices and safety with plans for quarterly sessions (completed)	Chua	1/23/2024	No	Police	Public Safety	**June 2024 Update:** This item is completed. On March 22nd, the police department held a community forum at the Seasons Market Place (Seafood City) in cooperation with the Santa Clara County District Attorney's Office to discuss crime trends and organized retail theft. This event cost approximately $800 to host and consumed significant police department resources and staff time to complete. Future event of this magnatude would require funding. Due to staffing constraints, it is recommended that future forums be reduced in size and provided at the request of the business community. When staffing within the police department improves, the police department will evaluate hosting additional events on a more regular basis. **February 2024 Update:** Staff met with Vice Mayor Chua and Councilmember Barbadillo on February 6, 2024 to clarify the intent of this request and discuss options. Based on this discussion, staff feels that this request is in alignment with the current business outreach program within the Milpitas Police Department and can be incorporated into the existing staff workplan. The team will host this event in the next few months at the Seafood City shopping center on Landess Avenue.	

Attachement 1
List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
36	Explore Ordinance for Residential Home Solicitors (completed)	Barbadillo	10/3/2023	No	Attorney	Public Safety	**June 2024 Update:** This item was brought forward to the City Council for consideration on April 2, 2024. The City Council determined to not proceed with the ordinance, which completed this item. This item was referred again by councilmember Barbadillo on April 16, 2024. This line item will be shown as completed, however the new referral that was made on April 16, 2024 will be tracked as a separate line item for potential prioritization. **February 2024 update:** The City Attorney's Office has researched the issue and is preparing to bring forth a model ordinance for council's consideration in spring of 2024.	
37	Satellite Consulate Office (completed)	Montano	2/28/2023	Yes	Economic Development	Economic Development & Job Growth	**June 2024 update:** Economic Development and Recreation and Community Services staff coordinated a service on April 13, 2024 for a Consular Outreach Mission at the Community Center Auditorium. **February 2024 Update:** Economic Development contacted the Philippine Consulate General, San Francisco, Consulate General of India, Consulate General of Vietnam, and the Consulate General of the People's Republic of China via email and voicemail messages in 2023. Staff heard back from the Philippine Consulate General only. Economic Development and Recreation and Community Services staff have coordinated service on April 13, 2024 for a Consular Outreach Mission to be held at the Community Center Auditorium. **November 2023 update:** The Office of Economic Development is coordinating with the Recreation & Community Services team and the Phillippine Consulate General (San Francisco) to coordinate an outreach event at the Milpitas Community Center. The current target date for this outreach is a Saturday in January 2024. **June 2023 update:** see attached writeup	

Attachement 1
List of Councilmember Agenda Item Requests

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department / Office	Council Priority Area(s)	Status	Additional Resources/Funding Needed or Deferral of Council Approved Programs
38	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe (completed).	Montano	8/16/2022	Yes	Recreation & Community Services/Public Works	Community Wellness & Open Space	**June 2024 update:** As funding for this analysis was not provided in the Fiscal Year 2024-2025 CIP process, staff has deemed this item completed for the time being. It is possible that staff can review this location again in the future for potential improvements. **February 2024 Update:** Based on community fedback and higher priority park improvements to be funded throughout the City, staff is not recommending to fund this project in the FY 2024-2025 Proposed CIP Budget. If funding is not secured in the Fiscal Year 2024-2024 Budget process this item will be closed out until such time as funding is secured. **November 2023 update:** As the survey was completed, this item is on hold pending potential future capital budget allocation. **June 2023 update:** Staff conducted a survey of residents within an 800 foot radius from Adobe Ave., asking for feedback on potential recreational improvements to the area. Notification was sent via postcard to individual homes, NextDoor, Facebook, and Instagram. The survey was out for 3 weeks and 43 responses were received. Of those received, 16 identified themselves as living in the Adobe Ave/Vasona St. Neighborhood. The majority of residents currently use Adobe Ave to walk to school (Curtner Elementary) and as a pedestrian trail for fitness. Survey takers responded most favorably to turning the area into a parklet with some benches and greenery, followed by interest in a community garden. Residents indicated some concern over new uses of	
39	Recognize March as national endometriosis month	Phan	3/5/2024	no	City Manager's Office: City Clerk	Community Wellness & Open Space	**June 2024 update:** This item was completed. March was recognized as National Endometriosis month at the March 19, 2024 City Council meeting.	

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC01	Revisit Solicitation Ordinance	Councilmember Gary Barbadillo
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Attorney	Police	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety	TBD	$3,000-$10,000
		Funding Needed
		Can be absorbed in current CAO budget.

Description of Required Work Effort

The Office of the City Attorney has presented a proposed ordinance regarding solicitation on residential properties that satisfies the request made by Councilmember Barbadillo but was not adopted by the entire Council. That proposed ordinance could be brought before the Council for reconsideration if the Council desires. Councilmember Phan has also suggested that the Council consider a no solicitation ordinance related to commercial property. An ordinance for commercial property would differ fundamentally from an ordinance governing residential property. In certain circumstances, portions of commercial property are quasi-public spaces on which the California Constitution explicitly allows some form of solicitation in accordance with *Pruneyard Shopping Center, et al. v. Robins.* Should the Council wish for both a residential no solicitation ordinance and a commercial no solicitation ordinance, those two ordinances should be prioritized and considered by the Council separately.

Status Update as of June 2024

Staff requires further clarification on the nature of the Council's request.

Council Clarification/Further Direction Requested

Staff requires clarification as to whether the Council is requesting a residential no solicitation ordinance, a commercial no solicitation ordinance, or both. If the Council is requesting both, staff recommends that the two ordinances be prioritized and considered separately.

Other Considerations

Enforcement of either ordinance would be undertaken by the Office of the City Attorney, not the Office of the District Attorney. Depending on the number of citations issued under these ordinances, the Office of the City Attorney may require additional resources to ensure enforcement.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC02	Strengthening of No Smoking ordinance	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Attorney		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety	TBD	$10,000
		Funding Needed
		Can be absorbed by the current CAO budget
Description of Required Work Effort		
The Office of the City Attorney would draft an ordinance prohibiting smoking in all publicly accessible parking lots to the extent allowable under the law.		
Status Update as of June 2024		
Work has not yet begun.		
Council Clarification/Further Direction Requested		
No further clarification is necessary.		
Other Considerations		
Violations of such a prohibition would be prosecuted by the Office of the City Attorney, not the Office of the District Attorney. At current staffing levels, the Office of the City Attorney can prosecute a limited number of violations without additional resources.		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC03	Tobacco Ordinance Review	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	City Attorney, Police	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety	TBD	$23,000 one time and $273,000 ongoing
		Funding Needed
		$273,000 ongoing (funding for one-time costs is available through a grant)

Description of Required Work Effort

The City of Milpitas had previously adopted ordinances to prohibit smoking in parks and trails in 2012 and outdoor dining areas in 2017. In June 2021, the City adopted an ordinance to prohibit smoking in multi-unit residences and many outdoor areas to reduce exposure to secondhand smoke. However, the City currently does not require a local tobacco retailer permit or minimum distances from sensitive land uses. If the City adopts an ordinance consistent with the County's ordinance, the County has agreed to administer, implement, and enforce the City's ordinance. However, the City would be required to conduct two youth decoy operations per year for each retailer within Milpitas.

The following tasks are required to adopt a local tobacco retail ordinance:

1. Draft a local tobacco retail ordinance;
2. If the ordinance deviates from the County's ordinance, establish a new application process, a new permit fee, and local enforcement procedures; and
3. If the ordinance matches the County's ordinance, execute an agreement with the County and conduct two youth decoy operations per year for each retailer through the Milpitas Police Department.

Administering, implementing, and enforcing a tobacco retail ordinance would require the following staff time:

1. One (1) Code Enforcement Officer (part-time) to review applications, maintain records, conduct compliance checks and inspections;
2. One (1) Police Officer (part-time) to conduct enforcement operations including background checks, spot checks and undercover operations at individual retail locations;
3. One (1) Recreation and Community Services staff member (part-time) to conduct mandatory retailer education and facilitate alternative penalties; and

City Council Referral

(requires more than 4 hours of staff time)

4. One (1) Planning staff member (part-time) to prepare and update application materials, respond to inquiries from business owners and the public, update online information and forms, and coordinate intake and circulation of applications.

The permit fees would not be sufficient to cover staff time for administering and enforcing the ordinance.

Status Update as of June 2024

No status at this time.

Council Clarification/Further Direction Requested

1. Whether the Council would like staff to draft a tobacco retail ordinance that establishes a local permit in addition to establishing minimum buffers.
2. If yes, whether the Council would like staff to draft an ordinance consistent with the County's ordinance and partner with the County on enforcing the provisions or draft a different ordinance and locally enforce the provisions.

Other Considerations

None

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC04	Animal Cruelty Ordinance	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CAO	Code Enforcement	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety	TBD	$10,000 (for ordinance development, not ongoing costs)
		Funding Needed
		None. Can be absorbed by the current CAO budget.
Description of Required Work Effort		
On a one-time basis, this would require the addition of an additional provision to the Humane Treatment of Animals section of the municipal code to add a section regarding the standards for the boarding and treatment of horses within Milpitas. On an ongoing basis, funding required for this additional ordinance would not be known until after implementation and would depend on the number of cases per year, as discussed further in the “other considerations” section.		
Status Update as of June 2024		
Has not been prioritized.		
Council Clarification/Further Direction Requested		
No further clarification necessary.		
Other Considerations		
Code Enforcement staffing is currently at capacity. If there are a number of cases and/or if there are highly complex cases, then additional resources (either ongoing or one time) would be needed to assist with enforcement. Additionally, enforcement of these cases would be on a complaint driven, rather than proactive, basis due to staffing levels.		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
Projects and Programs CC05	Arts Month for Commissioners	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness & Open Space	April 2025	$5,500
		Funding Needed
		$1,000
Description of Required Work Effort		
An arts show featuring City Commissioner pieces has been requested by the City Council. Staff is proposing to hold the show each April, which is National Arts, Culture, and Creativity Month. Staff time to fulfill this request will be about 30 hours which includes preparing marketing and outreach materials, working with Commissioners to identify and collect said art pieces, design the show, hold a small reception, break down the show and return the art pieces to the Commissioners. The value of staff time is approximately $4,500. Additional funding would be needed for paid marketing, materials for the show, and reception costs.		
Status Update as of June 2024		
NA		
Council Clarification/Further Direction Requested		
None		
Other Considerations		
Should the Council not prioritize this item, Commissioners can be encouraged to apply for the Phantom Art Gallery program and have their own art show.		

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
Projects and Programs CC06	Veteran's Banner Program	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Manager's Office	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness & Open Space	TBD	$40,000 ongoing
		Funding Needed
		$40,000 ongoing

Description of Required Work Effort

This program would be for the installation of street banners with the names and/or photos of Milpitas Veterans. The likely location for this would be on Main Street.

A local example of this program is in the City of Salinas, the "Salinas Hometown Heroes Banner Program." City staff has discussed this program with the team in Salinas in order to gain better understanding of the workload for the development of the cost estimate. Further information about this program can be found here: Salinas Hometown Heroes | banners for veterans

If this item is prioritized, staff would bring a policy forward to the City Council for approval at a later time. However, as an example, a resident or former resident could submit an application to the City, along with proof of military service and a photo of the honoree. After review of this application, staff would include the honoree and photo in the next batch of banners to be installed. The above costs include funding for administering the program as well as ongoing funding for replacement/refreshing of the banners on an annual basis. Due to staffing capacity, it is possible the day-to-day administering of the program could be contracted out to a local nonprofit.

If this project moves forward, staff will coordinate the project with the City's Veteran's commission.

Status Update as of June 2023

none

Council Clarification/Further Direction Requested

None at this time.

Other Considerations

None.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
Projects and Programs CC07	Community Advisory Commission Focus Change to Housing	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Housing	City Manager's Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	December 2024	To Be Determined
		Funding Needed
		To Be Determined

Description of Required Work Effort

On April 2, 2024, Vice Mayor Evelyn Chua requested that the City Council include the Community Advisory Commission (CAC) focus change to housing for consideration under the quarterly Prioritization List. The CAC serves as the City Council's advisory body on matters affecting Milpitas residents, especially those relating to community improvement. Typical CAC work plan items include the Community Development Block Grant (CDBG) program, Spring Cleaning Day, National Night Out, Neighborhood Beautification Awards, and the Community Engagement & Affordable Housing and Building Safety Month event. The purpose of the CAC change is to focus the Commission on matters related to Housing and social services for the following reasons: reduce duplicative efforts with departments such as Public Works on neighborhood cleanup events and National Night Out.

Status Update as of June 2024

Vice Mayor Chua's proposal for a new CAC work plan would be more Housing and social services focused and more aligned with the Housing Division's Work Plan. The revised CAC Work Plan would still emphasize and enhance the CDBG program to provide more Commission time to understand CDBG, proposed applicants, and CDBG progress throughout the year. If this moves forward, staff proposes to retain Community Engagement, Affordable Housing, and Building Safety month event. More Housing Division updates on community related and current programs results in better alignment between the Commission and actual Housing staff work. Staff expects to solicit assistance from the CAC to further promote Housing programs to their networks. Additionally, when Housing hosts events, the CAC would co-sponsor those events.

Council Clarification/Further Direction Requested

Staff would request clarification on which of the following two options the City Council prefers:

1. Option 1: The Commission name remains Community Advisory Commission for now, and there are minor shifts in agenda items such as a quarterly report to the CAC on unhoused programs

and other Housing Division policy and program work. If this item is chosen, this would consist of less than 4 hours work and not need to be prioritized;

2. Option 2: Revamp the CAC to be more housing oriented. This would include a review and potentially re-vamping of the roster, changing the name of the commission and undergoing a new workplan process. This would require more than 4 hours of staff time.

Other Considerations

None

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
Projects and Programs CC08	Explore Stipend for Planning Commission	Councilmember Gary Barbadillo
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods & Housing	December 2024	$11,550
		Funding Needed
		$11,550

Description of Required Work Effort

Pursuant to Milpitas Municipal Code I-500-1.14, Compensation for Attending Meetings, the City of Milpitas Planning Commission receives a compensation in the amount of $25.00 for attending any regularly or specially scheduled Planning Commission meetings. A formal ordinance amending the municipal code must be adopted to increase the amount.

In 2016 and 2018, the Council considered increasing the compensation amount for the Planning Commission to $100.00 per meeting. City staff prepared an ordinance to increase the compensation, but the item was never heard by the Council. At the April 16, 2024, 2024 meeting, Councilmember Barbadillo referred this consideration to the city council prioritization process.

This work item would require the following tasks:

1. Gather comparative information on compensation and workload levels for Planning Commissions from other Santa Clara jurisdictions.
2. Present this information to the Council for direction and feedback.
3. Prepare an ordinance to increase the compensation amount. If an ordinance is introduced, Council could consider it for second reading and adoption at a future meeting and the ordinance would become effective 30 days following adoption.

As noted above, Milpitas Planning Commissioners currently receive compensation of $25 per meeting. If the compensation were to increase $75 to a $100 rate per meeting, the annual fiscal impact to the City budget would be $11,550 for the projected 22 meetings in 2025. The fiscal impact also reflects compensation estimates at the current total number of Commission seats (7).

Status Update as of June 2024

Not started.

Council Clarification/Further Direction Requested

None.

City Council Referral

(requires more than 4 hours of staff time)

Other Considerations
None.

City Council Referral

(requires more than 4 hours of staff time)

<table>
<tr><th>Category and Topic No.</th><th>Topic:</th><th>Requested by:</th></tr>
<tr><td>Projects and Programs CC09</td><td>Citywide Banner Program</td><td>Vice Mayor Evelyn Chua</td></tr>
<tr><td>Lead Department/Office</td><td colspan="2">Supporting Department(s)/Office(s)</td></tr>
<tr><td>Public Works</td><td colspan="2">Recreation Services, CMO</td></tr>
<tr><td>Council Priority Areas</td><td>Estimated Completion Date</td><td>Estimated Cost</td></tr>
<tr><td rowspan="3">Economic Development & Job Growth</td><td rowspan="3">TBD</td><td>$20,000 ongoing</td></tr>
<tr><td>Funding Needed</td></tr>
<tr><td>$20,000 ongoing</td></tr>
<tr><td colspan="3">Description of Required Work Effort</td></tr>
<tr><td colspan="3">Costs assume 60 banners replaced 2x yearly and ancillary expenses for possible mounting hardware. Estimate does not assume staff would perform work on overtime.</td></tr>
<tr><td colspan="3">Status Update as of June 2024</td></tr>
<tr><td colspan="3">No status update at this time.</td></tr>
<tr><td colspan="3">Council Clarification/Further Direction Requested</td></tr>
<tr><td colspan="3">Staff would like City Council feedback on the following if this is prioritized:
1) Are there 2-3 specific streets or areas that the City Council would like prioritized for placement of banners?
2) Are there specific destinations or features of our City that the City Council would like shown on these banners?
3) How often would the City Council like these banners changed out? Current estimate is based twice per year.</td></tr>
<tr><td colspan="3">Other Considerations</td></tr>
<tr><td colspan="3">None at this time.</td></tr>
</table>

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
Projects and Programs CC10	Escuela Parkway Traffic Safety Analysis	Mayor Carmen Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works – Engineering Division	N/A	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Transportation and Transit	TBD	$100,000 to $150,000
		Funding Needed
		$100,000 to $150,000

Description of Required Work Effort

At the May 7, 2024, City Council meeting, Mayor Montano requested staff explore the possibility of installing an express lane for transit vehicles on Escuela Parkway between Sandalwood Lane and Washington Drive to expedite travel time for transit during the peak of traffic associated with the surrounding schools (Marshall Pomeroy Elementary, Thomas Russell Middle School, and Milpitas High School). Currently the travel lanes in the north and south direction are split by the 80’ wide City & County of San Francisco right of way (Hetch Hetchy Water Pipeline). The width of the road in both directions are approximately 20’ wide consisting of 8’ bike lane and 12’ travel lane.

The road width is not sufficient to accommodate an express lane for transit and will have to encroach into City & County of San Francisco right of way by at least 12’ in both directions for a total right of way width of 24’. The review and approval of the encroachment will to be under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC). A probable cost of construction based on a high-level analysis will range between $2.0 million to $3.5 million which excludes the cost of design, CEQA mitigation measures, traffic control constraints to accommodate the schools' operations, SFPUC requirements to protect their water pipelines, and right of way acquisition from SFPUC. The following are two options available to explore the possibility of traffic measure:

1) Staff can focus a traffic safety and flow study on the area from Sandalwood Lane to Washington Drive. This will include a geometric design analysis of whether an extra travel lane can be accommodated as well as a traffic safety analysis for other potential enhancements. The estimated cost of this study is $100,000 in one-time costs.

2) Staff can focus a traffic safety and flow study on the entire length of Escuela Parkway. The scope of work discussed above would be included as well as a study of potential improvements from Sandalwood Lane to South Milpitas Blvd. The estimated cost of this study is $150,000 in one-time costs.

Status Update as of June 2024

None

City Council Referral

(requires more than 4 hours of staff time)

Council Clarification/Further Direction Requested
If this item is prioritized, staff would like clarification on whether the City Council would like for the entire length of Escuela Parkway to be studied from a traffic safety and flow standpoint (larger dollar amount), or whether the city council would just like staff to focus on the area in front of Marshall Pomeroy Elementary, Thomas Russell Middle School, and Milpitas High School (smaller dollar amount).
Other Considerations
None

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC11	Catalytic Converter Ordinance	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Police	City Attorney's Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety	TBD	$5,000 (ordinance drafting only)
		Funding Needed
		$5,000

Description of Required Work Effort

Conduct legal analysis and develop an ordinance to criminalize the possession of catalytic converters that are not serialized, are possessed without documentation of their origin, or other proof of ownership by imposing criminal sanctions and monetary penalties for persons in possession of catalytic converters in violation of the ordinance with the intent of decreasing catalytic converter thefts in the City of Milpitas. If legal analysis supports such an ordinance, the Police Department would need to enforce the ordinance and the City Attorney's Office (CAO) would need to prosecute the cases in court and litigate any appeals.

Status Update as of June 2024

No status

Council Clarification/Further Direction Requested

The costs provided by staff are for the research and drafting of the ordinance only. If this Council item is prioritized, staff would like for the City Council to provide feedback on whether the Council expects this ordinance to be enforced and/or litigated. If City Council does have this expectation, additional ongoing costs will be required in the Police Department and CAO. These costs are unknown at this time but can be provided to the Mayor and City Council as part of the policy work when this item is brought forward to City Council for adoption of a future ordinance.

Other Considerations

A catalytic converter ordinance may not be relevant as catalytic converter theft drastically dropped in 2023 compared to prior years. In 2023, the Milpitas Police Department investigated 200 reported catalytic converter thefts. 61%, or 122, of those thefts occurred between January and May. Year to date for 2024, there has only been 11 reported catalytic converter thefts. This is a 91.7% reduction comparing year to date of 2024 to 2023. The City of San José implemented a similar ordinance in February of 2024 (after the sharp decline of catalytic converter thefts in the region). The San José Police Department does not have data suggesting the ordinance has had any meaningful impact on catalytic converter theft at this time.

City Council Referral

(requires more than 4 hours of staff time)

The Police Department currently does not have the capacity to proactively enforce such an ordinance and the CAO does not have the capacity to litigate more than a handful of these matters per year. Therefore, if this ordinance were prioritized, it would serve as deterrent, and if multiple cases occur, staff can return to City Council in the future to determine if city council wishes to add funding for proactive enforcement.

City Council Referral

(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:
ORDINANCES AND POLICIES CC12	Accessory Dwelling Unit Ordinance to Allow Condominium Conversions	Vice Mayor Evelyn Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	Building Safety and Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	February 2025	$12,000
		Funding Needed
		None (staff time only)

Description of Required Work Effort

Assembly Bill (AB) 1033 removes the previous State law prohibition against subdividing and selling an accessory dwelling unit (ADU) as a condominium unit. Local agencies now have the option of adopting a local ordinance to allow ADUs to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met, including lender approval and compliance with the Davis-Stirling Common Interest Development Act and Subdivision Map Act. Adopting such an ordinance would involve the following tasks.

1. Research and analyze AB 1033 and local ordinances of nearby jurisdictions allowing ADU condominium conversions.
2. Hold a Council study session for direction and feedback.
3. Draft an ordinance to amend the Zoning Ordinance to eliminate sale restrictions and expressly allow condominium conversions and sale of ADUs.
4. Prepare staff reports, attachments, and presentations for Planning Commission and City Council adoption hearings.
5. Create a new application type and establish the associated application fee based on anticipated staff time required to process an application.
6. Prepare and publish a comprehensive checklist for ADU condominium conversion applications with detailed information regarding Subdivision Map Act compliance, impact on property taxes, coordination with local utilities, homeowner's association requirements, and lender subordination.
7. Conduct community outreach to inform and educate homeowners about ADU condominium conversions.

Status Update as of June 2024

Not started.

Council Clarification/Further Direction Requested

City Council Referral

(requires more than 4 hours of staff time)

1. Whether the City Council would like City staff to include a requirement in the ordinance to give a first right of offer for a period of 45 days on publicly accessible databases to buyers indicating an intent to live in the property.
Other Considerations
None.

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
1	Add Green Bike Lanes	Tran, Montano	9/17/2019	N/A	Engineering	Included in CIP
2	Adopt Resolution similar to County's re: xenophobia, discrimination	Dominguez	4/21/2020	N/A	CMO, CAO	Added to the consent calendar and adopted Resolution on 5/5/2020
3	Agendize a Flag Raising for India Independence Day	Tran	6/14/2022		Recreation	Item added to 6/21/2022 Consent Calendar
4	Agendize an update to the Lobbyist Ordinance for the next meeting	Chua	3/1/2022		City Attorney	Discussed at 3/15 City Council Meeting; At the 3/15/2022 Council Meeting, City Attorney was directed to bring back a proposed ordinance amendment for further discussion; Council approved the ordinance on 6/7/2022
5	Amend Accessory Dwelling Units (ADU) ordinance to address unpermitted ADUs	Chua	1/5/2021	Yes	Building Safety & Housing, Planning	Safe ADU Legalization Program is launched on 3/24/2022, utilizing ARPA funding. No Ordinance amendment is necessary.
6	Amend Ordinance to remove affordable housing in-lieu fee	Chua	12/15/2020	Yes	Building Safety & Housing, CAO	Amended Affordable Housing Ordinance adopted on 2/1/2022.
7	Below Market Rate (BMR) units - process for selecting applicants	Chua	10/19/2021	Yes	Building Safety and Housing, CAO	Info Memo sent to Council on 1/14/2022 and 3/17/2022.
8	BMR Homes sub-lease option during COVID-19	Chua	1/19/2021	No	CAO, Building & Housing	Info Memo sent on 4/26/2021
9	Bring back a conversation in the budget meeting to fund “walking beats” in the commercial and high crime areas	Dominguez	4/5/2022		Police	At the 4/5/2022 City Council meeting, this item was discussed and there was direction from Councilmember Dominguez to work with the City Manager to find funding sources
10	Bring back update report & discuss status of playing fields for girls' softball in Milpitas	Dominguez	10/20/2020	N/A	CMO, Recreation	Discussed on 02/11/2021, amended JUA for Russell approved on 6/15/2021
11	Celebrate Mexican Independence Day annually on September 16	Montano	6/2/2020	N/A	Recreation	Approved on consent 8/18/2020
12	City to highlight mental health resources on the website	Dominguez	8/17/2021		Recreation	Staff will issue an email this week (week of 7/25)
13	Community Theatre, perhaps with MUSD	Nuñez, Phan	8/20/2019	N/A	Recreation, CMO	Discussed @ CIP Study Session on 4/14/2020; councilmembers asked outdoor amphitheater to be placed into the tail end of 5 year CIP
14	Community Workforce Agreement (PLA)	Phan	2/18/2020	Yes	CMO, CAO, Engineering	Council voted to remove this item from the list on 2/02/2021 per CM Phan's request
15	Consider "Old Town" Main St. revitalization, funding, economic dev., improve area	Montano	12/15/2020	Yes	CMO, Planning, Engineering, Finance	Council provided direction to move forward with revitalization efforts on May 11, 2021. Staff is working on various items related to revitalization and have provided subsequent updates to the Council in October and to the Main Street Revitalization Subcommittee in September and November.
16	Consider adding state certification NEC for electrical work done in the City (safety)	Dominguez	6/30/2020	N/A	Building & Housing	Not needed, staff is certified
17	Consider change in Commission structure, on term limits	Tran	12/15/2020	N/A	Recreation, CMO	Completed on 1/19/2021

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
18	Consider change in term limits for Mayor + Councilmembers	Montano	6/16/2020		City Attorney, City Manager	8/4/2020: Voted 3 -2 to pursue; 2/02/2021 to agendize for a future meeting; 3/16/2021 voted 3-1-1 to move forward. Scheduled for 3/15/2022; rescheduled for 4/05/2022; 4/05/2022 could gave direction to move forward with Councilmember term limits and discuss the Mayoral seat at a later date; Discussed at the 5/10/2022 budget meeting and had a consensus not want to move foward with a ballot measure for the Mayor term limit; Councilmember term limits scheduled for June 7; Scheduled for June 21 meeting
19	Consider Community Museum and Park on Main St.	Phan	8/20/2019	N/A	CMO	To be considered as part of Specific Plan process
20	Consider expanding the Fee Waiver Policy eligibility to non-profit organizations outside of Milpitas but the events are specific to Milpitas residents	Chua	3/15/2022		Recreation	Council approved the policy revision at the June 21 2022 City Council meeting.
21	Consider funding to implement and create a homelessness encampment response team to be dispatched to encampment sites to address concerns, talked about creating a position to provide mental health assistance, and would like this to be brought back for discussion at the budget meeting	Dominguez	3/15/2022		City Manager, Public Safety, Recreation, Public Works	Direction from Council to bring forward as part of FY 22-23 budget discussion; at the May 10 Budget Study Session Council did not direct to do any further work on this item.
22	Consider naming "Milpitas Hills"	Dominguez	10/20/2020	Yes	Econ. Dev.	Deferred indefinitely on 2/02/2021; did not receive a majority vote from 2/02/2021 council meeting
23	Consider rescinding direction given on 1355 California Circle project and allow the project application to move forward without being tied to a specific plan (Original request was for item to be placed on November 2 agenda)	Chua	10/19/2021		Planning, CAO	Staff is working with the developer on options to move the project forward.
24	Consider satellite consular offices (post Covid)	Montano	6/2/2020	Yes	CMO	Deferred indefinitely per VM Montano's request on 2/02/2021 council meeting
25	Create an “Incentive Corner,” which will be a sub-page with links to different freebies, grants, and incentives from the City and the regions, including the Water District and Silicon Valley Clean Energy	Chua	8/17/2021	No	Information Technology, Public Works	"Incentive Corner" webpage is live on the City's website. Banner posted on 3/28/2022.
26	Designate the California Oak Tree as the City’s official heritage tree	Montano	2/1/2022		Recreation	Council approved at the 6/7/2022 meeting.
27	Discuss a "safety first" or other event in lieu of National Night Out (per CAC)	Phan	10/20/2020	Yes	Building & Housing, Police	Remove from the list per CM Phan's request on 2/02/2021 council meeting
28	Discuss budget reductions in next FY with input from residents, employees	Nuñez	10/6/2020	N/A	Finance, CMO	On 10/20/2020, to 11/10, 11/17
29	Discuss having 4th of July parade	Nuñez	2/18/2020	N/A	Recreation	No longer under discussion
30	Discuss potential litigation - re: govts' action on Jamboree-Project Homekey	Tran	10/6/2020	N/A	Building & Housing, CMO, CAO	Multiple Closed Sessions - Oct. 2020

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
31	Discussion in the next fiscal year, to have a sliding scale permitting program for seniors and low-income residence for necessary safety renovations	Tran	5/4/2021		Building Safety & Housing, Planning	8/09/2021 Council voted 5-0 to move this item forward and modify the existing Milpitas Assistance Program to include seniors; MAP continues to be available for low income seniors and sufficient funding was budgeted for FY 2022-23.
32	Discussion of campaign finance reform and/or Open Government Ordinance	Phan	6/30/2020	N/A	City Clerk, CAO	Withdrawn @ 8/4/2020 CC meeting
33	Discussion of Minute Man as City's image, when City branding comes back	Phan	8/18/2020	N/A	CMO	Staff and consultant presented the item on 5/4/2021, due to the late hour it was deferred to a future meeting. Council provided input that the Minute Man discussion will not be pursued further.
34	Discussion on possible tax measures	Tran, Phan	4/21/2020	N/A	Finance	Done on 5/15/2020
35	Discussion to reduce the City's Senior Center facilities deposit	Montano	5/4/2021		Recreation, Finance	8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule; Council approved the item on 4/19 as part of the adoption of the Master Fee Schedule
36	Discussion/staff report on Beautify Milpitas, graffiti abatement, resources	Montano	6/30/2020	Yes	CMO, PW	City Council approved the Beautify Milpitas program on June 1, 2021
37	Donate old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan Philippines	Chua	8/9/2021	Yes	Fire, CAO, Finance	Council approved the resolution for donations of personal protective equipment on March 1, 2022 and staff implemented the program by the end of March.
38	Economic Development Corporation (EDC)	Montano	12/15/2020, 01/05/2021, 01/19/2021, 01/26/2021	Yes	CMO, Econ. Dev.	Deferred on 4/20/2021
39	Emergency item for next agenda: extend tenant eviction protections	Dominguez	6/16/2020	N/A	Building & Housing, CAO	Withdrawn, covered by other govt
40	Emergency request to cap rents on small businesses (tenants) in Milpitas	Dominguez	10/6/2020	N/A	Econ. Dev., CAO	On 12/01/20. Not supported
41	Establish "ADU Mondays"	Chua	1/5/2021	No	Building & Housing, Planning	Launched in March 2021
42	Establish a Day Worker Program	Montano	6/16/2020	Yes	CMO	Mayor & Vice Mayor to brainstorm in future; Council voted to remove this item from the list on 2/02/2021 per VM Montano's request
43	Establish Milpitas coronavirus testing site	Phan	4/7/2020	N/A	FCMO, Fire, CAO	Completed
44	Expedite process for Measure F Oversight Committee	Chua	12/15/2020	N/A	Finance	Staff explained planned process, appts. were approved by Council in March 2021
45	Explore a lease for the vacant land adjacent to the Library for City use	Tran	1/18/2022		City Manager, Economic Development, City Attorney	**February 2023 update**: At the January 31, 2023 City Council Budget Study Session staff was directed to drop this item from the priority list. **Prior Updates:** Discussed at Spring Quarterly City Council Workplan Items Prioritization Discussion; Approved to move forward at the 5/03/2022 meeting.
46	Explore increasing the Conferences/Meetings/Memberships allowance for each Councilmember to $10,000	Chua	5/17/2022		City Manager	On 6/07/22, City Council did not approve increasing the allowance as part of the adoption of the FY 2022-23 Budget; however, Council provided direction to review funding need as part of the FY 2022-23 mid-year budget review.
47	Extend the outdoor dining options through March of next year	Phan	9/21/2021	No	Planning	Planning Director to provide information on current outdoor dining extension

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
48	Fee waiver for the Chamber of Commerce for either the Oktoberfest or Arts and wine Festival	Montano	3/1/2022	Yes	Recreation	Staff reached out to the Chamber of Commerce. The Chamber may seek a fee waiver next fiscal year.
49	Fee waiver for the Christian Worship Center's Easter Egg Hunt event	Tran	3/1/2022		Recreation	The City Council approved a fee waiver for this event on April 5, 2022.
50	Fee waiver for the Filipino American South Bay Community to hold pop-up resource fair at a City Park	Dominguez	3/1/2022		Recreation	Staff engaged organizers of the event; event was held on June 19; organizers did not request a fee waiver.
51	Fee waiver for the Kiwanis Annual Crab Feed event	Tran	3/1/2022		Recreation	Approved at the 3/15/2022 Council Meeting
52	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	12/15/2020	Yes	CMO, PW	Council approved the Beautify Milpitas program on June 1, 2021. No subcommittee to be formed.
53	Form a Historical Commission	Montano	6/2/2020	N/A	Recreation, CMO	Already part of PRCRC. Commission discussed on 01-05- 2021, no change
54	Form a Homelessness Task Force	Tran	12/15/2020	N/A	CMO	Approved by Council on 1/5/21
55	Guide small businesses on ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic	Chua	8/5/2021	No	Economic Development	SVEDA/SV Joint Venture hosted the “SV Small Businesses & ADA Compliance” webinar on 11/3/21. Several Milpitas business reps, & staff from Econ. Dev. & Building participated. Staff met with reps from CA Comm. on Disability Access to discuss business education & outreach.
56	Host a Townhall at City Hall in January, February, and March for the community to share comments about the issue of the unhoused	Tran	11/2/2021	Yes	CMO, CAO, Police, Public Works	Deferred by Mayor Tran because of public health status
57	Illegal dumping	Phan	10/5/2021	Yes	Public Works	Info Memo sent to Council on 2/25/2022
58	Incorporate a Press Release Policy (if there is an existing policy) in the City Council Handbook	Tran	8/17/2021	Yes	CMO, CAO	The City Council Handbook was adopted at the Jan. 11, 2022 City Council meeting.
59	Increase number of commission members from seven to nine on the Parks, Recreation and Cultural Resources Commission	Montano	10/5/2021	Yes	CMO, Recreation, City Clerk	Council approved Bylaw changes at the April 19 Council meeting
60	Increase the City's rebate program to match Valley Water's two dollars rebate increase and look into expanding the "Lawn Buster" program to more residents based on income	Chua	6/15/2021	Yes	Public Works	On October 19, 2021, the Council approved a contract amendment with the Santa Clara Valley Water District (District) to match the District's rebate amount and to authorize the City to manage the "Lawn Buster" program with "Our City Forest" on behalf of the District. On December 14, 2021, Council approved a contract with "Our City Forest."
61	Increase the number of local businesses doing business with the City	Chua	4/6/2021	Yes	CMO, Economic Development, Finance	At 8/9/2021 Council meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
62	Info. on new SB 50 (housing, transit bill)	Phan	1/7/2020	N/A	Building & Housing	Sent memo to City Council
63	Job fair with 20 local businesses to be held soon and an additional one in the fall with the Chamber taking a larger role and the City providing some support	Chua	6/1/2021	Yes	Economic Development	

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
64	Letter from City Council opposing AB 2181 (Berman) regarding VTA's Board Composition	Tran	6/7/2022		City Manager	Per the email sent to Council on 6/17/2022, consistent with the Council approved Legislative Advocacy Policy, Mayor Tran signed a letter opposing the legislation unless amended.
65	List of city charges/costs that could be waived for small businesses	Dominguez	6/16/2020	N/A	Finance, Econ. Dev.	6/30/2020 info memo
66	Local Boy Scouts Fee Waiver for Eagle Scout Ceremony	Tran	6/7/2022		Recreation	Fee waiver was approved on September 20, 2022.
67	Look into allowing outdoor music and would like the ordinance brought back to Council.	Montano	8/5/2021		Planning	Zoning Ordinance Text Amendment adopted 08/16/2022
68	Look into how the City can be a resource for small businesses to help guide them on what to do in terms of ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic	Chua	8/5/2021		Economic Development	SVEDA/SV Joint Venture hosted the "SV Small Businesses & ADA Compliance" webinar on 11/3/21. Several Milpitas business reps, & staff from Econ. Dev. & Building participated. Staff met with reps from CA Comm. on Disability Access to discuss business education & outreach.
69	Look into reducing rates for the seniors and low-income families for Sports Center activities	Montano	2/1/2022	Yes	Recreation, Finance	The FY2021-22 Adopted Fee Schedule includes discounted membership and fitness passes for Seniors; low-income families can apply for membership and fitness pass discounts through the Milpitas Assistance Program
70	Maintain Dagupan, P.I. as a Sister City	Tran, Montano	9/17/2019	N/A	CMO	Approved the renewed MOU continuing the Sister City relationship on 12/17/2019
71	Mayor shall recommend a Milpitas resident to serve on VTA Bike Committee	Dominguez	11/17/2020	N/A	Engineering	12/15/20: resident Kristal Caidoy appointed to VTA BPAC
72	Memorialize those that have passed due to COVID-19 in Milpitas	Dominguez	3/2/2021	Yes	CMO, Recreation	At 8/9/2021, Council provided input that COVID-19 had not yet passed and that the discussion about a memorial should be had at a future time.
73	Mini-libraries in the low-income areas of the City	Montano	4/20/2021	Yes	Planning, Recreation	Discussed on 8/9/2021, staff to follow up with Vice Mayor Montano on specific vision. Staff met with the Vice Mayor. The City will continue to facilitate libraries as needed but will not take a lead role in funding or operating them.
74	No on possible ban on vaping, yes on restricting smoking in multi-unit bldgs	Montano	1/7/2020	Yes	Planning, Recreation, CAO	Ordinance for multi-unit buildings adopted on 6/15/2021
75	Opportunity to share ideas for US census & on City "sponsored" events	Dominguez	9/1/2020	N/A	CMO	12/01: remove census topic, move events to CC retreat 2021; at 1/12 retreat Council direction to cease
76	Ordinance to ban vaping in the City	Montano	12/15/2020		Planning	Study session with Council held 6/21/2022. Tobacco Retail Permitting program has been drafted, but there are unresolved issues with enforcement by Santa Clara County.
77	Outreach to notify the community of the trash voucher program	Chua	9/7/2021	No	Public Works	Staff provided an Information Memorandum regarding the pilot program on April 6, 2022.
78	Parade for MHS Trojans Football	Tran, City Manager	1/21/2020	N/A	Council	Completed 1/28/2020
79	Partner with the Rotary Club of Silicon Andhra to promote the stem cell donor outreach with a webinar and campaign to help increase the number of donors	Chua	8/17/2021		Recreation	Staff will include the stem cell donor information in regularly scheduled wellness event

Group 4 – items that have been completed, deferred, or withdrawn						
80	Performance Evaluation (Contract) of City Attorney	Tran	1/5/2021	N/A	Council, CAO	Multiple Council closed session discussions held. Council voted to move to a full time in-house City Attorney on 6/21, additional direction on next steps to be provided to staff in August.
81	PG&E power outage plan presentation to Council	Tran	1/19/2021	No	CMO	Presented to Council on 3/16/2021
82	Plan to put utility fines into a fund to help small businesses in the City	Montano	12/15/2020	N/A	Finance	Directed staff on 2/02/2021 to approve policy recommendations temporarily suspending penalties for delinquent fire permit fees, and delay or waive business lic. tax collections but no direction to create a separate fund. On 2/16/2021 Council approved waiving business license penalty between Jan 1 - May 31, 2021. Also, the utility late fee and water shut off have been suspended consistent with State Emergency Order (through Sept 31, 2021). Also, Council allocated ARPA funds to assist small businesses.
83	Policy for Proclamations and Commendations	Nuñez, Phan	8/20/2019	N/A	CMO	Withdrawn 6/2/2020
84	Policy for Social Media	Nuñez, Phan	8/20/2019	N/A	CMO, CAO	Withdrawn 6/2/2020; policy already approved by Council
85	Pollination protection	Dominguez	1/5/2021	Yes	CMO	Deferred on 2/02/2021; did not receive a majority vote on 2/02/2021 council meeting
86	Postponement (not waiver) of penalties related to City business fees	Tran	1/5/2021	N/A	Finance	On 2/16/2021 Council approved waiving penalties until May 31. The suspension of penalties is now no longer in effect.
87	Prepare a report on ghost guns; engage in legislative advocacy regarding ghost guns; and incentivize ghost gun buybacks at the May buyback event.	Dominguez Tran	4/5/2022		Police	An Information Memorandum was distributed on August 12, 2022.
88	Prepare Vision Zero Action Plan	Tran	6/7/2022		Engineering, Police	**February 2023 update:** At the January 31, 2023 City Council budget hearing, the City Council supported staff's recommendation to drop this item from the priority list due to the expense of the study as well as the fact that many traffic safety initiatives and projects are already underway in the City of Milpitas.
89	Proclaim Saturday, March 19, 2022 as Chez the Ice Cream Man Appreciation Day	Tran	3/1/2022	No	City Clerk	Proclaimed at the 3/15/2022 Council Meeting
90	Proclamation and support for face coverings	Montano	4/7/2020	N/A	CMO, CAO	4/21/2020. CC directed City Manager to issue regs
91	Propose building height limits in area east of Milpitas Blvd.	Tran	12/15/2020	Yes	Planning	City Council adopted Zoning Ordinance amendment to limit bldg heights in commercial areas adjacent to low-density residential area, including east of Milpitas Blvd. on 10/04/2022.
92	Provide Commissioners appreciation gifts	Chua	10/19/2021	Yes	CMO, Finance	Staff placed the order of fleece jackets the week of March 14th. Depending on the stock, the appreciation gifts will be distributed during the first two weeks in April 2022.
93	Read "Code of Conduct" aloud prior to each City Council meeting	Montano	6/2/2020	N/A	CAO	Approved 8/18/2020. City Attorney began this practice 9/01/20

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
94	Reduce the City's Senior Center facilities deposit for the Auditorium/Community Room	Montano	5/4/2021	Yes	Recreation, Finance	Council approved the reduction of the facilities deposit as part of the adoption of the FY 2022-23 Master Fee Schedule Resolution. Will be brought forward on 4/19 as part of Master Fee Schedule discussion.
95	Reduce the park rental fees for the Samuel Ayer High School reunion	Montano	2/1/2022	No	Recreation	Approved at 3/15/2022 Council meeting. Info Memo on City Council Policy on Fee Waivers & Reductions was sent out on 3/8/2022
96	Rename Augustine Park to include "Sunnyhills"	Tran, Montano	9/17/2019	N/A	Recreation	Approved on 2/4/2020
97	Rename portion of Dixon Landing Rd., as Barack Obama Boulevard	Nuñez, Phan	8/20/2019	N/A	Planning, CMO	Deferred indefinitely
98	Report from staff on 2nd federal stimulus package - action plan on funds	Chua	12/15/2020	N/A	CMO, Finance	Info Memo sent to Council on 12/23/2020
99	Report on parking in The Pines	Nuñez	1/7/2020	N/A	Engineering	2/18/2020
100	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	1/7/2020	N/A	Police	1/28/2020, 3/24/2020, 4/14/2020
101	Request for Dumpster Days	Tran	1/7/2020	N/A	PW	Program initiated in Spring 2021
102	Requested a meeting for the subcommittee for the Old Town Main Street be scheduled next month	Montano	1/18/2022	No	CMO	The Subcommittee meeting was hed on April 12 at 4:30pm.
103	Requested an agenda item on November 2 Council meeting allowing the Council to rescind direction given to 1355 California Circle and include direction to allow the project application to move forward without being tied to a specific plan	Chua	10/19/2021		Planning	At the 1/18/2022 council meeting, Council voted 4-1 to rescind the direction and direct staff and the application to explore option one in the presentation to amend the General Plan and remove Council policy for the preparation of a Specific Plan
104	Requested discussion and for staff to look at creating a pilot project to accommodate pickleball at Peter Gill Park and would like a feasibility study with a goal of making these courts multi-purpose	Chua	11/16/2021 1/18/2022	Yes	CMO, Recreation, Engineering, Public Works	City Council approved the pilot on 3/15/2022
105	Requested staff work with the Vice Mayor and Mayor to explore and discuss building height limits near the hillside by January 2022	Tran	9/21/2021		Planning	Second reading of draft Zoning Ordinance scheduled for 08/16/2022
106	Requested that staff study the placement of a City sign for the Milpitas Police Department and explore the cost of a new sign	Dominguez	1/18/2022		Public Works, Police	Lighted signage for the Police Department and Public Works and IT was installed and completed the week of January 24th 2023. Landscaping was completed in the Summer of 2022. This item is completed.
107	Requested that the City have mini-libraries in the low-income areas of the City.	Montano	4/20/2021		Planning	8/09/2021 Council voted 3-1-1 to move this item forward, staff to follow up with Vice Mayor Montano on specific vision. Staff met with the Vice Mayor. The City will continue to facilitate libraries as needed but will not take a lead role in funding or operating them.

Attachment 3
List of Completed, Postponed or Withdrawn Items

Group 4 – items that have been completed, deferred, or withdrawn						
108	Requested the City Attorney's office explore encampment ordinances form the City of Oakland, Los Angeles, or other regional cities and would like a discussion on the existing policies to be brought back before the July recess.	Tran	2/15/2022		City Attorney	4/19/2022 direct the City Attorney to make the recommended changes to the Municipal Code to remove and prohibit property in public; the City Attorney will bring forward an ordinance in September 2022.
109	Requested the City create a youth scholarship fund for under privileged kids to play sports	Montano	5/17/2022		Recreation	As part of the adoption of the FY 2022-23 Budget, the City Council allocated $20,000 for this program. Staff will bring forward a policy framework for this program for Council approval in September 2022.
110	Requested the City extend the outdoor dining options through March of next year	Phan	9/21/2021		Planning	Emergency Outdoor Dining program extended. Draft zoning ordinane with standards for permanent outdoor dining prepared and now under review. Planning expects bring forward draft ordinance for PC and Council consideration before the end of 2022.
111	Require implicit bias training for City Council, Commissioners & staff	Dominguez	6/16/2020	N/A	Human Resources	This item has been completed. The training was held on January 7, 2022 (for City Council) and various dates for staff. Training information was also sent to all Commissioners.
112	Resolution in support of elimination of discrimination v. women	Dominguez	1/7/2020	N/A	CMO, CAO	5/19/2020 Reso. Adopted 8/04/2020 Ord. adopted

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to Allow the Development of 43 Townhome Condominiums with 13 Accessory Dwelling Units and Associated Site Improvements at 1905 Tarob Court (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**
Category:	Public Hearings-Community Development
Meeting Date:	6/11/2024
Recommendation:	Adopt a resolution to approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015, and Environmental Assessment No. EA23-0002 to allow the development of 43 townhome condominiums with 13 accessory dwelling units and associated site improvements at 1905 Tarob Court subject to the Conditions of Approval.

BACKGROUND:

The City of Milpitas received an application from Toll Brothers (applicant) requesting a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow the development of a 43-unit townhome condominium subdivision, comprised of eight multi-family buildings up to 39 feet in height, 104 parking spaces, and associated site improvements on a 2.3-acre site located at 1905 Tarob Court (Project) in the Tango District of the Milpitas Metro Specific Plan (formerly Trade Zone/Montague Subdistrict of the Transit Area Specific Plan – TASP area). The application was submitted in accordance with California Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019.

Since the applicant qualifies for SB 330 status and submitted a pre-application before the adoption of the Milpitas Metro Specific Plan, the Project will be reviewed against the TASP area development standards as required by state law under Government Code section 65589.5(o).

The proposed Project consists of 6 two-bedroom, 11 three-bedroom, and 26 four-bedroom townhome condominium units. All 43 townhome units will have an attached two-car garage. 8 of the four-bedroom units will also have a ground-floor, attached accessory dwelling unit (ADU). All ADUs will be studio units. Six (6) of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 3 four-bedroom, and 1 four-bedroom with an ADU townhomes) will be reserved for moderate-income households (below 80 percent Average Median Income). Additionally, the project must pay a Housing in-lieu fee for 0.45 units to fully comply with the City's Affordable Housing Ordinance.

Since the applicant proposes to restrict the sale of more than 10 percent of the townhome units to moderate-income households, the Project qualifies for one concession and multiple waivers under the State Density Bonus Law.

The proposed Project requires five entitlement approvals, as follows:

1. Site Development Permit No. SD23-0011: To allow the development of eight multi-family buildings, up to three stories in height, with 43 townhouse condominiums and 13 accessory dwelling units on the 2.3-acre site; and

2. Conditional Use Permit No. UP23-0007: To allow the subdivision of the residential units into condominiums; and

3. Vesting Tentative Map No. MT23-0001: To establish 43 residential condominium spaces, related common areas, and associated easements; and

4. Density Bonus Permit No. DB23-0002: To ensure the Project is compliant with State Density Bonus law and regulations; and

5. Tree Removal Permit No. TR23-0015: To remove 21 ordinance-sized trees and replace them with up to 107 new trees.

Although not an entitlement, Environmental Assessment No. EA23-0002 was prepared to establish CEQA compliance.

California Senate Bill 330 (SB 330) is a statewide bill intended to accelerate housing production in California. It became effective on January 1, 2020; Senate Bill 8 (SB 8) extended SB 330 through January 1, 2030. Under SB 330, eligible projects receive enhanced streamlining and vesting opportunities by filing a preliminary application, which:

- Freezes the ability of local governments to downzone, adopt new development standards, or change land use in residential and mixed-use areas if the change results in less-intensive uses;

- Allows developers to request approval of housing developments that exceed density and design controls of the underlying zoning if the existing zoning conflicts with the General Plan or a Specific Plan; and

- Expedites the permitting process for all housing development and limits the list of application materials that cities can review.

Through the Housing Accountability Act, the state requires a local jurisdiction to approve housing consistent with applicable, objective land use standards. Under the State Density Bonus Law, the state also requires a local jurisdiction to approve waivers and concessions for projects that meet certain affordability requirements. Consistent with state law, planning staff has determined the proposed Project is consistent with applicable, objective development standards provided under SB 330 and meets the requirements for waivers and incentives/concessions under the State Density Bonus Law. A local government agency can deny an eligible housing project only if there is strong evidence that denial is the only way to avoid an adverse impact on public health and safety.

On May 22, 2024, the City of Milpitas Planning Commission voted unanimously (7-0) that the Project is consistent with the policies, standards, and processes outlined in the State Density Bonus Law, the City of Milpitas 2040 General Plan, the Transit Area Specific Plan (TASP), the Zoning Ordinance, and other provisions of the Milpitas Municipal Code (MMC), and recommended that the City Council conduct a the public hearing, consider the exemptions in accordance with CEQA and adopt Resolution No. 23-021, approving the proposed Project, subject to certain conditions of approval. The balance of this report provides specific details regarding the proposed Project.

ANALYSIS:

This section will evaluate elements of the proposed Project for conformance with the Milpitas 2040 General Plan, the 2008 Transit Area Specific Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code, Senate Bill 330, and State Density Bonus Law.

Milpitas 2040 General Plan Conformance

The General Plan designation for the Project site is Milpitas Metro Specific Plan (MMSP), which was adopted on February 7, 2023. Since the applicant submitted a pre-application and invoked SB 330 on February 3, 2023, the TASP development standards apply for this project. The MMSP and TASP standards intend to facilitate higher intensity, mixed-use neighborhood development near the Milpitas Transit Center to encourage walking, biking, and alternative modes of transportation for residents and employees in the immediate area.

The Project is in conformance with the applicable policies and standards in the City's General Plan, as outlined in Table 1:

Table 1: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes 6 affordable and 37 market-rate townhome condominiums, consistent with the policy to provide housing types for all income levels.
Policy LU 1-8: *Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.*	**Consistent.** The Project is located directly east of the future Augustus Rathbone Park extension. Furthermore, the Project's off-site improvement plan includes connecting Tarob Court with Sango Court, which will provide Tango District residents an additional connection to Montague Expressway. These improvements will ensure all residents in the Tango District area have greater access to community amenities and transportation choices.
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent.** The Project meets the height standards by proposing three-story buildings, up to 39 feet in height, in a zoning district that allows building heights up to 75-feet. The Project's height is consistent with the recently entitled townhome project at 2001 Tarob Court, which will have buildings up to 50 feet in height, and 675 Trade Zone Blvd, with 37-foot-tall residences.

Transit Area Specific Plan Conformance

The TASP land use designation for the Project is High-Density, Transit-Oriented Residential. This designation provides for medium-density residential uses within the Trade Zone/Montague Subdistrict. As demonstrated in Table 2, the Project is consistent with the applicable TASP land use policies.

Table 2: TASP Consistency

Policy	Conformance
Policy 3.4*: Provide a variety of housing types for different types of households, different income levels, different age groups, and different life-styles.*	**Consistent**. The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes 6 affordable, 5 ADA-accessible, and 32 standard townhome condominiums, consistent with the policy to provide housing types for all age and income levels, including households with special needs.
Policy 3.2: *Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area. Allow housing developments of 12 units or less to pay a fee in lieu of providing affordable units.*	**Consistent**. The Project conforms to the City's Affordable Housing Ordinance by designating six out of the 43 townhome units, or 15 percent of the base number of units, for moderate-income level individuals or households. The additional .45 unit required will be made whole by paying a fee in lieu of providing affordable units.
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent.** The Project includes 6 affordable townhome condominiums integrated into the design. The townhomes differ in type (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom units) to provide variety. These specific units will be restricted to moderate-income individuals or households for purchase. Furthermore, the Project includes 13 ADUs, which are considered "affordable by design" meaning they are small and efficiently designed yet include adequate amenities to serve as a dwelling unit for an individual or small household.

Zoning Conformance

The project site is zoned R3 Multiple-Family High Density Residential with a Transit-Oriented Development (TOD) Overlay. As demonstrated in Tables 3 and 4, the project is consistent with most of the applicable development standards for the R3 Multiple-Family High Density Residential Zoning District and TASP area. Where the project is not in compliance with objective standards, the applicant may deviate the standards by invoking State Density Bonus Law.

Table 3: Summary of TASP R3-TOD Development Standards

Development Standard (R3-TOD)	Required	Proposed	Conformance
Density	21-40 du/ac	25.5 du/ac; 56 units total	Yes
Front yard Setback (from Tarob Court)	8 foot-15 foot (max.) from back of sidewalk	12 feet	Yes
Front yard Setback (from Sango Court)	8 foot-15 foot (max.) from back of sidewalk	8 feet	Yes
Side Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Rear Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Height	Up to 75 feet	39-feet	Yes
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space. 25% x 2.2 = 0.55 acres / 23,958 sq. ft. required	0.63 acres / 27,632 sq. ft.	Yes
Private Open Space	An average of 200 sq. ft. of usable open space shall be provided for each dwelling unit. 200 sq. ft. x 43 units = 8,600 sq. ft. Balconies and porches may be no less than 60 sq. ft. and patios no less than 100 sq. ft.	5,690 sq. ft. (private open space) + 27,632 sq. ft. (on-site open space) = 33,322 sq. ft. Private balconies range from 60 sq. ft to 174 sq. ft.	Yes

In addition, projects located in the TASP/MMSP area must comply with the additional development and design standards outlined in Table 4:

Table 4: Additional Development Standards Applicable in the TASP/MMSP

	Standard	Proposed	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awnings may project up to six feet into required setbacks.	Porches, stairs, balconies, bay windows and awnings project less than six feet into required setbacks	Yes
Building Orientation and Entrances	Building must face the street, and primary building entrances must be oriented toward the street.	Buildings are either facing the external streets, internal streets, future Augustus Rathbone Park, or internal paseos	Yes, with approval of a Density Bonus Waiver
Vehicle Parking	Studios (ADUs) – 13 spaces Two / Three Br. Units – 27 spaces Four Br. Units – 68 spaces Guest Parking – 19 spaces Total – 127 spaces	86 garage spaces 18 surface spaces Total – 104 spaces	Yes, with approval of a Density Bonus Permit
Bicycle Parking	On-street guest racks equivalent to five percent (5%) of the parking requirement. Six (6) bicycle parking spaces	Six (6) bicycle parking spaces	Yes
Parking Location	Parking must be located so that it is not visible from the street.	43 private garage entrances face the interior drive aisle	Yes
Parking Garages attached to individual units	Garages may not occupy more than 50% of Ground Level Frontage facing street.	No parking garage is facing the street frontage.	Yes
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	Two curb cuts along Tarob Court (one curb cut at the Tarob/Sango connection	Yes

	Standard	Proposed	Conformance
Park Acreage Requirements	0.04 acres (after payment of TASP/MMSP fee) must be provided	0.29 acres	Yes

State Density Bonus Law

To encourage affordable housing production, the State Density Bonus Law (Gov. Code § 65915 et seq.) allows developers to receive a density bonus and other incentives, such as concessions, waivers, and parking reductions when affordable housing is incorporated within a project. The Density Bonus is a state mandate, and any Project that meets the state law requirements is entitled to receive the associated incentives.

The applicant may request waivers and concessions under the State Density Bonus Law because the Project reserves more than 10 percent of total units as affordable units for moderate-income households. The Project includes six affordable units, which satisfies State Density Bonus Law and the City's Affordable Housing Ordinance requirement. Since the applicant meets State Density Bonus Law, the City must grant any waivers and concessions the applicant requests for a qualifying project under the State Density Bonus Law. Since the vast majority of the project is designed to meet City standards, the applicant has chosen not to apply for any concessions. The applicant has only asked for a waiver for the building orientation, as discussed further in the report.

Table 5 outlines the waiver requested for the proposed Project.

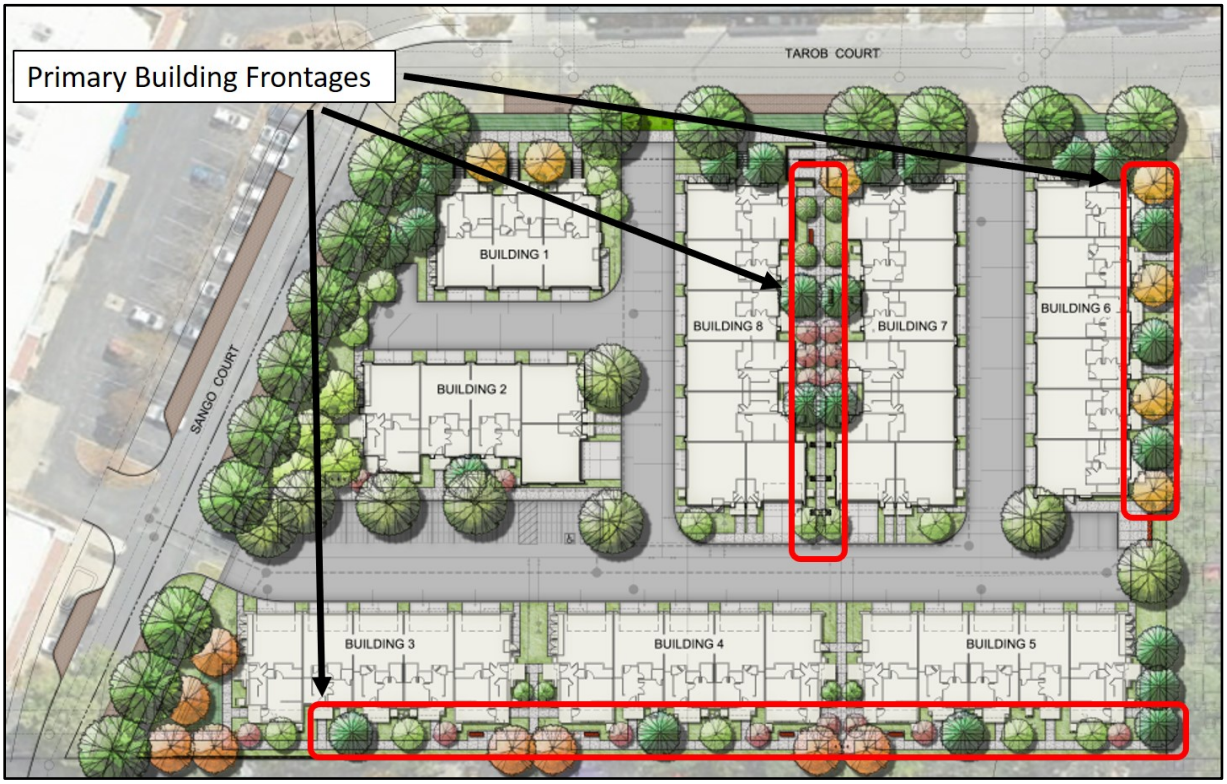
Table 5: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
Waiver	Building Orientation and Entrances	29 buildings facing either internal courtyard, shared courtyard, or future Augustus Rathbone Park TASP requires building entrances face streets	In order to provide 25.5 du/acre and parking garage access, the developer had to design a proposal that required certain building entrances to face internal courtyards instead of streets.	This waiver is allowed under State Density Bonus Law and must be granted by the City.

State Density Bonus Waiver

TASP Table 5-1 (Development Standards) states "*Buildings must face the street; and primary building entrances must be oriented toward the street*." The Project proposes eight primary buildings. Six primary buildings have entrances that do not face a public or private street. Building 1 has entrances facing an internal courtyard. Buildings 3, 4, and 5 have entrances facing the future Augustus Rathbone Park, Building 6 has entrances facing a joint internal courtyard with the Geomax I project, and Building 7 has entrances facing an internal courtyard, as shown on Figure 1.

Figure 1 – Building Layout



Since most primary buildings do not face street frontages, the applicant has requested a waiver for the objective standards, as permitted by State Density Bonus Law. Staff supports the waiver because facing primary entrances to streets may limit the number of residential units allowed on the site. Furthermore, a waiver must be granted because the Project includes enough affordable units to qualify for State Density Bonus.

State Density Bonus Parking Concession

An applicant who qualifies for a density bonus (under State Density Bonus Law) may propose reduced parking standards. Projects located in the TASP area typically require 1.6 to 2.0 vehicle parking spaces for each two- and three-bedroom unit. Studios generally require 1.0 vehicle parking spaces per unit. The project must also provide an additional 20 percent of the required parking as vehicle parking spaces for guests. However, under State Density Bonus Law and upon a developer's request, the City must allow a reduction in vehicle parking, as shown in Table 6.

Table 6: Maximum Parking Requirements (under State Density Bonus Law)

Type of Unit (or Guest Parking)	Number of Vehicle Parking Spaces
Zero to One Bedroom	1.0 spaces
Two-Bedroom and Three-Bedroom	1.5 spaces
Four-Bedroom	2.5 spaces
Guest Parking	Zero spaces

The applicant has requested reduced parking standards, as demonstrated in Table 7.

Table 7: Parking Analysis (under State Density Bonus Law)

Land Use	Unit Count	Rate	Maximum Spaces Required	Spaces Provided	Notes
Two-bedroom and Three-bedroom	17	1.5 / unit	26	34	
Four- bedroom	26	2.5 / unit	65	52	
Studio (ADU)	13	1 / unit	13	0	
Guest Parking	N/A		0	18	Included as part of the total number of parking spaces required under the State Density Bonus Law
		Total	104	104	

In summary, each townhome includes a two-car, side by side, attached garage. In addition, 18 surface parking spaces will be provided for guests along the internal street network, making a total of 104 vehicle spaces. The proposed number of parking spaces is equivalent to the total number of parking spaces contemplated under the State Density Bonus Law. The applicant is additionally entitled to one concession under the State Density Bonus law and requests to apply it to cure any irregularity in the total number of spaces required.

Subdivision Ordinance

The City of Milpitas Public Works Department has reviewed the Project's form, content, and dedications of the proposed tract map and deemed it consistent with MMC Section XI-1-4 (Tentative Maps) provisions, as outlined in the findings within Resolution No. 23-021. Tentative Maps require the Planning Commission to recommend final approval by the City Council.

Architectural Design

The Project's design concept includes three-story buildings consistent with existing and planned residential development patterns within the Tango area. The contemporary design includes the following design accents and materials:

- Roof: Composition Shingle (Gray)
- Exterior: Vertical Fiber Cement Siding and Stucco
- Accents: Coronado Stone and Metal Railings
- Lighting: Wall Sconce (Black)
- Entry Door: Modern Front Entry Door
- Garage Door: Cloplay Bridgeport Steel Garage Door

The Project conforms with the majority of TASP design guidelines, which require well-articulated exterior walls with consistent style and materials, muted colors for primary building walls with richer accent colors, and integrated parking. Furthermore, the Project has a harmonious architectural style to the Parkside development located across the street on Tarob Court. A rendering of the Project is shown in Figure 2 and proposed colors and materials are shown in Figure 3.

Figure 2 – Proposed Project Facing Augustus Rathbone Park

Figure 3 – Colors and Materials Board

Tree Removal and Landscaping Requirements

The landscaping plan within the Project demonstrates 36 existing trees to be removed. 21 of those trees are ordinance-sized and considered “protected” per MMC Section X-2.7.01-1. The applicant proposes to plant up to 107 new trees on site to mitigate the 36 trees being removed. By proposing to plant over 57 new trees, the applicant is maintaining conformance with MMC Section 7 – Tree Protection and Heritage Tree Program. Additional proposed landscaping includes various shrubs, grasses, and vines (New Zealand Flax, Manzanita, Reed Grass, and Creeping Fig) planted along the internal paseos and front yards, as demonstrated in Figure 4.

Figure 4– Landscape Plan

Parkland and Open Space Requirements

The TASP requires all new developments to provide 3.5 acres of parkland for every 1,000 persons or payment of park in-lieu fees, as allowed by MMC Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes*). The Parkland Fee is based upon the estimated number of persons expected to reside in the development (per U.S. Census definitions) and the estimated value of parkland in the City of Milpitas (currently $2,787,840 per acre).

The City estimates 2.49 people will occupy each unit. The Project proposes 43 units, resulting in an estimated population of 107 new residents. Based on this population estimate, the applicant must provide 0.37 acres of parkland, equivalent to approximately $1,044,729.

All projects in the TASP area are required to pay a Transit Area Development Impact Fee (TADIF). A portion of that fee pays for parkland. The park portion of the TASP fee for this project is valued at $927,269, equivalent to 0.33 acres of parkland. This amount will be applied to the Project's parkland requirement, leaving a delta of 0.04 acres to be satisfied.

To satisfy the 0.04 acre delta, the applicant has incorporated 0.29 acres as private recreation space on-site, as permitted by MMC Section XI-1-9. For example, each townhome has private patios and balconies totaling 5,690 square feet. In addition, the Project includes an additional 12,844 square feet of on-site residential open space, which include grassy areas and internal paseos. The parkland requirement is met by designing these elements into the Project, as demonstrated in Table 8 below.

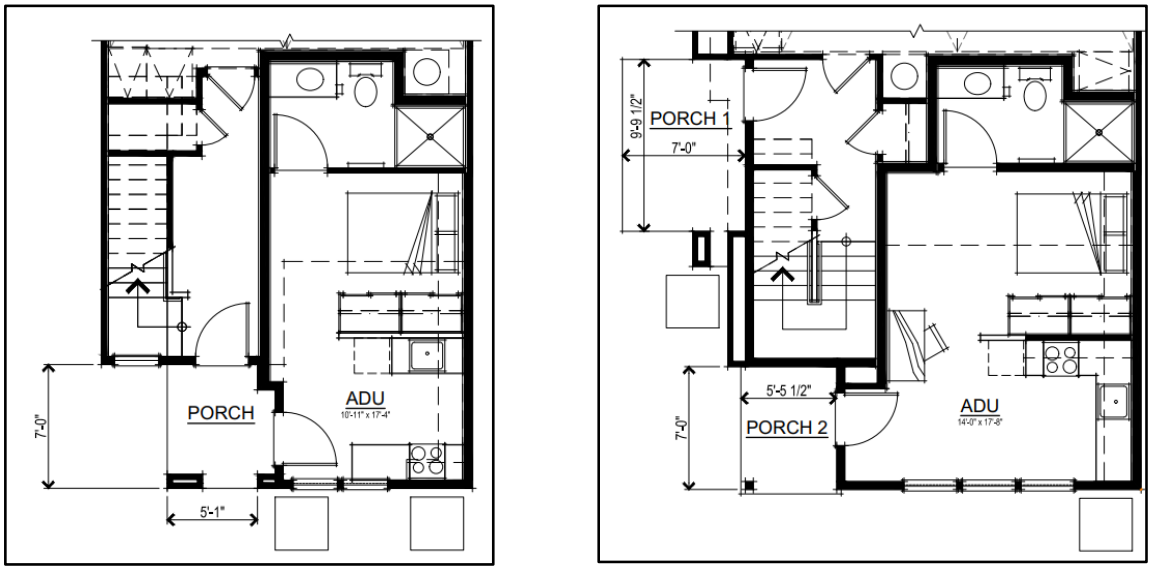
Table 8: Parkland Requirements Analysis

Toll Brothers Townhomes Proposed	43
Toll Brothers Townhomes Population Estimate (2.49 persons/unit per Census)	107 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu
Total Parkland Acreage or In-Lieu Fee Required	0.37 acres / $1,044,729
Amount Satisfied Through TASP Fees (Acreage/Dollars)	0.33 acres / $927,269
Remaining Parkland Acreage or In-Lieu Fee Required	0.04 acres / $117,459
Private Recreation/Open Space Included in the Project	0.29 acres
Balance of Parkland Acreage or In-Lieu Feed Due	**0.00 acres / $0**

Accessory Dwelling Units

The Project includes 13 attached ADUs located on the ground floor of 12 four-bedroom townhome condominiums. Each integrated ADU is a studio unit with a living/sleeping area, bathroom, kitchenette, and separate front door entrance, as demonstrated in the two options in Figure 7 below.

Figure 7 – Townhome/ADU Floor Plan



Although the proposed ADUs are considered residential units (for density purposes), their integral design limits the City's ability to charge development fees (such as TADIF or Park-In Lieu Fees).

Per Government Code Section 65852.2. (f)(3)(A), *A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet*. The proposed ADUs range in size between 282 and 362 square feet in size, thus qualifying for the impact fee exception under State law.

Affordable Housing Ordinance

According to MMC Section XII-1-3.00 (Affordable Housing), the applicant must reserve fifteen percent (15%) of the total number of dwelling units within the development as affordable units. For this project, the applicant must provide 6.45 affordable units. The applicant proposes to meet the City's affordable housing requirement by reserving 6 units on-site for moderate-income households, which includes 1 two-bedroom, 1 three-bedroom units, 3 four-bedroom units, and 1 four-bedroom unit with an ADU. The project has been conditioned to execute an agreement imposing appropriate ownership controls on the affordable units. The applicant will also pay an in-lieu fee for the 0.45 unit required. The applicant has also demonstrated where such units will be cited on the property, as demonstrated in Figure 8 with the red dots.

Figure 8 – Affordable Units

Traffic and Access

Vehicular access to the project site will be provided two driveways with direct ingress/egress from either Tarob Court or the newly expanded Sango Court. An internal private street grid will provide access to the 43 private residential garages. In addition, 18 guest parking spaces will be provided along Court A and Street A, including an ADA-compliant spaces and two electric vehicle parking spaces. The EV parking spaces will provide full charging facilities.

Grading
The proposed Project would result in the demolition of all existing structures, paving, and landscaping on the subject site. Subsurface excavations for the foundations and utilities would likely occur to a depth of eight feet. It is anticipated a total of 1,000 cubic yards of soil would be cut, and 9,000 cubic yards would be used for fill to pad the site and increase the finish grade heights to meet flood zone requirements. A total of approximately 2,000 tons of construction debris are anticipated to be removed from the project site during demolition of the existing buildings.

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

Climate Action Plan
The City of Milpitas Climate Action Plan (CAP) was adopted in 2022 and included Greenhouse Gas (GHG) reduction goals, policies, and actions for new and existing development projects. The Project would follow these goals and policies by locating future residents near public transportation, jobs, restaurants, and services and incorporate green building measures in compliance with CAL Green standard building measures for residential buildings and Title 24 requirements to reduce energy usage.

POLICY ALTERNATIVE(S):
Alternative 1: Deny the applicant's request for a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment.

Pros: Denial of the Project would allow the site to remain legal non-conforming industrial uses, with the possibility a higher density residential project would be submitted. A higher density project would generate more impact fees to pay for needed infrastructure.

Cons: Denial of the Project would deprive the City of 43new residential units, 6 of which are reserved for below market rate households. The Project would further support affordable housing needs within the region, including the City's Regional Housing Needs Allocation (RHNA). Denial of the project would also be contrary to the goals and objectives of State and local density bonus laws.

Reason for Not Recommending: The proposed Project is consistent with the City's General Plan, Transit Area Specific Plan (Metro Plan), and zoning, all of which support the development of affordable housing within proximity to transit. The Project includes 6 townhomes reserved for moderate-income households in addition to 13 attached accessory dwelling units, which are designed with affordability in mind, increasing the number of affordable units in the City of Milpitas and providing more options of housing for its residents. The Project complies with the affordability provisions of the State Density Bonus Law and qualifies for the waivers and parking reductions requested by the applicant. The project complements nearby residential projects.

FISCAL IMPACT:

The Project is subject to the following impact fees:

TASP Impact Fee
The TASP impact fee is currently set at $50,056/unit for residential uses for the Fiscal Year 2023-2024, but the exact TASP fee will not be calculated until the building permit is ready for issuance. Based on the development of 43 residential units, the estimated TASP impact fee for this Project is approximately $2,152,408 ($50,056/unit x 43 units). This fee is automatically adjusted each fiscal year in conjunction with the City's annual budget process. The applicant must pay the fee before the building permit issuance.

Parkland Impact Fee
A portion of the TASP impact fee includes a portion of the parkland in-lieu fee. Therefore, by paying the TASP impact fee and developing at least 0.04 acres of public and private open space, the applicant will meet the parkland fee requirement without paying additional parkland fees. As previously stated, the applicant has proposed to develop 0.29 acres of private open space. Therefore, no additional park-in lieu fee will be required.

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

Affordable Housing Fee
The project will comply with the City's Affordable Housing, as set forth in Milpitas Municipal Code Section XII-1-3.00. The applicant will be providing 6.45 affordable units, but dedicating 6 units on-site for moderate-income households, which includes 1 two-bedroom, 1 three-bedroom units, 3 four-bedroom units, and 1 four-bedroom unit with an ADU. The applicant will be required to pay an in-lieu fee for the remaining 0.45 unit, which is calculated at building permit issuance.

The City Council may make specific findings that there is (1) an essential nexus between these fees and the Project, and (2) that the fees are roughly proportional to the Project's impact on the City's land use interest.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):
The City prepared an environmental assessment in accordance with the requirements of the California Environmental Quality Act (CEQA), as amended, and state and local guidelines implementing CEQA. The proposed Project is exempt from further environmental reveiw pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill). Exhibit 2 of Attachment A of the Resolution for the proposed Project is a memorandum demonstrating compliance with CEQA Guidelines Section 15183.3(b). As a separate and independent basis, the Project is also exempt from further CEQA review pursuant to CEQA Guidelines Section 15182 (Projects Consistent with a Specific Plan). The proposed Project is generally consistent with the Milpitas Transit Area Specific Plan.

RECOMMENDATION:

Adopt a resolution to approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015, and Environmental Assessment No. EA23-0002 to allow the development of 43 townhome condominiums with 13 accessory dwelling units and associated site improvements at 1905 Tarob Court subject to the Conditions of Approval.

ATTACHMENT(S):
Attachment A: City Council Resolution (with COA's and CEQA exemption memorandum)
Attachment B: Planning Commission Staff report dated May 22, 2024
Attachment C: Project Plans

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD23-0011, CONDITIONAL USE PERMIT NO. UP23-0007, VESTING TENTATIVE MAP NO. MT23-0001, DENSITY BONUS PERMIT NO. DB23-0003, TREE REMOVAL PERMIT NO. TR23-0015, AND ENVIRONMENTAL ASSESSMENT NO. EA23-0002 TO ALLOW DEMOLITION OF ONE INDUSTRIAL BUILDING, REMOVAL AND REPLACEMENT OF 21 ORDINANCE-SIZE TREES, AND DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL PROJECT CONSISTING OF EIGHT RESIDENTIAL BUILDINGS, UP TO 39-FEET (THREE STORIES) IN HEIGHT, WITH 104 VEHICLE PARKING SPACES, AND ASSOCIATED SITE IMPROVEMENTS ON A 2.3-ACRE SITE LOCATED WITHIN THE TRANSIT AREA SPECIFIC PLAN / MILPITAS METRO SPECIFIC PLAN AREA AT 1905 TAROB COURT (APN 086-36-041) AND MAKING FINDINGS OF CEQA EXEMPTION

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

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas certified an Environmental Impact Report (State Clearinghouse No. 2006032091) prepared to analyze the environmental impacts associated with the proposed Transit Area Specific Plan, and subsequently adopted the Transit Area Specific Plan (TASP); and

WHEREAS, the Transit Area Specific Plan encompasses some 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, and 993,843 square feet of office space and industrial, and includes development standards, goals and policies guiding development within the Plan area. Due to the physical characteristics of the area, including major streets, railroads and creeks, the Transit Area Specific Plan also established sub-districts with specific goals and policies to accommodate those unique characteristics; and

WHEREAS, on February 3, 2023, Nick Kosla of Toll Brothers (Applicant) submitted a complete pre-application and paid the required pre-application fee for a multi-family residential development that includes 43 townhomes and 13 accessory dwelling units at 1905 Tarob Court, pursuant to California Senate Bill 330 (SB 330) to the City of Milpitas; and

WHEREAS, on February 7, 2023, the City Council of the City of Milpitas certified the Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) and adopted the Milpitas Metro Specific Plan (Metro) which replaced the existing Transit Area Specific Plan and implemented key elements and strategies of the 2040 Milpitas General Plan such as expanding the Plan area from 437 to 510 acres, provided capacity for up to 7,000 additional new housing units through 2040, providing capacity of up to three million square feet of new commercial employment space, 300,000 square feet of new retail space, and 700 new hotel rooms, as well as establish an Innovation District Plan area for job creation and enhanced City revenues, and opportunities for mixed-use development on the 99-acre Great Mall site; and

WHEREAS, since the Applicant submitted a complete pre-application prior to adoption of the Metro Specific Plan, the Project has the benefit to comply with the development standards associated with the TASP Specific Plan, which was in force at the time of the pre-application submittal, and

WHEREAS, on July 25, 2023, Toll Brothers submitted a formal application to the City of Milpitas for the entitlements necessary to allow the development of a multi-family residential development project

contemplated within the aforementioned pre-application. The project is a 56-unit townhome condominium subdivision, comprised of eight multi-family buildings up to 39 feet in height, 104 parking spaces, and associated site improvements on a 2.3-acre site located at 1905 Tarob Court in the Trade Zone/Montague Subdistrict of the Transit Area Specific Plan (TASP) area (Project). The Project requires approvals of the following entitlements:

a. Site Development Permit No. SD23-0011: To allow the development of eight multi-family buildings, up to three stories in height, with up to 43 townhouse condominiums and 13 accessory dwelling units on the 2.3-acre site; and

b. Conditional Use Permit No. UP23-0007: To allow the subdivision of the residential townhome units (not including the accessory dwelling units) into condominiums; and

c. Vesting Tentative Map No. MT23-0001: To establish 43 residential condominium spaces, related common areas, and associated easements; and

d. Density Bonus Permit No. DB23-0002: To ensure the Project is compliant with State Density Bonus law and regulations; and

e. Tree Removal Permit No. TR23-0015: To remove 21 ordinance-sized trees and replace them with 107 new trees.

WHEREAS, the Planning Department completed Environmental Assessment No. EA22-0003 for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this Project is covered under CEQA Guidelines Section 15183.3(b) (Residential Infill) as discussed within a memorandum (the "Memorandum," a true and correct copy of which is attached hereto and incorporated herein as **Exhibit 2 to Exhibit A**); and

WHEREAS, the Project site is located within the TASP area and is therefore further exempt from environmental review pursuant to CEQA Guidelines Section 15182 (Residential Projects Pursuant to a Specific Plan); and

WHEREAS, the Planning Department recommends the Planning Commission determine this Project is found to be consistent with the goals, policies, and regulations of the California Density Bonus Law (Government Code Section 65915 et seq.), Milpitas General Plan 2040, Transit Area Specific Plan (Milpitas Metro Specific Plan) and Milpitas Zoning Ordinance, specifically Milpitas Municipal Code Section XI-10-54.15 (Density Bonus for Affordable Housing Developments), which permits waivers and concessions to development standards, as analyzed and documented in the staff report; and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the application for a Tentative Map pursuant to Milpitas Municipal Code Section XI-1-4.03 and a density bonus pursuant to Milpitas Municipal Code Section XI-10-54.15, the City Council is the highest review authority for the Project and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, the Planning Commission has reviewed the draft "Resolution of the City Council of the City of Milpitas Approving Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0003, Tree

Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court," attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Planning Commission hereby finds and determines that the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill); and, as separate and independent basis, the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan); and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in **Exhibit A** attached hereto; and

WHEREAS, on May 22, 2024, the Planning Commission held a duly noticed public hearing, during which meeting the Planning Commission considered the CEQA exemption findings as well as Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court, heard a presentation from staff, and had the opportunity to hear from members of the public and closed the public hearing on the item; and

WHEREAS, by adoption of Resolution No. 23-021, the Planning Commission recommended that the City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0007, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the City Council bases the recommendation and the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

WHEREAS, on June 11, 2024, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the CEQA exemption findings as well as Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0007, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. Recitals

The City Council has considered the full record before it, which includes, but is not limited to, such things as all published staff reports, oral and written testimony by staff, the Planning Commission, City Council and the public, and all other relevant materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and incorporated herein by reference.

SECTION 2. California Environmental Quality Act Findings

The proposed Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill) in that the project is located in an urban area that has either been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; satisfies the performance standards provided in CEQA Guidelines Appendix M; and 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. Furthermore, there is no reasonable possibility the project will have a significant effect on the existing environment due to unusual circumstances, no substantial changes with respect to residential infill in the immediate area have occurred since community-level environmental review was certified (June 3, 2008), and no new information has become available regarding any residential infill project has become known, and could not have been known at the time that community-level environmental review was certified and adopted. As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan).

SECTION 3. Development Fees

The project is subject to the Transit Area Specific Plan Development Impact Fee (TADIF), Parkland Impact Fee, Public Art Fee, and a fee in-lieu of creating affordable housing. The City Council finds and determines, based upon the full record before it, including studies, analysis, and approvals supporting the adoption of these fees that there is an essential nexus between these fees and the Project and these fees are roughly proportional to the Project's impact on the City's land use and other interests.

The purpose of the TADIF fees, as adopted on March 4, 2014, by Resolution No. 8344 of the Milpitas City Council, is to finance basic public infrastructure facilities, as identified in the Basic Infrastructure Program, as amended, that are needed to provide essential public services and assure public safety for new development within the Transit Area Specific Plan (TASP) area. The Project will be supported by the basic infrastructure facilities financed by the TADIF. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the TADIF and the Project, which those facilities will support.

In adopting the TADIF, the City relied on a nexus study to ensure that each project within the TASP area would pay only its fair share of the basic public infrastructure facilities. The nexus study relied on the uses and densities of the parcels within the plan area in calculating the TADIF fee to be applied. The Project has the same use as contemplated in the nexus study. As such, the TADIF fees owed by the project will be roughly proportional to the basic public infrastructure facilities that the project will require. The Council finds that TADIF fee is roughly proportional to the Project's impact on the City's land use interest.

The purposed of the Parkland Impact Fee, as adopted on June 15, 1976, by Ordinance No. 18.17 and amended thereafter, is to finance open space for park or recreational purposes as a condition of approval of a subdivision map as contemplated by the Subdivision Map Act. The City has adopted a General Plan containing a Recreation Element with definite principles and standards for the park and recreational facilities to serve the residents of the city and through this obligation requires dedication of land, payment of a fee, or both to proportionately contribute to this plan and provide park and recreational facilities to serve future residents of such subdivision. The Project will be supported by the infrastructure financed by the Parkland Impact Fee. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the fee and the Project, which those facilities will support.

In adopting and updating over time the Parkland Impact Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities. The City found

and determined through this study that the public interest, convenience, health, welfare and safety require that eighteen and one-half (18-½) acres of property, for each one-thousand (1,000) persons residing within this City, be devoted to park and recreational purposes. This fee is made proportionate to the population of each project and the consequent increase in infrastructure for this additional residential need. The land and fees received are used only for the purpose of providing park and recreational facilities to serve the subdivision for which received and the location of the land and amount of fees bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. The Council finds that Parkland Impact Fee is roughly proportional to the Project's impact on the City's land use interest.

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

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

The purpose of fees paid in lieu of the creation of affordable units that the applicant would otherwise be required to construct pursuant to Chapter 1 – Affordable Housing Ordinance of Title XII – Housing within the Milpitas Municipal Code are for requirements to construct fractional units of less than 0.5 units as set forth in Milpitas Municipal Code Section XII-1-3.00 – 15 Percent Affordability Requirement.

In adopting an in-lieu fee for affordable housing, the City found and determined affordable housing investment enhances the public welfare and assures that further housing development contributes to the attainment of the City's housing goals by increasing the production of residential units affordable by households of very low, low and moderate income. Furthermore, the affordable housing fee will assure that the limited remaining developable land in the City's planning area is utilized in a manner consistent with the City's housing policies and needs. This obligation is determined and calculated based on the gross square footage constructed for each new residential use, taking into account any fee credits that would be applicable based on existing building area. While accessory dwelling units are not counted towards either calculating or meeting the 15% on-site affordable housing requirement pursuant to Milpitas Municipal Code Section XII-1-3.00, any payment of in-lieu fees must be based on the total gross square footage of all dwelling units developed as part of the project, including any accessory dwelling units.. The Council finds that the Public Art Fee is roughly proportional to the Project's impact on the City's land use interest.

SECTION 4. Vesting Tentative Map Findings (Section XI-1-20.01)

The City Council makes the following findings based on the evidence in the administrative record in support of Vesting Tentative Map No. MT23-0001 as referenced as "Vesting Tentative Map Geomax II", dated December 21, 2023, on file with the Planning Department:

1. *The tentative subdivision map is consistent with the General Plan.*

   The General Plan designation for the project site references Milpitas Metro Specific Plan (METRO), but since the applicant submitted a complete pre-application pursuant to Senate Bill (SB 330) before the METRO was officially adopted by the City Council, the TASP development standards currently apply. Both the METRO and TASP standards intend to facilitate the development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and encourage walking, biking, and alternative modes of transportation.

   The TASP designates this project site as Multiple Family – High Density Transit-Oriented Development (R3-TOD). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this project proposes 25.5 dwelling units/acre, it is consistent with both the intended General Plan land use and the relevant density requirement. In addition, the Housing Element does not identify the project site for yielding affordable housing units. Therefore, there is no net loss of affordable housing opportunities.

   Lastly, the Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1 below:

Table 1: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes six affordable and 37 market-rate townhome condominiums, consistent with the policy to provide housing types for all income levels. Additionally, an in-lieu fee into the affordable housing fund for the remaining 0.45 units required.
Policy LU 1-8: *Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.*	**Consistent.** The Project is located directly east of the future Augustus Rathbone Park extension. Furthermore, the Project's off-site improvement plan includes connecting Tarob Court with Sango Court, which will provide Tango District residents an additional connection to Montague Expressway. These improvements will ensure all residents in the Tango District area have greater access to community amenities and transportation choices.

Policy	Conformance
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent.** The Project meets the height standards by proposing three-story buildings, up to 39 feet in height, in a zoning district that allows building heights up to 50-feet. The Project's height is consistent with the recently entitled townhome project at 2001 Tarob Court, which will have buildings up to 50 feet in height, and 675 Tradezone Blvd., with 37-foot tall residences.

2. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

   A. *The proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

   As outlined above, the Project includes the development of 43 residential condominium units with 13 ADUs, at a density of 25.5 dwelling units/acre. The Milpitas General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) allows residential development at 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan designations.

   B. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

   The Project proposes 25.5 dwelling units per acre, consistent with the 21-40 dwelling units per acre allowed by the general plan and corresponding specific plans. Additionally, the Project is consistent with the policies associated with the MMSP/TASP, as identified in Tables 3 and 5 above, except for front building orientations facing streets and the amount of vehicle parking standards. Both standards can be waived because the Project qualifies for Density Bonus Law waivers and concessions.

   C. *The site is not physically suitable for the type of development.*

   The site is surrounded by high density, transit-oriented residential development and future park / open space lands under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In addition, this site is suitable for the higher density development based on the location, physical attributes, and existing and proposed infrastructure improvements.

   D. *That the site is not physically suitable for the proposed density of development.*

   The project site is within the MMSP/TASP specific plan designation of Multiple Family, High Density Transit-Oriented Development (R3-TOD), permitting residential development at 21 to 40 dwelling units/acre. The site is physically suitable for the proposed density because the site

has (or will have) adequate utilities, sufficient open space, and adequate residential living facilities.

E. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project, including the subdivision and its associated improvements, is in an urbanized area and was previously developed as an industrial building without wildlife habitat. Therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. The design of the subdivision or type of improvements is likely to cause serious public health problems.

The Project, including the subdivision and its associated improvements, have been designed in a manner that will not cause serious public health problems. The Project has been reviewed and conditioned by Building, Fire, Land Development, and Utility Departments. As a result, it has been determined that the development can be adequately serviced to preserve public health and wellness.

G. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any access easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision involves the vacation of a utility easement, which is no longer needed.

SECTION 5. Site Development Permit Findings (Milpitas Municipal Code Section XI-10-57.03(F))

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD23-0011, as referenced as "Toll Bros Tarob – Geomax II", dated December 21, 2023, on file with the Planning Department:

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

The Project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The Project consists of 43 condominium units, 13 attached Accessory Dwelling Units and associated site amenities on a 2.3-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. Colors are earth tone shades of tans and grays with black metal railings. In addition, future residents will access garages via private streets, similar to nearby residential developments.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2, below. The proposed multi-family residential building is permitted in the R3-TOD Multiple-

Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The project design conforms to the site and development standards of the R3-TOD zone.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are needed, the applicant has requested waivers and parking exceptions under the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

Table 2: Summary of TASP R3-TOD Development Standards

Development Standard (R3-TOD)	Required	Proposed	Conformance
Density	21-40 du/ac	25.5 du/ac; 56 units total	Yes
Front yard Setback (from Tarob Court)	8 foot-15 foot (max.) from back of sidewalk	12 feet	Yes
Front yard Setback (from Sango Court)	8 foot-15 foot (max.) from back of sidewalk	8 feet	Yes
Side Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Rear Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Height	75 feet	39-feet	Yes
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space. 25% x 2.2 = 0.55 acres / 23,958 sq. ft. required	0.63 acres / 27,632 sq. ft.	Yes
Private Open Space	An average of 200 sq. ft. of usable open space shall be provided for each dwelling unit. 200 sq. ft. x 43 units = 8,600 sq. ft.	5,690 sq. ft. (private open space) + 27,632 sq. ft. (on-site open space) = 33,322 sq. ft.	Yes

Development Standard (R3-TOD)	Required	Proposed	Conformance
	Balconies and porches may be no less than 60 sq. ft. and patios no less than 100 sq. ft.	Private balconies range from 60 sq. ft to 174 sq. ft.	

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1 above. Furthermore, as the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to waivers and reduced parking requirements. The requested waivers and parking exception will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

d. The Project is consistent with the Transit Area Specific Plan

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/METRO, as demonstrated in Tables 1 and 2, above, and 3, below. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking exception will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

Table 3: Additional Development Standards Applicable in the TASP/METRO

	Standard	Proposed	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awnings may project up to six feet into required setbacks.	Porches, stairs, balconies, bay windows and awnings project less than six feet into required setbacks	Yes
Building Orientation and Entrances	Building must face the street, and primary building entrances must be oriented toward the street.	Buildings are either facing the external streets, internal streets, future Augustus Rathbone Park, or internal paseos	Yes, with approval of a Density Bonus Waiver

	Standard	Proposed	Conformance
Vehicle Parking	Two / Three Br. Units – 27 spaces Four Br. Units – 68 spaces Guest Parking – 19 spaces Total – 114 spaces (86 covered, 28 uncovered)	86 garage spaces 18 guest spaces 104 total (86 covered, 18 uncovered)	Yes, with approval of a Density Bonus waiver
Bicycle Parking	On-street guest racks equivalent to five percent (5%) of the parking requirement. Six (6) bicycle parking spaces	Six (6) bicycle parking spaces	Yes
Parking Location	Parking must be located so that it is not visible from the street.	43 private garage entrances face the interior drive aisle	Yes
Parking Garages attached to individual units	Garages may not occupy more than 50% of Ground Level Frontage facing street.	No parking garage is facing the street frontage.	Yes
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	Two curb cuts along Tarob Court (one curb cut at the Tarob/Sango connection	Yes
Park Acreage Requirements	0.04 acres (after payment of TASP/METRO fee) must be provided	0.29 acres	Yes

SECTION 6. Conditional Use Permit Findings (Milpitas Municipal Code Section XI-10-57.04(F))

The City Council makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP23-0007, as referenced as "Toll Bros Tarob – Geomax II", dated December 21, 2023, on file with the Planning Department:

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

The Project will not be detrimental or injurious to property or improvements in the vicinity or public health, safety, or general welfare. The Project is consistent with other multi-family residential projects within the immediate area and has been conditioned to preserve the health and wellness of future residents. In addition, the condominium project creates housing opportunities and increases the diversity of housing types in the City of Milpitas by utilizing accessory dwelling unit provisions.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The project design conforms to the site and development standards of the R3-TOD zone. Therefore, a conditional use permit is required to allow the subdivision of the proposed townhome units.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are in conflict, the applicant has requested a waiver and parking exceptions pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waiver and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1, above.

d. The Project is consistent with the Transit Area Specific Plan.

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/METRO, as demonstrated in Tables 1, 2, and 3, above. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking exception will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

SECTION 7. Density Bonus Permit (Milpitas Municipal Code Section XI-10-54.15(D))

The City Council makes the following findings based on the evidence in the public record in support of Density Bonus Permit No. DB23-0002, as referenced as "Toll Bros Tarob – Geomax II", dated December 21, 2023, on file with the Planning Department:

1. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.

The proposed Project includes 43 townhome condominiums and 13 accessory dwelling units, equaling to 25.5 dwelling units per acre and within the General Plan density allowed in the immediate area.

2. *All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Redevelopment Agency modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

   The applicant has allocated 6 of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom townhomes) to be reserved for moderate-income households (below 80 percent Average Median Income) to fully comply with the City's Affordable Housing Ordinance. The approximate locations for the 6 units will be adequately dispersed per the City of Milpitas Housing Department. The proposed affordable units will be developed with the same specifications as the standard, market-rate units. Additionally, the 0.45 unit will be paid by in-lieu Affordable Housing fee, calculated at time of Building Permit Issuance.

3. *Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project has been conditioned to provide an agreement to the City of Milpitas explaining the affordability requirements, processes and procedures, to the satisfaction of the Milpitas City Attorney prior to the release of any Certificate of Occupancy.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.*

   Prior to final building inspection and occupancy for the Project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property (Agreement). The Agreement shall explain the affordability requirements, including continued affordability for moderate-income households if the unit were to ever be sold, for a period of 30 years. The agreement shall be approved by the Milpitas City Attorney for content and form prior to recordation.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

   The standard is not applicable to the Project, as the Project is creating townhome condominiums for sale, rather than for rent. Affordability provisions will be assessed on the sale of the individual townhome condominium.

6. *Relation to Statute. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code section 65915, et seq.*

The developer has identified and requested waivers and parking exceptions as permitted within the State Density Bonus Law, Government Code Section 65915, et seq.

Density Bonus Concessions, Incentives and Waivers

In accordance with California Government Code Section 65915 and MMC Section X-10-54.15, the City must grant the requested incentives/concessions unless the City can make either of the following findings in writing and based on substantial evidence:

a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

If findings cannot be made, then the proposed concessions/incentives and waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915 – 65918.

The City does not have substantial evidence to demonstrate that the concessions/incentives and waivers described in Table 4 would fail to result in actual and identifiable cost savings, and/or that these savings are unnecessary to provide the level of affordability proposed. Moreover, the City has no substantial evidence that any of the requested concessions, incentives or waivers would result in any specific, adverse impacts to public health, safety, the physical environment, or historical resources. Accordingly, the City Council hereby approves such requested concessions/incentives and waivers.

Table 4: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
Waiver(s)	Building Orientation and Entrances	29 buildings facing either internal courtyard, shared courtyard, or future Augustus Rathbone Park TASP requires building entrances face streets	In order to provide 25.5 du/acre and parking garage access, the developer had to design a proposal that required certain building entrances to face internal courtyards instead of streets.	This waiver is allowed under State Density Bonus Law and must be granted by the City.

SECTION 8. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 9. City Council Approval

The City Council hereby approves Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0007, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court (subject to the Conditions of Approval attached hereto and incorporated herein as **Exhibit "1"),** based on the above findings.

PASSED AND ADOPTED this _____ day of_____ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: APPROVED:

_____ _____

Suzanne Guzzetta, City Clerk Carmen Montano, Mayor

APPROVED AS TO FORM:

_____

Michael Mutalipassi, City Attorney

EXHIBIT '1'

CONDITIONS OF APPROVAL
GEOMAX II RESIDENTIAL DEVELOPMENT

SITE DEVELOPMENT PERMIT NO. SD23-0011
CONDITIONAL USE PERMIT NO. UP23-0011
VESTING TENTATIVE MAP NO. MT23-0001
DENSITY BONUS PERMIT NO. DB23-0002
TREE REMOVAL PERMIT NO. TR23-0015
ENVIRONMENTAL ASSESSMENT NO. EA23-0002

The City of Milpitas Planning Commission and City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0011, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, and Tree Removal Permit No. TR23-0015 in accordance with Section X-2-4.02, XI-1-20.01, XI-10-54.15, XI-10-57.03, XI-10-57.04, and XI-10-57.05 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, and Tree Removal Permit entitlement is to allow the removal and replacement of 21 ordinance-sized trees and development of a multi-family residential project with 43 townhomes and 13 accessory dwelling units. The residential development will consist of eight multi-family residential buildings up to 39 feet in height (three stories), with 104 vehicle parking spaces and associated site improvements (Project) on a 2.3-acre site located in the High-Density Residential (R3-TOD) Zoning District with a Transit Oriented Development Overlay at 1905 Tarob Court (APN: 086-36-041). These approvals are subject to all other necessary reviews, approvals, studies, and inspections necessary for such development including for the issuance building permits or occupancy.

GENERAL CONDITIONS

1. General Compliance: The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit, known as "Toll Bros Tarob – Geomax II", and "Vesting Tentative Map Geomax II", both dated December 21, 2023, on file with the Planning Department. **SITE DEVELOPMENT PERMIT SD23-0011, CONDITIONAL USE PERMIT UP23-0011 VESTING TENTATIVE MAP MT23-0001, DENSITY BONUS PERMIT NO. DB23-0002, TREE REMOVAL PERMIT NO. TR23-0015 and ENVIRONMENTAL ASSESSMENT EA23-0002** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.

2. Effective Date: Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council approved this Permit.

3. Acceptance of Permit: Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration: Pursuant to Section XI-10-64-06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:

    a. Completes a foundation associated with the Project; or
    b. Dedicates any land or easement as required from the zoning action; or
    c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

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

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

7. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).

8. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**

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

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

11. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including, but not limited to, the approval of the discretionary permits, the approval of

any waivers, exemptions, alternatives, modifications, or amendments to the City's General Plan or Municipal Code, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Map No. MT23-0001, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.

12. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.

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

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

15. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**

16. Compliance with Fire Department and California Fire Code: The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and re-approval by the Fire Department. **(F)**

17. Compliance with Building Department and California Building Code: The project shall comply with the requirements of the Milpitas Building Department and the California Building Code, as adopted by the City. Changes to the site plan and/or buildings requires review and re-approval by the Building Department. **(B)**

18. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the architectural plans dated December 21, 2023, tentative map plans dated April 17, 2024, and plans approved by the City Council on _____, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review, and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

PLANNING CONDITIONS

19. Landscape: All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance.

20. Parking: Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of the following:

    a. RESIDENT: A total of 86 vehicle spaces within unit parking garages for each townhome condominium.
    b. GUEST: A total of 18 surface vehicle spaces are to be provided on site.

21. Bicycle Racks: A total of six short-term bicycle parking spaces shall be installed on the site.

22. Trees: The project will remove up to 21 ordinance-sized trees and replace with approximately 107 trees, in conformance with the plans approved by City Council on June 11, 2024.

23. Public Art Requirement: Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance.

24. Accessory Dwelling Units: In conformity with Milpitas Municipal Code Section XI-10-13.08, prior to the issuance of building permits for the construction of any accessory dwelling unit ("ADU") or junior accessory dwelling unit ("JADU"), Permittee shall record in the Santa Clara County Recorder's Office a deed restriction, in a form approved by the Milpitas City Attorney, and file a copy with the Milpitas Planning Department. The deed restriction shall run with the land and bind all future owners, heirs, and assigns. The ADU or JADU are not permitted to be subdivided as a condominium from the attached townhome condominium.

25. Density Bonus: Permittee shall provide up to 56 residential units, six of which will be offered at moderate-income levels. The Project may have the following waivers:

    a. Waiver #1: Allow certain building entrances to not face a street.
    b. Parking concession: Project will provide a total of 104 parking spaces as permitted by State Density Bonus Law. **(P)**

PLANNING & BUILDING PROJECT-RELATED TASP MITIGATION MEASURES & REQUIRED PROJECT DESIGN FEATURES

Biological Resources (TASP Policy 5.26)

26. Nesting Birds: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Services (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the

case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required. **(P)**

27. Environmental Site Assessment (ESA). Permittee shall provide and prepare a Phase 1 ESA, and a Phase II ESA if necessary, prior to the issuance of any demolition or building permits. **(P)**

Noise (TASP Policy 5.10))

28. Noise Insulation: Prior to issuance of any building permit, Permittee shall demonstrate that the Project will meet the required 45 dBA maximum interior noise standard.

Air Quality (TASP Policy 5.16)

29. Dust Control Emissions: During the construction of the Project, Permittee shall comply with all of the following:
    a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas and unpaved roads) shall be watered two times per day.
    b. All haul trucks transporting soil, sand or other loose material off the site shall be covered.
    c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or more often if determined necessary by City Engineer or designee. The use of dry power sweeping is prohibited.
    d. All vehicle speeds on unpaved roads shall be limited to 15 MPH.
    e. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
    g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
    h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **(B)**

30. ROG Emissions: Prior to issuance of any building permit, Permittee shall develop, submit and obtain approval from the City of a plan to reduce ROG emissions by 17 percent or greater during the architectural coating phase of the construction. Acceptable measures to achieve this goal include, but are not limited to, architectural coating containing 125 grams per liter of VOC or less, the use of pre-fabricated building materials, or a combination of both. The plan shall be implemented as approved by the City. **(P)**

HOUSING CONDITIONS

31. Affordable Housing Requirement: Permittee shall comply with the City's Affordable Housing Ordinance, as set forth in Milpitas Municipal Code Section XI-1-3.00. The City Council has granted the following deviation from the City's AHO **(H)**:

    a. Permittee shall reserve six townhome condominium units for moderate income households, with the option of also reserving for low or very-low income households, consisting of:

i. One, two-bedroom townhome unit
ii. One, three-bedroom townhome units
iii. Three, four-bedroom townhome units
iv. One, four-bedroom townhome units with ADU

32. Affordable Housing Agreement: Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation. **(H)**

33. Retaining Affordability. Developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for fifty (50) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. **(H)**

ENGINEERING CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

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

33. Modifications: The Site Development Plan dated December 21, 2023 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.

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

35. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit (MRP3.0), including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.

36. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along Tarob and Sango Court that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.

37. Recycle Water Cross-Connection Specialist: In order to comply with the California Code of Regulations Title 17 and 22, and for timely plan approval by the California State Water Resources

Control Board/Division of Drinking Water as well as by the South Bay Water Recycling, Permittee must hire a certified cross-connection specialist for their consultation as to irrigation water system design and construction phasing. The name and contact information of the certified cross-connection specialist shall be provided on all landscape submittal plans.

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

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

40. Coordination with other Projects: Permittee shall coordinate designs with 675 Trade Zone, 355 Sango Court, 1980 and 1841 Tarob Court (VOC Project) in advance prior to any plan submittal.

PRIOR TO FINAL MAP APPROVAL/RECORDATION

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

41. Dedication on the Final Map: Permittee shall provide all necessary right of way and easement dedications to the City for construction of 50% of the future Sango Court to Tarob Court street extension along the northern project frontage per TASP standards and guidelines.

42. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.

43. Partial Street Vacation: This project is subject to and contingent upon partial vacation on Tarob Court.

44. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.

45. Public Easement Dedication: Permittee shall dedicate to the City and record a grant of easement with approved plat and legal description conveying title to the following public easements:

    - Street and right of way dedication along an alignment acceptable to the City and in compliance with TASP standards for the future Sango Court to Tarob Court street extension; and
    - 10' wide public service utility easement behind the street and right of way dedication along the entire property frontage. Project entry and monument signs, bioretention areas, and walls shall not be located within the public service utility easement.

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

47. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the City Council Ad Hoc Naming Subcommittee and City guidelines.

48. Utility Company Approval Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.

49. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.

50. Covenant, Conditions & Restrictions (CC&Rs): Permittee shall provide CC&Rs for City's review and approval for perpetual maintenance of private roadways, private utilities, stormwater management facilities in accordance with a separately recorded Stormwater Management Facilities Operation and Maintenance Agreement, etc. There shall be provisions in the CC&Rs to retain a recycled water site supervisor with annual re-certification report to the City's Public Works Department.

51. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).

52. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2008-1, and agree to pay the special taxes levied by the CFD 2008-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

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

53. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
    a. Milpitas Design Guidelines: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/);
    b. Standard details and specifications: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/);
    c. Transit Area Specific Plan Design Guidelines: (http://www.ci.milpitas.ca.gov/_pdfs/engDesignGuidelines/en_dg_vi_transitAreaSpecific.pdf);
    d. Americans with Disabilities Act (ADA) requirements, where applicable.

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

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

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

57. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.

    a) Installation of separate water service tap and meter for each of the following services: residential, fire and irrigation.
    b) Installation of separate utility service laterals (domestic water, fire service, sanitary sewer) for each residential building at minimum.
    c) Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
    d) Removal and installation of new curb, gutter and sidewalk, signage and striping, and street lights along the complete street of Tarob and Sango Court shall comply with the applicable TASP design standards and details.
    e) Installation of curb ramps and driveway at the entrance of Street A, Street B, and the future City park connection to South Milpitas Blvd.

        a. Pending City's final design of the future park and South Milpitas Boulevard extension, the City may require a revision to the proposed driveway entrance and redesign it to curb returns This revision may impact the location of the proposed crosswalk and curb ramps.

    f) Installation of full-depth street sections with asphalt concrete and aggregate base along the project street frontage at Tarob and Sango Court to the City Engineer's satisfaction.
    g) Installation of new street tree wells along the project frontage. The locations, spacing of tree wells and tree species shall be in compliance with applicable City standards and details.
    h) Relocate the existing 12" Water Main along the frontage of both Tarob and Sango Court to avoid conflicts with the new street alignment. The permittee shall connect the new 12" water main to the existing 12" water main in Tarob and Sango Court per City Standards.

i) Installation of new 8" Recycled Water Main on Tarob and Sango Court. The permittee shall connect the new 8" Recycled Water main to the existing 8" Recycled Water Main on Tarob and Sango Court per City Standards.
j) Developer to furnish an additional street light pole and be delivered to the Public Works Corp Yard for storage and future use in the event of a pole getting damaged.
k) Flashing beacons shall be installed at the future S. Milpitas Blvd. extension intersection, as referenced in Condition #67.

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

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

60. Maintenance Agreement: Permittee shall record a Maintenance Agreement for perpetual maintenance of certain public improvements, such as landscaping if mutually agreed between the City and the Permittee.

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

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

63. Pothole Encroachment Permit: Due to multiple new utility service connections on Tarob and Sango Ct, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

64. Right of Way Dedication: The developer shall furnish all needed documents such as plat and legal and grant deeds for the dedication of right of way on the City parcel located at 1841 Tarob Court. Once City Council has approved the document, developer shall record the document with the County.

PRIOR TO BUILDING PERMIT ISSUANCE

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

65. Final Map Recordation: Permittee shall record the final map.

66. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.

67. Fee Reimbursement Agreement: Permittee shall provide engineer's estimate to construct 50% of the future Sango Court to Tarob Court street extension per TASP residential standards and guidelines on the northern project frontage and the flashing beacons (as referenced in Condition No. 57(k) within the Resolution). This shall include all costs associated with removal and modifications of interim northern project frontage improvements and installation of TASP roadway, sidewalks, decorative concrete paving stalls, street lights, street furniture, landscapes, utilities, etc. The engineer's estimate shall be

subjected to the City Engineer's review and approval. Any reimbursement shall be part of the Fee Reimbursement Agreement approved by City Council prior to Building Permit Issuance.

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

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

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

71. Recycle Water Approval: Permittee shall use recycled water for landscape irrigation purpose, except for the interior courtyard/podium areas within the building footprint where the potable water shall be used for irrigation. Permittee shall comply with California Code of Regulations (CCR), Title 22, Division 4, Chapter 3, titled *"Water Recycling Criteria"*, CCR, Title 17, Division 1, Chapter 5, Subchapter 1 titled *"Drinking Water Supply"* and all other recycled water regulations as listed under the publication titled *"California Department of Public Health Regulations Related to Recycled Water June 18, 2014*". Permittee shall obtain approval from the California State Water Resources Control Board/Division of Drinking Water, South Bay Water Recycling and the City for recycled water design, including but not limited to on-site irrigation design, based upon South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. All landscape plants shall be compatible with recycled water.

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

73. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.

74. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:

    a. What materials will be salvaged.
    b. How materials will be processed during demolition.
    c. Intended locations or businesses for reuse or recycling.

d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

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

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

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

77. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "g" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

    a. Storm water connection fee at $16,771/acre for residential.
    b. Water connection fee at $1,910/unit for residential based upon increased water usage.
    c. Sewer connection fee at $1,908/unit for residential based upon increased average wastewater flow.
    d. 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
    e. FEMA Flood Zone Designation Letter fee in the amount of $100.00 each.
    f. Public Art Fee or Public Art on site, as set forth in Milpitas Municipal Code Section XI-10-14.
    g. Transit Area Specific Plan (TASP) fee to be calculated at time of Building Permit Issuance.

78. Mailboxes: The Permittee shall coordinate with US Postal Services regarding placement of required mailboxes. Mailbox location shall not be on public street frontages and shall be approved by City and US Postal Services prior to building permit issuance. Mailbox locations shall be shown on the improvement plans and Permittee shall submit a letter to the City's Land Development Engineering Section from the Post Master approving the location of the mailbox. Structures to protect mailboxes may require Building, Engineering and Planning Department review.

79. Foundation Design: Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities. If any project building is located next to a City easement, the City is not responsible for any foundation damage that would occur due to excavating in the event of servicing or repairs in that easement.

DURING CONSTRUCTION

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

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

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

82. Prohibition of Potable Water Usage: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling. Developer shall notify SBWR 7 days in advance to schedule attendance of SBWR inspector during Cross-connection Test.

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

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

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

85. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to Tarob Court, Sango Court, connection to 355 Sango Court, and frontage improvements, as shown on City approved plans.

86. LOMR-F: Permittee shall submit a FEMA approved LOMR-F for each unit/building associated with the requested occupancy, if the project is located in the SFHA. CLOMR and LOMR shall be provided to the City once FEMA begins accepting new applications. Certificate of Occupancy for each individual unit shall be granted prior to FEMA approval of a LOMR-F upon demonstration by the permittee that flood insurance is in place for the unit to be occupied. Once an approved LOMR-F has been obtained for the individual unit associated with the requested occupancy, the flood insurance requirement will be waived.

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

88. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance. **(E/P)**

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

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

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

LEGEND
P = Planning Department
B = Building Department
E = Engineering Department
F = Fire Department
H = Housing Division
CAO = City Attorney's Office
ALL = All Reviewing Departments

NOTICE OF RIGHT TO PROTEST

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

AGREEMENT

Permittee/Property Owner

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

Dated: _____ _____
Signature of Permittee

MILPITAS PLANNING COMMISSION
STAFF REPORT

May 22, 2024

APPLICATION: **NEW MULTI-FAMILY HOUSING – 1905 TAROB COURT – P-SD23-0011, P-UP23-0007, P-MT23-0001, P-DB23-0002, P-TR23-0015, AND P-EA23-0002.** A Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to remove and replace 21 ordinance-sized trees and develop a multi-family residential project with 43 townhomes and 13 accessory dwelling units. The residential development will consist of eight multi-family residential buildings up to 39 feet in height (three stories), with 104 vehicle parking spaces and associated site improvements (Project) on a 2.3-acre site located in the High-Density Residential (R3-TOD) Zoning District with a Transit Oriented Development Overlay at 1905 Tarob Court. The Project is located within the Milpitas Metro Specific Plan and Former Transit Area Specific Plan area and submitted under California Senate Bill 330 (Housing Crisis Act of 2019).

RECOMMENDATION: **Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution No. 23-021, recommending that the City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002, subject to the Conditions of Approval.**

PROJECT LOCATION:

Addresses and Assessor's Parcel Number (APN): 1905 Tarob Court (086-36-041)

Area of City: Transit Area Specific Plan (TASP): Trade Zone/Montague Subdistrict (Previous) / Metro Milpitas Specific Plan (Metro): Tango District (Current)

PEOPLE:

Project Applicant: Nick Kosla, Land Entitlement Director
Toll Brothers, Pleasanton, CA

Consultant(s): Architect: *SDG Architects, Inc.*, Brentwood, CA
Civil Engineer: *Ruggeri-Jensen-Azar*, Pleasanton, CA
Landscape Architect: *R3 Studios*, Oakland, CA

Property Owner: *Geomax*, Santa Clara, CA

Project Planner: Michael Fossati, AICP, Senior Planner

LAND USE:

General Plan Designation: Milpitas Metro Specific Plan (MMSP)
Specific Plan Designation: Multi Family Very High-Density Transit Oriented Residential (R3-TOD) / Urban Residential (URR)
Zoning District: Multiple-Family High-Density with Transit Oriented Development Overlay (R3-TOD) / Metro Urban Residential (R5-Metro)

ENVIRONMENTAL: The Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183.3(b) (Residential Infill). As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15182 (Projects pursuant to a Specific Plan).

EXECUTIVE SUMMARY

The City of Milpitas received an application from Toll Brothers (applicant) requesting a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow the development of a 43-unit townhome condominium subdivision, comprised of eight multi-family buildings up to 39 feet in height, 104 parking spaces, and associated site improvements on a 2.3-acre site located at 1905 Tarob Court in the Tango District of the Milpitas Metro Specific Plan (formerly Trade Zone/Montague Subdistrict of the Transit Area Specific Plan - TASP area). The application was submitted in accordance with California Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019.

Since the applicant qualifies for SB 330 status and submitted a pre-application before the adoption of the Milpitas Metro Specific Plan, the Project will be reviewed against the TASP area development standards as required by state law under Government Code section 65589.5(o).

The Project consists of 6 two-bedroom, 11 three-bedroom, and 26 four-bedroom townhome condominium units. All 43 townhome units will have an attached two-car garage. 8 of the four-bedroom units will also have a ground-floor, attached accessory dwelling unit (ADU). All ADUs will be studio units. 6 of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom townhomes) will be reserved for moderate-income households (below 80 percent Average Median Income) and must pay an Housing in-lieu fee of .45 to fully comply with the City's Affordable Housing Ordinance.

Since the applicant proposes to restrict the sale of more than 10 percent of the townhome units to moderate-income households, the Project qualifies for one concession and multiple waivers under the State Density Bonus Law.

The proposed Project requires five entitlement approvals, as follows:

1. Site Development Permit No. SD23-0011: To allow the development of eight multi-family buildings, up to three stories in height, with 43 townhouse condominiums and 13 accessory dwelling units on the 2.3-acre site; and
2. Conditional Use Permit No. UP23-0007: To allow the subdivision of the residential units into condominiums; and
3. Vesting Tentative Map No. MT23-0001: To establish 43 residential condominium spaces, related common areas, and associated easements; and
4. Density Bonus Permit No. DB23-0002: To ensure the Project is compliant with State Density Bonus law and regulations; and
5. Tree Removal Permit No. TR23-0015: To remove 21 ordinance-sized trees and replace them with 107 new trees.

Although not an entitlement, Environmental Assessment No. EA23-0002 was prepared to establish CEQA compliance.

Staff has found the required entitlements comply with the policies, standards, and processes outlined in the State Density Bonus Law, the City of Milpitas 2040 General Plan, the Transit Area Specific Plan (TASP), the Zoning Ordinance, and other provisions of the Milpitas Municipal Code (MMC), and recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA and adopt Resolution No. 23-021, recommending approval of the Project to the Milpitas City Council, subject to the conditions of approval. The balance of this report provides specific details regarding the Project.

BACKGROUND

History

Currently, there is one 35,000-square-foot industrial building onsite. Light industrial uses have operated within this building for approximately 35 years. However, the surrounding neighborhood began transforming into multi-family residential uses, consistent with the transit-oriented vision established by the Transit Area Specific Plan, adopted in 2008. As this area transitions into a moderate to high-density residential lands, new amenities and trails will be developed to provide bicycle and pedestrian connections to local parks and commercial areas.

The Project site is located within the Trade Zone/Montague Sub-District of the TASP. This sub-district is located east of Montague Expressway and south of Capitol Avenue, extending to the city limits on Trade Zone Boulevard and Lundy Place. On the Tarob Court side of the sub-district, the TASP envisions a moderate-to-high density residential area, with ample green space, parks and trails along Penitencia Creek. Development along Montague Expressway is intended to be lined by mid and high-rise mixed-use buildings that buffer the internal lower density residential uses from noise and traffic.

On February 3rd, 2023, the applicant submitted a preliminary application pursuant to California Senate Bill 330 (SB 330) for a 43-unit townhome subdivision, which includes 13 ground-floor accessory dwelling units (ADUs).

On February 7th, 2023, the City of Milpitas adopted the Milpitas Metro Specific Plan (MMSP) to replace the TASP. The MMSP will continue to manage the transformation of high-density residential neighborhoods into vibrant transit-oriented communities with a mix of housing, retail, entertainment, and employment uses and a safe and attractive network of parks and trails. The Tarob Court residential redevelopment is highlighted in the MMSP and remains consistent with TASP. Since the SB 330 pre-application was submitted prior to the MMSP's adoption, the applicant has a vested right under state law to follow the development standards under the TASP, and not under the MMSP.

On July 25th, 2023, the applicant submitted a development application for the same townhome development. The architecture and design of the Project will remain consistent with the other townhome projects (Geomax I) currently being developed by Toll Brothers. Geomax I is a 78 townhome condominium unit development being constructed west of 1905 Tarob Court. Another moderate density townhome project is being developed by KB Home at 2001 Tarob Court, which is less than a quarter mile from the Project site.

California Senate Bill 330 (Housing Crisis Act)

California Senate Bill 330 (SB 330) is a statewide bill intended to accelerate housing production in California. It became effective on January 1, 2020, and Senate Bill 8 (SB 8) extended SB 330 through January 1, 2030. Under SB 330, eligible projects receive enhanced streamlining and vesting opportunities by filing a preliminary application. Those benefits include:

- Freezes the ability of local governments to downzone, adopt new development standards, or change land use in residential and mixed-use areas if the change results in less-intensive uses.

- Allows developers to request approval of housing developments that exceed density and design controls of the underlying zoning if the existing zoning conflicts with the General Plan or a Specific Plan.

- Expedites the permitting process for all housing development and limits the list of application materials that cities can review.

Through the Housing Accountability Act, the state requires a local jurisdiction to approve housing consistent with applicable, objective land use standards. Under the State Density Bonus Law, the state also requires a local jurisdiction to approve waivers and concessions for projects that meet certain affordability requirements. Consistent with state law, planning staff has determined that the Project is consistent with applicable, objective development standards provided under SB 330 and meets the requirements for waivers and incentives/concessions under the State Density Bonus Law. A local government agency can deny an eligible housing project only if there is strong evidence that denial is the only way to avoid an adverse impact on public health and safety.

PROJECT DESCRIPTION

Overview

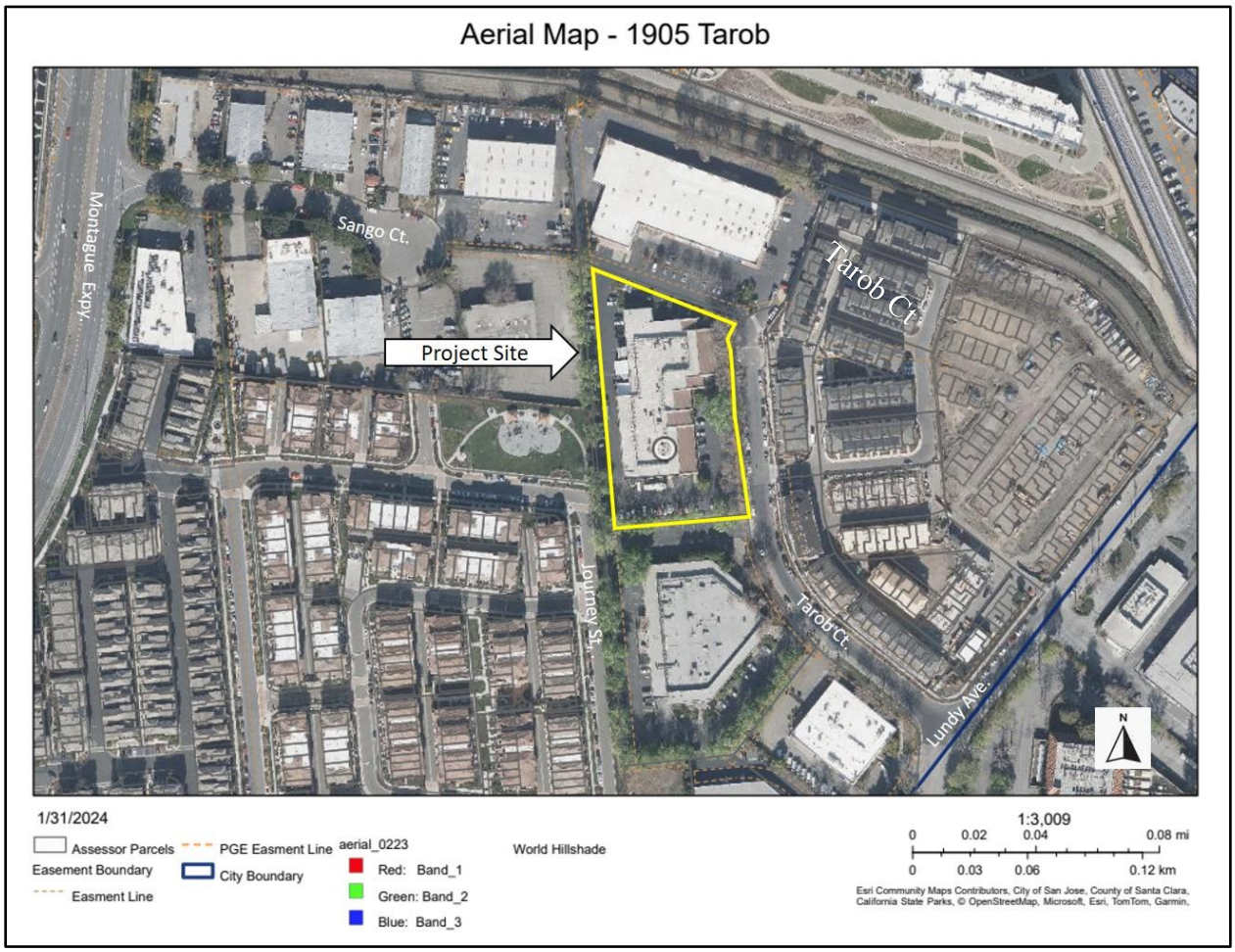
The Project consists of 43 townhome condominium units, 13 attached accessory dwelling units, and associated site improvements, including private alleyways and outdoor amenity spaces. The townhomes will range from 1,288 to 2,191 square feet in size. 13 townhomes will include an attached accessory dwelling unit (ADU) ranging in size between 282 and 361 square feet. The Project also provides 104 vehicle parking spaces (86 spaces within 43 -two car side by side garages, 18 surface spaces for guests). The applicant will also deed restrict and market 6 townhomes to moderate-income households and pay an in-lieu fee to comply with the City's affordable housing requirement.

Since more than 10 percent of the townhome units are reserved for moderate-income households, the Project is eligible for certain concessions, waivers, and parking incentives under State Density Bonus Law (Gov. Code § 65915 et seq.). The "Project Analysis" section of this staff report includes a full discussion of the State Density Bonus provisions related to this Project.

Location and Context

The Project is located on a 2.3-acre site on the west side of Tarob Court in the southern portion of Milpitas. Figure 1 shows the Project location:

Figure 1 – Aerial Map - 1905 Tarob Court

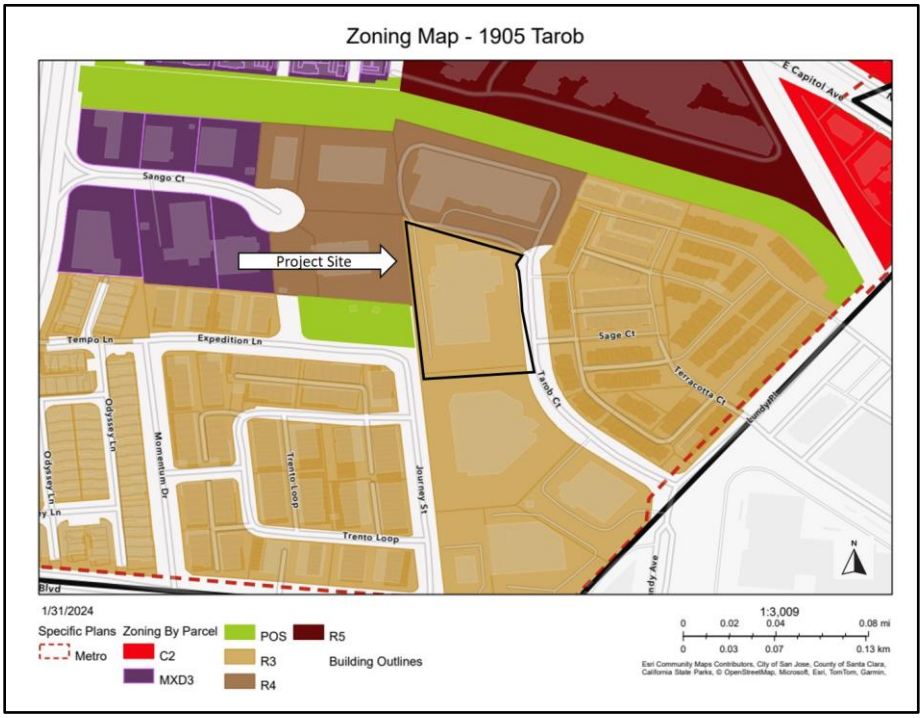


The property is located within the Transit Area Specific Plan (also known as the Milpitas Metro Specific Plan) area and zoned Multi-Family High-Density Residential with a Transit-Oriented Development Overlay (R3-TOD). Table 1 and Figure 2 below summarize the land use designation and surrounding zoning of nearby properties:

Table 1: Surrounding Zoning and Land Uses (Under TASP)

	General Plan	Zoning	Existing Uses
Subject Site	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3-TOD)	Non-conforming Light Industrial
North	Milpitas Metro Specific Plan	Permanent Open Space	Non-conforming Light Industrial
South	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3)	Future Townhomes
East	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3)	Townhomes
West	Milpitas Metro Specific Plan	Permanent Open Space	Augustus Rathbone Park / Non-conforming Light Industrial

Figure 2 – Zoning Map – 1905 Tarob Ct. (Under TASP)



PROJECT ANALYSIS

This section will evaluate elements of the proposed Project for conformance with the Milpitas 2040 General Plan, the 2008 Transit Area Specific Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code, Senate Bill 330, and State Density Bonus Law.

General Plan Conformance

The General Plan designation for the Project site is MMSP, which was adopted on February 7, 2023. Since the applicant submitted a pre-application and invoked SB 330 on February 3rd, 2023, the TASP development standards currently apply. The MMSP and TASP standards intend to facilitate higher intensity, mixed-use neighborhood development near the Milpitas Transit Center to encourage walking, biking, and alternative modes of transportation for residents and employees in the immediate area.

The Project is in conformance with the applicable policies and standards in the City's General Plan, as outlined in Table 2:

Table 2: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes 6 affordable and 37 market-rate townhome condominiums, consistent with the policy to provide housing types for all income levels.

Policy	Conformance
Policy LU 1-8: *Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.*	**Consistent.** The Project is located directly east of the future Augustus Rathbone Park extension. Furthermore, the Project's off-site improvement plan includes connecting Tarob Court with Sango Court, which will provide Tango District residents an additional connection to Montague Expressway. These improvements will ensure all residents in the Tango District area have greater access to community amenities and transportation choices.
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent.** The Project meets the height standards by proposing three-story buildings, up to 39 feet in height, in a zoning district that allows building heights up to 75-feet. The Project's height is consistent with the recently entitled townhome project at 2001 Tarob Court, which will have buildings up to 50 feet in height, and 675 Trade Zone Blvd., with 37-foot-tall residences.

Transit Area Specific Plan Conformance

The TASP land use designation for the Project is High-Density, Transit-Oriented Residential. This designation provides for medium-density residential uses within the Trade Zone/Montague Subdistrict. As demonstrated in Table 3, the Project is consistent with the applicable TASP land use policies.

Table 3: TASP Consistency

Policy	Conformance
Policy 3.4*: Provide a variety of housing types for different types of households, different income levels, different age groups, and different life-styles.*	**Consistent**. The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes 6 affordable, 5 ADA-accessible, and 32 standard townhome condominiums, consistent with the policy

Policy	Conformance
	to provide housing types for all age and income levels, including households with special needs.
Policy 3.2: *Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area. Allow housing developments of 12 units or less to pay a fee in lieu of providing affordable units.*	**Consistent**. The Project conforms to the City's Affordable Housing Ordinance by designating six out of the 43 townhome units, or 15 percent of the base number of units, for moderate-income level individuals or households. The additional .45 unit required will be made whole by paying a fee in lieu of providing affordable units.
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent.** The Project includes 6 affordable townhome condominiums integrated into the design. The townhomes differ in type (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom units) to provide variety. These specific units will be restricted to moderate-income individuals or households for purchase. Furthermore, the Project includes 13 ADUs, which are considered "affordable by design" meaning they are small and efficiently designed yet include adequate amenities to serve as a dwelling unit for an individual or small household.

Zoning Conformance

The project site is zoned R3 Multiple-Family High Density Residential with a Transit-Oriented Development (-TOD) Overlay. As demonstrated in Tables 4 and 5, the project is consistent with most of the applicable development standards for the R3 Multiple-Family High Density Residential Zoning District and TASP area. Where the project is not in compliance with objective standards, the applicant may deviate the standards by invoking State Density Bonus Law.

Table 4: Summary of TASP R3-TOD Development Standards

Development Standard (R3-TOD)	Required	Proposed	Conformance
Density	21-40 du/ac	25.5 du/ac; 56 units total	Yes

Development Standard (R3-TOD)	Required	Proposed	Conformance
Front yard Setback (from Tarob Court)	8 foot-15 foot (max.) from back of sidewalk	12 feet	Yes
Front yard Setback (from Sango Court)	8 foot-15 foot (max.) from back of sidewalk	8 feet	Yes
Side Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Rear Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Height	Up to 75 feet	39-feet	Yes
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space. 25% x 2.2 = 0.55 acres / 23,958 sq. ft. required	0.63 acres / 27,632 sq. ft.	Yes
Private Open Space	An average of 200 sq. ft. of usable open space shall be provided for each dwelling unit. 200 sq. ft. x 43 units = 8,600 sq. ft. Balconies and porches may be no less than 60 sq. ft. and patios no less than 100 sq. ft.	5,690 sq. ft. (private open space) + 27,632 sq. ft. (on-site open space) = 33,322 sq. ft. Private balconies range from 60 sq. ft to 174 sq. ft.	Yes

In addition, projects located in the TASP/MMSP area must comply with the additional development and design standards outlined in Table 5:

Table 5: Additional Development Standards Applicable in the TASP/MMSP

	Standard	Proposed	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awnings may project up to six feet into required setbacks.	Porches, stairs, balconies, bay windows and awnings project less than six feet into required setbacks	Yes
Building Orientation and Entrances	Building must face the street, and primary building entrances must be oriented toward the street.	Buildings are either facing the external streets, internal streets, future Augustus Rathbone Park, or internal paseos	Yes, with approval of a Density Bonus Waiver
Vehicle Parking	Studios (ADUs) – 13 spaces Two / Three Br. Units – 27 spaces Four Br. Units – 68 spaces Guest Parking – 19 spaces Total – 127 spaces	86 garage spaces 18 surface spaces Total – 104 spaces	Yes, with approval of a Density Bonus Permit
Bicycle Parking	On-street guest racks equivalent to five percent (5%) of the parking requirement. Six (6) bicycle parking spaces	Six (6) bicycle parking spaces	Yes
Parking Location	Parking must be located so that it is not visible from the street.	43 private garage entrances face the interior drive aisle	Yes
Parking Garages attached to individual units	Garages may not occupy more than 50% of Ground Level Frontage facing street.	No parking garage is facing the street frontage.	Yes
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	Two curb cuts along Tarob Court (one curb cut at the Tarob/Sango connection	Yes

	Standard	Proposed	Conformance
Park Acreage Requirements	0.04 acres (after payment of TASP/MMSP fee) must be provided	0.29 acres	Yes

State Density Bonus Law

To encourage affordable housing production, the State Density Bonus Law (Gov. Code § 65915 et seq.) allows developers to receive a density bonus and other incentives, such as concessions, waivers, and parking reductions when affordable housing is incorporated within a project. The Density Bonus is a state mandate, and any Project that meets the state law requirements is entitled to receive the associated incentives.

The applicant may request waivers and concessions under the State Density Bonus Law because the Project reserves more than 10 percent of total units as affordable units for moderate-income households. The Project includes six affordable units, which satisfies State Density Bonus Law and the City's Affordable Housing Ordinance requirement. Since the applicant meets State Density Bonus Law, the City must grant any waivers and concessions the applicant requests for a qualifying project under the State Density Bonus Law. Since the vast majority of the project is designed to meet City standards, the applicant has chosen not to apply for any concessions. The applicant has only asked for a waiver for the building orientation, as discussed further in the report.

Table 6 outlines the waiver requested for the proposed Project.

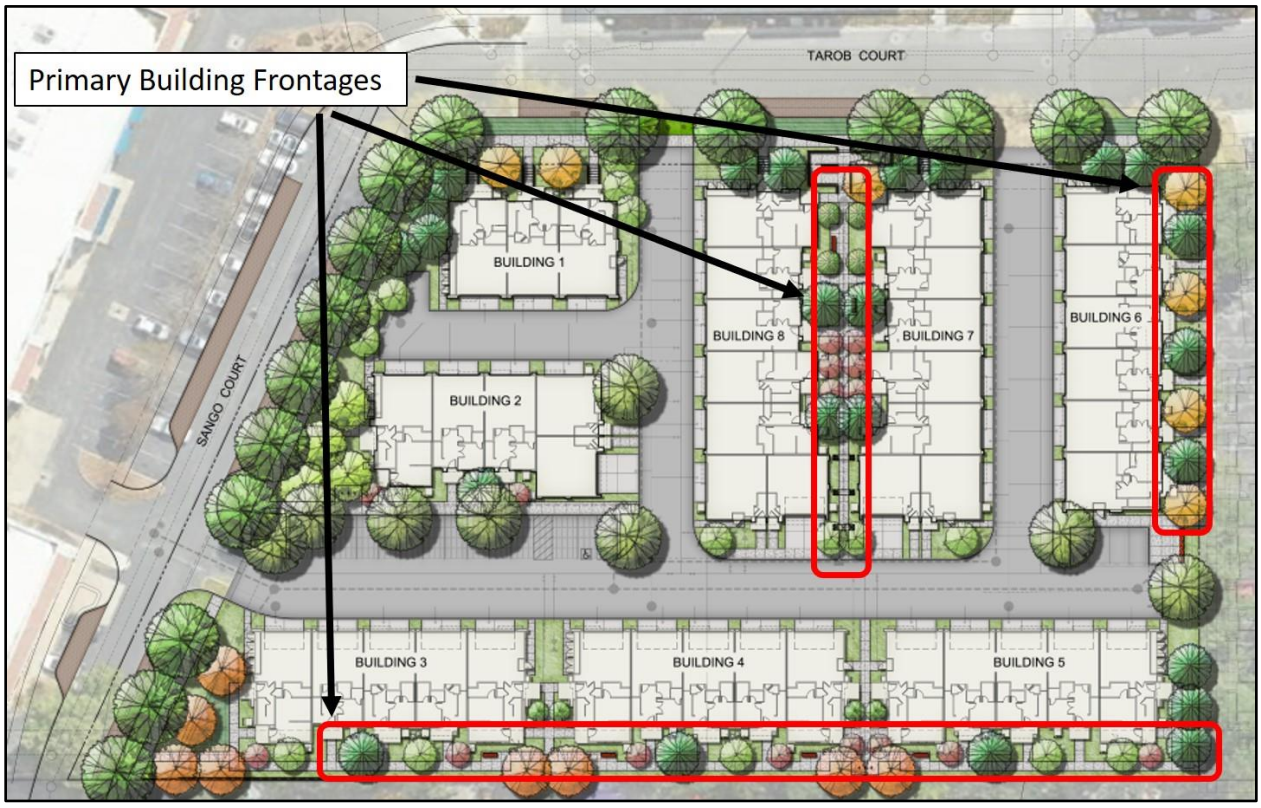
Table 6: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
Waiver	Building Orientation and Entrances	29 buildings facing either internal courtyard, shared courtyard, or future Augustus Rathbone Park TASP requires building entrances face streets	In order to provide 25.5 du/acre and parking garage access, the developer had to design a proposal that required certain building entrances to face internal courtyards instead of streets.	This waiver is allowed under State Density Bonus Law and must be granted by the City.

State Density Bonus Waiver

TASP Table 5-1 (Development Standards) states "*Buildings must face the street; and primary building entrances must be oriented toward the street*." The Project proposes eight primary buildings. Six primary buildings have entrances that do not face a public or private street. Building 1 has entrances facing an internal courtyard. Buildings 3, 4, and 5 have entrances facing the future Augustus Rathbone Park, Building 6 has entrances facing a joint internal courtyard with the Geomax I project, and Building 7 has entrances facing an internal courtyard, as shown on Figure 3.

Figure 3 – Building Layout



Since most primary buildings do not face street frontages, the applicant has requested they receive a waiver for the objective standards, as permitted by State Density Bonus Law. Staff supports the waiver because facing primary entrances to streets may limit the number of residential units

allowed on the site. Furthermore, a waiver must be granted because the project includes enough affordable units to qualify for State Density Bonus.

State Density Bonus Parking Concession

An applicant who qualifies for a density bonus (under State Density Bonus Law) may propose reduced parking standards. Projects located in the TASP area typically require 1.6 to 2.0 vehicle parking spaces for each two- and three-bedroom unit. Studios generally require 1.0 vehicle parking spaces per unit. The project must also provide an additional 20 percent of the required parking as vehicle parking spaces for guests. However, under State Density Bonus Law and upon a developer's request, the City must allow a reduction in vehicle parking, as shown in Table 7.

Table 7: Maximum Parking Requirements (under State Density Bonus Law)

Type of Unit (or Guest Parking)	Number of Vehicle Parking Spaces
Zero to One Bedroom	1.0 spaces
Two-Bedroom and Three-Bedroom	1.5 spaces
Four-Bedroom	2.5 spaces
Guest Parking	Zero spaces

The applicant has requested reduced parking standards, as demonstrated in Table 8.

Table 8: Parking Analysis (under State Density Bonus Law)

Land Use	Unit Count	Rate	Maximum Spaces Required	Spaces Provided	Notes
Two-bedroom and Three-bedroom	17	1.5 / unit	26	34	
Four- bedroom	26	2.5 / unit	65	52	
Studio (ADU)	13	1 / unit	13	0	
Guest Parking	N/A		0	18	Included as part of the total number of parking spaces required under the State Density Bonus Law
Total			104	104	

In summary, each townhome includes a two-car, side by side, attached garage. In addition, 18 surface parking spaces will be provided for guests along the internal street network, making a total of 104 vehicle spaces. The proposed number of parking spaces is equivalent to the total number of parking spaces contemplated under the State Density Bonus Law. The applicant is additionally

entitled to one concession under the State Density Bonus law and request to apply it to cure any irregularity in the total number of spaces required.

Subdivision Ordinance

The City of Milpitas Engineering Department has reviewed the Project's form, content, and dedications of the proposed tract map and deemed it consistent with MMC Section XI-1-4 (Tentative Maps) provisions, as outlined in the findings within Resolution No. 23-021. Tentative Maps require the Planning Commission to recommend final approval by the City Council.

Architectural Design

The Project's design concept includes three-story buildings consistent with existing and planned residential development patterns within the Tango area. The contemporary design includes the following design accents and materials:

- Roof: Composition Shingle (Gray)
- Exterior: Vertical Fiber Cement Siding and Stucco
- Accents: Coronado Stone and Metal Railings
- Lighting: Wall Sconce (Black)
- Entry Door: Modern Front Entry Door
- Garage Door: Cloplay Bridgeport Steel Garage Door

The Project conforms with the majority of TASP design guidelines, which require well-articulated exterior walls with consistent style and materials, muted colors for primary building walls with richer accent colors, and integrated parking. Furthermore, the Project has a harmonious architectural style to the Parkside development located across the street on Tarob Court. A rendering of the Project is shown in Figure 4 and proposed colors and materials are shown in Figure 5.

Figure 4 – Proposed Project Facing Augustus Rathbone Park

Figure 5 – Colors and Materials Board

Tree Removal and Landscaping Requirements

The landscaping plan within the Project demonstrates 36 existing trees to be removed. 21 of those trees are ordinance-sized and considered "protected" per MMC Section X-2.7.01-1. The applicant proposed to plant up to 107 new trees on site to mitigate the 36 trees being removed. By proposing to plant over 57 new trees, the applicant is maintaining conformance with MMC Section 7 – Tree Protection and Heritage Tree Program. Additional proposed landscaping includes various shrubs, grasses, and vines (New Zealand Flax, Manzanita, Reed Grass, and Creeping Fig) planted along the internal paseos and front yards, as demonstrated in Figure 6.

Figure 6 – Landscape Plan

Parkland and Open Space Requirements

The TASP requires all new developments to provide 3.5 acres of parkland for every 1,000 persons or payment of park in-lieu fees, as allowed by MMC Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes*). The Parkland Fee is based upon the estimated number of persons expected to reside in the development (per U.S. Census definitions) and the estimated value of parkland in the City of Milpitas (currently $2,787,840 per acre).

The City estimates 2.49 people will occupy each unit. The Project proposes 43 units, resulting in an estimated population of 107 new residents. Based on this population estimate, the applicant must provide 0.37 acres of parkland, equivalent to approximately $1,044,729.

All projects in the TASP area are required to pay a Transit Area Development Impact Fee (TADIF). A portion of that fee pays for parkland. The park portion of the TASP fee for this project is valued at $927,269, equivalent to 0.33 acres of parkland. This amount will be applied to the Project's parkland requirement, leaving a delta of 0.04 acres to be satisfied.

To satisfy the 0.04-acre delta, the applicant has incorporated 0.29 acres as private recreation space on-site, as permitted by MMC Section XI-1-9. For example, each townhome has private patios and balconies totaling 5,690 square feet. In addition, the Project includes an additional 12,844 square feet of on-site residential open space, which include grassy areas and internal paseos. The parkland requirement is met by designing these elements into the Project, as demonstrated in Table 9 below.

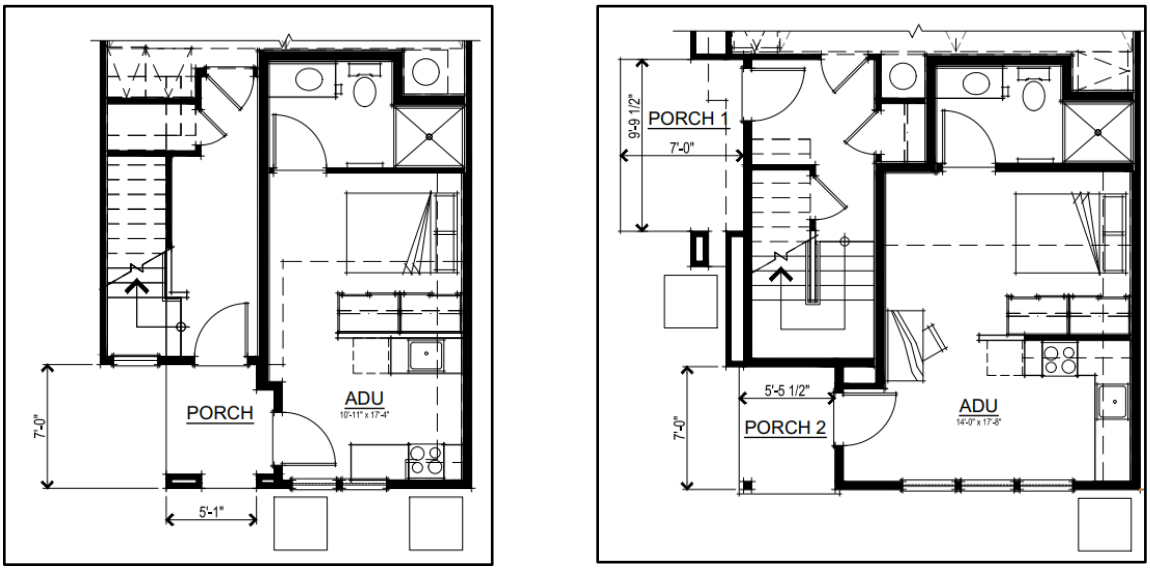
Table 9: Parkland Requirements Analysis

Toll Brothers Townhomes Proposed	43
Toll Brothers Townhomes Population Estimate (2.49 persons/unit per Census)	107 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu
Total Parkland Acreage or In-Lieu Fee Required	0.37 acres / $1,044,729
Amount Satisfied Through TASP Fees (Acreage/Dollars)	0.33 acres / $927,269
Remaining Parkland Acreage or In-Lieu Fee Required	0.04 acres / $117,459
Private Recreation/Open Space Included in the Project	0.29 acres
Balance of Parkland Acreage or In-Lieu Feed Due	**0.00 acres / $0**

Accessory Dwelling Units

The Project includes 13 attached ADUs located on the ground floor of 12 four-bedroom townhome condominiums. Each integrated ADU is a studio unit with a living/sleeping area, bathroom, kitchenette, and separate front door entrance, as demonstrated in the two options in Figure 7 below.

Figure 7 – Townhome/ADU Floor Plan



Although the proposed ADUs are considered residential units (for density purposes), their integral design limits the City's ability to charge development fees (such as TADIF or Park-In Lieu Fees).

Per Government Code Section 65852.2. (f)(3)(A), *A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit*

less than 750 square feet. The proposed ADUs range in size between 282 and 362 square feet in size, thus qualifying for the impact fee exception under State law.

Affordable Housing Ordinance

According to MMC Section XII-1-3.00 (Affordable Housing), the applicant must reserve fifteen percent (15%) of the total number of dwelling units within the development as affordable units. For this project, the applicant must provide 6.45 affordable units. The applicant proposes to meet the City's affordable housing requirement by reserving 6 units on-site for moderate-income households, which includes 1 two-bedroom, 2 three-bedroom units, 2 four-bedroom units, and 1 four-bedroom unit with an ADU. The project has been conditioned to execute an agreement imposing appropriate ownership controls on the affordable units. The applicant will also pay an in-lieu fee for the 0.45 unit required.

Traffic and Access

Vehicular access to the project site will be provided two driveways with direct ingress/egress from either Tarob Court or the newly expanded Sango Court. An internal private street grid will provide access to the 43 private residential garages. In addition, 18 guest parking spaces will be provided along Court A and Street A, including an ADA-compliant spaces and two electric vehicle parking spaces. The EV parking spaces will provide full charging facilities.

Grading

The proposed Project would result in the demolition of all existing structures, paving, and landscaping on the subject site. Subsurface excavations for the foundations and utilities would likely occur to a depth of eight feet. It is anticipated that a total of 1,000 cubic yards of soil would be cut, and 9,000 cubic yards would be used for fill to pad the site and increase the finish grade heights to meet flood zone requirements. A total of approximately 2,000 tons of construction debris are anticipated to be removed from the project site during demolition of the existing buildings.

Utilities

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

Climate Action Plan

The City of Milpitas Climate Action Plan (CAP) was adopted in 2022 and included Greenhouse Gas (GHG) reduction goals, policies, and actions for new and existing development projects. The Project would follow these goals and policies by locating future residents near public transportation, jobs, restaurants, and services and incorporate green building measures in compliance with CAL Green standard building measures for residential buildings and Title 24 requirements to reduce energy usage.

Development Fees

The Project is subject to the following impact fees:

TASP Impact Fee

The TASP impact fee is currently set at $50,056/unit for residential uses for the Fiscal Year 2023-2024, but the exact TASP fee will not be calculated until the building permit is ready for issuance. Based on the development of 43 residential units, the estimated TASP impact fee for this Project is approximately $2,152,408 ($50,056/unit x 43 units). This fee is automatically adjusted each fiscal year in conjunction with the City's annual budget process. The applicant must pay the fee before the building permit issuance.

Parkland Impact Fee
A portion of the TASP impact fee includes a portion of the parkland in-lieu fee. Therefore, by paying the TASP impact fee and developing at least 0.04 acres of public and private open space, the applicant will meet the parkland fee requirement without paying additional parkland fees. As previously stated, the applicant has proposed to develop 0.29 acres of private open space. Therefore, no additional park-in lieu fee will be required.

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

Affordable Housing Fee
The project will comply with the City's Affordable Housing, as set forth in Milpitas Municipal Code Section XII-1-3.00. The applicant will be providing 6.45 affordable units, but dedicating 6 units on-site for moderate-income households, which includes 1 two-bedroom, 2 three-bedroom units, 2 four-bedroom units, and 1 four-bedroom unit with an ADU. The applicant will be required to pay an in-lieu fee for the remaining 0.45 unit, which is calculated at building permit issuance.

The City Council may make specific findings that there is (1) an essential nexus between these fees and the Project, and (2) that the fees are roughly proportional to the Project's impact on the City's land use interest.

FINDINGS FOR APPROVAL

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

Vesting Tentative Map
To approve the Major Vesting Tentative Subdivision Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

1. *The tentative subdivision map is consistent with the General Plan.*

   The General Plan designation for the project site references MMSP, but since the applicant submitted a pre-application before the MMSP was officially adopted by the City Council, the TASP development standards currently apply. Both the MMSP and TASP standards intend to facilitate the development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and encourage walking, biking, and alternative modes of transportation.

The TASP designates this project site as Multiple Family – High Density Transit-Oriented Development (R3-TOD). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this project proposes 25.5 dwelling units/acre, it is consistent with both the intended General Plan land use and the relevant density requirement. In addition, the Housing Element does not identify the project site for yielding affordable housing units. Therefore, there is no net loss of affordable housing opportunities.

Lastly, the Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2, above.

2. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

   A. *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

      As outlined above, the Project includes the development of 43 residential condominium units with 13 ADUs, at a density of 25.5 dwelling units/acre. The Milpitas General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) allows residential development at 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan designations.

   B. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

      The Project proposes 25.5 dwelling units per acre, consistent with the 21-40 dwelling units per acre allowed by the general plan and corresponding specific plans. Additionally, the Project is consistent with the policies associated with the MMSP/TASP, as identified in Tables 3 and 5 above, except for front building orientations facing streets and the amount of vehicle parking standards. Both standards can be waived because the Project qualifies for Density Bonus Law waivers and concessions.

   C. *The site is physically suitable for the type of development.*

      The site is surrounded by high density, transit-oriented residential development and future park / open space lands under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In addition, this site is suitable for the higher density development based on the location, physical attributes, and existing and proposed infrastructure improvements.

   D. *That the site is physically suitable for the proposed density of development.*

The project site is within the MMSP/TASP specific plan designation of Multiple Family, High Density Transit-Oriented Development (R3-TOD), permitting residential development at 21 to 40 dwelling units/acre. The site is physically suitable for the proposed density because the site has (or will have) adequate utilities, sufficient open space, and adequate residential living facilities.

E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project, including the subdivision and its associated improvements, is in an urbanized area and was previously developed as an industrial building without wildlife habitat. Therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The Project, including the subdivision and its associated improvements, have been designed in a manner that will not cause serious public health problems. The Project has been reviewed and conditioned by Building, Fire, Land Development, and Utility Departments. As a result, it has been determined that the development can be adequately serviced to preserve public health and wellness.

G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any access easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision involves the vacation of a utility easement, which is no longer needed.

Site Development Permit

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

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

The Project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The Project consists of 43 condominium units, 13 attached Accessory Dwelling Units and associated site amenities on a 2.3-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. Colors are earth tone shades of tans and grays with black metal railings. In addition, future residents will access garages via private streets, similar to nearby residential developments.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The Project design conforms to the site and development standards of the R3-TOD zone.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are needed, the applicant has requested waivers and parking exceptions under the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking reduction and concession will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2. Furthermore, as the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to waivers and reduced parking requirements. The requested waivers and parking reduction and concession will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

d. The Project is consistent with the Transit Area Specific Plan.

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated in Tables 3, 4 and 5. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking reduction and concession will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F):

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

The Project will not be detrimental or injurious to property or improvements in the vicinity or public health, safety, or general welfare. The Project is consistent with other multi-family residential projects within the immediate area and has been conditioned to preserve

the health and wellness of future residents. In addition, the condominium project creates housing opportunities and increases the diversity of housing types in the City of Milpitas by utilizing accessory dwelling unit provisions.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The project design conforms to the site and development standards of the R3-TOD zone. Therefore, a conditional use permit is required to allow the subdivision of the proposed townhome units.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are in conflict, the applicant has requested waivers and parking exceptions pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waiver and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

d. The Project is consistent with the Transit Area Specific Plan.

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated in Tables 3, 4 and 5. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking exception will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

Density Bonus Permit

To qualify for a Density Bonus Permit, the following standards must be met pursuant to Milpitas Municipal Code Section XI-10-54.15(D):

1. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.

The proposed Project includes 43 townhome condominiums and 13 accessory dwelling units, equaling to 25.5 dwelling units per acre and within the General Plan density allowed in the immediate area.

2. *All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Redevelopment Agency modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

   The applicant has allocated 6 of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom townhomes) to be reserved for moderate-income households (below 80 percent Average Median Income) to fully comply with the City's Affordable Housing Ordinance. The approximate locations for the 6 units will be adequately dispersed per the City of Milpitas Housing Department. The proposed affordable units will be developed with the same specifications as the standard, market-rate units. Additionally, the 0.45 unit will be paid by in-lieu Affordable Housing fee, calculated at time of Building Permit Issuance.

3. *Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project has been conditioned to provide an agreement to the City of Milpitas explaining the affordability requirements, processes and procedures, to the satisfaction of the Milpitas City Attorney prior to the release of any Certificate of Occupancy.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.*

   Prior to final building inspection and occupancy for the Project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder’s Office the City’s Agreement Imposing Restrictions on Real Property (Agreement). The Agreement shall explain the affordability requirements, including continued affordability for moderate-income households if the unit were to ever be sold, for a period of 30 years. The agreement shall be approved by the Milpitas City Attorney for content and form prior to recordation.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

The standard is not applicable to the Project, as the Project is creating townhome condominiums for sale, rather than for rent. Affordability provisions will be assessed on the sale of the individual townhome condominium.

6. *Relation to Statute. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code section 65915, et seq.*

   The developer has identified and requested waivers and parking exceptions as permitted within the State Density Bonus Law, Government Code Section 65915, et seq.

   Density Bonus Concessions, Incentives and Waivers

   In accordance with California Government Code Section 65915 and MMC Section X-10-54.15, the City must grant the requested incentives/concessions unless the City can make either of the following findings in writing and based on substantial evidence:

   a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

   b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

   If findings cannot be made, then the proposed concessions/incentives and waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915 – 65918.

ENVIRONMENTAL REVIEW

An environmental assessment was conducted according to the California Environmental Quality Act of 1970 (CEQA), as amended, and state and local guidelines implementing CEQA. The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill). An exemption is the appropriate CEQA determination for the proposed project. Exhibit 2 of the Resolution for the proposed Project is a memorandum demonstrating compliance with CEQA Guidelines Section 15183.3(b).

As a separate and independent basis, the project is also exempt from further CEQA review pursuant to CEQA Guidelines Section 15182 (Projects Consistent with a Specific Plan) because the project is a residential project that is generally consistent with Transit Area Specific Plan (Milpitas Metro Specific Plan). Therefore, no further environmental review is required.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of publishing this report, two public comments have been received regarding the lack of infrastructure road improvements, removal of trees, and lack of park space.

The Planning Department reached out to individual residents to address questions and concerns. Furthermore, the applicant is working with City Staff to host a community meeting for existing residents. The meeting has not been scheduled.

A notice was published in the Milpitas Post on February 2, March 2, and May 10, 2024. In addition, notices were sent to all owners and occupants within 1000 feet of the project site. A public notice was also posted at the project site, on the City's Website, www.milpitas.gov, and at City Hall.

Lastly, the applicant will be hosting a community meeting. The community meeting will be to discuss the project parameters and answer any questions and be held in the Milpitas Community Center between 5:00pm – 6:00pm on May 29th.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing;
3. Consider the exemptions in accordance with CEQA; and
4. Adopt Resolution No. 23-021, recommending that the City Council approve Site Development Permit No. SD23-0006, Conditional Use Permit No. UP23-0007, Vesting Tentative Map MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002, subject to the Conditions of Approval.

ATTACHMENTS

A: Resolution No. 23-021 with Conditions of Approval
B: CEQA Memorandum
C: Project Plans
D: Applicant Memorandum requesting waivers and parking concessions.

TOLL BROS TAROB - GEOMAX II

APPLICANT:
TOLL BROTHERS
6800 KNOLL CENTER PARKWAY, SUITE 320
PLEASANTON, CA 94566
ATTN: NICK KOSLA
(925) 249-6022

ARCHITECT:
SDG ARCHITECTS, INC.
3361 WALNUT BLVD., SUITE 120
BRENTWOOD, CA 94513
ATTN: SCOTT PRICKETT
(925) 634-7000

CIVIL ENGINEER:
RJA ENGINEERS
4690 CHABOT DRIVE, SUITE 200
PLEASANTON, CA 94588
ATTN: DOMINIC CARUCCI. PE
(925) 227-9100

LANDSCAPE ARCHITECT:
R3 STUDIOS, INC.
248 3RD STREET, SUITE 202
OAKLAND, CA 94607
ATTN: ROMAN DESOTA
(510) 452-1490

SHEET INDEX

A00	COVER SHEET
A01	AERIAL SITE PHOTOGRAPH, SITE PLAN & PROJECT DATA
A02	EXPANDED AERIAL CONTEXT
A03	AFFORDABLE HOUSING PLAN
A04	UNIT 1 FLOOR PLANS
A05	UNIT 1-ALT FLOOR PLANS
A06	UNIT 2 FLOOR PLANS
A07	UNIT 3 FLOOR PLANS
A08	UNIT 4 FLOOR PLANS
A09	3-UNIT BUILDING FLOOR & ROOF PLANS
A10	3-UNIT BUILDING ELEVATIONS
A11	5-UNIT BUILDING 'A' FLOOR & ROOF PLANS
A12	5-UNIT BUILDING 'A' ELEVATIONS
A13	5-UNIT BUILDING 'B' FLOOR & ROOF PLANS
A14	5-UNIT BUILDING 'B' ELEVATIONS
A15	6-UNIT BUILDING FIRST & SECOND FLOOR PLANS
A16	6-UNIT BUILDING THIRD FLOOR & ROOF PLANS
A17	6-UNIT BUILDING ELEVATIONS
A18	7-UNIT BUILDING FIRST & SECOND FLOOR PLANS
A19	7-UNIT BUILDING THIRD FLOOR & ROOF PLAN
A20	7-UNIT BUILDING ELEVATIONS
A21	BUILDING SECTION
A22	SITE SECTION A
A23	COLOR & MATERIALS
A24	BUILDING FIRE SEPARATION EXHIBIT
A25	ALLOWABLE OPENINGS EXHIBITS

CIVIL

TM1.0	VESTING TENTATIVE MAP
TM2.1	EXISTING CONDITION PLAN
TM2.2	TREE DISPOSITION PLAN
TM3.1	SITE DEVELOPMENT PLAN
TM3.2	PROPOSED LOTTING PLAN
TM4.1	PRELIMINARY GRADING PLAN
TM5.1	PRELIMINARY UTILITY PLAN
TM6.1	PRELIMINARY STORMWATER TREATMENT PLAN
TM6.2	TYPICAL STORMWATER DETAILS
TM7.1	TYPICAL SECTIONS & DETAILS
TM8.1	FIRE ACCESS PLAN
TM9.1	PRELIMINARY SOLID WASTE MANAGEMENT PLAN
TM10.1	PRELIMINARY SITE ACCESSIBILITY PLAN
TM11.1	OPEN SPACE PLAN

LANDSCAPE

L-1.1	ILLUSTRATIVE SITE PLAN
L-1.2	PRELIMINARY LANDSCAPE PLAN
L-2	PROPOSED PLANT PALETTE
L-3	TREE REPLACEMENT PLAN
L-4	SITE AMENITIES
L-5.1	CONSTRUCTION DETAILS
L-5.2	CONSTRUCTION DETAILS
L-6.1	IRRIGATION DETAILS
L-6.2	IRRIGATION DETAILS
L-6.3	IRRIGATION DETAILS
L-7	PLANTING DETAILS

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

COVER SHEET
A00

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

SITE KEY:

- (#) - BUILDING NUMBER
- - UNIT 1
- - UNIT 2
- - UNIT 3
- - UNIT 4
- - ADU
- - ADA UNIT PER CBC SEC. 1102A.3

SITE DATA

SITE ADDRESS: 1905 TAROB COURT
ASSESSORS PARCEL NO. 086-36-041
GROSS SITE AREA: ± 2.3 AC
NET SITE AREA: ± 2.2 AC

DWELLING UNITS: 43
ADU'S: 13
TOTAL 56

NET DENSITY 56/2.2 = 25.5 DUA

RESIDENTIAL PARKING REQ'D PER DENSITY BONUS:
17 (2 AND 3 BEDROOM UNITS) X 2.0 = 34
26 (4 BEDROOM UNITS) X 2.5 = 65
TOTAL SPACES REQ'D: 99

RESIDENTIAL GARAGES: 86
RESIDENTIAL GUEST: 18
RESIDENTIAL PARKING PROVIDED: 104

OWNERSHIP TYPE
FOR-SALE PROJECT

BUILDING INFORMATION

HEIGHT
ALLOWABLE HEIGHT: 75'
PROPOSED HEIGHT: 38'-10" MAX HT., SEE BUILDING ELEVATIONS
29'-11 TYP. EAVE HT.

BUILDING CODE INFORMATION

- CODE REFERENCE: 2022 CALIFORNIA BUILDING CODE / CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
- OCCUPANCY TYPE: R-2 PER 2022 C.B.C. WITH COMMON 1-HR. WALL SEPARATIONS
- CONSTRUCTION TYPE: V-B (NON-RATED)
- ALLOWABLE AREA: 21,000 SF X 2 = 42,000 SF
- BUILDING AREA CALCULATIONS: SEE TABLE
- FIRE SPRINKLER SYSTEM: NFPA 13

ACCESSIBILITY

CODE REFERENCE: PER 2022 CBC CHAPTER 1102.3
REQUIRED: 10% OR 5 UNITS TO BE ADAPTABLE ON AN ACCESSIBLE PATH
PROVIDED: 5 UNITS

ACCESSORY DWELLING UNITS (ADU)
ACCESSIBILITY REQUIRED PER CBC 1104A.1

ADU AREAS:
PLAN 3 ADU: 282 SF
PLAN 4 ADU: 361 SF

ELIGIBLE PRIVATE OPEN SPACE: DECKS
NOTE: PORCHES ARE NOT ELIGIBLE

DECKS	QTY.	AREA EA.	COMBINED AREA
UNIT 1	3	60 SF	180 SF
UNIT 1-ALT	3	67 SF	201 SF
UNIT 2	11	98 SF	1,078 SF
UNIT 3	9	141 SF	1,269 SF
UNIT 3-ADU	4	175 SF	700 SF
UNIT 4	4	174 SF	696 SF
UNIT 4-ADU	9	174 SF	1,566 SF
TOTAL			5,690 SF

Townhome Units

Unit	Total Unit SF	Private Open Space SF*	Private Garage SF	BRs	Baths
1	1,288	60	570	2	2.5
1-ALT	1,304	67	589	2	2.5
2	1,895	98	474	3	3.0
3	1,913	141	468	4	3.5
3-ADU	1,987	175	464	4	3.5
4	2,081	174	496	4	3.5
4-ADU	2,191	174	490	4	3.5

Unit & Building Totals

	Unit 1	Unit 1-ALT	Unit 2	Unit 3	Unit 3-ADU	Unit 4	Unit 4-ADU	Total
Building 1	0	0	0	1	0	2	0	3
Building 2	1	1	2	0	0	0	1	5
Building 3	0	0	1	2	0	0	2	5
Building 4	0	0	1	2	0	0	2	5
Building 5	0	0	1	2	0	0	2	5
Building 6	0	0	2	2	0	2	0	6
Building 7	1	1	2	0	2	0	1	7
Building 8	1	1	2	0	2	0	1	7
Total Unit Count	**3**	**3**	**11**	**9**	**4**	**4**	**9**	**43**
Unit Count %	**7%**	**7%**	**26%**	**21%**	**9%**	**9%**	**21%**	**100%**
Bedroom Count per Unit	2	2	3	4	4	4	4	
Total Bedroom Count	6	6	33	36	16	16	36	**149**
Total Private Open Space	180	201	1,078	1,269	700	696	1,566	**5,690**
Total Living Area	3,864	3,912	20,845	17,217	7,948	8,324	19,719	**81,829**

DEVELOPMENT STANDARDS

1. BUILDING SUMMARY

Building Areas by Occupancy

	R-2	U	Total Building Area	Private Open Space
Building 1	6,075	1,460	7,535	489
Building 2	8,573	2,597	11,170	497
Building 3	10,103	2,390	12,493	728
Building 4	10,103	2,390	12,493	728
Building 5	10,103	2,390	12,493	728
Building 6	11,778	2,876	14,654	826
Building 7	12,547	3,525	16,072	847
Building 8	12,547	3,525	16,072	847
Total Across Site	**81,829**	**21,153**	**102,982**	**5,690**

2. NUMBER OF UNITS: 43

3. PARKING SUMMARY
GARAGE: 86
GUEST PARKING
STANDARD: 11
COMPACT: 4
ADA: 1
E.V.: 2
SUBTOTAL: 18
TOTAL: 104

4. NUMBER OF BMR UNITS: 6

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

AERIAL SITE PHOTOGRAPH, SITE PLAN & PROJECT DATA
A01

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

EXPANDED AERIAL CONTEXT
A02

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

SITE KEY:
- BUILDING NUMBER
- UNIT 1
- UNIT 2
- UNIT 3
- UNIT 4
- ADU
- ADA UNIT
- BMR

UNIT ID	UNIT SIZE	PROPOSED BY DEVELOPER	PROPORTION TO DEVELOPMENT
UNIT 1	2BR	1	14%
UNIT 2	3BR	2	26%
UNIT 3	4BR	1	21%
UNIT 3 ADU	4BR	0	9%
UNIT 4	4BR	1	9%
UNIT 4 ADU	4BR	1	21%
	TOTAL	6	100%

TERMS OF THE AFFORDABLE HOUSING ORDINANCE

A. THE INTERIOR AMENITIES IN THE AFFORDABLE UNITS WILL NOT DIFFER FROM MARKET RATE UNITS.
B. THE SCHEDULE FROM PRODUCTION OF AFFORDABLE UNITS IN PHASED RESIDENTIAL DEVELOPMENT WILL BE CONCURRENT WITH THE MARKET RATE UNITS.
C. ALL AFFORDABLE UNITS SHALL BE REASONABLY COMPARABLE IN TERMS OF FLOOR PLAN AND BASE FINISH AMENITIES TO MARKET RATE UNITS IN THE PROPOSED DEVELOPMENT.
D. THE QUALITY OF THE EXTERIOR DESIGN, LANDSCAPING, AND CONSTRUCTION OF THE AFFORDABLE UNFITS SHALL BE CONSISTENT WITH THE OTHER UNITS IN THE PROPOSED DEVELOPMENT.
E. AN EXECUTED AGREEMENT IMPOSING APPROPRIATE OWNERSHIP CONTROLS ON THE AFFORDABLE UNITS IS REQUIRED. THIS WILL BE COMPLETED DURING THE BUILDING PERMIT PROCESS.
F. THIS IS A FOR-SALE PROJECT.
G. ALL ACCESSORY DWELLING UNITS ARE MARKET RATE UNITS.
H. AFFORDABILITY LEVEL: MODERATE

AFFORDABLE HOUSING SQUARE FOOTAGES

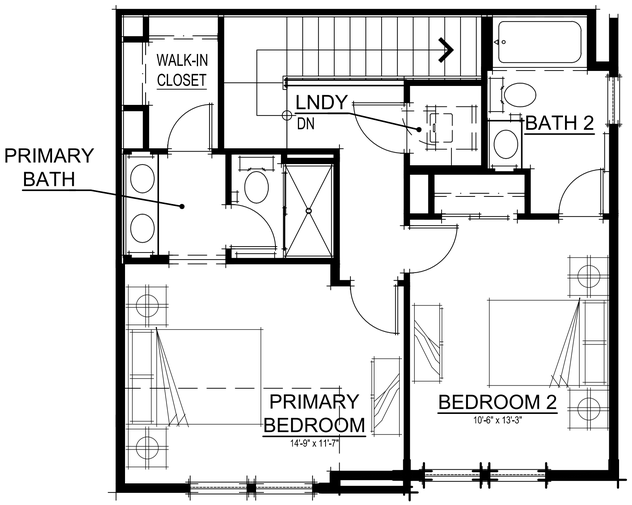
Townhome Units						
Unit	Gross SF			Net SF		
	Market Rate	Affordable	Total	Market Rate	Affordable	Total
1	3,864	0	3,864	3,594	0	3,594
1-ALT	2,608	1,304	3,912	2,428	1,214	3,642
2	17,055	3,790	20,845	15,975	3,550	19,525
3	15,304	1,913	17,217	14,352	1,794	16,146
3-ADU	7,948	0	7,948	7,424	0	7,424
4	6,243	2,081	8,324	5,835	1,945	7,780
4-ADU	17,528	2,191	19,719	16,296	2,037	18,333
Total	70,550	11,279	81,829	65,904	10,540	76,444

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

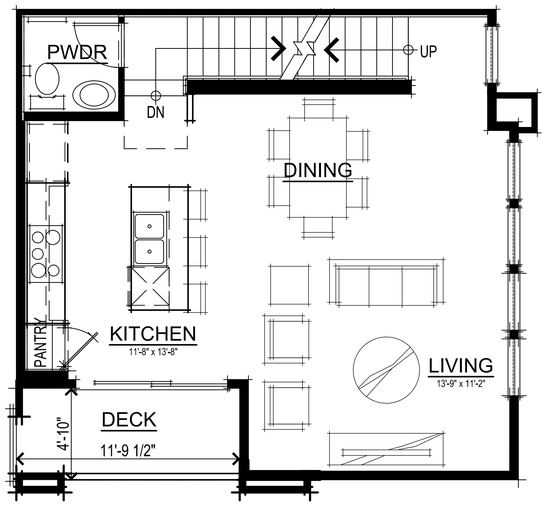
AFFORDABLE HOUSING PLAN
A03

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

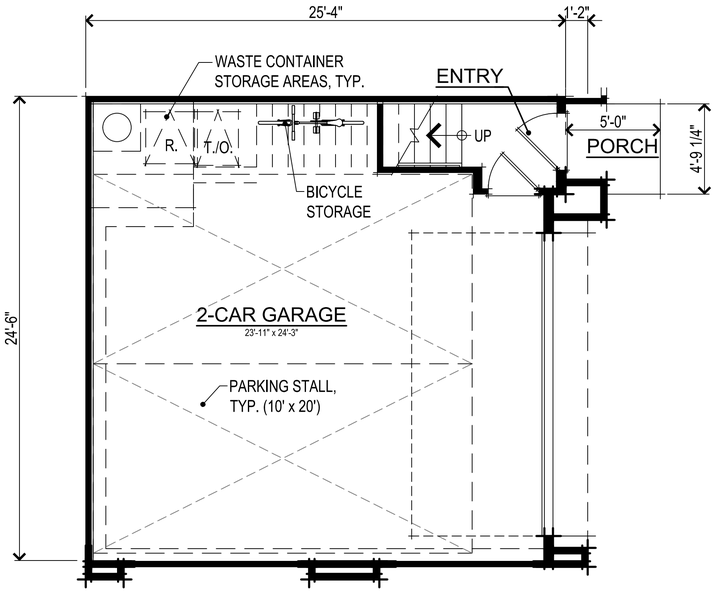
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

UNIT 1 SQUARE FOOTAGES	
FIRST FLOOR	46 SQ. FT.
SECOND FLOOR	594 SQ. FT.
THIRD FLOOR	648 SQ. FT.
TOTAL LIVING	1288 SQ. FT.
2-CAR GARAGE	570 SQ. FT.
PORCH	22 SQ. FT.
DECK	60 SQ. FT.

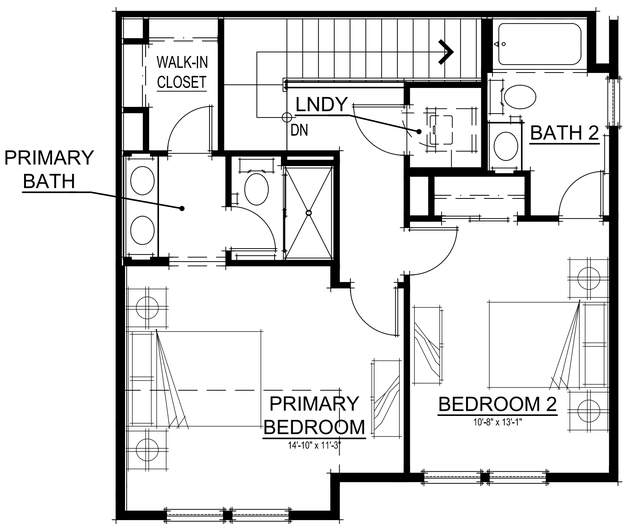
0 1' 2' 3' 4' 8'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

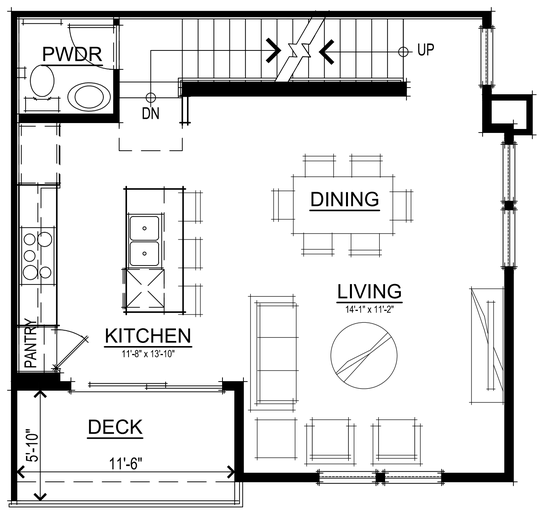
UNIT 1 FLOOR PLANS
A04

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

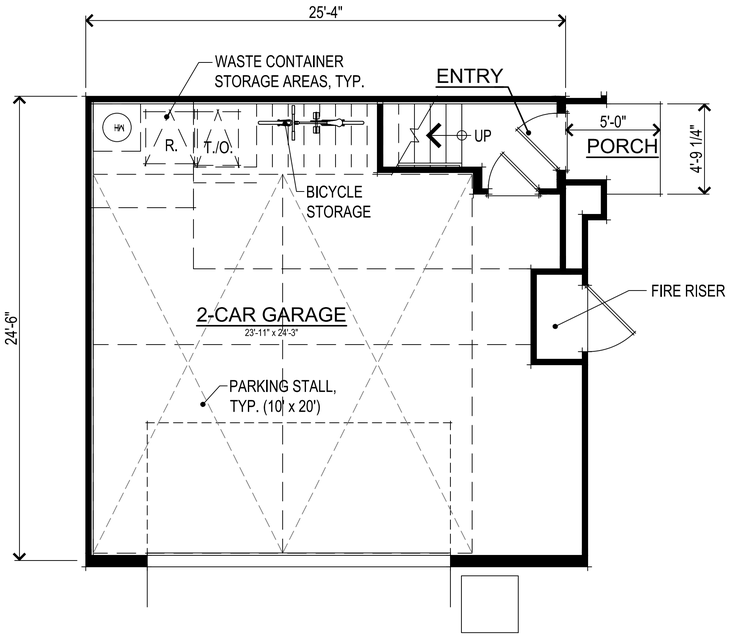
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

UNIT 1-ALT SQUARE FOOTAGES	
FIRST FLOOR	46 SQ. FT.
SECOND FLOOR	594 SQ. FT.
THIRD FLOOR	664 SQ. FT.
TOTAL LIVING	1304 SQ. FT.
2-CAR GARAGE	589 SQ. FT.
PORCH	22 SQ. FT.
DECK	67 SQ. FT.

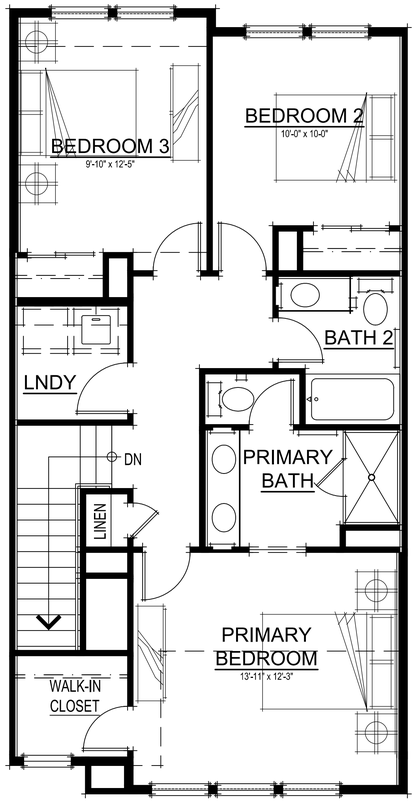
0 1' 2' 3' 4' 8'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

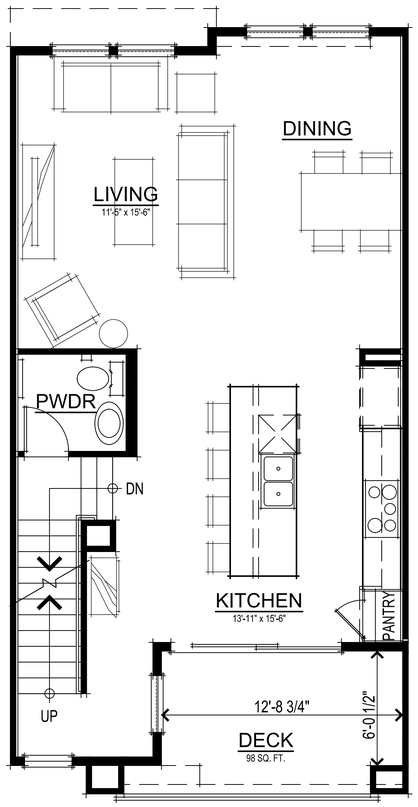
UNIT 1-ALT FLOOR PLANS
A05

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

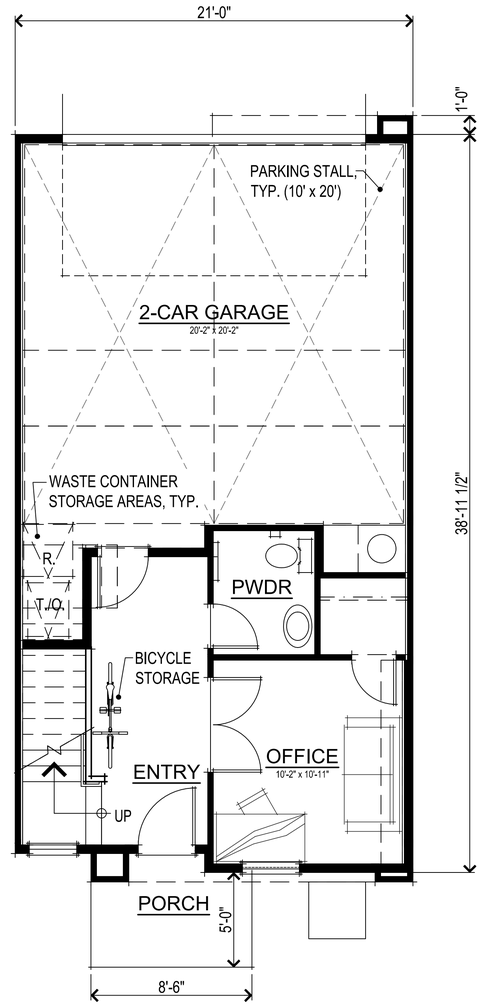
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



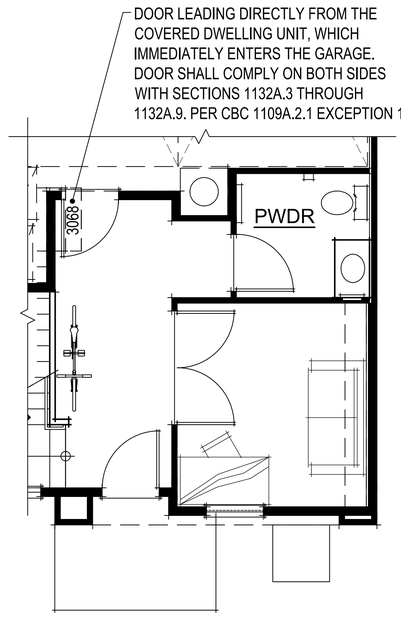
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



ADAPTABLE
POWDER

UNIT 2 SQUARE FOOTAGES	
FIRST FLOOR	334 SQ. FT.
SECOND FLOOR	729 SQ. FT.
THIRD FLOOR	832 SQ. FT.
TOTAL LIVING	1895 SQ. FT.
2-CAR GARAGE	474 SQ. FT.
PORCH	46 SQ. FT.
DECK	98 SQ. FT.

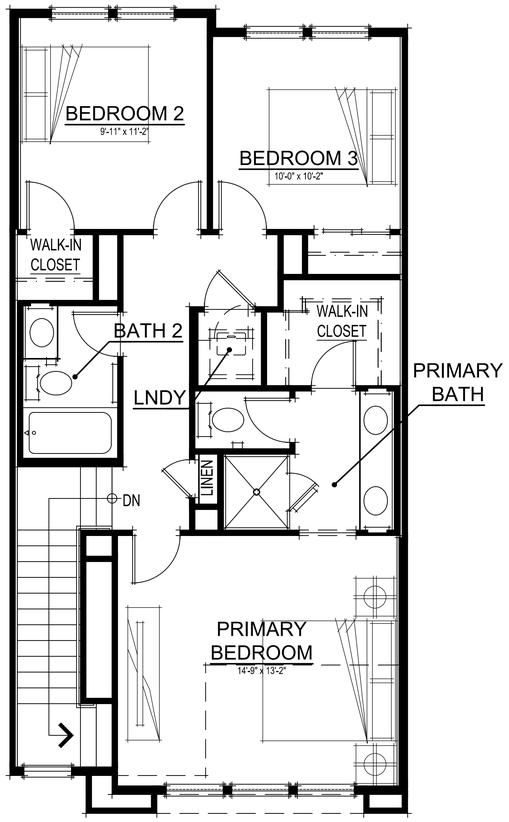
0 1' 2' 3' 4' 8'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

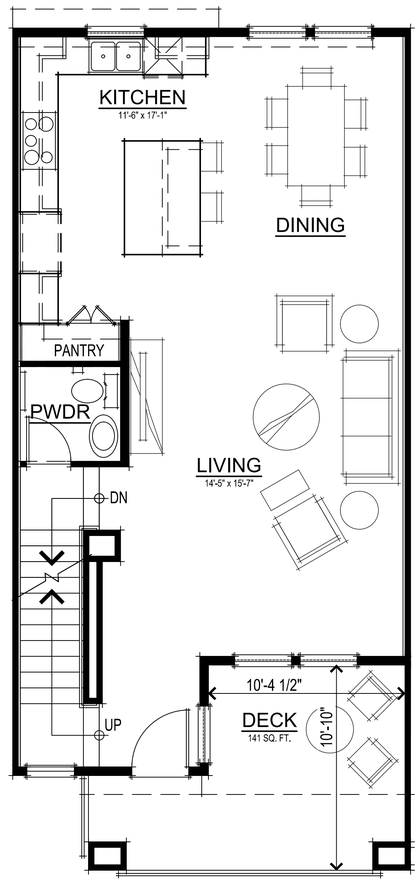
UNIT 2 FLOOR PLANS
A06

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

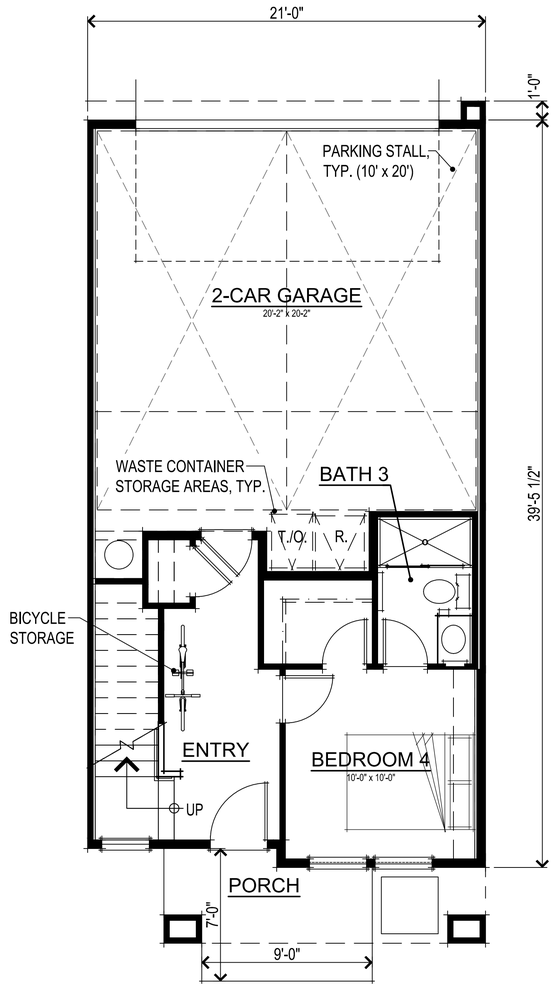
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



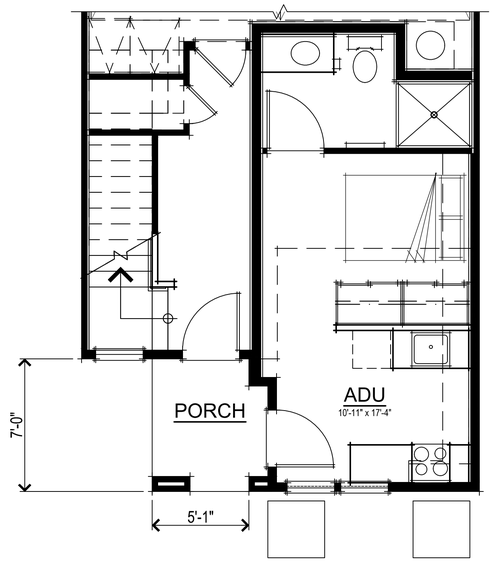
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



ADU PLAN @ FIRST FLOOR
(ADAPTABLE PER CBC 1104A.1)

UNIT 3 SQUARE FOOTAGES	
FIRST FLOOR	350 SQ. FT.
SECOND FLOOR	766 SQ. FT.
THIRD FLOOR	797 SQ. FT.
TOTAL LIVING	1913 SQ. FT.
2-CAR GARAGE	468 SQ. FT.
PORCH	65 SQ. FT.
DECK	141 SQ. FT.

UNIT 3 ADU SQUARE FOOTAGES	
FIRST FLOOR ADU	282 SQ. FT.
FIRST FLOOR PRIMARY UNIT	142 SQ. FT.
SECOND FLOOR	766 SQ. FT.
THIRD FLOOR	797 SQ. FT.
TOTAL LIVING	1987 SQ. FT.
2-CAR GARAGE	464 SQ. FT.
PORCH	39 SQ. FT.
DECK	175 SQ. FT.

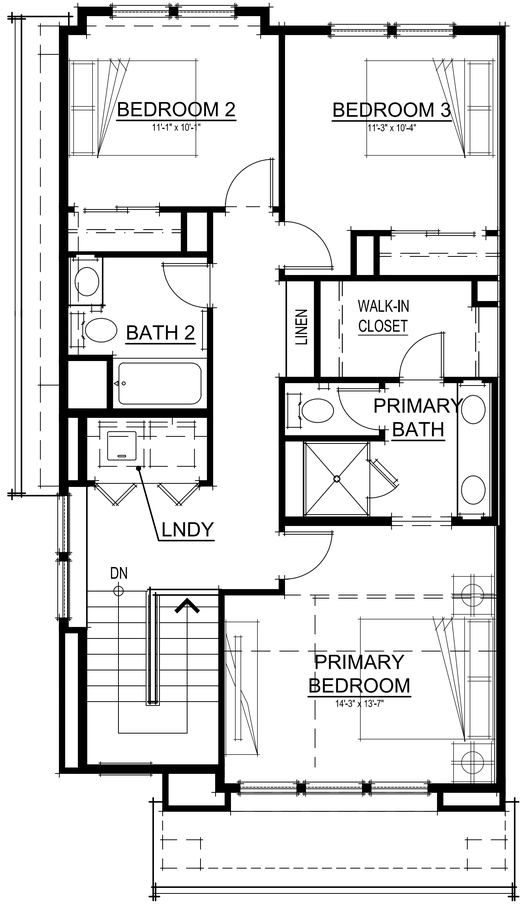
0 1' 2' 3' 4' 8'

UNIT 3 FLOOR PLANS
A07

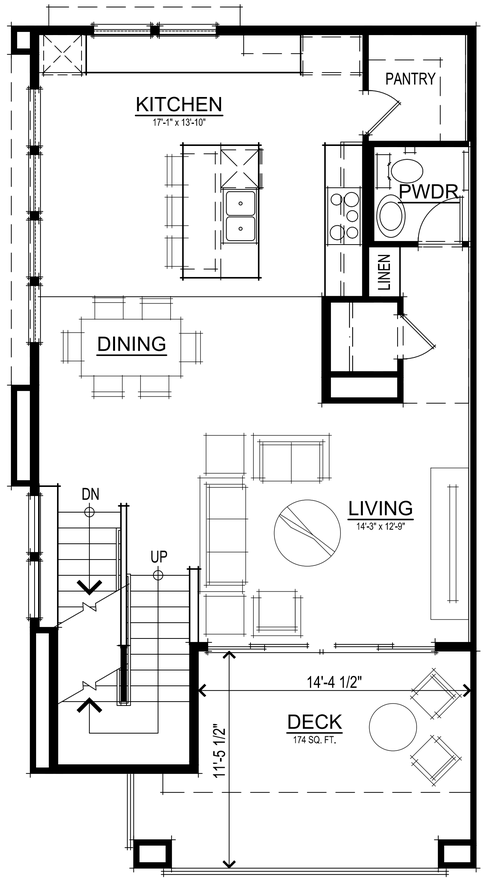
354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

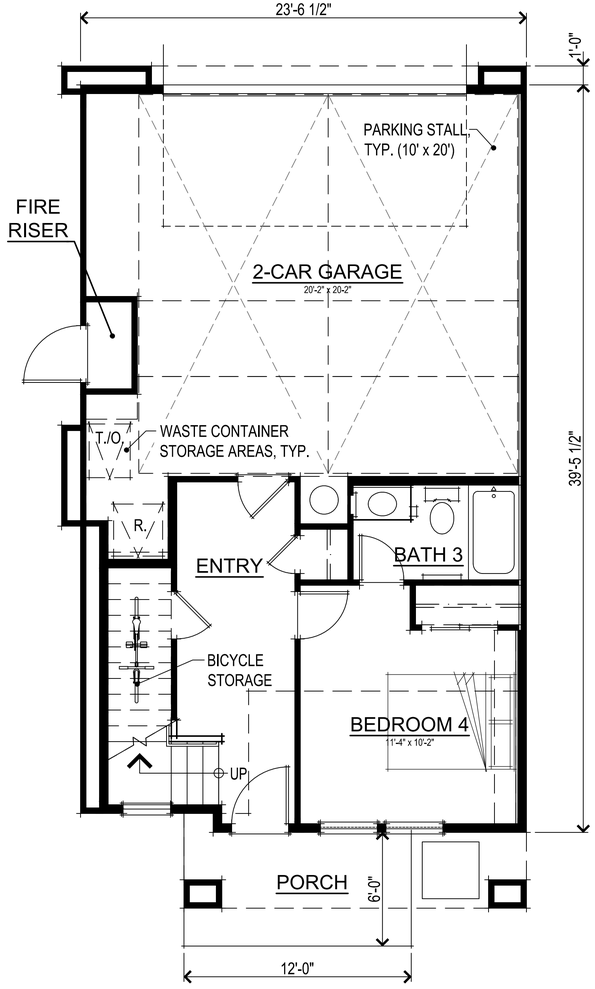
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



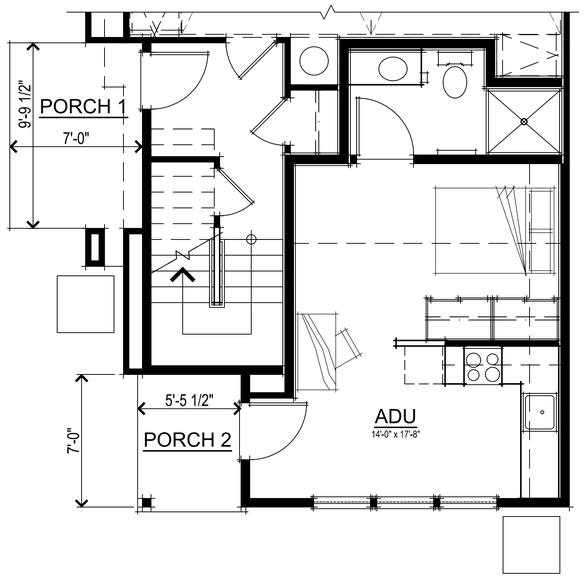
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



ADU PLAN @ FIRST FLOOR
(ADAPTABLE PER CBC 1104A.1)

UNIT 4 SQUARE FOOTAGES	
FIRST FLOOR	395 SQ. FT.
SECOND FLOOR	820 SQ. FT.
THIRD FLOOR	866 SQ. FT.
TOTAL LIVING	2081 SQ. FT.
2-CAR GARAGE	496 SQ. FT.
PORCH	74 SQ. FT.
DECK	174 SQ. FT.

UNIT 4-ADU SQUARE FOOTAGES	
FIRST FLOOR ADU	361 SQ. FT.
FIRST FLOOR PRIMARY UNIT	145 SQ. FT.
SECOND FLOOR	819 SQ. FT.
THIRD FLOOR	866 SQ. FT.
TOTAL LIVING	2191 SQ. FT.
2-CAR GARAGE	490 SQ. FT.
PORCH 1	71 SQ. FT.
PORCH 2	40 SQ. FT.
DECK	174 SQ. FT.

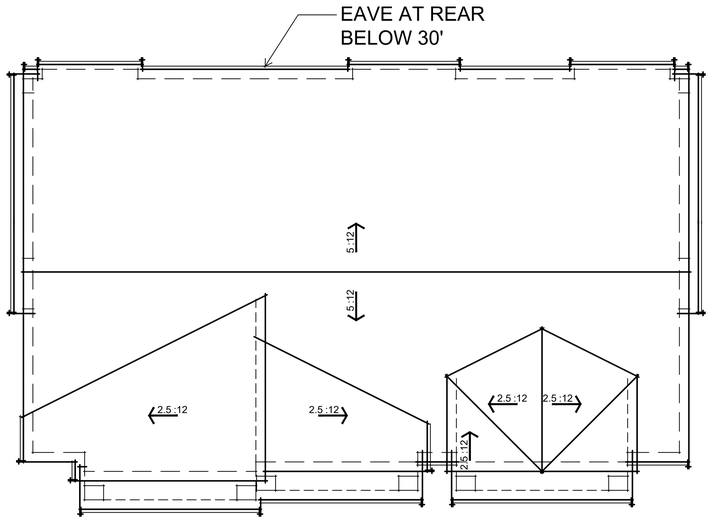
0 1' 2' 3' 4' 8'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

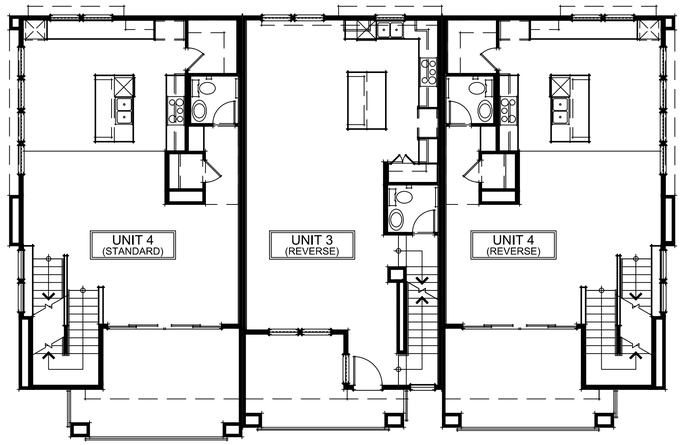
UNIT 4 FLOOR PLANS
A08

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

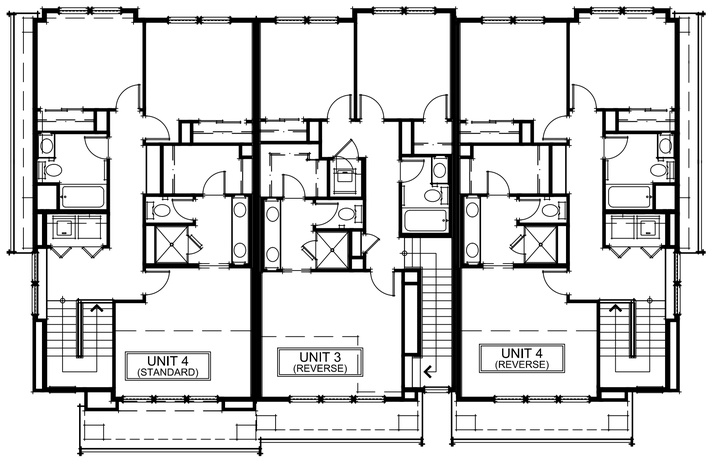
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



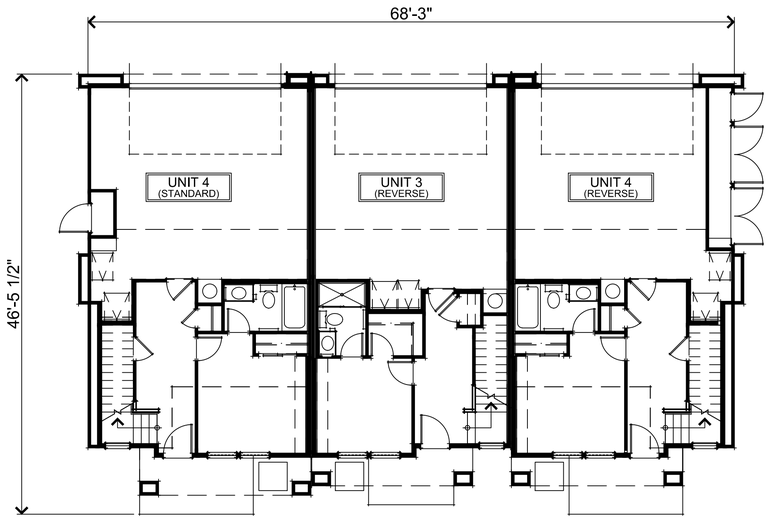
ROOF PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

3-UNIT BUILDING FLOOR & ROOF PLANS
A09

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

FRONT ELEVATION

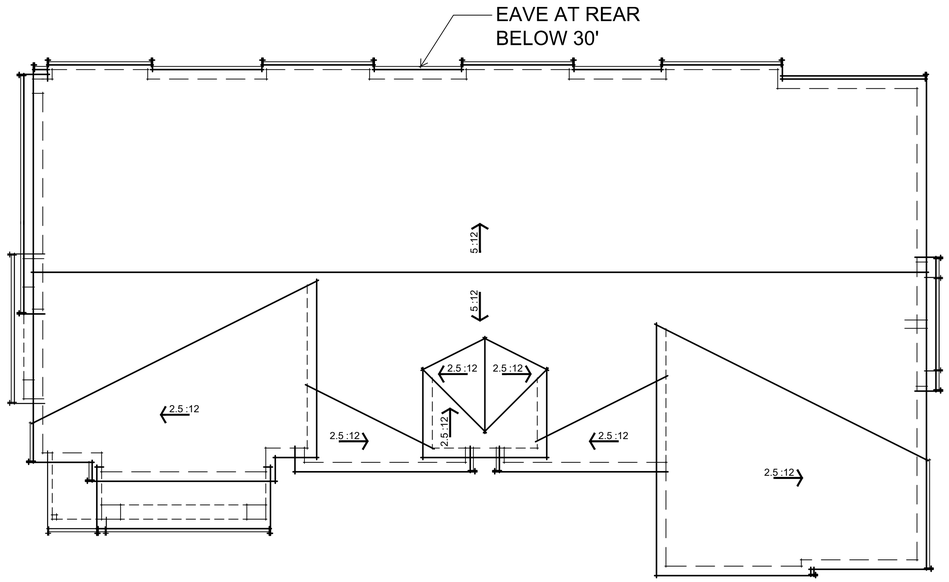
0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

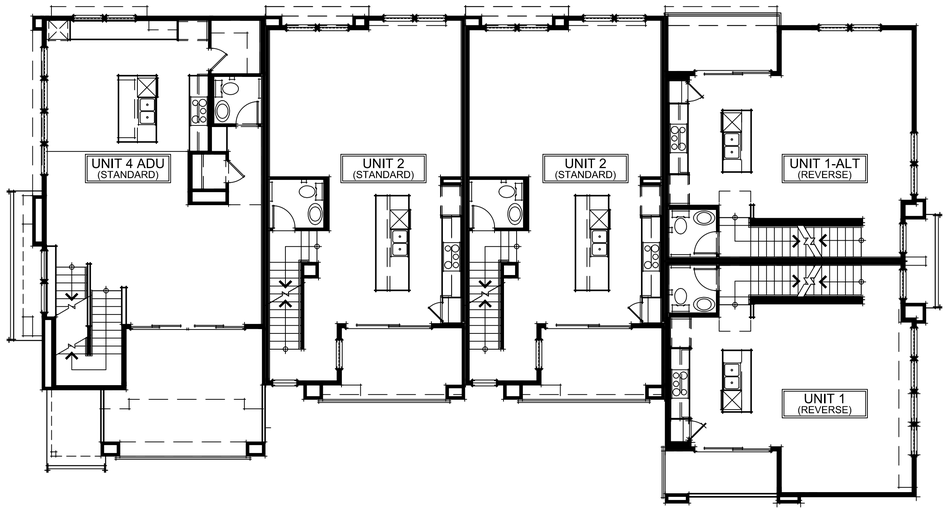
3-UNIT BUILDING ELEVATIONS
A10

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

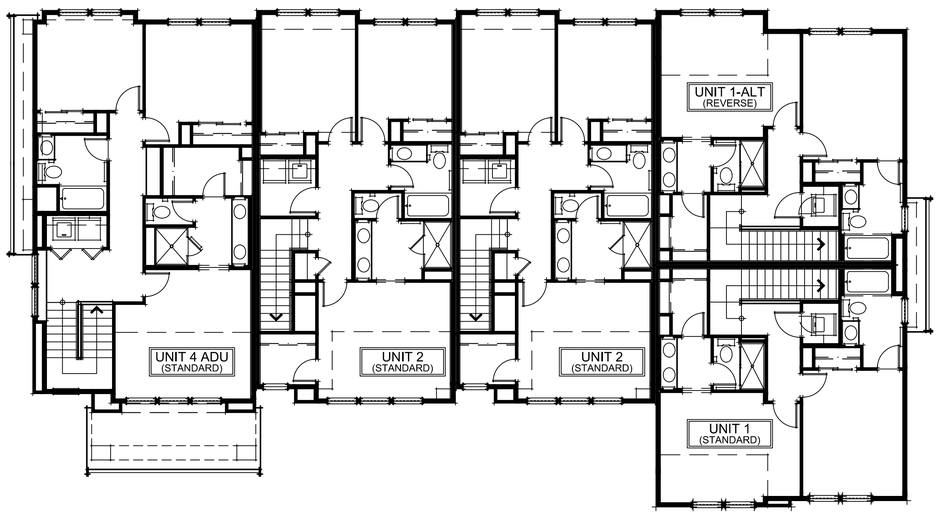
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



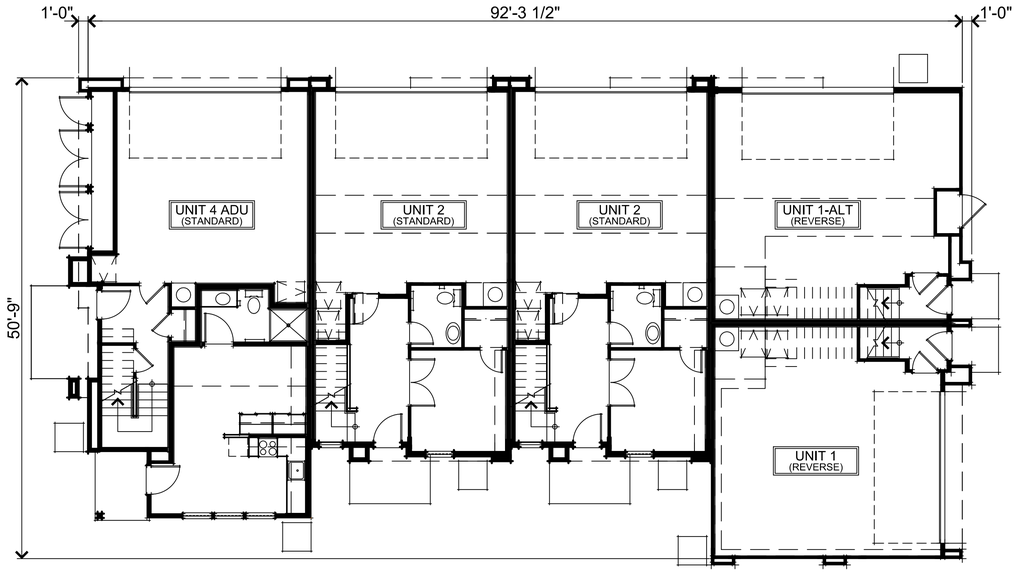
ROOF PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

5-UNIT BUILDING 'A' FLOOR & ROOF PLANS
A11

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

FRONT ELEVATION

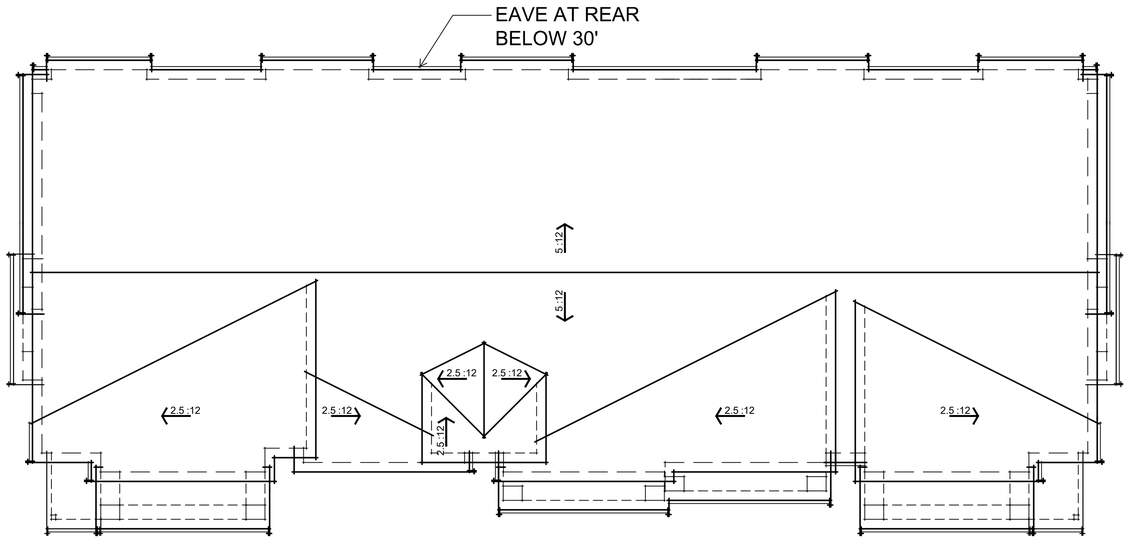
0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

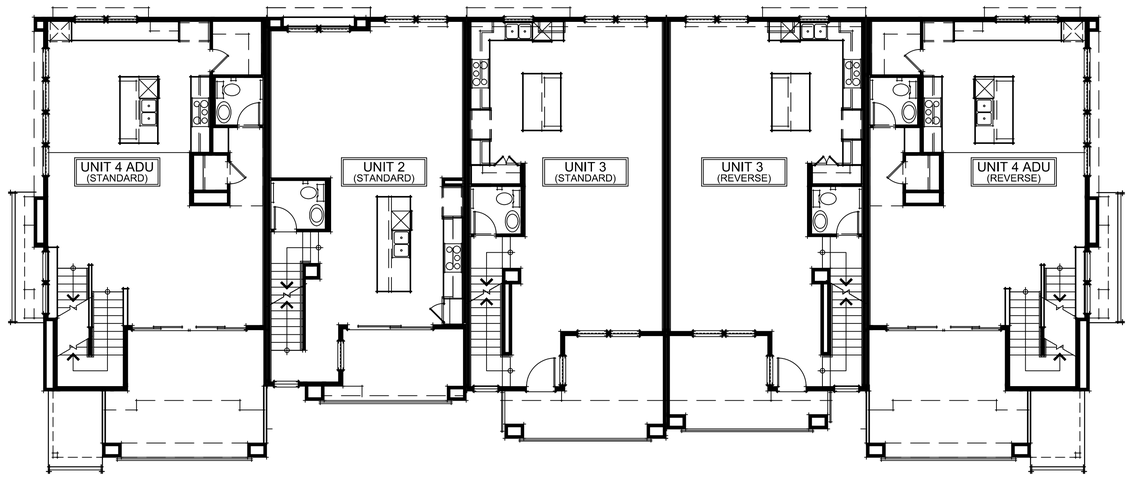
5-UNIT BUILDING 'A' ELEVATIONS
A12

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

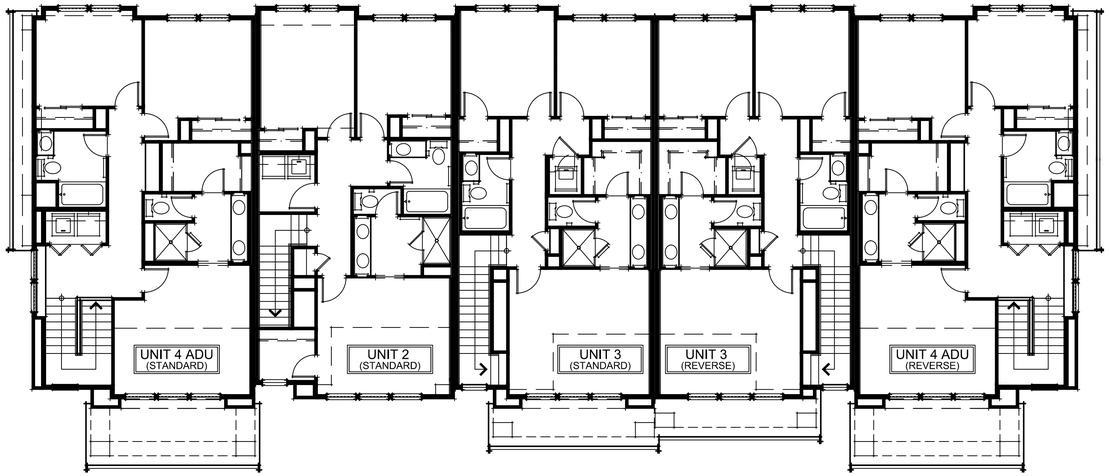
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



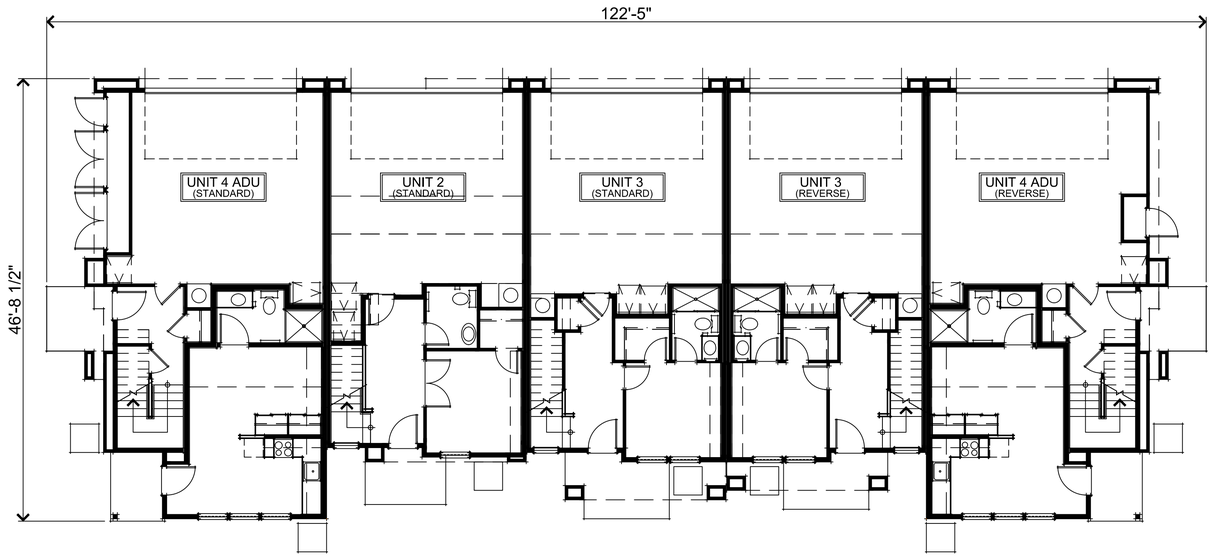
ROOF PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

5-UNIT BUILDING 'B' FLOOR & ROOF PLANS
A13

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

FRONT ELEVATION

0 2' 4' 6' 8' 16'

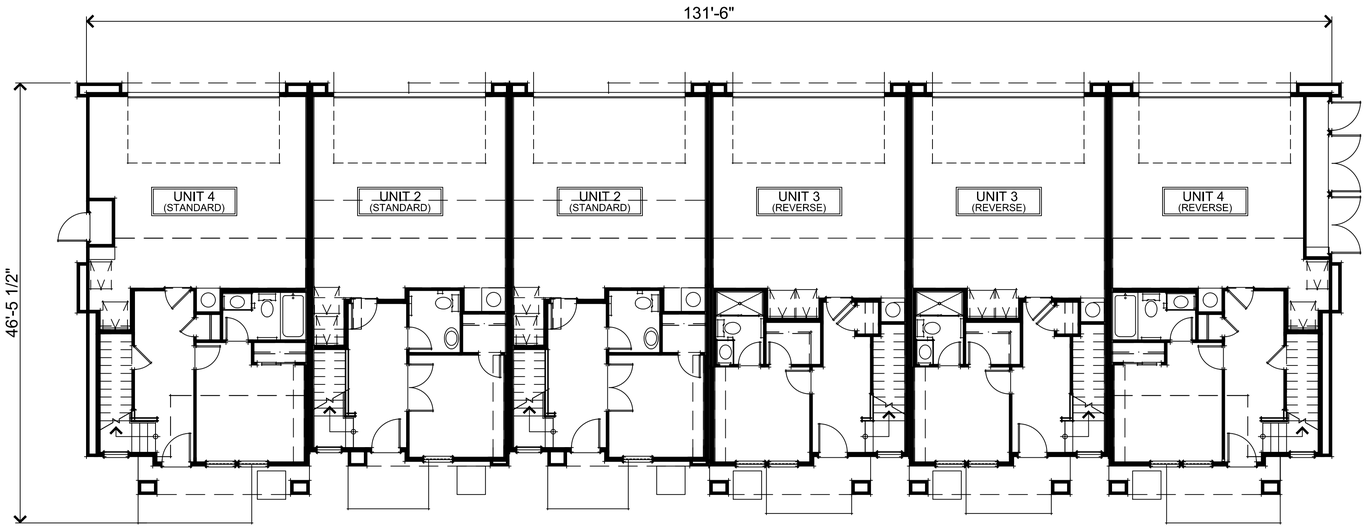
354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

5-UNIT BUILDING 'B' ELEVATIONS
A14

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

SECOND FLOOR PLAN



FIRST FLOOR PLAN

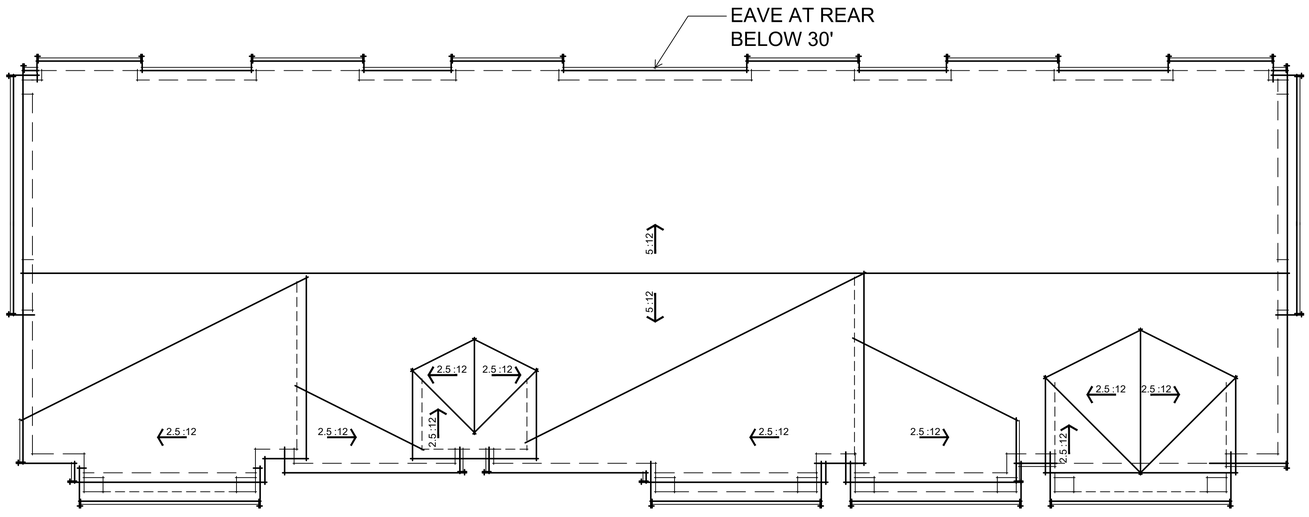
0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

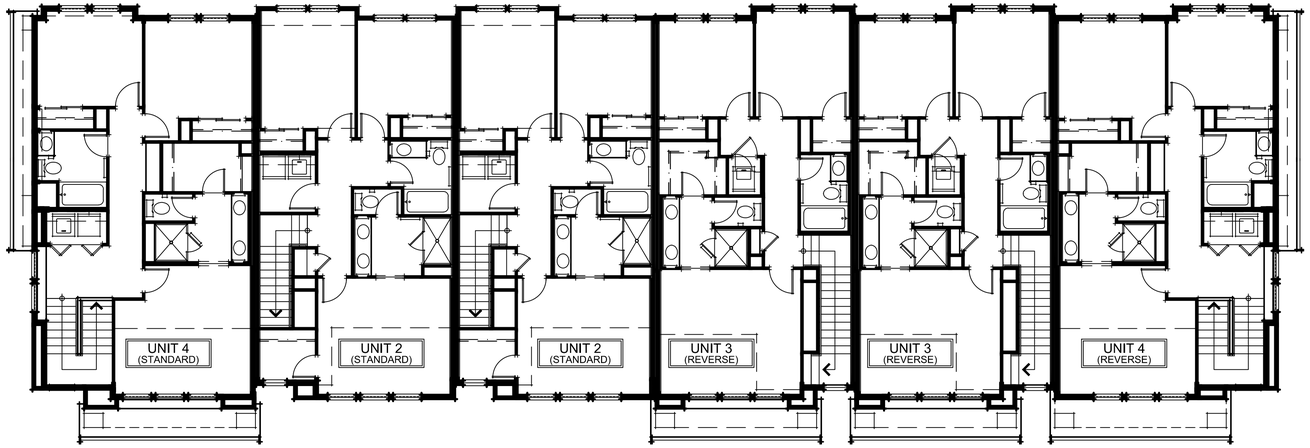
6-UNIT BUILDING FIRST & SECOND FLOOR PLANS
A15

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



ROOF PLAN



THIRD FLOOR PLAN

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

6-UNIT BUILDING THIRD FLOOR & ROOF PLANS
A16

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

FRONT ELEVATION

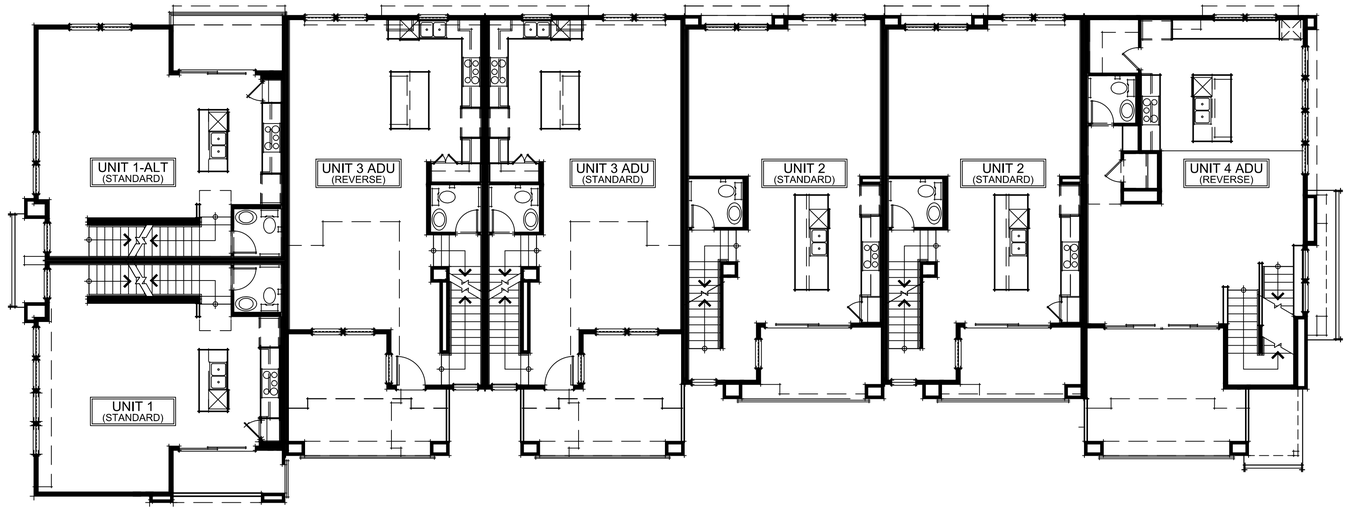
0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

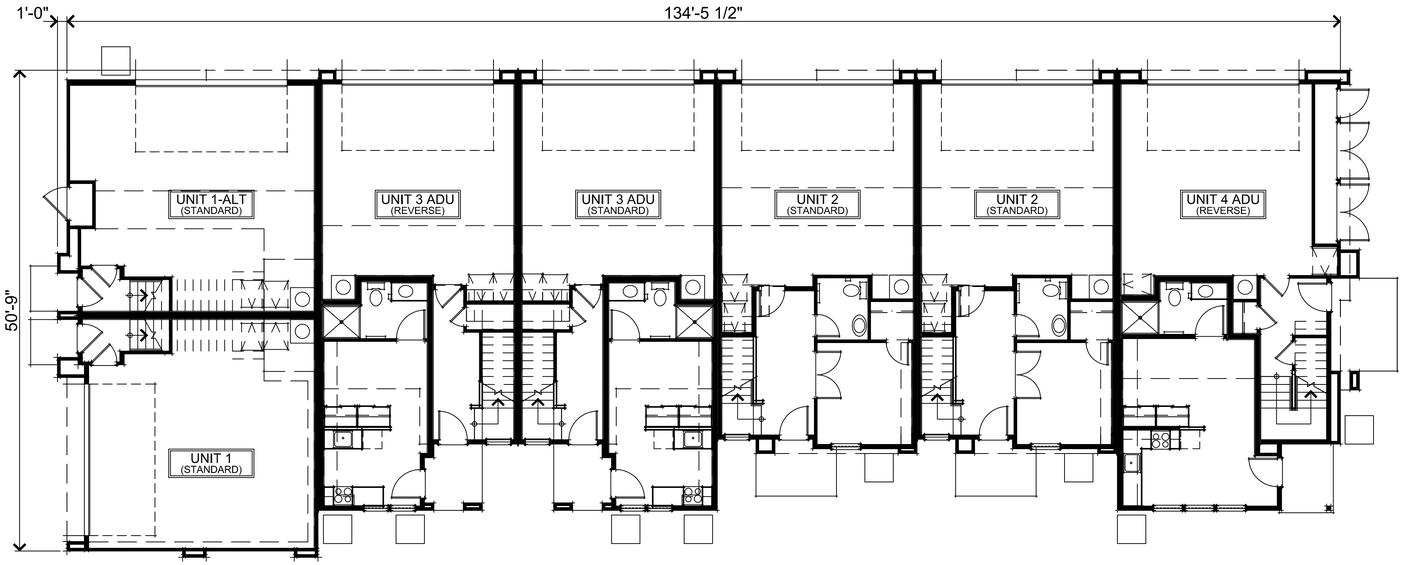
6-UNIT BUILDING ELEVATIONS
A17

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



SECOND FLOOR PLAN



FIRST FLOOR PLAN

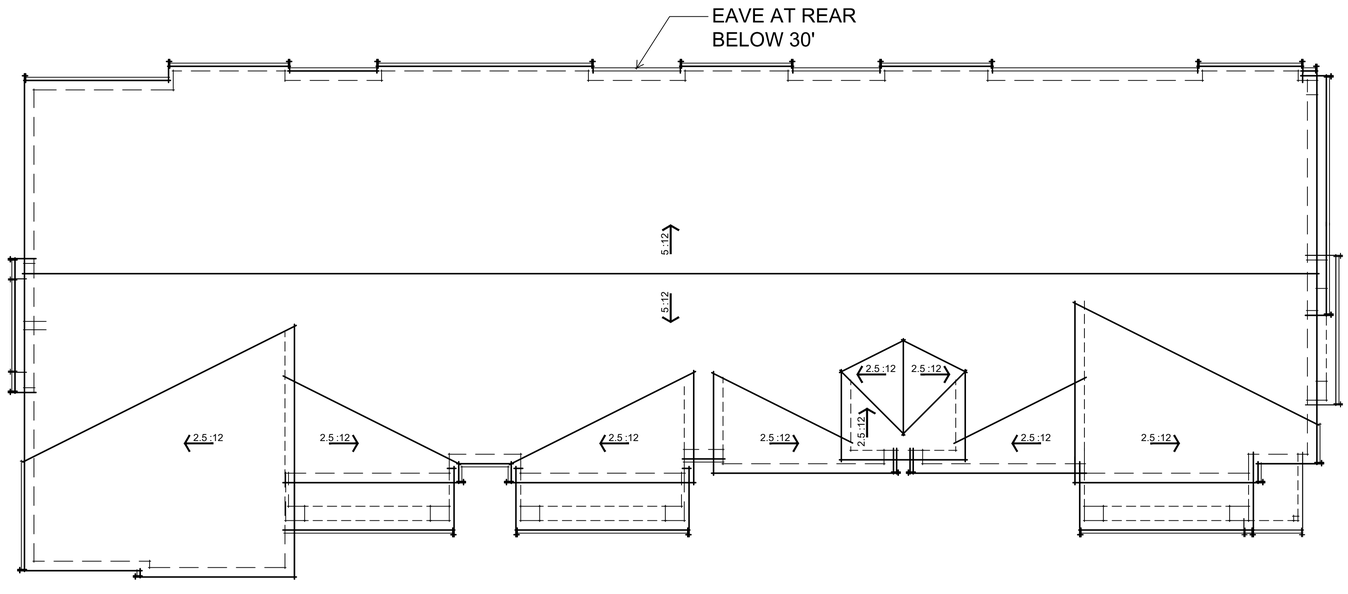
0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

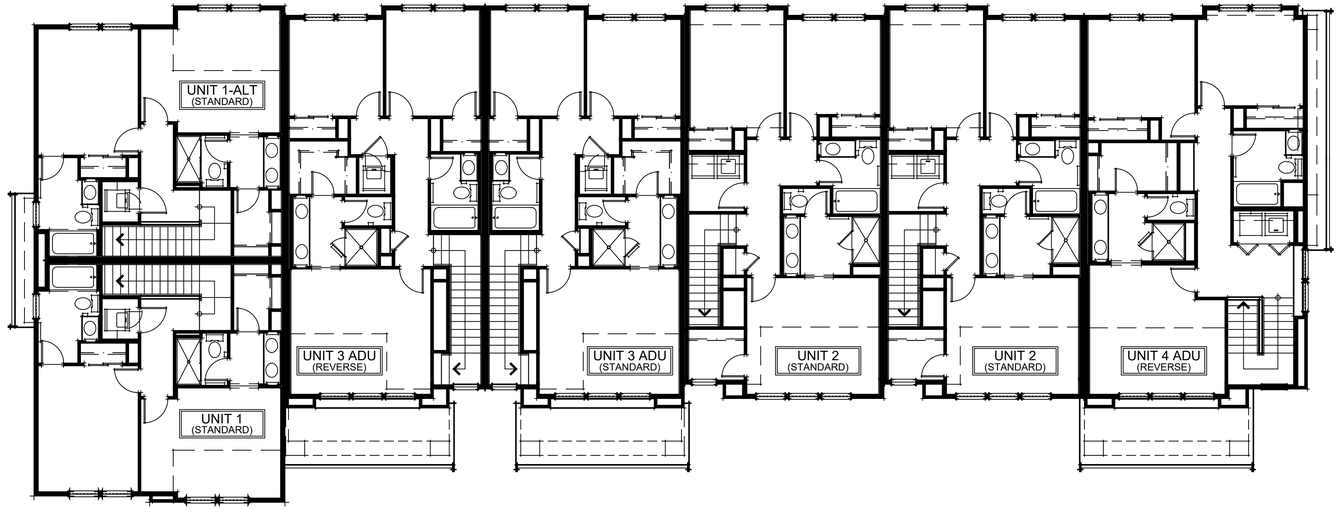
7-UNIT BUILDING FIRST & SECOND FLOOR PLANS
A18

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



ROOF PLAN



THIRD FLOOR PLAN

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

7-UNIT BUILDING THIRD FLOOR & ROOF PLAN
A19

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

FRONT ELEVATION

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

7-UNIT BUILDING ELEVATIONS
A20

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

TYPICAL BUILDING SECTION

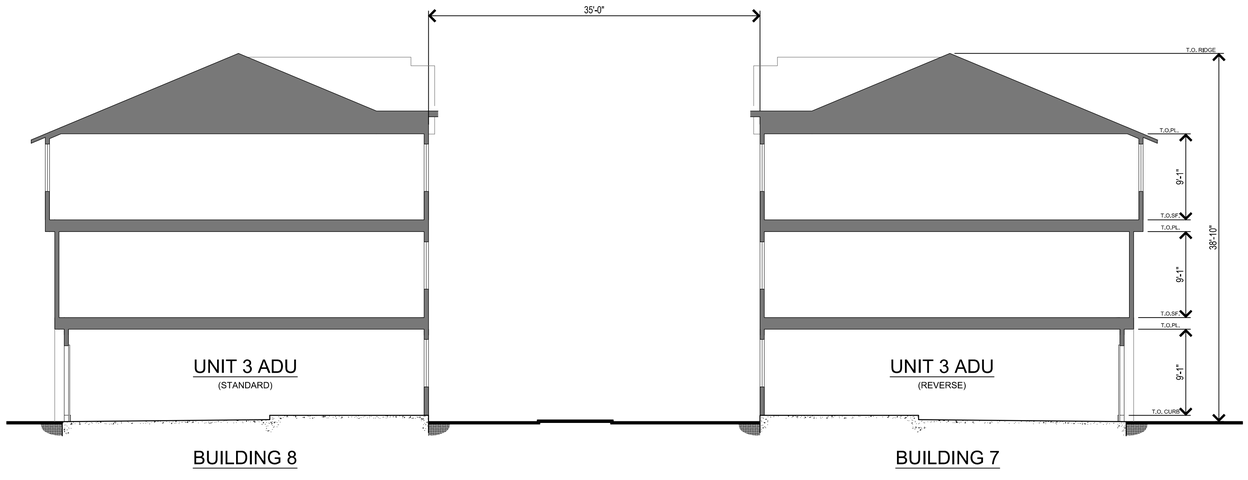
0 1' 2' 3' 4' 8'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

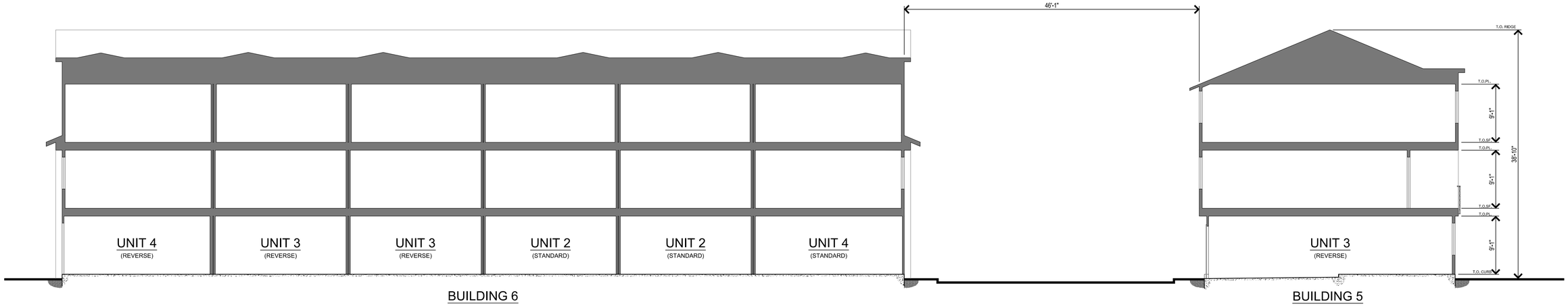
BUILDING SECTION
A21

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



TYPICAL BUILDING SECTION



TYPICAL BUILDING SECTION

0 2' 4' 6' 8' 16'

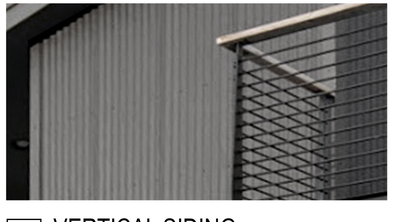
354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

SITE SECTION A
A22

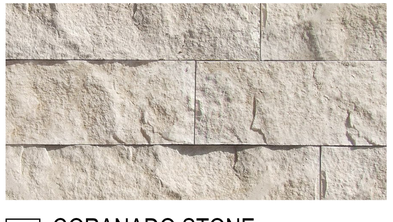
Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

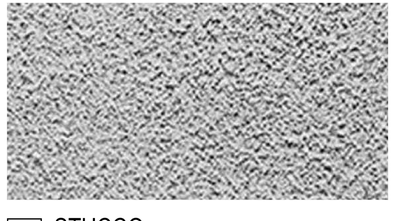
MATERIALS



1 VERTICAL SIDING
VERTICAL FIBER CEMENT SIDING



2 CORANADO STONE
6" SPLIT LIMESTONE - CREAM



3 STUCCO
LIGHT SAND FINISH STUCCO

4 METAL RAILING

5 GARAGE DOOR
CLOPLAY BRIDGEPORT STEEL GARAGE DOORS

6 WALL SCONCE
SQUARE CYLINDER INDIRECT LED SCONCE

7 MODERN DOORS
CONTEMPORARY EXTERIOR DOOR

8 COMP. SHINGLE ROOFING
CERTAINTEED LANDMARK SOLARIS GEORGETOWN GRAY

EXTERIOR MATERIALS

1 VERTICAL FIBER CEMENT SIDING
2 CORONADO STONE 6" SPLIT LIMESTONE
3 LIGHT SAND FINISH STUCCO
4 METAL RAILING
5 CLOPAY BRIDGEPORT BD5EV STEEL GARAGE DOOR
6 SQUARE CYLINDER INDIRECT LED SCONCE
7 MODERN DOORS - CONTEMPORARY EXTERIOR DOOR
8 CERTAINTEED LANDMARK SOLARIS
GEORGETOWN GRAY COMP. SHINGLES

COLOR SCHEME

Stucco 1
SW 7005 Pure White

Stucco 2
SW 1015 Skyline Steel

Vertical Siding
SW 7013 Ivory Lace

Trim / Fascia
Garage Doors
SW 7668 March Wind

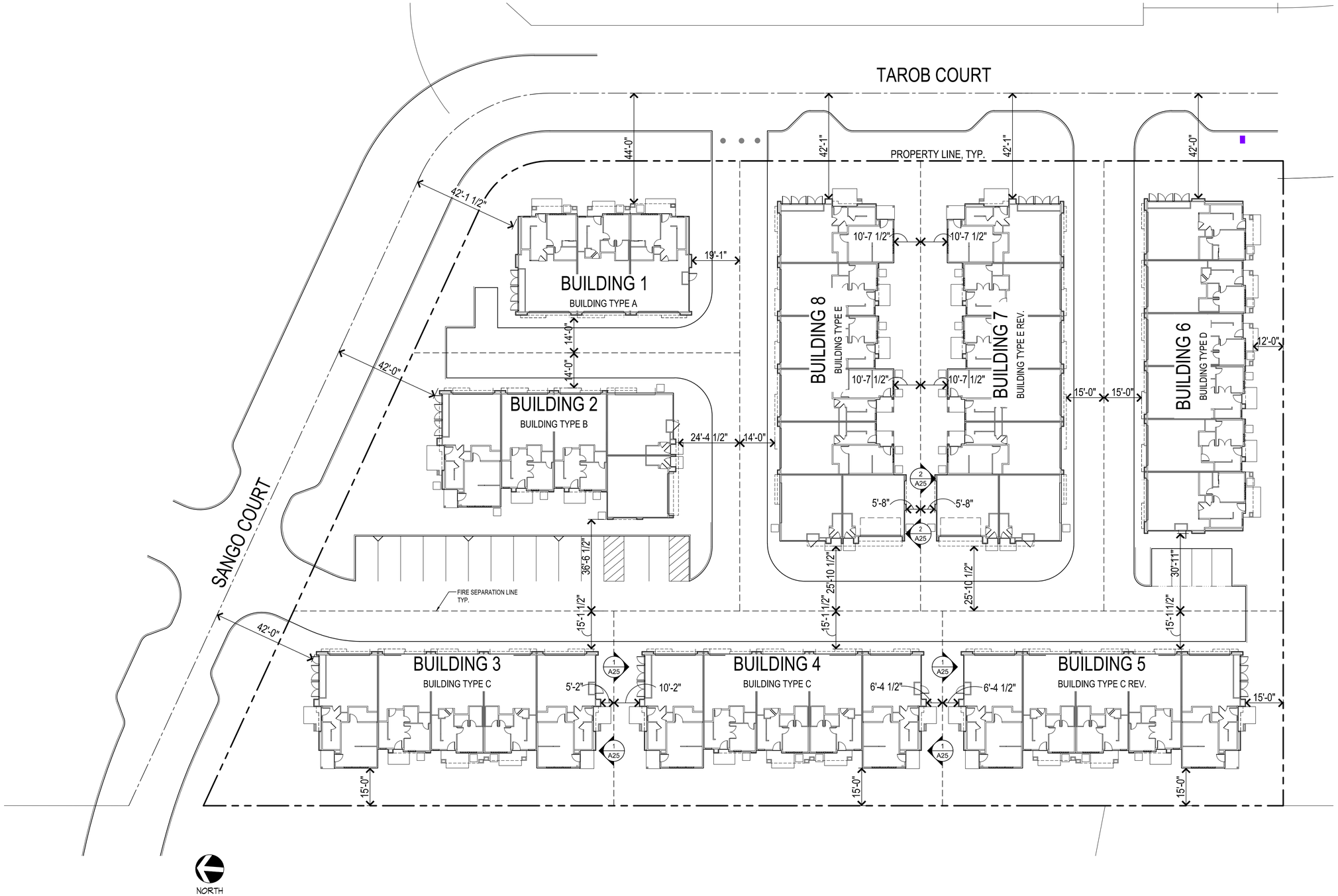
Entry Door / Accent
SW 6257 Gibraltar

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

COLOR & MATERIALS
A23

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

BUILDING FIRE SEPARATION EXHIBIT
A24

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

BUILDING 1 - TYPE A GROSS AREA CALCULATIONS

3-UNIT TYPE A	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	1431			1431
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	1490			1490
RESIDENTIAL UNIT (R-2)	1141	2405	2529	6075
PORCH (R-2)	210	0	0	210
BALCONY (R-2)	0	482	0	482
R-2 OCCUPANCY SUB-TOTAL	1351	2887	2529	6767
TOTAL AREA PER FLOOR	2841	2887	2529	8257

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)								
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	1351	+	1490	=	0.28	
	ALLOWABLE	7000		16500			
2ND FLOOR	ACTUAL	2887	+	0	=	0.41	
	ALLOWABLE	7000		16500			
3RD FLOOR	ACTUAL	2529	+	0	=	0.36	
	ALLOWABLE	7000		16500			
TOTAL BUILDING RATIO						1.06	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2

BUILDING 2 - TYPE B GROSS AREA CALCULATIONS

5-UNIT TYPE C	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	2564			2564
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	2623			2623
RESIDENTIAL UNIT (R-2)	1265	3466	3842	8573
PORCH (R-2)	245	0	0	245
BALCONY (R-2)	0	539	0	539
R-2 OCCUPANCY SUB-TOTAL	1510	4005	3842	9357
TOTAL AREA PER FLOOR	4133	4005	3842	11980

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)								
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	1510	+	2623	=	0.37	
	ALLOWABLE	7000		16500			
2ND FLOOR	ACTUAL	4005	+	0	=	0.57	
	ALLOWABLE	7000		16500			
3RD FLOOR	ACTUAL	3842	+	0	=	0.55	
	ALLOWABLE	7000		16500			
TOTAL BUILDING RATIO						1.50	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2

BUILDINGS 3, 4, & 5 - TYPE C GROSS AREA CALCULATIONS

5-UNIT TYPE C	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	2357			2357
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	2416			2416
RESIDENTIAL UNIT (R-2)	2048	3900	4158	10106
PORCH (R-2)	351	0	0	351
BALCONY (R-2)	0	808	0	808
R-2 OCCUPANCY SUB-TOTAL	2399	4708	4158	11265
TOTAL AREA PER FLOOR	4815	4708	4158	13681

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)								
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	2399	+	2416	=	0.49	
	ALLOWABLE	7000		16500			
2ND FLOOR	ACTUAL	4708	+	0	=	0.67	
	ALLOWABLE	7000		16500			
3RD FLOOR	ACTUAL	4158	+	0	=	0.59	
	ALLOWABLE	7000		16500			
TOTAL BUILDING RATIO						1.76	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2

BUILDING 6 - TYPE D GROSS AREA CALCULATIONS

6-UNIT TYPE D	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	2848			2848
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	2907			2907
RESIDENTIAL UNIT (R-2)	2159	4630	4990	11779
PORCH (R-2)	370			370
BALCONY (R-2)	0	790	0	790
R-2 OCCUPANCY SUB-TOTAL	2529	5420	4990	12939
TOTAL AREA PER FLOOR	5436	5420	4990	15846

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)								
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	2529	+	2907	=	0.48	
	ALLOWABLE	8190		16500			
2ND FLOOR	ACTUAL	5420	+	0	=	0.66	
	ALLOWABLE	8190		16500			
3RD FLOOR	ACTUAL	4990	+	0	=	0.61	
	ALLOWABLE	8190		16500			
TOTAL BUILDING RATIO						1.76	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2
0.17 INCREASE - PER C.B.C 506.3
{7000 + [7000 x 0.17] } = 8190

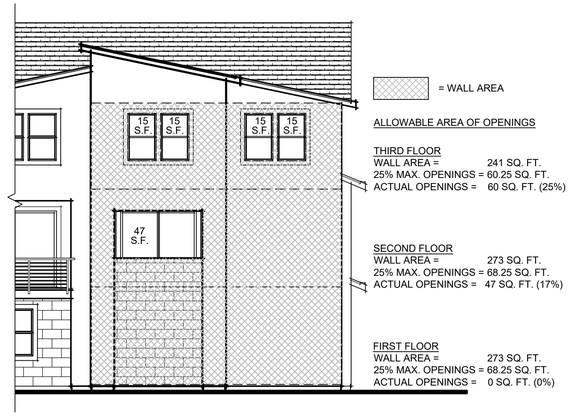
BUILDING 7 & 8 - TYPE E GROSS AREA CALCULATIONS

7-UNIT TYPE E	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	3491			3491
UTILITIES (U)	60			60
U OCCUPANCY SUB-TOTAL	3551			3551
RESIDENTIAL UNIT (R-2)	2112	4998	5436	12546
PORCH (R-2)	323	0	0	323
BALCONY (R-2)	0	906	0	906
R-2 OCCUPANCY SUB-TOTAL	2435	5904	5436	13775
TOTAL AREA PER FLOOR	5986	5904	5436	17326

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)								
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	2435	+	3551	=	0.51	
	ALLOWABLE	8190		16500			
2ND FLOOR	ACTUAL	5904	+	0	=	0.72	
	ALLOWABLE	8190		16500			
3RD FLOOR	ACTUAL	5436	+	0	=	0.66	
	ALLOWABLE	8190		16500			
TOTAL BUILDING RATIO						1.90	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2
0.17 INCREASE - PER C.B.C 506.3
{7000 + [7000 x 0.17] } = 8190

1 BUILDING 3 RIGHT ELEVATION
BUILDING 4 RIGHT ELEVATION
BUILDING 5 LEFT ELEVATION (REV)



2 BUILDING 7 FRONT ELEVATION (REV)
BUILDING 8 FRONT ELEVATION

0 2' 4' 6' 8' 16'

354.020 Tarob - Geomax II
Milpitas, CA
December 21, 2023

ALLOWABLE OPENINGS EXHIBITS
A25

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

VESTING TENTATIVE MAP
GEOMAX II

CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

FOR: TOLL BROTHERS

BENCHMARK
SURVEY DISK SET IN THE TOP OF THE SOUTHEAST CONCRETE WALL OF AN 8 X 9-FOOT CONCRETE CATCH BASIN, 44.2 FEET SOUTHWEST OF THE SOUTHWEST RAIL OF THE TRACK, 31.5 FEET NORTHWEST OF THE CENTERLINE OF THE ROAD, 0.8 FEET WEST OF THE EAST CORNER OF THE WALL, AND ABOUT 2 FEET LOWER THAN THE TRACK.

ELEVATION = 51.91 (NAVD 88)

LEGEND

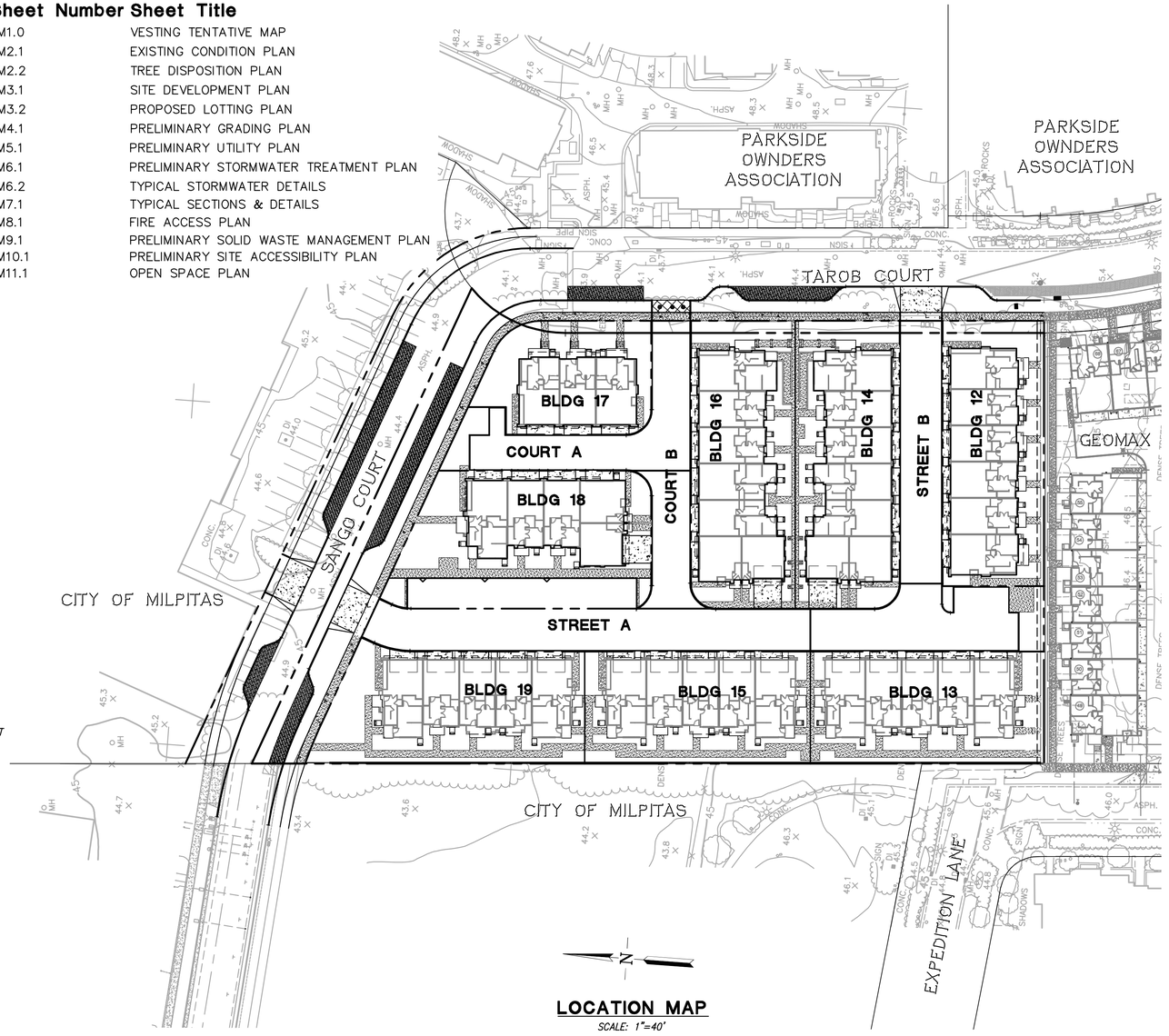
PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	MATCH LINE	
	RETAINING WALL	
	EASEMENT LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 12"SS
12"W	POTABLE WATER	EX 12"W
8"W(R)	RECYCLED WATER	EX 8"W(R)
	CURB & GUTTER	EX FC
	SAWCUT	
	SIDEWALK	
	EARTH OR GRASS SWALE	
	VALLEY GUTTER	
	STORM WATER INLET	
	DROP INLET	
	AREA DRAIN	
	BUBBLE UP	
	MANHOLE	
	SANITARY SEWER CLEAN OUT	
	SANITARY SEWER LATERAL	
	FIRE HYDRANT	
	BLOW OFF	
	WATER SERVICE WITH METER BOX	
	BACKFLOW DEVICE	
	WATER VALVE	
	AIR RELEASE VALVE	
	POST INDICATOR VALVE	
	FIRE DEPARTMENT CONNECTION	
	SINGLE ARM STREET LIGHT	
	DOUBLE ARM STREET LIGHT	
	POST TOP LIGHT	
	PEDESTRIAN LIGHT	
	MONUMENT	
	TRAFFIC SIGN	
	STREET NAME SIGN	
	FENCE	
	BARRICADE	
	CURB RAMP	
130 x 525.2	CONTOUR ELEVATIONS	130 ×525.2
	SPOT ELEVATION	
	NEW ASPHALT PAVEMENT	
	BIO-RETENTION AREA	

ABBREVIATIONS

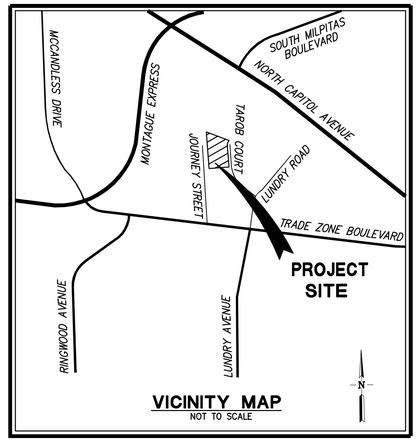
AB	AGGREGATE BASE	PAE	PRIVATE VEHICLE ACCESS EASEMENT
AC	ASPHALT CONCRETE	PAV	PAVEMENT
AD	AREA DRAIN	PL	PROPERTY LINE
BC	BEGINNING OF CURVE	PIEE	PRIVATE VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENT
BOC	BACK OF CURVE	PPAE	PRIVATE PEDESTRIAN ACCESS EASEMENT
BNDY	BOUNDARY	PSSE	PRIVATE SANITARY SEWER EASEMENT
BOT	BOTTOM	PSDE	PRIVATE STORM DRAIN EASEMENT
BSW	BACK OF SIDEWALK	PSUE	PUBLIC SERVICE UTILITY EASEMENT
BW	BOTTOM OF WALL	PRUE	PRIVATE SERVICES AND UTILITY EASEMENT
CL	CENTER LINE	PRSE	PRIVATE RECIPROCAL SIDEYARD EASEMENT
DI	DROP INLET	PWLE	PRIVATE WATER LINE EASEMENT
DMA	DRAINAGE MANAGEMENT AREA	PUE	PUBLIC UTILITY EASEMENT
DU	DWELLING UNITS	PVC	POLYVINYL CHLORIDE PIPE
EC	END OF CURVE	RET	CURB RETURN
ESMT	EASEMENT	RW	RIGHT OF WAY
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	SD	STORM DRAIN
EX	EXISTING	SF	SQUARE FEET
FC	FACE OF CURB	SL	STREET LIGHT
FF	FINISHED FLOOR	SNS	STREET NAME SIGN
FG	FINISHED GRADE	SS	SANITARY SEWER
FH	FIRE HYDRANT	SSCO	SANITARY SEWER CLEANOUT
FL	FLOW LINE	STD	STANDARD
GB	GRADE BREAK	SWE	PUBLIC SIDEWALK EASEMENT
HP	HIGH POINT	SWK	SIDEWALK
INV	INVERT ELEVATION	SWI	STORM WATER INLET
LAT	LATERAL	TC	TOP OF CURB
LF	LINEAR FOOT	TG	TOP OF GRATE
LP	LOW POINT	TW	TOP OF WALL
JT	JOINT TRENCH	TYP	TYPICAL
MAX	MAXIMUM	W	WATER LINE
MH	MANHOLE	WLE	WATER LINE EASEMENT
MIN	MINIMUM	WM	WATER METER
OH	OVERHEAD	WS	WATER SERVICE
P	PAD ELEVATION		

SHEET INDEX

Sheet Number	Sheet Title
TM1.0	VESTING TENTATIVE MAP
TM2.1	EXISTING CONDITION PLAN
TM2.2	TREE DISPOSITION PLAN
TM3.1	SITE DEVELOPMENT PLAN
TM3.2	PROPOSED LOTTING PLAN
TM4.1	PRELIMINARY GRADING PLAN
TM5.1	PRELIMINARY UTILITY PLAN
TM6.1	PRELIMINARY STORMWATER TREATMENT PLAN
TM6.2	TYPICAL STORMWATER DETAILS
TM7.1	TYPICAL SECTIONS & DETAILS
TM8.1	FIRE ACCESS PLAN
TM9.1	PRELIMINARY SOLID WASTE MANAGEMENT PLAN
TM10.1	PRELIMINARY SITE ACCESSIBILITY PLAN
TM11.1	OPEN SPACE PLAN



LOCATION MAP
SCALE: 1"=40'



VICINITY MAP
NOT TO SCALE

1. *OWNER:* GEOMAX, C/O TOLL BROTHERS, 6800 KOLL CENTER PARKWAY, SUITE 320, PLEASANTON, CA 94566, (925) 249-6010, CONTACT: ALLIE SWEENEY
2. *DEVELOPER:* TOLL BROTHERS, 6800 KOLL CENTER PARKWAY, SUITE 320, PLEASANTON, CA 94566, (925) 249-6010, CONTACT: ALLIE SWEENEY
3. *CIVIL ENGINEER:* RUGGERI-JENSEN-AZAR, 4690 CHABOT DRIVE, SUITE 200, PLEASANTON, CA 94588, (925) 227-9100, CONTACT: DOMINIC CARUCCI, RCE 85585
4. *GEOTECHNICAL ENGINEER:* ENGEO, 751 13TH STREET, SAN FRANCISCO, CA 94130, (858) 282-1595, CONTACT: TERESA KLOTZBACK
5. *ASSESOR'S PARCEL NUMBERS:* 086-36-041
6. *PROPERTY DESCRIPTION:* PARCELS 4 & 5, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH WAS FILED FOR RECORD ON NOVEMBER 28, 1978 IN BOOK 431 OF MAPS, PAGE(S) 2 AND 3, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA.
7. *EXISTING USE:* INDUSTRIAL
8. *PROPOSED USE:* MULTI-FAMILY RESIDENTIAL
9. *EXISTING ZONING:* R-3 TOD
10. *PROPOSED ZONING:* R-3 TOD
11. *GENERAL PLAN LAND DESIGNATION:* MILPITAS METRO SPECIFIC PLAN
12. *GROSS AREA:* 2.3± ACRES
15. *TOTAL NUMBER OF LOTS:* 9
16. *TOTAL NUMBER OF UNITS:* 43
17. *UTILITIES:*
    a. WATER: CITY OF MILPITAS
    b. SANITARY SEWER: CITY OF MILPITAS
    c. STORM DRAIN: CITY OF MILPITAS
    d. GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC
    e. TELEPHONE: AT&T
    f. CABLE TV: COMCAST
18. *TOPOGRAPHIC INFORMATION SHOWN IS BASED ON AERIAL SURVEY PREPARED IN MAY 2023.*
19. *THE PROPERTY IS WITHIN ZONE AO (DEPTH 1'), AS SHOWN IN FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 06085C0069H, DATED MAY 18, 2009.*
20. *IT IS THE INTENT OF THE DEVELOPER TO FILE CONDOMINIUM PLANS AFTER THE FINAL MAP APPROVAL.*

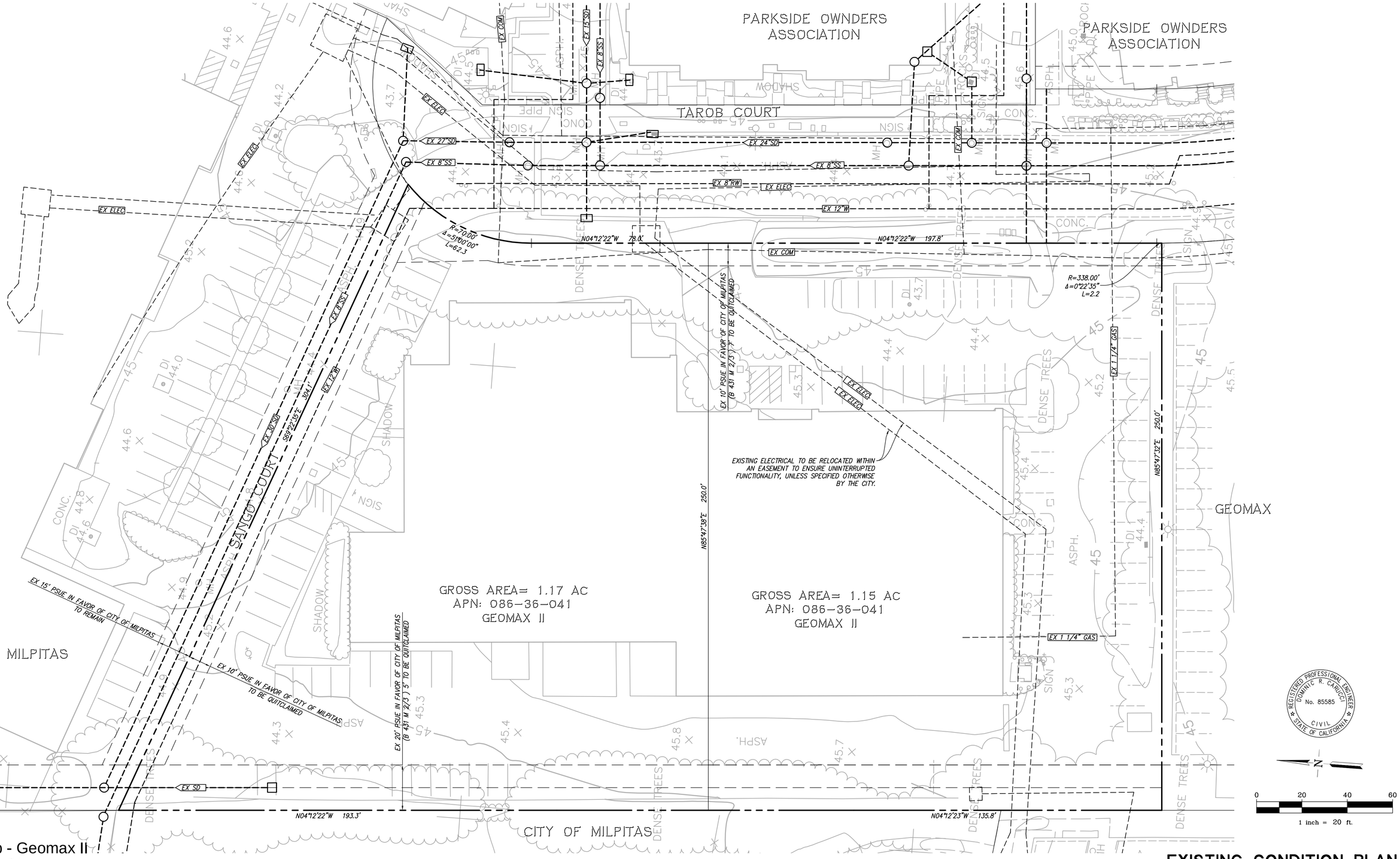
354.012
Tarob - Geomax II
Milpitas, CA
April 17, 2024

TM1.0

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM1.0CV-221066.DWG 3/14/2024 9:22:50 AM PARTH PRAJAPATI



354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

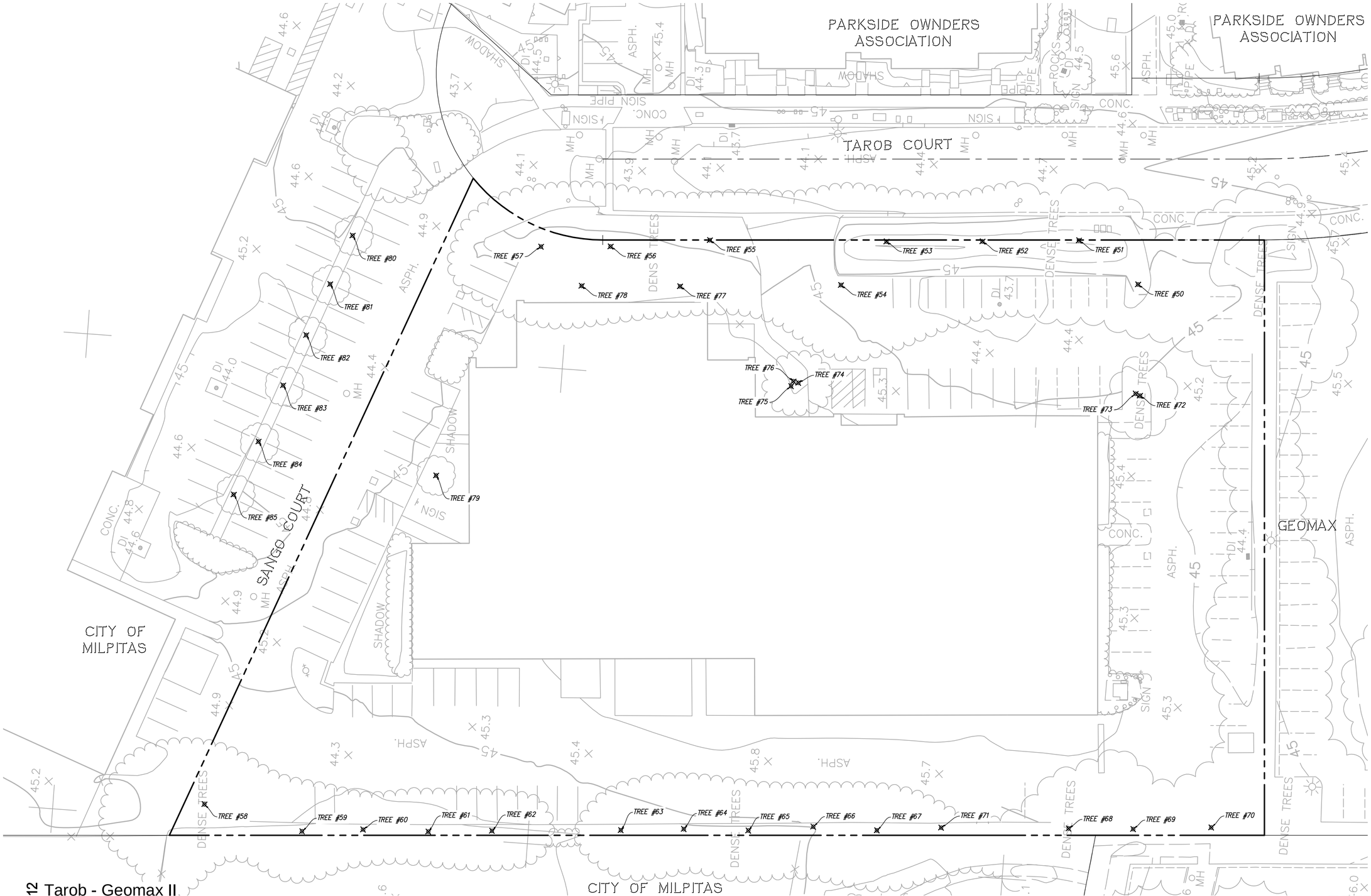
EXISTING CONDITION PLAN
TM2.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

REGISTERED PROFESSIONAL ENGINEER
DOMINIC R. CARUCCI
No. 85585
CIVIL
STATE OF CALIFORNIA

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM2.01TO-221066.DWG 2/2/2024 5:07:13 PM PARTH PRAJAPATI



TREE NO.	COMMON NAME	PROTECTED?	PROPOSED
50	American Sycamore	Y	Remove
51	American Sycamore	Y	Remove
52	American Sycamore	Y	Remove
53	American Sycamore	Y	Remove
54	Evergreen Ash	Y	Remove
55	American Sycamore	Y	Remove
56	American Sycamore	Y	Remove
57	American Sycamore	Y	Remove
58	Evergreen Ash	Y	Remove
59	Evergreen Ash	Y	Remove
60	Evergreen Ash	Y	Remove
61	Evergreen Ash	Y	Remove
62	Evergreen Ash	Y	Remove
63	Evergreen Ash	Y	Remove
64	Evergreen Ash	Y	Remove
65	Evergreen Ash	Y	Remove
66	Evergreen Ash	Y	Remove
67	Evergreen Ash	Y	Remove
68	Evergreen Ash	Y	Remove
69	Evergreen Ash	Y	Remove
70	Evergreen Ash	Y	Remove
71	American Sycamore	N	Remove
72	Carob	N	Remove
73	Carrot Wood	N	Remove
74	Carrot Wood	N	Remove
75	Carrot Wood	N	Remove
76	Carrot Wood	N	Remove
77	Flowering Cherry	N	Remove
78	Flowering Cherry	N	Remove
79	Flowering Cherry	N	Remain
80	Crape Myrtle	N	Remain
81	Crape Myrtle	N	Remain
82	Crape Myrtle	N	Remain
83	Crape Myrtle	N	Remain
84	Crape Myrtle	N	Remain
85	Crape Myrtle	N	Remain

LEGEND

- ○ EX TREE TO REMAIN
- ✕ EX TREE TO BE REMOVED

NOTES:
1. EXISTING TREES AND TREE NUMBERS ARE BASED ON THE ARBORIST REPORT PREPARED BY LIVE OAK ASSOCIATES, DATED MAY 24, 2023.

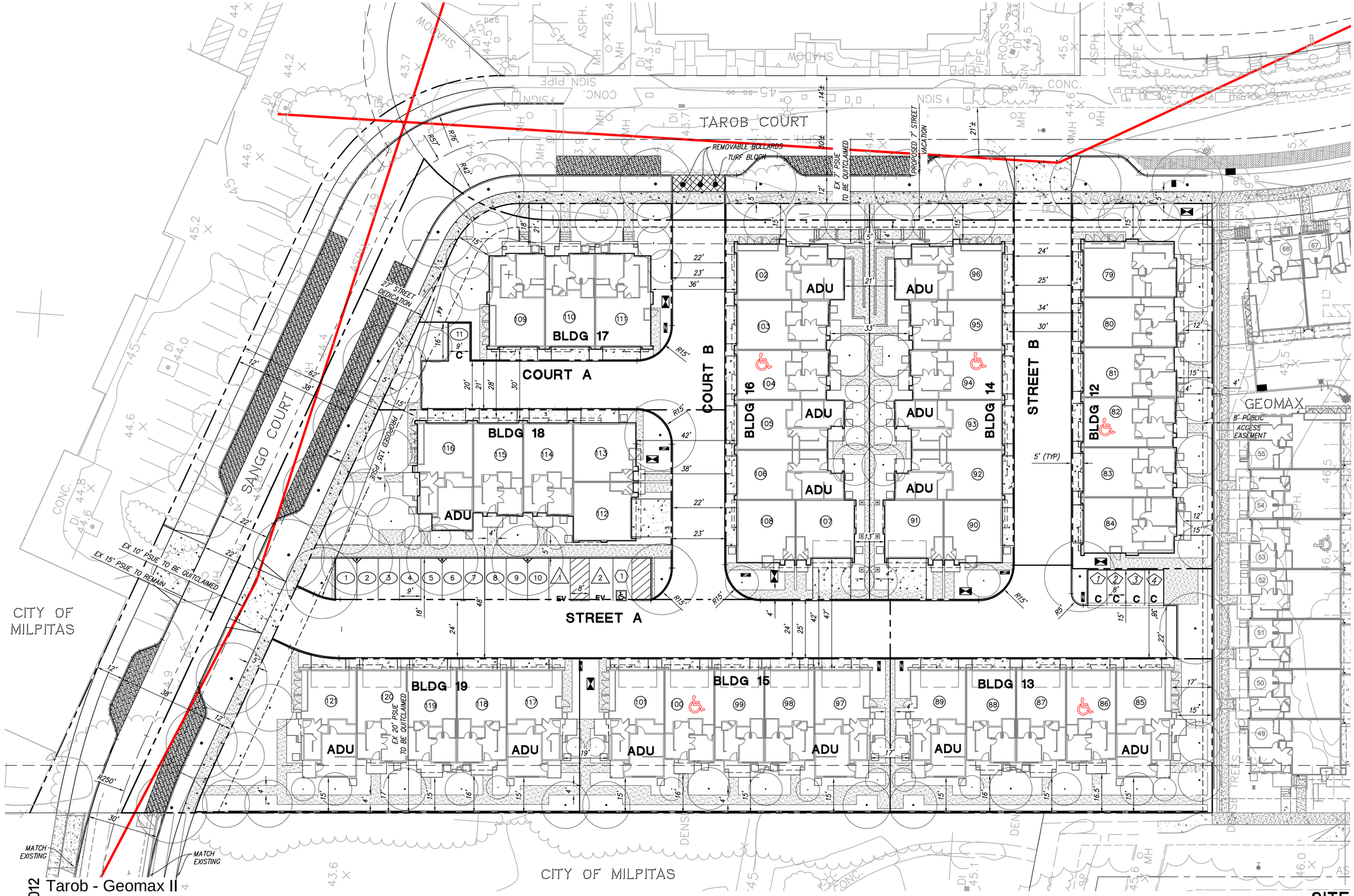
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

TREE DISPOSITION PLAN
TM2.2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM2.02TR-221066.DWG 2/2/2024 5:11:26 PM PARTH PRAJAPATI



SITE DATA SUMMARY

1.	GROSS AREA:	2.3± ACRES
2.	NET AREA:	2.2± ACRES
3.	NUMBER OF UNITS:	56 (INCLUDES 13 ADU'S)
4.	NET DENSITY:	25.5 UNITS/ACRE
5.	PROPOSED NUMBER OF LOTS:	9
6.	PARKING SUMMARY:	
	a. GARAGE	86
	b. ONSITE	
	STANDARD	11
	COMPACT	4
	ADA	1
	EV	2
	TOTAL=	18
7.	SITE COVERAGE CALCULATIONS:	
	a. STREETS & COURTS	= 24,105 SF
	b. BUILDING	= 42,963 SF
	c. COMMON AREA/ OPEN SPACE	= 28,180 SF
	TOTAL =	95,248 SF

LEGEND

- (1) ADA STALL
- (9) STANDARD STALL (9'x18')
- (3) EV STALL
- (3) COMPACT STALL
- ADA UNIT (5 TOTAL)
- ADU ADU UNIT (13 TOTAL)
- STAMPED ASPHALT PAVERS
- SIGHT DISTANCE

N

0 20 40 60

1 inch = 20 ft.

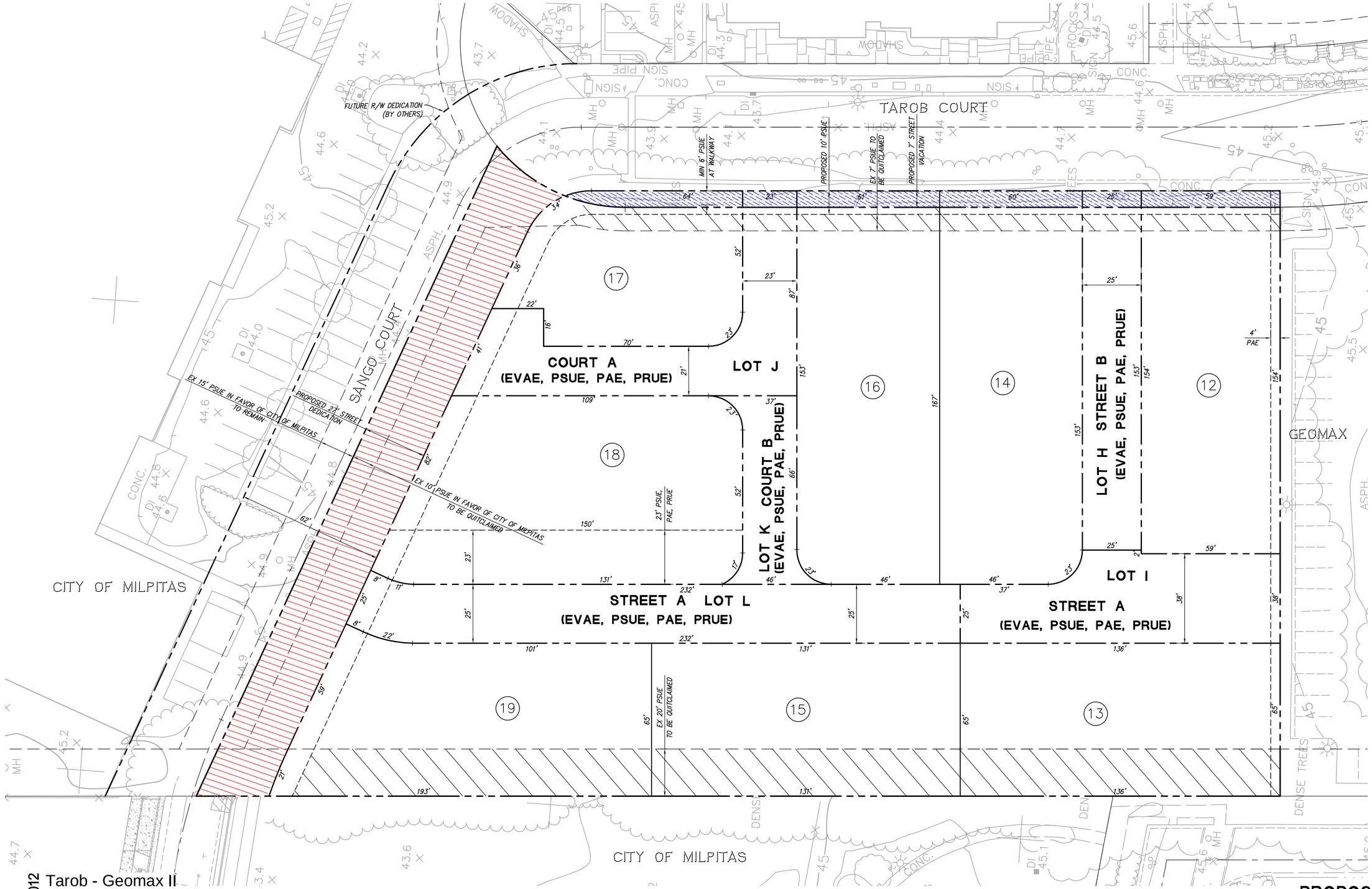
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

SITE DEVELOPMENT PLAN
TM3.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM3.01SP-221066.DWG 4/17/2024 10:26:00 AM PARTH PRAJAPATI



LEGEND

- PROPOSED STREET DEDICATION
- EX PSUE TO BE QUITCLAIMED
- PROPOSED STREET VACATION

NOTE:

1. ALL ON SITE STREETS ARE PRIVATELY OWNED & MAINTAINED BY HOMEOWNERS ASSOCIATES.

LOT AREA TABLE	
LOT #	AREA (SF)
12	9,082
13	8,822
14	10,074
15	8,508
16	10,074
17	5,987
18	11,242
19	9,737
LOT H	3,813
LOT I	4,570
LOT J	4,950
LOT K	1,963
LOT L	6,418

N

0 20 40 60

1 inch = 20 ft.

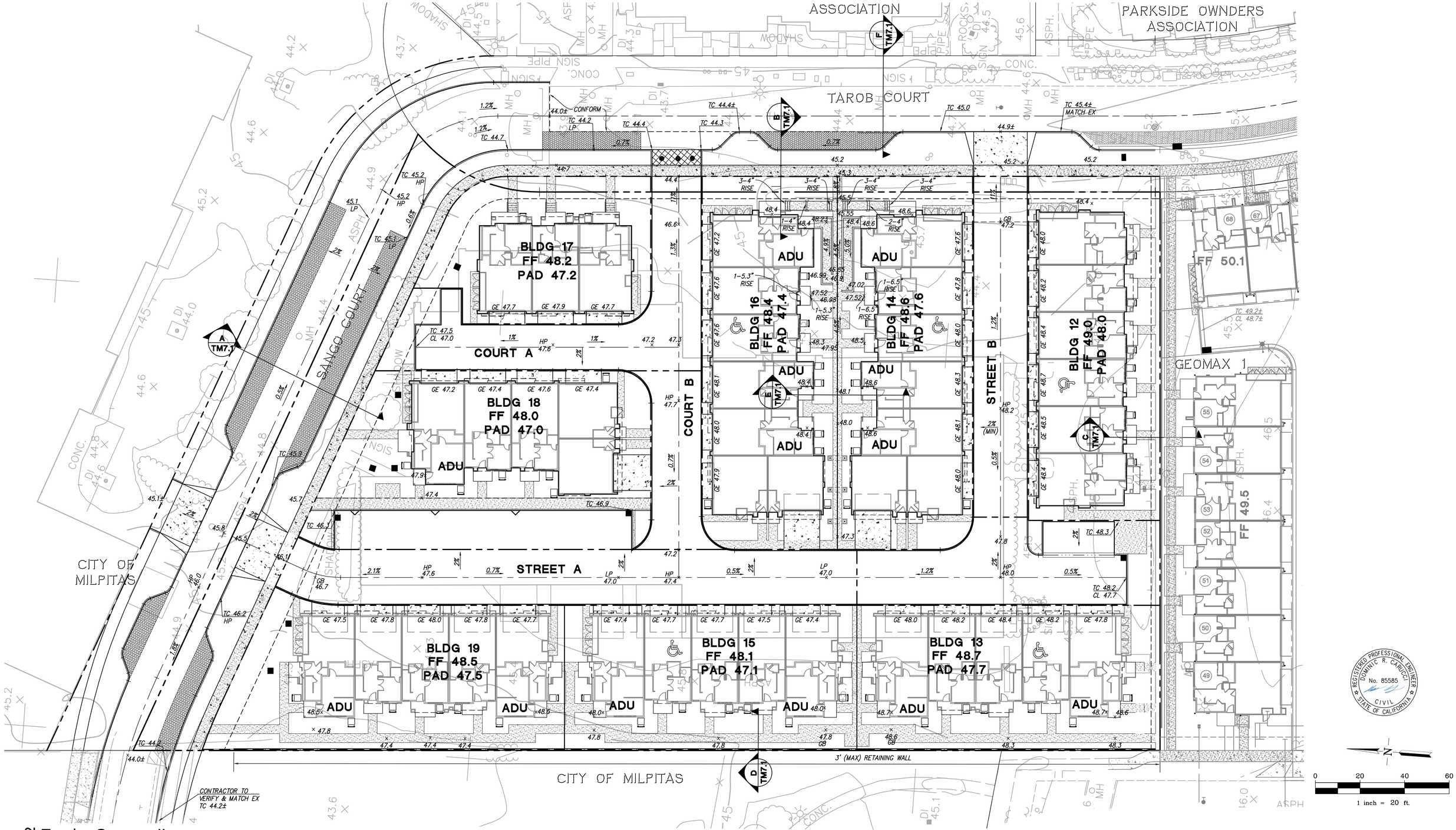
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

PROPOSED LOTTING PLAN
TM3.2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM3.02LP-221066.DWG 3/4/2024 5:12:45 PM PARTH PRAJAPATI



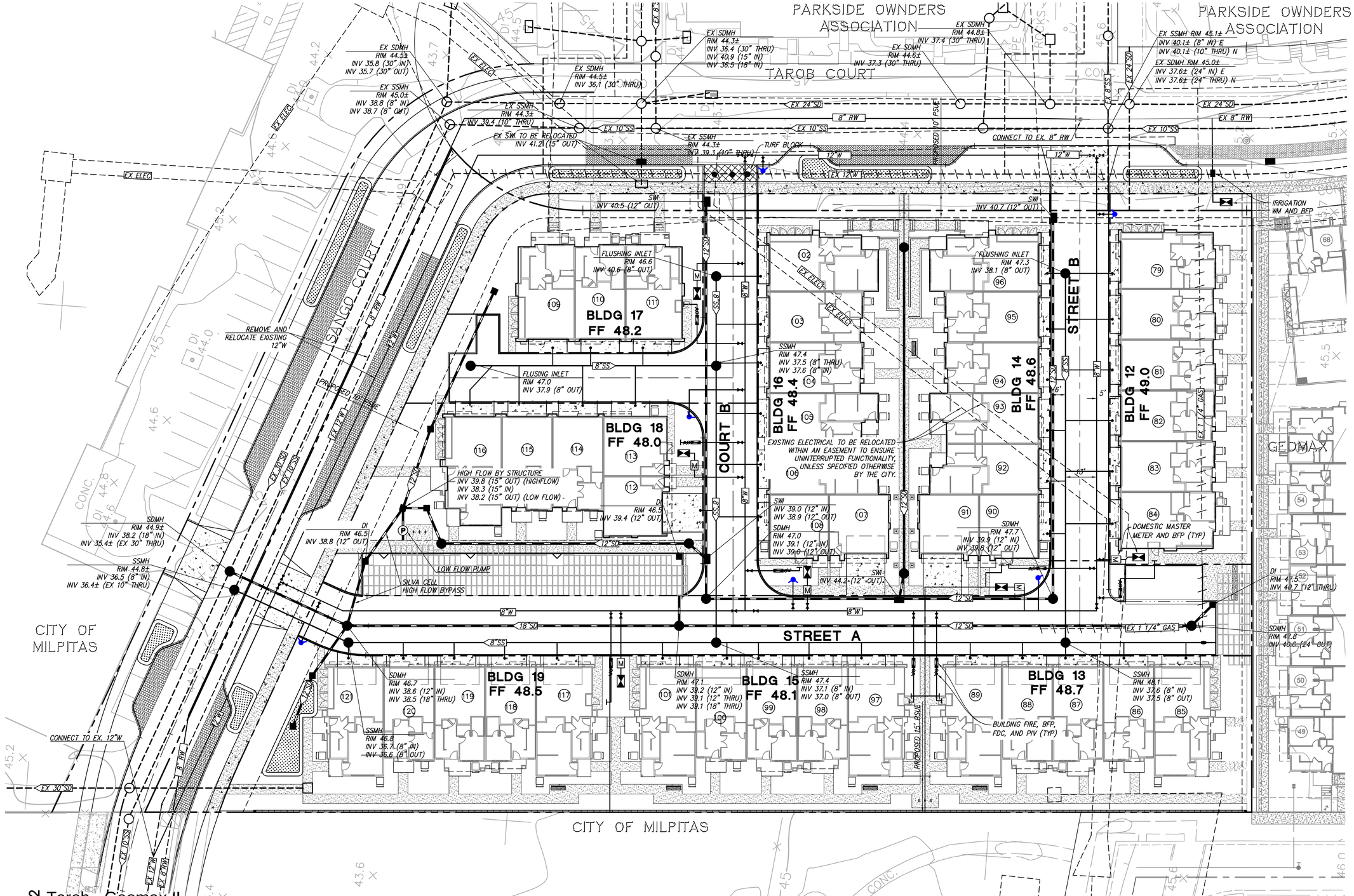
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

PRELIMINARY GRADING PLAN
TM4.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM4.01GD-221066.DWG 4/17/2024 10:00:48 AM PARTH PRAJAPATI



LEGEND

EXISTING UTILITY TO BE ABANDONED OR REMOVED.

NOTES:
1. BUILDING 13 AND 14 SHALL HAVE A SEWAGE BACKFLOW INSTALLED SINCE FF LESS THAN 1' ABOVE NEAREST UPSTREAM MANHOLE

N

0 20 40 60

1 inch = 20 ft.

354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

PRELIMINARY UTILITY PLAN
TM5.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM5.01UT-221066.DWG 4/17/2024 10:26:05 AM PARTH PRAJAPATI

STORMWATER TREATMENT CALCULATIONS

DMA	TOTAL AREA (SF)	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	TYPE OF TREATMENT MEASURE	DETAIL (SHEET 6.2)
1	72,049	54,767	17,282	56,495	2,260	2,364	SILVA CELL	5
2	11,462	6,529	4,933	7,022	281	281	BIO-RETENTION	1
3	11,876	8,228	3,648	8,593	344	384	SILVA CELL	5
4	2,710	2,076	634	2,139	86	91	BIO-RETENTION	5
5	5,671	4,534	1,137	4,648	186	190	BIO-RETENTION	5
6	5,475	4,242	1,233	4,365	175	187	BIO-RETENTION	5
7	6,146	5,253	893	5,342	214	225	BIO-RETENTION	5
8	2,489	2,000	489	2,049	82	103	BIO-RETENTION	5
9	3,223	1,949	1,274	2,076	83	91	BIO-RETENTION	5
10	6,378	4,272	2,106	4,483	179	190	BIO-RETENTION	5
TOTAL	127,479	93,850	33,629	97,213	3,889	4,106		

NOTES:

1. THE STORMWATER TREATMENT TABLE CALCULATIONS ARE BASED ON THE SANTA CLARA COUNTYWIDE CLEAN WATER PROGRAM, C.3 STORMWATER TECHNICAL GUIDANCE, DATED JANUARY 1, 2015, AND THE FOLLOWING CRITERIA:
   a. EFFECTIVE IMPERVIOUS AREA = IMPERVIOUS AREA + 10% OF PERVIOUS AREA
   b. 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% OF EFFECTIVE IMPERVIOUS AREA.
   c. SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
2. SIZING FACTOR OF 0.04 NOTED ABOVE IS CALCULATED BASED ON THE FOLLOWING CRITERIA:
   a. SIZING FACTOR=(0.2 IN/HR)/(5 IN/HR)=0.04

LEGEND

- DRAINAGE MANAGEMENT AREA (DMA)
- BIO-RETENTION AREA
- SILVA CELLS

0 20 40 60

1 inch = 20 ft.

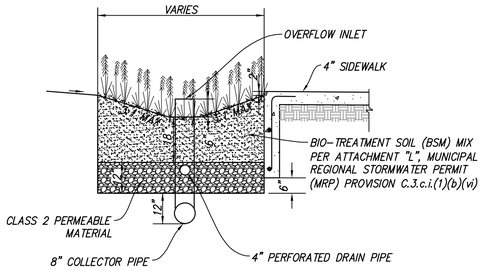
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

PRELIMINARY STORMWATER TREATMENT PLAN
TM6.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

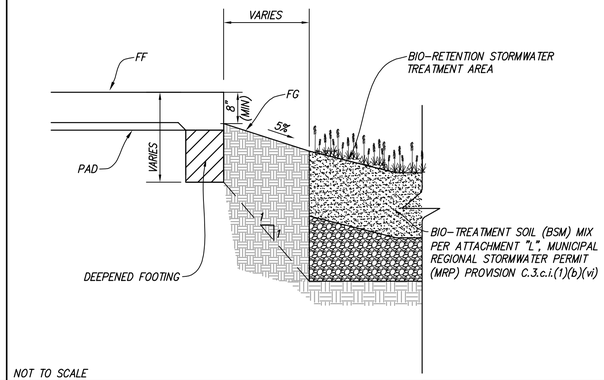
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM6.01SW-221066.DWG 3/14/2024 9:15:45 AM PARTH PRAJAPATI



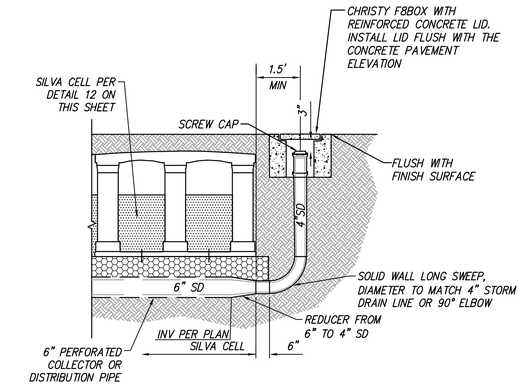
NOT TO SCALE

1 BIO-RETENTION NEXT TO SIDEWALK



NOT TO SCALE

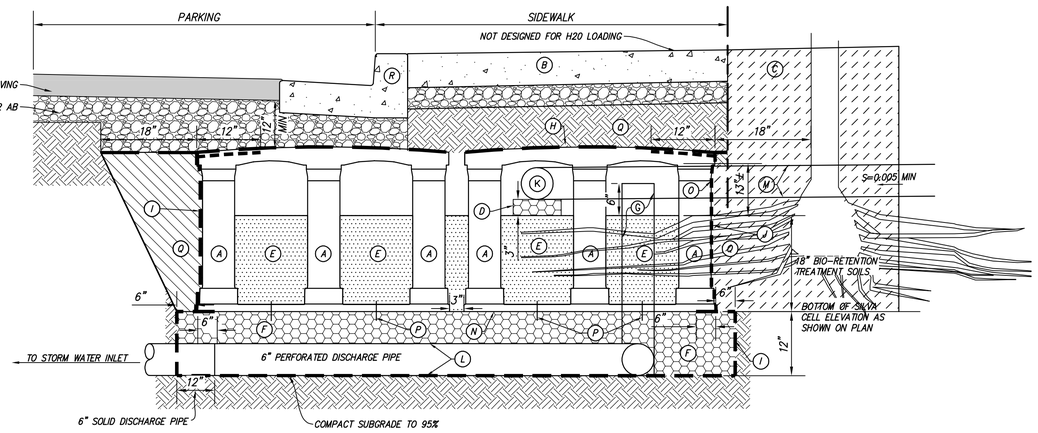
2 DEEPENED BUILDING FOUNDATION ADJACENT TO BIO-RETENTION



NOT TO SCALE

3 SILVA CELL CLEANOUT DETAIL

4



KEY PLAN

- (A) 2X SILVA CELL SYSTEM BY DEEP ROOT (DECK, BASE, AND POSTS)
- (B) CONCRETE SIDEWALK
- (C) PLANTING SOIL PER LANDSCAPE ARCHITECT
- (D) 2" DRAIN ROCK
- (E) BIO-RETENTION TREATMENT SOILS (BSM) MIX PER ATTACHMENT "L", MUNICIPAL REGIONAL STORMWATER PERMIT (MRP) PROVISION C.3.c.i.(1)(b)(vi)
- (F) CLASS 2 PERMEABLE MATERIAL PER CALTRANS SPECIFICATIONS, SECTION 68, COMPACTED TO 95%.
- (G) 6" SDR SOLID PVC OVERFLOW RISER
- (H) MIRAFI HP570 – GEOTEXTILE FABRIC 18" MIN OVERLAP & EXTEND GEOTEXTILE TO EDGE OF EXCAVATION.
- (I) 20MIL STEGO WRAP – PLACED AROUND SIDES AND BOTTOM OF CLASS 2 PERMEABLE MATERIAL AND SIDEWALL OF SILVA CELL
- (J) MIRAGRID 2XT – GEOGRID TO LINE PERIMETER OF SYSTEM WITH 6" TOE (OUTWARD FROM BASE) AND 12" EXCESS (OVER TOP OF DECK).
- (K) 6" SDR-35 PVC PERFORATED DISTRIBUTION PIPE.
- (L) 6" SDR-35 PVC PERFORATED COLLECTOR PIPE.
- (M) 6" SDR-35 SOLID PVC PIPE INTO SILVA CELL SYSTEM.
- (N) SILVA CELL BASE
- (O) CABLE TIE, ATTACHING GEOGRID TO SILVA CELL AT BASE OF UPPER LEG FLARE.
- (P) PIN, PER SILVA CELL SPECIFICATIONS.
- (Q) NATIVE BACKFILL, COMPACTED TO SOILS ENGINEER RECOMMENDATION.
- (R) 6" CURB AND GUTTER

NOT TO SCALE

5 TYPICAL SILVA CELL DETAIL

6

NOT TO SCALE

7

NOT TO SCALE

9

NOT TO SCALE

10

NOT TO SCALE

11

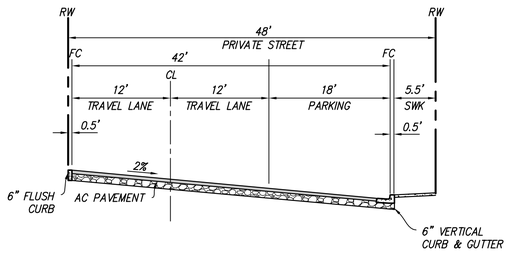
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

TYPICAL STORMWATER DETAILS
TM6.2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

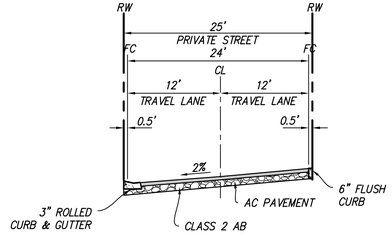
RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM6.02SW-221066.DWG 2/2/2024 3:49:57 PM PARTH PRAJAPATI



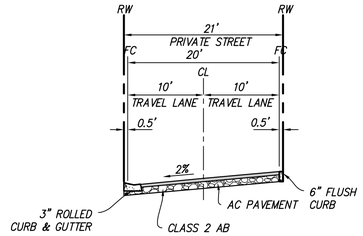
NOT TO SCALE

1 STREET A



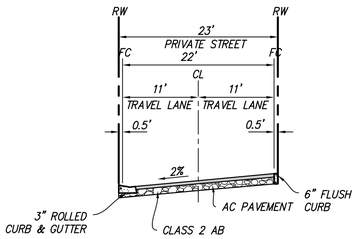
NOT TO SCALE

2 STREET B



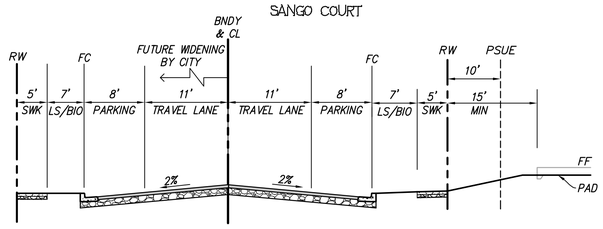
NOT TO SCALE

3 COURT A



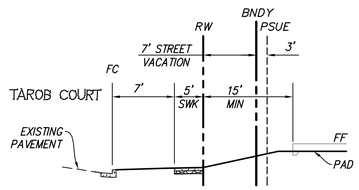
NOT TO SCALE

4 COURT B



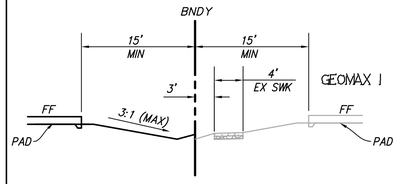
NOT TO SCALE

5 SECTION A



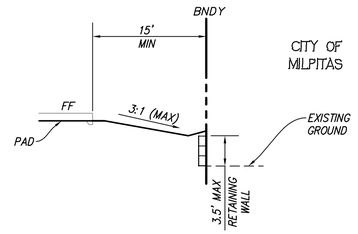
NOT TO SCALE

6 SECTION B



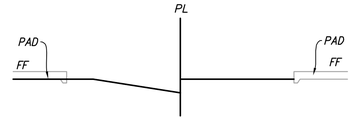
NOT TO SCALE

7 SECTION C



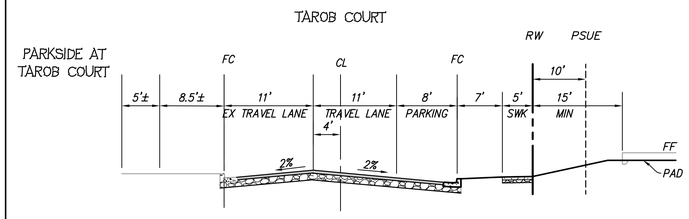
NOT TO SCALE

8 SECTION D



NOT TO SCALE

9 SECTION E



NOT TO SCALE

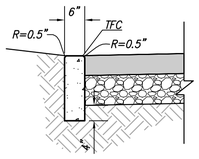
10 SECTION F

12

13

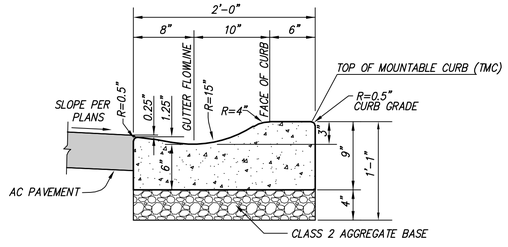
14

15



NOT TO SCALE

16 6" FLUSH CURB



NOT TO SCALE

17 3" ROLLED CURB & GUTTER

18

19

20

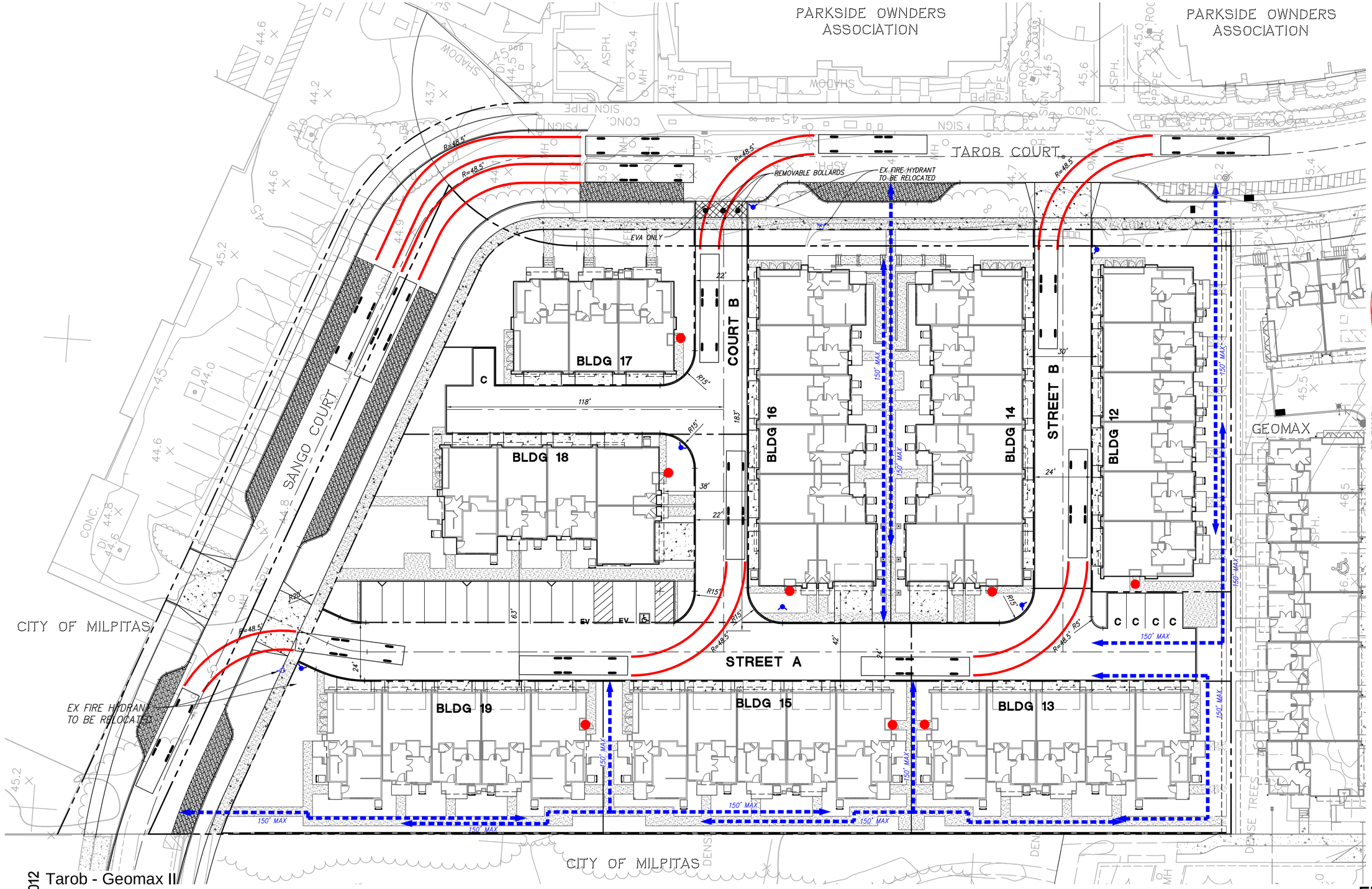
354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

TYPICAL SECTIONS & DETAILS
TM7.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

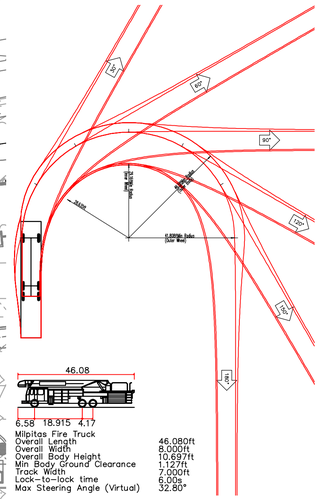
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM7.01DT-221066.DWG 2/2/2024 3:50:18 PM PARTH PRAJAPATI



LEGEND

- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- WHEEL PATH
- VEHICLE ENVELOPE
- HOSE PULL
- FIRE CLOSET



Milpitas Fire Truck	
Overall Length	46.080ft
Overall Width	8.000ft
Overall Body Height	10.697ft
Min Body Ground Clearance	1.127ft
Track Width	7.000ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	32.80°

FIRE TRUCK TURNING TEMPLATE
1"=30'

N

0 20 40 60

1 inch = 20 ft.

354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

FIRE ACCESS PLAN
TM8.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM8.01FP-221066.DWG 3/14/2024 9:22:57 AM PARTH PRAJAPATI

PARKSIDE OWNDERS ASSOCIATION

PARKSIDE OWNDERS ASSOCIATION

TAROB COURT

REMOVABLE BOLLARDS

SANGO COURT

CITY OF MILPITAS

BLDG 17

BLDG 18

BLDG 16

BLDG 14

BLDG 12

COURT B

STREET B

STREET A

BLDG 19

BLDG 15

BLDG 13

GEOMAX

CITY OF MILPITAS

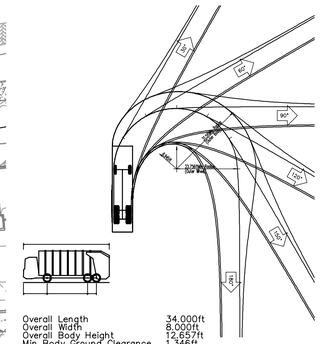
JOURNEY STREET

LEGEND

WHEEL PATH

VEHICLE ENVELOPE

WASTE BINS



Overall Length	34.000ft
Overall Width	8.000ft
Overall Body Height	12.657ft
Min Body Ground Clearance	1.346ft
Track Width	6.363ft
Lock-to-lock time	4.0s
Wall to Wall Turning Radius	7.500ft

SOLID WASTE TRUCK TURNING TEMPLATE

1"=30'

0 20 40 60

1 inch = 20 ft.

354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

PRELIMINARY SOLID WASTE MANAGEMENT PLAN

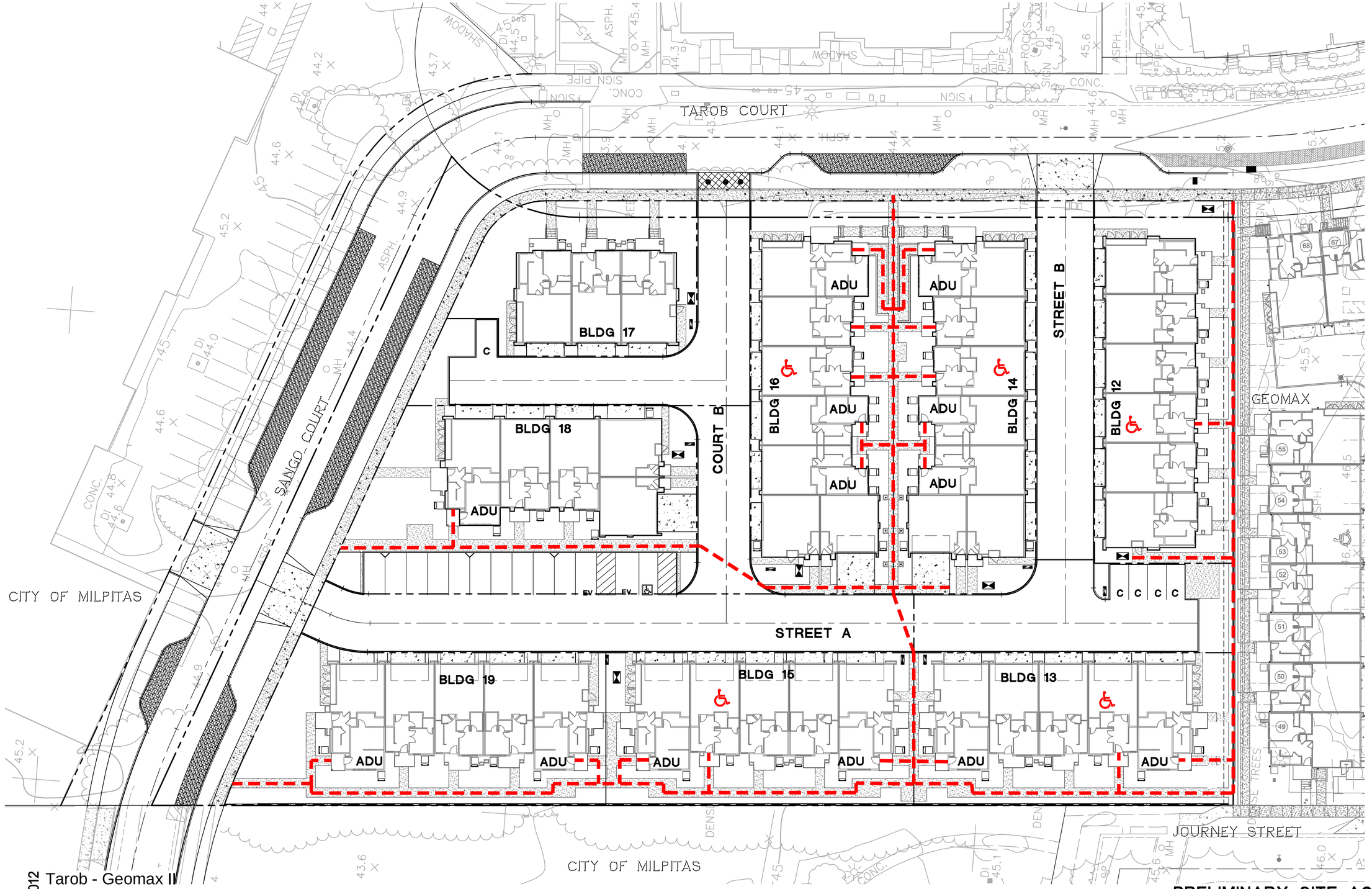
TM9.1

Toll Brothers

6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM9.01TP-221066.DWG 3/14/2024 9:23:04 AM PARTH PRAJAPATI



354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

PRELIMINARY SITE ACCESSIBILITY PLAN
TM10.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM10.01SA-221066.DWG 4/17/2024 12:10:44 PM PARTH PRAJAPATI

OPEN SPACE REQUIREMENTS		
DESCRIPTION	**REQUIRED**	**PROVIDED**
RESIDENTIAL OPEN SPACE: 25% OF TOTAL LOT AREA IS LANDSCAPE/OPEN SPACE	*23,847 SF*	*27,632 SF*
** PRIVATE USABLE OPEN SPACE: AN AVERAGE OF 200 SF OF USEABLE OPEN SPACE SHALL BE PROVIDED FOR EACH DWELLING UNIT*	*8,600 SF*	*12,844 SF*

*12,844 SF = (0.30*23,847) + DECKS 5,690 SF)*

LEGEND

RESIDENTIAL OPEN SPACE AREA

PARKSIDE OWNDERS ASSOCIATION

PARKSIDE OWNDERS ASSOCIATION

TAROB COURT

SANGO COURT

CITY OF MILPITAS

BLDG 17 3-PLEX

BLDG 18 5-PLEX

COURT B

BLDG 16 7-PLEX

BLDG 14 7-PLEX

STREET B

BLDG 12 6-PLEX

GEOMAX

STREET A

BLDG 19 5-PLEX

BLDG 15 5-PLEX

BLDG 13 5-PLEX

CITY OF MILPITAS

JOURNEY STREET

0 20 40 60

1 inch = 20 ft.

354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

OPEN SPACE PLAN
TM11.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

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

G:\JOB2022\221066\CAD FILES\02-PLANNING\TENT-MAP\TM11.1OP-221066.DWG 3/14/2024 9:23:34 AM PARTH PRAJAPATI

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Illustrative Site Plan
L-1.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com

CONCRETE STEPS WITH CHEEKWALL
REFER TO DETAIL 3 SHEET L-5.1

SCREEN TREE:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

PLANTING AREA:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

STAMPED AND COLORED PAVING:
REFER TO MILPITAS TRANSIT AREA
SPECIFIC DETAIL SE-1 STAMPED CONCRETE
FOR MEDIANS AND PARKING LANES

BICYCLE RACKS
3 IN THIS LOCATION FOR A TOTAL
OF 6 BICYCLE PARKING SPACES,
REFER TO IMAGE SHEET L-4

CONCRETE DRIVEWAY:
REFER TO PLANS PREPARED BY
RJA CIVIL ENGINEERS

TUBULAR STEEL FENCE OVER RETAINING WALL:
REFER TO DETAIL 1 SHEET L-5.2

STORM WATER TREATMENT PLANTING:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

STREET TREES:
TO MATCH ADJACENT TAROB COURT
STREET TREES

PASEO
- PASEO ARBORS: REFER TO IMAGE SHEET L-4
- BENCHES: REFER TO IMAGE SHEET L-4
- CONCRETE RAMP
- 4'-0" WIDE CONCRETE WALKWAY WITH 4'-0" WIDE CONCRETE ENTRY WALKS: REFER TO DETAIL 1 SHEET L-5.1

4' WIDE CONCRETE ENTRY WALKWAY
REFER TO DETAIL 1 SHEET L-5.1

FLOWERING ACCENT TREE:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

AIR CONDENSOR SCREEN:
REFER TO DETAIL 2 SHEET L-5.1

MAILBOX STATIONS, PARCEL LOCKERS, AND WASTE RECEPTACLE
REFER TO IMAGE SHEET L-4

BICYCLE RACKS
3 IN THIS LOCATION FOR A TOTAL
OF 6 BICYCLE PARKING SPACES,
REFER TO IMAGE SHEET L-4

BENCH
REFER TO IMAGE SHEET L-4

TOTAL PROPOSED TREES: 107

PLAN VIEW
Scale: 1"=20'-0"

0' 10' 20' 40'

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Preliminary Landscape Plan
L-1.2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
R3 STUDIOS

PROPOSED PLANT PALETTE

	BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	EXPOSURE	COMMENTS	WUCOLS
	STREET TREES:					
	PISTACIA CHINENSIS	CHINESE PISTACHE	36" BOX	SUN	STANDARD	M
	NARROW EVERGREEN TREES:					
	ARBUTUS 'MARINA'	NCN	24" BOX	N/A	STANDARD	M
*	CALODEDRUS DECURRENS	CALIFORNIA INCENSE CEDAR	24" BOX	N/A	STANDARD	M
	MAGNOLIA GRANDIFLORA 'TEDDY BEAR'	MAGNOLIA	36" BOX	SUN/SHADE	STANDARD	M
	MAGNOLIA 'LITTLEL GEM'	LITTLE GEM MAGNOLIA	24" BOX	N/A	STANDARD	L
	TRISTANIA LAURINA	NCN	24" BOX	N/A	STANDARD	L
	SMALL FLOWERING ACCENT TREES:					
	CHIONANTHUS RETUSUS	NCN	24" BOX	SUN/SHADE	STANDARD	L
	CERCIS CANADENSIS 'FOREST PANSY'	EASTERN REDBUD	24" BOX	N/A	STANDARD	M
	LAGERSTROEMIA INDICA 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	24" BOX	SUN	STANDARD	L
	MALUS SPECIES	CRABAPPLE	24" BOX	SUN	STANDARD	L
	FOUNDATION SHRUBS:					
*	ARCTOSTAPHYLOS SPECIES	MANZANITA	5 GALLON	SUN		L
	COLEONEMA PULCHRUM	PINK BREATH OF HEAVEN	5 GALLON	SUN		L
	CORREA SPECIES	AUSTRALIAN FUCHSIA	5 GALLON	SUN/ PART SHADE		L
	HIMALAYACALAMUS FALCONERI 'DAMARAPA'	CANDY STRIPE BAMBOO	5 GALLON	SUN/ PART SHADE		L
	LOROPETALUM CHINESE	NCN	5 GALLON	PART SHADE		M
	RAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIAN HAWTHORN	5 GALLON	SUN/ PART SHADE		L
	ROSMARINUS 'BLUE SPIRES'	UPRIGHT ROSEMARY	5 GALLON	SUN/ PART SHADE		L
	OSMANTHUS FRAGRENS	NCN	5 GALLON	SUN/ PART SHADE		L
	INTERMEDIATE SHRUBS:					
	CORREA SPECIES	AUSTRALIAN FUCHSIA	5 GALLON	SHADE/SUN		L
	DIETES VEGETA	FORTNIGHT LILY	5 GALLON	SHADE/SUN		L
	LAVANDULA SPECIES	LAVENDER	5 GALLON	SUN		L
	LIROPE GIGANTEA	LIRIOPE	5 GALLON	SHADE/SUN		L
*	MAHONIA SPECIES	NCN	5 GALLON	SHADE/SUN		L
	NANDINA DOMESTICA	HEAVENLY BAMBOO	5 GALLON	SHADE/SUN		M
	PHORMIUM SPECIES	NEW ZEALAND FLAX	5 GALLON	SUN		L
	PITTOSPORUM TOBIRA 'WHEELER'S DWARF'	PITTOSPORUM	5 GALLON	SUN/SHADE		L
	ROSA SPECIES	SHRUB ROSE	5 GALLON	SUN		M
	FOREGROUND SHRUBS:					
	AGAPANTHUS SPECIES	LILY OF THE NILE	1 GALLON	SHADE/SUN		M
	HEMEROCALLIS HYBRIDS 'ORANGE/YELLOW MIX 50/50'	EVERGREEN DAYLILY	1 GALLON	SUN		M
	KNIPHOFIA SPECIES	RED-HOT POKER	1 GALLON	SUN		L
	LAVANDULA 'MUNSTEAD'	ENGLISH LAVENDER	1 GALLON	SUN		L
	LIRIOPE MUSCARI 'BIG BLUE'	BIG BLUE LILY	1 GALLON	SHADE		M
	ANIGOZANTHOS	KANGAROO PAW	1 GALLON	SUN		L
	PHORMIUM SPECIES (DWARF)	NEW ZEALAND FLAX	1 GALLON	SUN		L
	SEDUM SPECIES	NCN	1 GALLON	SUN		L
	SENECIO SPECIES	NCN	1 GALLON	SUN		L
*	CAREX SPECIES	CAREX	1 GALLON	SUN/SHADE		L
	PITTOSPORUM SPECIES	TOBIRA	5 GALLON	SUN		L
	GROUNDCOVERS:					
*	ARCTOSTAPHYLOS SPECIES	MANZANITA	1 GALLON	SUN		L
	GREVILLEA LANIGERA 'COASTAL GEM'	NCN	1 GALLON	SUN/SHADE		L
	ROSA 'PEACH DRIFT'	PEACH DRIFT	2 GALLON	SUN		M
	ROSA 'PINK DRIFT'	PINK GROUNDCOVER ROSE	2 GALLON	SUN		L
*	ZAUSCHNERIA SPECIES	CALIFORNIA FUCHSIA	1 GALLON	SUN		L
	GRASSES:					
*	CALOMOGROTIS SPECIES	REED GRASS	1 GALLON	SUN		L
	FESTUCA MAIREI	ATLAS FESCUE	1 GALLON	SUN		L
	LOMANDRA	LOMANDRA	1 GALLON	SUN		L
*	MUHLENBERGIA SPECIES	DEER GRASS	1 GALLON	SUN		L
*	PENNISETUM SPECIES	FOUNTAIN GRASS	1 GALLON	SUN		L
	VINES:					
	FICUS PUMILA	CREEPING FIG	5 GALLON	SUN/SHADE		M
	PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	5 GALLON	SUN/SHADE		M
	JASMINUM SPECIES	JASMINE	5 GALLON	SUN/SHADE		M
	STORM WATER TREATMENT SHRUBS AND GRASSES:		1 GALLON	MIX EVENLY		

SPECIES/COMMON NAME

* ARISTIDA PURPUREA - PURPLE THREE-AWN
* BOUTELOUA GRACIS - BLUE GRAMA
* CAREX TEMULICOLA - BERKELEY SEDGE
CHONDROPETALUM TECTORUM - CAPE RUSH
JUNCUS PATENS - BLUE RUSH
LEYMUS CONDENSATUS - GIANT WILD RYE
MELICA CALIFORNICA - CALIFORNIA MELIC
* MIMULUS SPECIES - MONKEY FLOWER

NOTE:

SEVERAL TREE SPECIES ARE LISTED PER TREE TYPE TO ALLOW FOR FLEXIBILITY IN THE EVENT THAT A SPECIFIC SPECIES IS UNAVAILABLE AT INSTALLATION OR PLANTING AREA IS LIMITED BY UTILITIES. NOT ALL SPECIES OF TREES, SHRUBS, GROUNDCOVERS OR GRASS WILL BE PROPOSED FOR CONSTRUCTION DOCUMENTS.

* **NATIVE CALIFORNIA PLANT SPECIES**

NOTES

WATER CONSERVATION STATEMENT:

PLANT MATERIAL HAS BEEN CHOSEN FOR WATER CONSERVING AND REDUCED MAINTENANCE CHARACTERISTICS. A MAXIMUM OF 25% OF NON-TURF PLANS WILL HAVE A MODERATE IRRIGATION WATER REQUIREMENT AND A MINIMUM OF 50% OF NON-TURF PLANTS WILL HAVE A LOW TO VERY LOW IRRIGATION WATER REQUIREMENT.

IRRIGATION NOTE:

A FULLY AUTOMATIC IRRIGATION SYSTEM SHALL BE PROPOSED FOR THE PROJECT UTILIZING WATER CONSERVING METHODS. IRRIGATION SHALL BE INSTALLED THROUGHOUT THE BIO-RETENTION AREAS TO PROVIDE SUPPLEMENTAL IRRIGATION IN THE DRY MONTHS WITH REDUCED IRRIGATION DURING SEASONAL RAINFALL OR WET MONTHS.

MINIMUM TREE CLEARANCE NOTE:

1. SMALL TREES (15' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 5' FROM BUILDINGS AND A MINIMUM OF 2' FROM EDGES OF PAVING, CURBS OR WALLS.
2. MEDIUM TREES (25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 12' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
3. LARGE TREES (ABOVE 25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 20' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
4. 5' MINIMUM FROM JOINT TRENCH, WATER LINES, WATER METERS AND FIRE HYDRANTS.
5. 8' MINIMUM FROM SANITARY SEWER AND STORM DRAINS.
6. ALL TREES PLANTED WITHIN 5'-0" OF FUTURE CURBS, SIDEWALK, WALLS AND ALL UTILITIES, SHALL INCLUDE A ROOT BARRIER.

LANDSCAPE NOTES:

PLANT PALETTE IS FOR REFERENCE ONLY, NOT ALL TREES, SHRUBS, GRASSES, AND GROUNDCOVER LISTED WILL BE UTILIZED IN THE PREPARATION OF CONSTRUCTION DOCUMENTS. ADDITIONAL PLANTS MAY BE SUBSTITUTED DUE TO AVAILABILITY AND CONTAINER SIZE. PLANT MATERIAL SHALL BE SELECTED AT THE DESCRETION OF THE LANDSCAPE ARCHITECT.

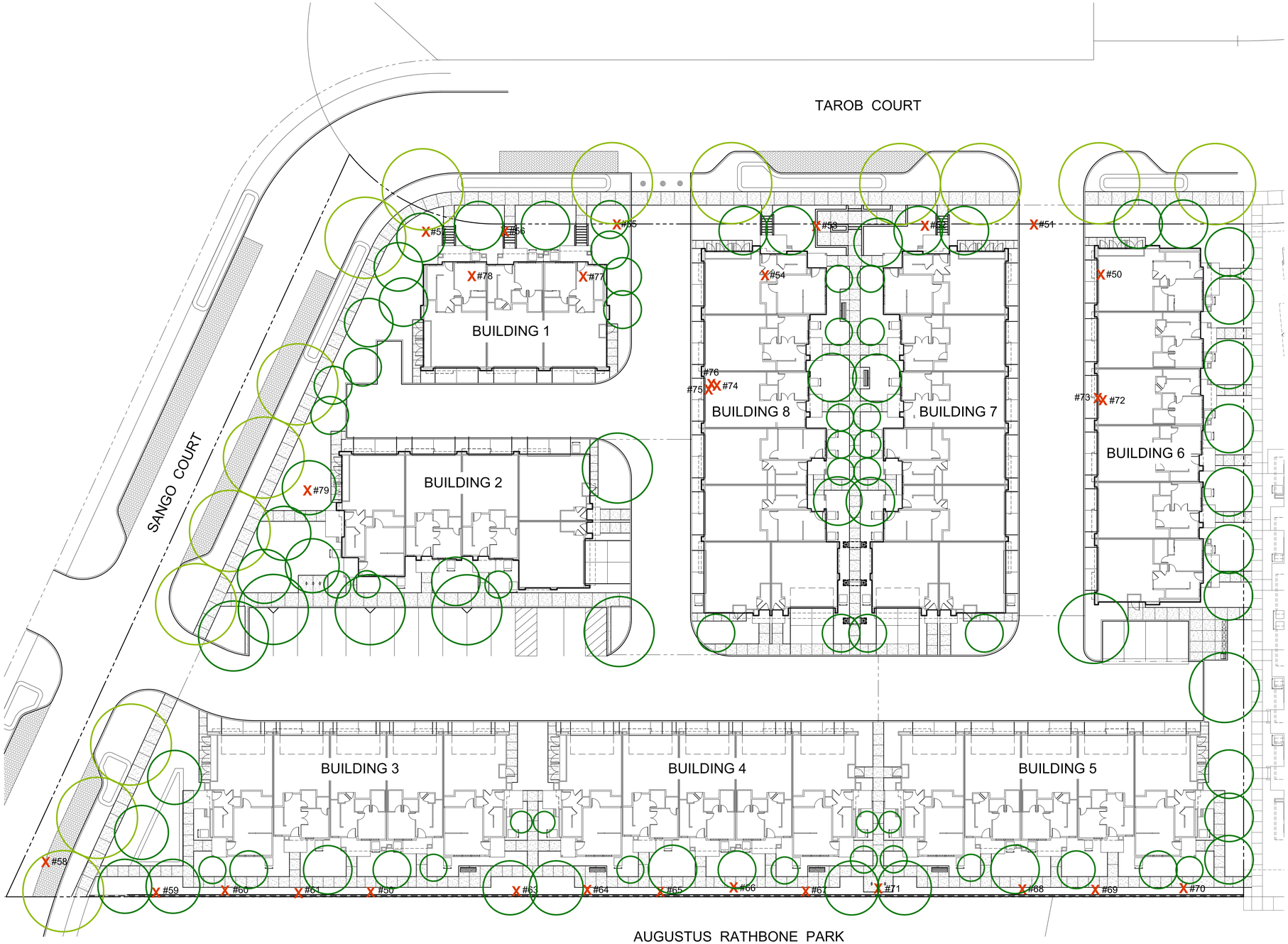
ALL TRANSFORMERS AND ABOVE GROUND UTILITY BOXES TO BE SCREENED WITH EVERGREEN SHRUBS.

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Proposed Plant Palette
L-2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com



TREE NO.	SPECIES	PROTECTED TREE	PROPOSED ACTION	TOTAL TREE CIRCUM.	REPLACEMENT QUANTITY	
					24" BOX	36" BOX
50	AMERICAN SYCAMORE	YES	REMOVE	44.5"	2	
51	AMERICAN SYCAMORE	YES	REMOVE	77"		2
52	AMERICAN SYCAMORE	YES	REMOVE	75"		2
53	AMERICAN SYCAMORE	YES	REMOVE	45"	2	
54	EVERGREEN ASH	YES	REMOVE	88.5"		2
55	AMERICAN SYCAMORE	YES	REMOVE	81"		2
56	AMERICAN SYCAMORE	YES	REMOVE	86"		2
57	AMERICAN SYCAMORE	YES	REMOVE	86.75"		2
58	EVERGREEN ASH	YES	REMOVE	108"		2
59	EVERGREEN ASH	YES	REMOVE	55.5"	2	
60	EVERGREEN ASH	YES	REMOVE	37"	2	
61	EVERGREEN ASH	YES	REMOVE	47.5"	2	
62	EVERGREEN ASH	YES	REMOVE	48"	2	
63	EVERGREEN ASH	YES	REMOVE	56.25"	2	
64	EVERGREEN ASH	YES	REMOVE	39.75"	2	
65	EVERGREEN ASH	YES	REMOVE	54"	2	
66	EVERGREEN ASH	YES	REMOVE	72.75"	2	
67	EVERGREEN ASH	YES	REMOVE	60"	2	
68	EVERGREEN ASH	YES	REMOVE	63"	2	
69	EVERGREEN ASH	YES	REMOVE	59.5"	2	
70	EVERGREEN ASH	NO	REMOVE	68.5"	2	
71	AMERICAN SYCAMORE	NO	REMOVE	14.5"		
72	CAROB	NO	REMOVE	31.5"		
73	CARROT WOOD	NO	REMOVE	22"		
74	CARROT WOOD	NO	REMOVE	25.5"		
75	CARROT WOOD	NO	REMOVE	11.5"		
76	CARROT WOOD	NO	REMOVE	19.25"		
77	FLOWERING CHERRY	NO	REMOVE	18"		
78	FLOWERING CHERRY	NO	REMOVE	21.75"		
79	FLOWERING CHERRY	NO	REMOVE	35"		
			REPLACEMENT TREE TOTAL		**28**	**14**

TREE TO BE REMOVED	REPLACEMENT TREE(S)
37"-75" CIRCUMFERENCE	TWO 24" BOX TREE
GREATER THAN 75" CIRCUMFERENCE	TWO 36" BOX TREE

TREE COUNTS

TOTAL NUMBER OF TREES TO BE REMOVED: 30

TOTAL NUMBER OF TREES TO BE PRESERVED: 0

NUMBER OF 36" BOX TREES REQUIRED: 14

TOTAL NUMBER OF PROPOSED 36" BOX TREES: 15

NUMBER OF 24" BOX TREES REQUIRED: 28

TOTAL NUMBER OF PROPOSED 24" BOX TREES: 92

KEY

X — EXISTING TREE TO BE REMOVED

PROPOSED 36" BOX TREE

PROPOSED 24" BOX TREE

PLAN VIEW

Scale: 1"=20'-0"

0' 10' 20' 40'

400-128 Tarob - Geomax II

Milpitas, CA

December 21, 2023

Tree Replacement Plan

L-3

Toll Brothers

6800 Koll Center Parkway, Suite 320

Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN

LANDSCAPE ARCHITECTURE

248 3rd street suite 202, oakland, ca 94607

phone: 510.452.4190 www.r3studios.com

BENCH

FINISH TO BE CHARCOAL

WASTE RECEPTACLE

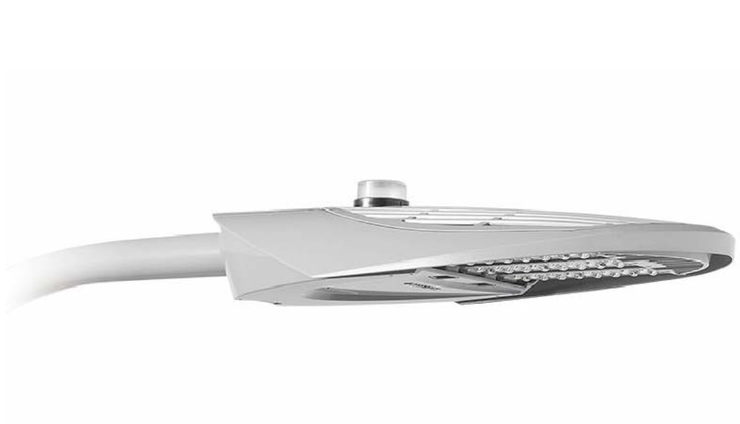
FINISH TO BE CHARCOAL

BICYCLE RACK

FINISH TO BE CHARCOAL

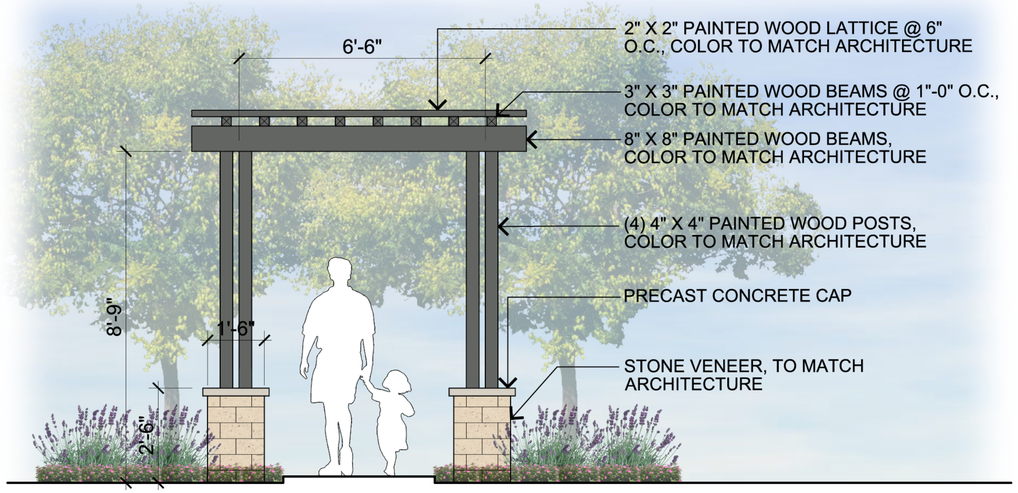
MAILBOX STATION

FINISH TO BE BLACK



STREET LIGHT

FINISH TO BE BLACK



ARBOR

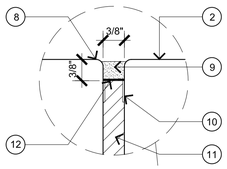
SCALE: 1/2" = 1'-0"

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

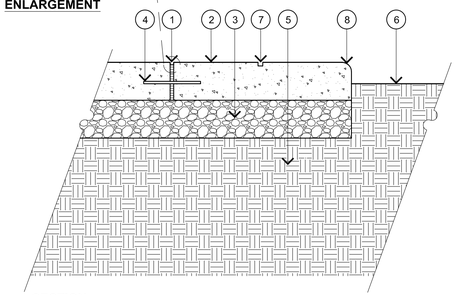
Site Amenities
L-4

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
R3 STUDIOS



EXPANSION JOINT ENLARGEMENT



SECTION

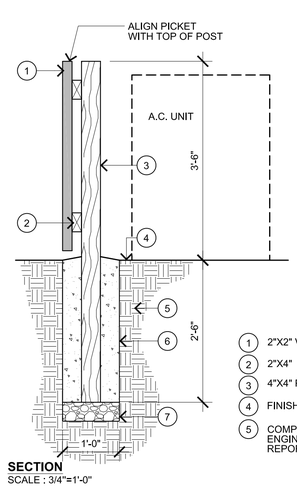
1. 3/8" EXPANSION JOINT WITH SEALANT & BACKER ROD. EXPANSION JOINTS SHALL OCCUR EVERY 25' O.C. EACH WAY AND AT BUILDINGS AND CURBS - REFER TO PLAN FOR LOCATIONS
2. CONCRETE PAVING, THICKNESS AND REINFORCING PER SOILS REPORT - REFER TO CONSTRUCTION LEGEND SHEET L1.10 FOR COLOR AND FINISH
3. CLASS II AGGREGATE SUB BASE, THICKNESS PER SOILS REPORT
4. #4 X 24" LONG DOWELS @ 24" O.C.
5. COMPACTED SUB GRADE PER SOILS REPORT
6. FINISH GRADE AT PLANTING AREA TO BE 2" BELOW PAVING
7. CONTROL JOINT- 5/8" DEEP X 3/8" WIDE, REFER TO PLANS FOR LOCATIONS (TYP.)
8. RADIUSED EDGE
9. SEALANT - ALSO INSTALL WHERE PAVING ABUTS TO BUILDING FOUNDATIONS.
10. PVC CAP
11. EXPANSION MATERIAL
12. BOND BREAKER TAPE

NOTES:

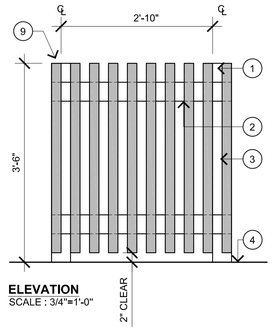
- CONCRETE MIX SHALL BE LOW SHRINK

1 CONCRETE PAVING

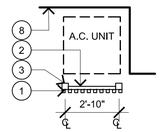
SCALE : 1 1/2"=1'-0"



SECTION
SCALE : 3/4"=1'-0"



ELEVATION
SCALE : 3/4"=1'-0"



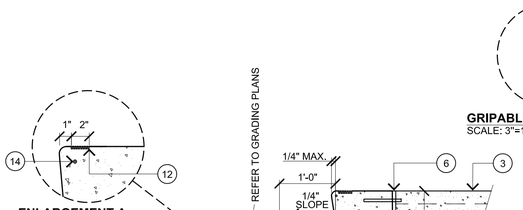
PLAN
SCALE : 1/4"=1'-0"

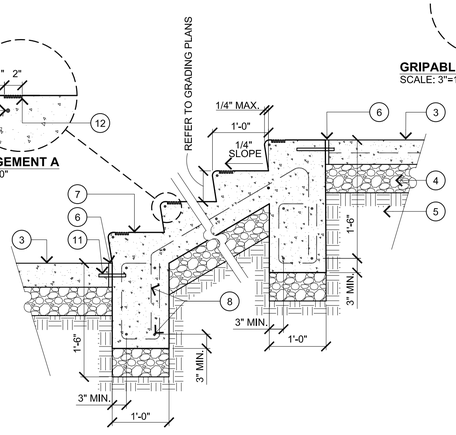
1. 2"X2" VERTICAL PICKET AT 4" O.C.
2. 2"X4"
3. 4"X4" PTDF POST
4. FINISH GRADE
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. CONCRETE FOOTING
7. CLASS II PERMEABLE MATERIAL, THICKNESS PER SOILS REPORT
8. BUILDING

NOTES:

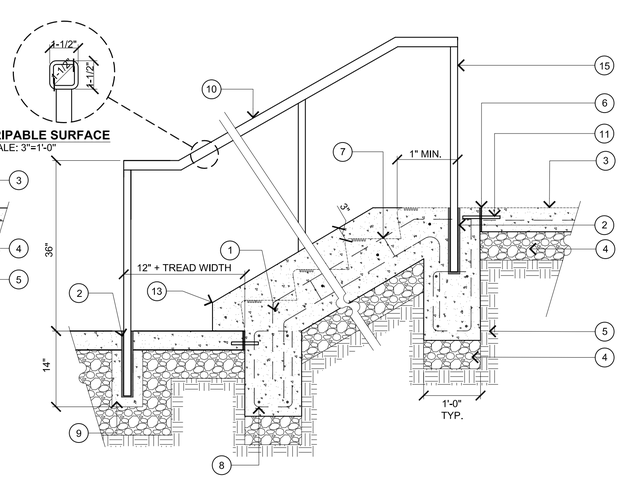
- ALL SCREWS SHALL BE HOT DIPPED GALVANIZED
- REFER TO CONSTRUCTION LEGEND FOR WOOD AND STAIN SPECIFICATIONS
- REFER TO PLANS FOR SCREEN LAYOUT

2 AIR CONDENSER SCREEN

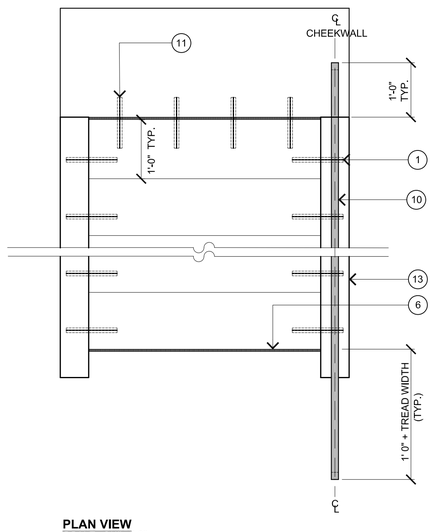




STEP SECTION
SCALE : 3/4"=1'-0"



CHEEKWALL AND HANDRAIL SECTION
SCALE : 3/4"=1'-0"



PLAN VIEW
SCALE : 3/4"=1'-0"

1. #4 REBAR @ 12" O.C. CENTERED IN TREADS/RISERS AND AS ILLUSTRATED IN FOOTING
2. 3" X 12" CAN FORM, POUR ROCK SOLID.
3. CONCRETE PAVING - REFER TO DETAIL 1 THIS SHEET AND CONSTRUCTION LEGEND SHEET L1.10
4. CLASS II AGGREGATE SUB BASE, THICKNESS PER SOILS REPORT
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. 3/8" PREMOLDED EXPANSION JOINT
7. REINFORCED CONCRETE STEPS, ALL STEPS SHALL BE SLIP-RESISTANT
8. #4 REBAR @ CONTINUOUS.
9. THICKENED CONCRETE TO SUPPORT POST - 18" DEEP X 6.5" Ø
10. HANDRAIL - REFER TO CONSTRUCTION LEGEND SHEET L1.10
11. 12" GREASED #4 STEEL DOWEL @ 18" O.C. AT ALL CONSTRUCTION JOINTS.
12. 1/4" WARNING GROOVES CUT INTO NOSING AND PAINTED OR 2" INLAY WARNING STRIP WITH CONTRASTING COLOR, ALL TREADS (TYP.).
13. CONCRETE CHEEKWALL - REFER TO CONSTRUCTION LEGEND SHEET L1.10
14. #4 NOSE BAR 3" FROM EDGE.
15. HANDRAIL POST - REFER TO CONSTRUCTION LEGEND SHEET L1.10

NOTES:

- REFER TO GRADING PLAN FOR ELEVATIONS OF STAIRS AND LANDINGS
- HANDRAIL REQUIRED ONLY WHERE THREE OR MORE CONSECUTIVE RISERS OCCUR
- WHERE THE EXTENSION OF THE HANDRAIL IN THE DIRECTION OF STAIR RUN WOULD CREATE A HAZARD, THE EXTENSION SHALL BE TURNED 90° TO THE RUN OF THE RAMP
- METAL SHALL BE FILLET WELD AND GROUND SMOOTH

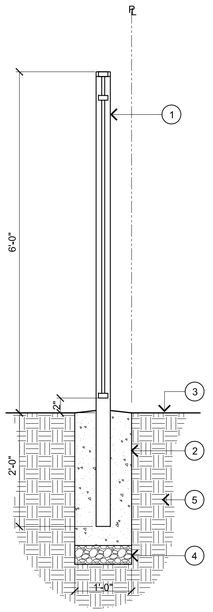
3 CONCRETE STEPS WITH CHEEKWALL AND HANDRAIL (AS REQUIRED)

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

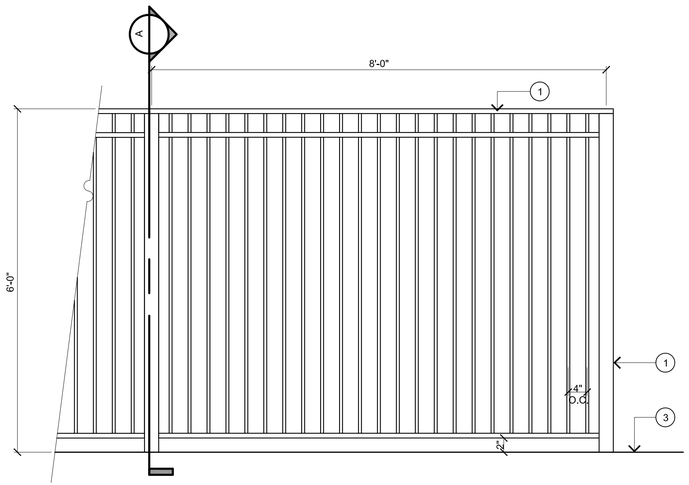
Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

Construction Details
L-5.1

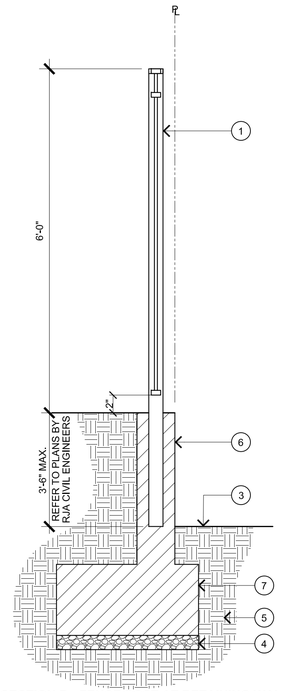
PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com



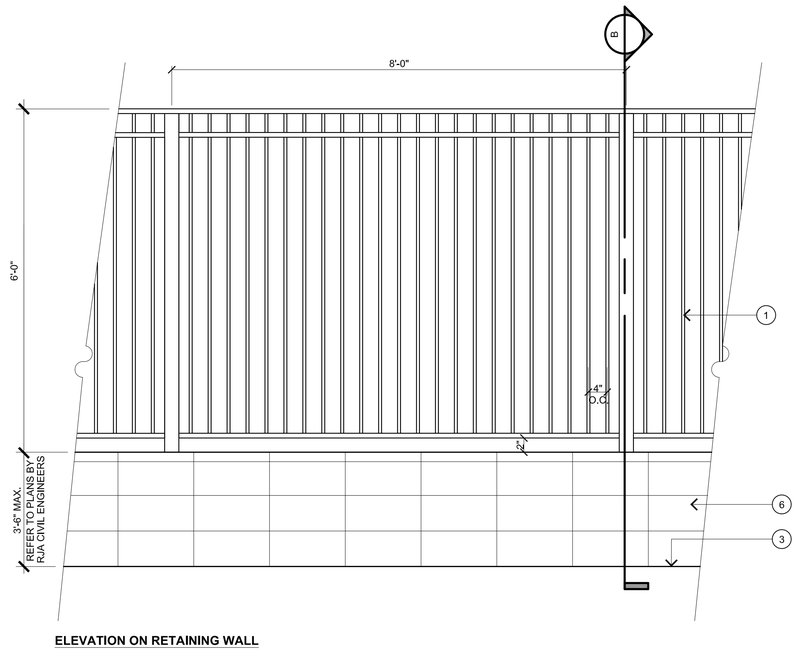
SECTION A - FENCE POST ON GRADE



ELEVATION ON GRADE



SECTION B - FENCE POST AT RETAINING WALL



ELEVATION ON RETAINING WALL

1. AMERISTAR TUBULAR STEEL FENCE - FINISH TO BE BLACK
2. FENCE POST CONCRETE FOOTING - PER MANUFACTURER
3. FINISH GRADE
4. CLASS II PERMEABLE MATERIAL, THICKNESS PER SOILS REPORT
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. RETAINING WALL - REFER TO PLANS PREPARED BY RJA CIVIL ENGINEERS
7. CONCRETE FOOTING - REFER TO PLANS PREPARED BY STRUCTURAL ENGINEERS

1 TUBULAR STEEL FENCE OVER RETAINING WALL

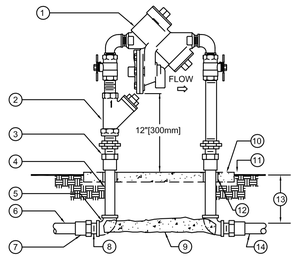
SCALE : 3/4"=1'-0"

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Construction Details
L-5.2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com

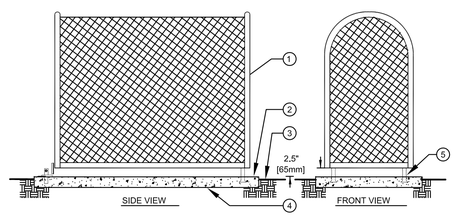


1. REDUCED PRESSURE BACKFLOW ASSEMBLY.
2. YB "Y" STRAINER SYSTEM (AS REQUIRED).
3. WROUGHT COPPER MALE ADAPTER-2 TOTAL (SOLDER x THREAD CONNECTION).
4. COPPER TYPE "K" PIPE (LENGTH AS REQUIRED).
5. WROUGHT COPPER 90° ELBOW-2 TOTAL (SOLDER x THREAD CONNECTION).
6. PVC MAIN LINE TO POINT OF CONNECTION.
7. BUSH AS NECESSARY FOR SIZE TRANSITION.
8. SCHEDULE 40 PVC MALE ADAPTER-2 TOTAL.
9. CONCRETE SUPPORT BLOCK.
10. CONCRETE PAD-SEE ENCLOSURE DETAIL.
11. FINISH GRADE.
12. PVC SLEEVE BOTH SIDES.
13. REFER TO IRRIGATION LEGEND
14. PVC MAIN LINE TO IRRIGATION SYSTEM.

NOTES:
1. INSTALL A FREEZE PREVENTATIVE BLANKET AROUND BACKFLOW ASSEMBLY. BLANKET SHALL BE GREEN.
2. DO NOT SOLDER CONNECT FITTINGS WHILE THREADED INTO BACKFLOW ASSEMBLY. THIS MAY CAUSE DAMAGE TO DEVICE.
3. NIPPLES AND FITTINGS TO BE SAME IPT SIZE AS BACKFLOW ASSEMBLY.
4. PROVIDE A STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE. INSTALL ENCLOSURE TO CONCRETE BASE AS DIRECTED BY MANUFACTURER.

1 REDUCED PRESSURE BACKFLOW ASSEMBLY

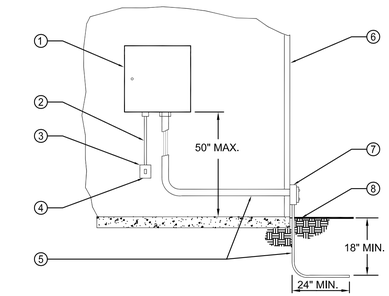
SCALE: NONE



1. STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE
2. SET PAD 1/2" [13MM] ABOVE FINISH GRADE
3. FINISH GRADE
4. 6" [150mm] THICK CONCRETE PAD FOR ENCLOSURE SUPPORT TO EXTEND 6" [150mm] BEYOND ENCLOSURE ON ALL SIDES. CONCRETE TO HAVE MEDIUM BROOM FINISH.
5. MOUNTING BRACKETS (STANDARD WITH ENCLOSURE) TO BE SET INTO CONCRETE PAD. PROVIDE LOCKING TAB TO ACCEPT PADLOCK PER MANUFACTURER'S INSTRUCTION.

2 BACKFLOW ASSEMBLY ENCLOSURE

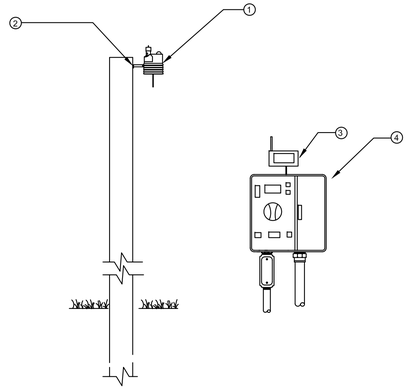
SCALE: NONE



1. IRRIGATION CONTROLLER
2. 120 VOLT SERVICE IN RIGID STEEL CONDUIT
3. 120 VOLT LOCKABLE ON/OFF SWITCH PROVIDED UNDER IRRIGATION CONTRACT
4. 120 VOLT SERVICE TO CONTROLLER LOCATION PROVIDED BY ELECTRICAL CONTRACTOR
5. SCHEDULE 40 GREY PVC ELECTRICAL CONDUIT FOR LOW VOLTAGE WIRE
6. EXTERIOR WALL
7. ELECTRICAL PULL BOX PER ELECTRICAL CODE
8. FINISH GRADE

3 INTERIOR MOUNTED CONTROLLER

SCALE: NONE

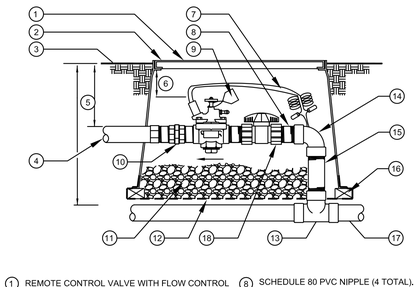


NOTE: MAXIMUM LINE OF SIGHT FROM SENSOR TO RECEIVER IS 1000 FT. DISTANCE IS LESS IF OBSTRUCTIONS EXIST. SENSOR MUST BE INSTALLED IN "CLEAR SPACE" WHERE IT IS EXPOSED TO UNOBSTRUCTED RAINFALL AND IS CLEAR OF IRRIGATION SPRAY.

1. WIRELESS CLIMATE SENSOR TRANSMITTER
2. SUITABLE POST, POLE, OR GUTTER MOUNT. MOUNT IN LOCATION WHERE SENSOR CAN RECEIVE FULL SUN, IS OPEN TO RAINFALL AND OUT OF SPRINKLER SPRAY PATTERN
3. SENSOR RECEIVER
4. CONTROLLER

4 WIRELESS WEATHER SENSOR

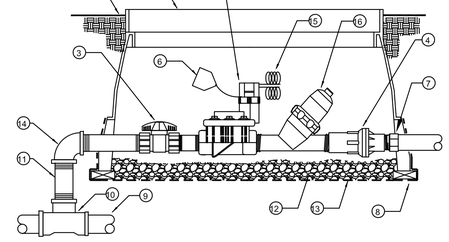
SCALE: NONE



1. REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED (PRESSURE REGULATOR WHERE SHOWN ON PLANS).
2. USE A 14" X 19" RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID FOR 1" VALVES. FOR 1.5" AND LARGER VALVES INSTALL BALL VALVE WITHIN A SEPARATE 10" ROUND BOX OR ONE BALL VALVE PER MANIFOLD OF VALVES. GATE VALVE SIZE SHALL BE SAME AS LARGEST VALVE WITHIN MANIFOLD. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.
3. FINISH GRADE.
4. PVC LATERAL LINE.
5. REFER TO IRRIGATION SPECS.
6. 3" [75mm] MIN. 6" [150mm] MAX.
7. VALVE CONTROL WIRE- PROVIDE SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.
8. SCHEDULE 80 PVC NIPPLE (4 TOTAL).
9. VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).
10. SCHEDULE 80 PVC THREADED UNION.
11. PEA GRAVEL OR 3/4" DRAIN ROCK- 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
12. 19 GAUGE 1/2" [12mm] SQUARE WIRE MESH.
13. UPC APPROVED SCHEDULE 40 PVC TEE.
14. SCHEDULE 80 PVC 90° ELBOW (TxT).
15. SCHEDULE 80 PVC NIPPLE- LENGTH AS REQUIRED.
16. BRICK-1 EACH CORNER.
17. PVC MAIN LINE.
18. SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE).

5 REMOTE CONTROL VALVE

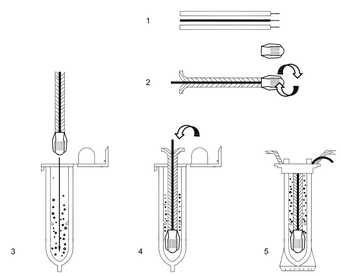
SCALE: NONE



1. FINISH GRADE
2. JUMBO RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.
3. SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE)
4. PRESSURE REGULATOR (INCLUDED IN DRIP ZONE KIT)
5. REMOTE CONTROL VALVE DRIP ZONE KIT. (SHALL INCLUDE VALVE, FILTER AND A 40 PSI PRESSURE REDUCING VALVE)
6. VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).
7. SCHEDULE 40 MALE ADAPTER
8. BRICK-1 EACH CORNER.
9. PVC MAIN LINE.
10. UPC APPROVED SCHEDULE 40 PVC TEE.
11. SCHEDULE 80 PVC NIPPLE-(4-TOTAL) LENGTH AS REQUIRED.
12. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [102mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
13. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
14. SCHEDULE 80 PVC 90° ELBOW (TxT).
15. VALVE CONTROL WIRE- PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.
16. Y-FILTER (INCLUDED IN DRIP ZONE KIT)

6 REMOTE CONTROL VALVE (DRIPZONE)

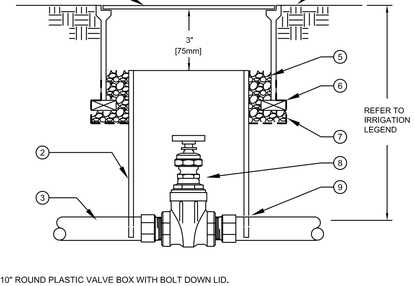
SCALE: NONE



INSTRUCTIONS:
1. STRIP WIRES APPROXIMATELY 1/2" (13 mm) TO EXPOSE WIRE.
2. TWIST CONNECTOR AROUND WIRES CLOCKWISE UNTIL HAND TIGHT. DO NOT OVERTIGHTEN.
3. INSERT WIRE ASSEMBLY INTO PLASTIC TUBE UNTIL WIRE CONNECTOR SNAPS PAST LIP IN BOTTOM OF TUBE.
4. PLACE WIRES WHICH EXIT TUBE IN WIRE EXIT HOLES AND CLOSE CAP UNTIL IT SNAPS.
5. INSPECT FINAL SPLICE ASSEMBLY TO BE SECURE AND FINISHED.

7 WEATHERPROOF WIRE SPLICE ASSEMBLY

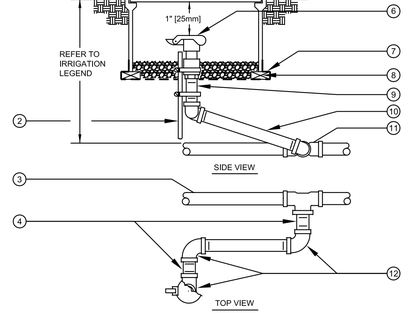
SCALE: NONE



1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 8" [200mm] CLASS 160 OR SCHEDULE 40 PVC PIPE (NOTCH TO FIT OVER MAIN LINE PIPE).
3. PVC MAIN LINE.
4. FINISH GRADE.
5. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [100mm] DEEP (NO SOIL IN VALVE BOX).
6. BRICK-2 TOTAL.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. GATE VALVE.
9. MALE ADAPTER. REFER TO LEGEND FOR FITTING TYPE.

8 GATE VALVE

SCALE: NONE

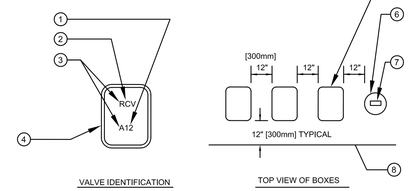


1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30" [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).
3. PVC MAIN LINE.
4. 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
5. FINISH GRADE.
6. QUICK COUPLING VALVE.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. BRICK - 2 TOTAL.
9. SCHEDULE 80 PVC THREADED NIPPLE.
10. 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
11. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW.
12. SCHEDULE 80 PVC THREADED 90° ELL.

NOTE:
NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.

9 QUICK COUPLING VALVE

SCALE: NONE



1. CONTROLLER AND STATION
2. VALVE TYPE
3. HEAT BRAND LETTERS AND NUMBERS INTO LID.
4. VALVE BOX COVER
5. RECTANGULAR VALVE BOX
6. ROUND VALVE BOX FOR QCV AND GATE VALVE.
7. HEAT BRAND LETTERS AND NUMBERS INTO LID (TYPICAL).
8. EDGE OF LAWN, WALK, FENCE, CURB, ETC.

INSTRUCTIONS:
1. CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.
2. SET BOXES 1" [25mm] ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

10 VALVE BOX INSTALLATION

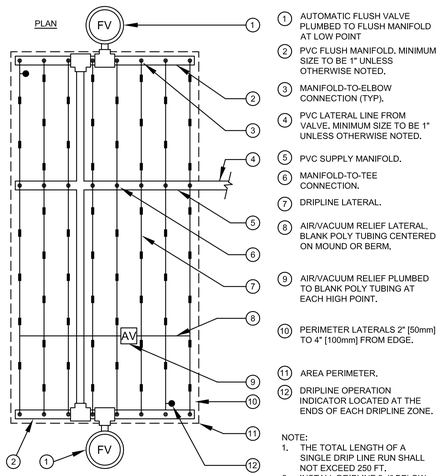
SCALE: NONE

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Irrigation Details
L-6.1

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com

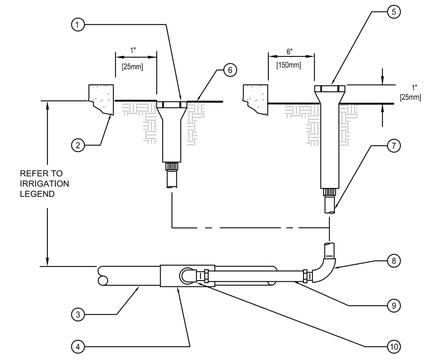


1. AUTOMATIC FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
2. PVC FLUSH MANIFOLD, MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
5. PVC SUPPLY MANIFOLD.
6. MANIFOLD-TO-TEE CONNECTION.
7. DRIPLINE LATERAL.
8. AIR/VACUUM RELIEF LATERAL, BLANK POLY TUBING CENTERED ON MOUND OR BERM.
9. AIR/VACUUM RELIEF PLUMBED TO BLANK POLY TUBING AT EACH HIGH POINT.
10. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
11. AREA PERIMETER.
12. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.

NOTE:
1. THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 250 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

1 TORO DL 2000 CENTER FEED LAYOUT

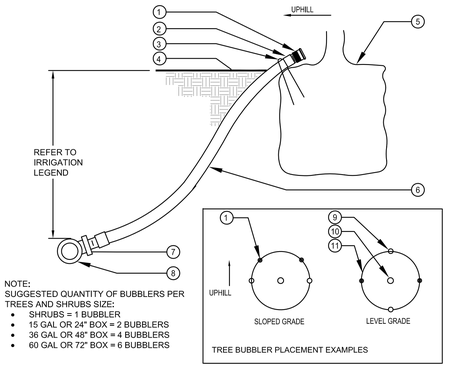
SCALE: NONE



1. POP-UP LAWN SPRAY SPRINKLER
2. WALL, WALK, CURB OR BUILDING
3. PVC LATERAL LINE
4. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW
5. POP-UP SHRUB SPRAY SPRINKLER OR BUBBLER
6. FINISH GRADE
7. 1/2" [13mm] SCHEDULE 80 PVC THREADED NIPPLE (LENGTH AS REQUIRED).
8. 1/2" [13mm] SCHEDULE 40 PVC THREADED 90° ELL.
9. 1/2" [13mm] FLEXIBLE IPS HOSE 6" [150mm] LONG WITH MALE ADAPTERS OR 1/2" [13mm] FLEXIBLE SWING JOINT (1/2" x 6") [13mm x 150mm] WITH A MINIMUM PRESSURE RATING OF 100 PSI [690kPa].
10. 1/2" [13mm] SCHEDULE 40 PVC STREET ELL.

6 POP-UP SPRAY SPRINKLER RISER

SCALE: NONE



1. PVC LATERAL LINE FROM VALVE, MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
2. PVC FLUSH MANIFOLD, MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. DRIPLINE LATERAL.
5. AIR/VACUUM RELIEF VALVE PLUMBED TO BLANK 5/8" [16mm] TUBING AT EACH HIGH POINT.
6. AIR/VACUUM RELIEF LATERAL, BLANK 5/8" [16mm] POLY TUBING CENTERED ON MOUND OR BERM.
7. PVC FLUSH MANIFOLD.
8. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
9. AREA PERIMETER.
10. DRIP OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONES.
11. AUTOMATIC FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT.

NOTE:
1. THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 250 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

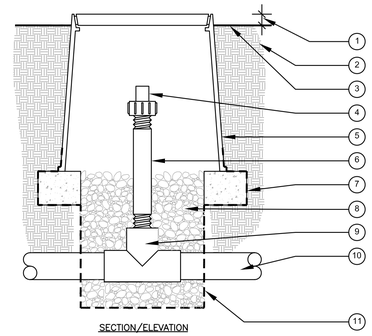
NOTE:
SUGGESTED QUANTITY OF BUBBLERS PER TREES AND SHRUBS SIZE:
- SHRUBS = 1 BUBBLER
- 15 GAL OR 24" BOX = 2 BUBBLERS
- 36 GAL OR 48" BOX = 4 BUBBLERS
- 60 GAL OR 72" BOX = 6 BUBBLERS

TREE BUBBLER PLACEMENT EXAMPLES

1. BUBBLER (TO BE INSTALLED ON TOP OF ROOTBALL).
2. 1/2" [13mm] SCH. 40 MALE ADAPTER.
3. 6" [150mm] STEEL STAPLE.
4. FINISH GRADE.
5. TREE OR SHRUB ROOTBALL.
6. 1/2" [13mm] IPS FLEXIBLE PVC.
7. PVC TEE (SST), ELBOW (ST) OR FEMALE ADAPTER.
8. PVC LATERAL LINE.
9. TREE STAKES.
10. TREE OR SHRUB.
11. EDGE OF ROOTBALL (TYPICAL).

7 TREE AND SHRUB BUBBLER

SCALE: NONE

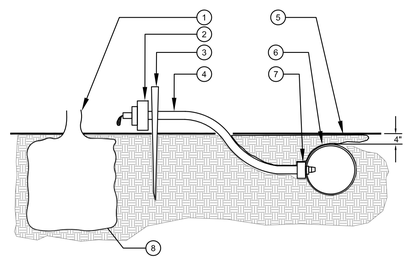


1. 1" [25mm] ABOVE FINISH GRADE.
2. NATIVE SOIL.
3. FINISH GRADE.
4. FLUSH VALVE.
5. ROUND PLASTIC VALVE BOX. REFER TO IRRIGATION SPECS FOR BOX SIZE. HEAT BRAND "FV" ON LID IN 2" [50mm] HIGH CHARACTERS.
6. 3/4" [20mm] SCH 80 PVC NIPPLE (LENGTH AS REQUIRED).
7. BRICK - 2 TOTAL
8. PEA GRAVEL 18" (450mm) DEEP.
9. PVC TEE (SxSxT) WITH 3/4" [20mm] THREADED OUTLET.
10. PVC PIPING.
11. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.

NOTE:
USE ONE FLUSH VALVE FOR EVERY 7 GPM PER ZONE. LOCATE AT LOW POINTS. FLUSH RATE IS 0.8 GPM. FLUSH PRESSURE IS 2 PSI.

3 TORO DL 2000 FLUSH VALVE (PVC TEE)

SCALE: NONE

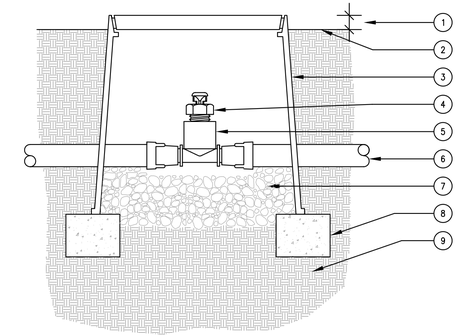


NOTE:
TO INSERT BARBED CONNECTOR INTO POLYETHYLENE TUBING, USE INSERTION TOOL. WHERE POLYETHYENE TUBING CAN BE PLACED ADJACENT TO SHRUB ROOTBALL, A BARBED EMITTER MAY BE INSTALLED DIRECTLY INTO POLYETHYENE TUBING AND DISTRIBUTION TUBING ELIMINATED. POINT OF WATER EMISSION FROM BARBED EMITTER MUST DRIP WATER DIRECTLY ON ROOTBALL.

1. SHRUB STEM.
2. EMITTER REFER TO EMITTER SCHEDULE FOR QUANTITY OF EMITTERS PER PLANT.
3. TUBING SUPPORT STAKE (SALCO DTS-200-400)
4. 1/4" TUBING DO NOT EXCEED 3' [1m] IN LENGTH.
5. FINISH GRADE.
6. SALCO PVC FLEX HOSE, INSTALL 4" [100mm] BELOW FINISH GRADE.
7. BARBED MALE ADAPTER.
8. EDGE OF ROOTBALL.

8 SALCO FLEX TUBING EMITTER PLACEMENT

SCALE: NONE

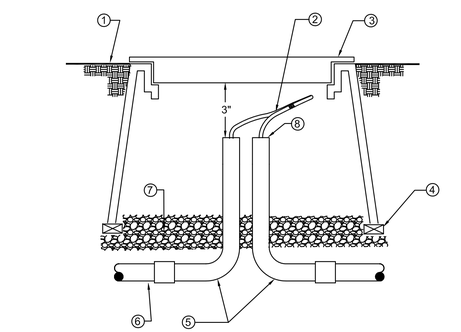


1. 1" ABOVE FINISH GRADE.
2. FINISH GRADE.
3. 6" ROUND PLASTIC VALVE BOX. HEAT BRAND "AR" ON LID IN 1" HIGH CHARACTERS.
4. TORO DL2000 AIR/VACUUM RELIEF VALVE (YD-500-34).
5. TORO LOC-EZE X 1/2" FPT TEE (FTF16).
6. TORO DL2000 TUBING (RGP-XX-XXX) OR TORO BLUE STRIPE POLY TUBING (EHD1645-XXX) AIR-RELIEF LATERAL.
7. PEA GRAVEL SUMP (6" DEEP).
8. BRICK SUPPORTS (2 COMMON BRICKS REQUIRED).
9. NATIVE SOIL PER SPECIFICATIONS.

NOTE:
USE ONE AIR/RELIEF VALVE FOR EVERY 7 GPM PER ZONE. LOCATE AT HIGH POINTS.

4 TORO DL 2000 AIR VACUUM RELIEF VALVE

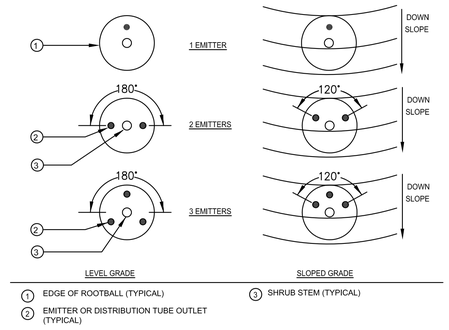
SCALE: NONE



1. FINISH GRADE
2. 24" LOOP OF TWO WIRE CABLE.
3. GREY RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID. HEAT BRAND "PB" INTO LID.
4. BRICK-ONE ON EACH CORNER
5. SCHEDULE 40 PVC SWEEP ELLS
6. SCHEDULE 40 U.L. LISTED PVC CONDUIT
7. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [102mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
8. SEAL ALL CONDUIT OPENINGS WITH WATERPROOF FOAM.

5 IRRIGATION TWO WIRE PULL BOX

SCALE: NONE



1. EDGE OF ROOTBALL (TYPICAL)
2. EMITTER OR DISTRIBUTION TUBE OUTLET (TYPICAL)
3. SHRUB STEM (TYPICAL)

EMITTER SCHEDULE

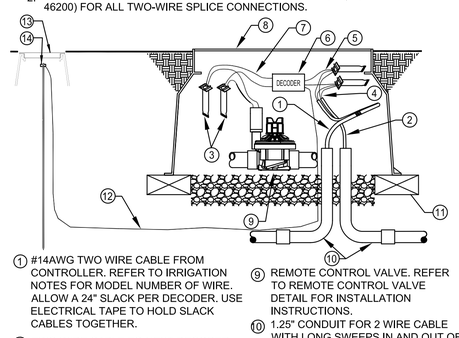
PLANT SIZE	EMITTER SPECIFACATION	FLOW (GPH)/PER EMITTER OR OUTLET	QUANTITY OF EMITTERS PER SHRUB/TREE
1 GALLON SHRUBS	USE SLV-PS-CV-1	1 GPH	2
5 GALLON SHRUBS	USE SLV-PS-CV-2	2 GPH	2
15 GALLON	USE SLV-PS-CV-2	2 GPH	3

MAXIMUM AMOUNT OF FLOW PER DRIP TUBING RUN IS 240 GPH

9 SALCO EMITTER PLACEMENT AND

SCALE: NONE

NOTE:
1. ALL DECODERS SHALL HAVE A VALVE NUMBER ADDRESSED AT CONTROLLER PRIOR TO INSTALLATION.
2. USE U.F. SAFETY CABLE STRIPPER BY KING INNOVATION (MODEL NUMBER 46200) FOR ALL TWO-WIRE SPLICE CONNECTIONS.



1. #14AWG TWO WIRE CABLE FROM CONTROLLER. REFER TO IRRIGATION NOTES FOR MODEL NUMBER OF WIRE. ALLOW A 24" SLACK PER DECODER. USE ELECTRICAL TAPE TO HOLD SLACK CABLES TOGETHER.
2. TWO WIRE CABLE TO NEXT DECODER
3. 3M DBR/Y-6 OR APPROVED EQUAL WATERPROOF SPLICE KIT (4 TOTAL)
4. A MAXIMUM OF 4" OF WIRE SHALL BE STRIPPED FROM TWO WIRE CABLE WHEN SPLICING AT DECODERS.
5. CONNECT CORRECT DECODER WIRES TO TWO WIRE CABLES.
6. DECODER
7. CONNECT CORRECT DECODER WIRES TO VALVE SOLENOID WIRES
8. VALVE BOX. REFER TO REMOTE CONTROL VALVE DETAIL FOR INSTALLATION INSTRUCTIONS.
9. REMOTE CONTROL VALVE. REFER TO REMOTE CONTROL VALVE DETAIL FOR INSTALLATION INSTRUCTIONS.
10. 1.25" CONDUIT FOR 2 WIRE CABLE WITH LONG SWEEPS IN AND OUT OF EACH VALVE BOX. SEAL ALL CONDUIT OPENINGS WITH WATERPROFF FOAM.
11. BRICK-ONE ON EACH CORNER
12. #6 BARE COPPER GROUND WIRE. SPLICE INTO GROUND WIRE AT DECODER. ONLY REQUIRED AT EVERY 10TH DECODER AND AT THE ENDS OF THE LINE.
13. 8' LONG COPPER GROUND ROD. LOCATE A MINIMUM OF 8' AWAY FROM DECODER AND TWO WIRE CABLE. LOCATE IN 10" ROUND BOX.
14. CADWELD CONNECTIONS

10 DECODER WIRING IN CONDUIT

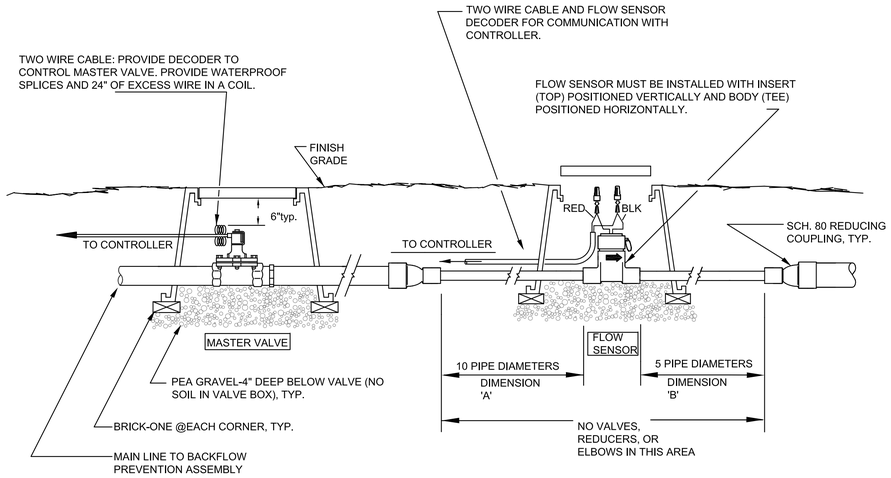
SCALE: NONE

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Irrigation Details
L-6.2

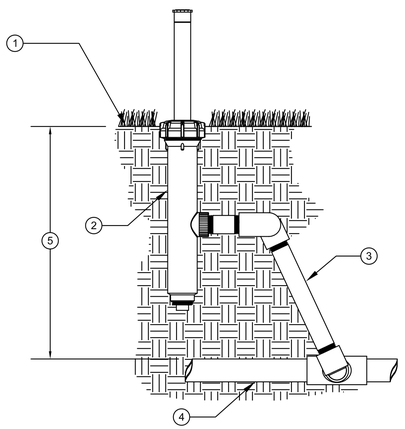
Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com



1 INSTALLATION DETAIL MASTER VALVE/FLOW SENSOR

SCALE: NONE

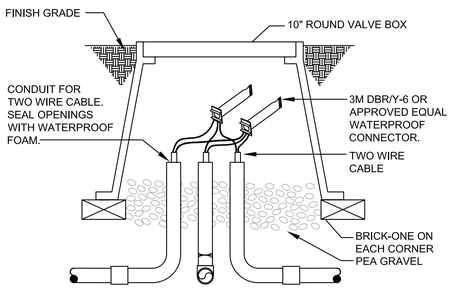


1. FINISH GRADE.
2. 570 POP-UP DRIP OPERATION INDICATOR ASSEMBLY (TORO MODEL 570-DRIP-IND) INSTALLED AT FURTHEST POINT DOWNSTREAM OF ZONE VALVE.
3. PVC OR SWING PIPE SWING JOINT ASSEMBLY.
4. PVC DRIP ZONE FOOTER.
5. DEPTH OF PVC LINE PER SPECIFICATIONS.

NOTE: TEFLON TAPE ALL THREADED JOINTS

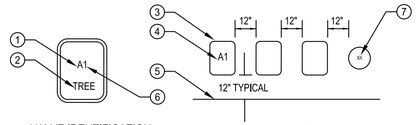
5 570 POP-UP DRIP OPERATION INDICATOR

SCALE: NONE



2 2-WIRE SPLICE BOX AT MAIN LINE TEE OR 3 WAY WIRE BRANCH

SCALE: NONE



VALVE IDENTIFICATION

1. CONTROLLER ID.
2. ALL TREE VALVES TO HAVE TREE BRANDED INTO LID.
3. RECTANGULAR VALVE BOX.
4. HEAT BRAND VALVE TYPE PER TABLE OR CONTROLLER ID AND STATION NUMBER INTO LID.
5. EDGE OF LAWN, WALK, FENCE, CURB, ETC.
6. STATION NUMBER.
7. ROUND VALVE BOX FOR QCV AND GATE VALVE. HEAT BRAND VALVE TYPE INTO INTO LID PER TABLE.

TOP VIEW OF BOXES

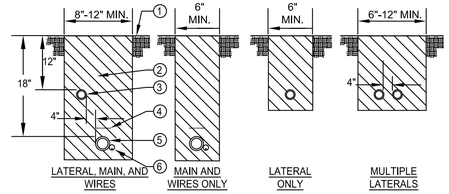
ITEMS TO BRAND:	BRAND CODE
GATE VALVE	GV
PRESSURE REDUCER	PRV
MASTER VALVE	MV
FLOW SENSOR	FS
HYDROMETER	HM
MAIN LINE AIR RELIEF	ARV
REMOTE CONTROL VALVE	A___
QUICK COUPLER	QC
SPLICE BOX	SB
PULL BOX	PB
LIGHTNING ARRESTOR	LA
GROUND ROD	GR

INSTRUCTIONS:

1. CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.
2. SET BOXES 1" ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

3 VALVE BOX INSTALLATION

SCALE: NONE



NOTES:

1. ALL MAIN SUPPLY LINES AND LATERAL LINES SHALL BE PLACED IN SLEEVES UNDER PAVED SURFACES. INSTALL LOW VOLTAGE WIRES WITHIN A SEPARATE CONDUIT UNDER PAVED SURFACES. DO NOT TAPE WIRES WITHIN CONDUIT.
2. REUSE SALVAGED EXCAVATED FILL AND COMPACT TO ORIGINAL DENSITY IN LANDSCAPE AREAS. ALL OTHER AREAS SHALL BE AT 95% COMPACTION. BACKFILL MATERIAL SHALL BE THE EARTH EXCAVATED FROM THE TRENCHES, FREE FROM ROCKS (ANYTHING LARGER THAN 2"), CONCRETE CHUNKS, AND OTHER FOREIGN OR COARSE MATERIALS.
3. WHEN 12" POP-UP SPRINKLER HEADS ARE USED, INCREASE THE DEPTH OF LATERAL TO 18" AT THE SPRINKLER LOCATION ONLY.

1. FINISH GRADE.
2. CLEAN BACKFILL MATERIAL.
3. LATERAL LINE.
4. 3" DETECTABLE WARNING TAPE OVER MAIN LINE. INSTALL 3" ABOVE MAIN LINE. USE CHRISTY MODEL #TA-DT-3-BIRR FOR POTABLE IRRIGATION SYSTEMS OR #TA-DT-3-PRW FOR RECYCLED IRRIGATION WATER SYSTEMS
5. MAIN LINE.
6. TWO WIRE CABLE IN CONDUIT

4 TRENCHING

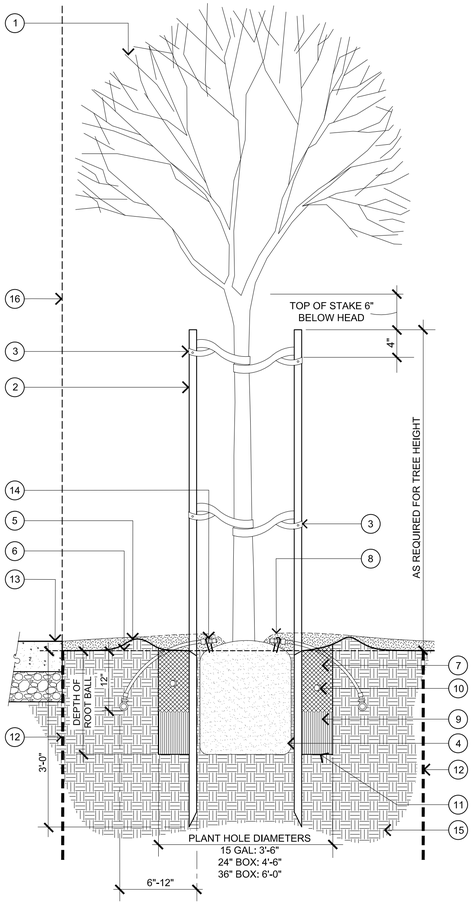
SCALE: NONE

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

Irrigation Details
L-6.3

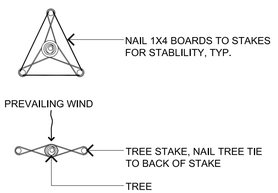
PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com



1. TREE: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
2. LODGE POLE PINE TREE STAKES: 3"X10' LONG TREE STAKES FOR WINDY CONDITIONS AND 36" BOX AND LARGER TREES
3. TREE TIE: WONDER TREE-TIE(800-910-2810) MODEL# W14-46, W24-84 OR APPROVED EQUAL. LOOP IN A FIGURE EIGHT AND NAIL TO BACK OF STAKE WITH GALVANIZED THREADED NAILS. ALLOW 3" OF MOVEMENT OF TREE IN ALL DIRECTIONS.
4. TREE ROOTBALL SET ON 12" LAYER UNDISTURBED NATIVE SOIL. DO NOT PENETRATE ROOTBALL WITH STAKES. TAMP SOIL TO 85% RELATIVE COMPACTION. SET CROWN OF ROOTBALL 2" ABOVE FINISH GRADE.
5. 3" EARTH BERM FOR WATER BASIN
6. FINISH GRADE, SET 1" BELOW AT TURF AREAS AND 2" AT SHRUB AND GROUNDCOVER AREAS
7. BACK FILL MIX: (TOP 12 INCHES ONLY): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
8. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM TRUNK OF TREE
9. PULVERIZED NATIVE SOIL
10. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 15 GAL: 6 TABS
    - 24" BOX: 8 TABS
    - 36" BOX: 12 TABS
11. PLANTING HOLE, PULVERIZED NATIVE SOIL BELOW 12" FROM FINISHED GRADE; SCARIFY WALLS
12. ROOT BARRIER(AS NEEDED): REFER TO PLANTING NOTES AND SPECIFICATIONS
13. PAVING: REFER TO PLAN
14. 1/4 GPM IRRIGATION BUBBLER, OFFSET FROM TREE TUCKED TO ROOTBALL
15. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
16. BUILDING OR WALL (VARIES - SEE PLAN)

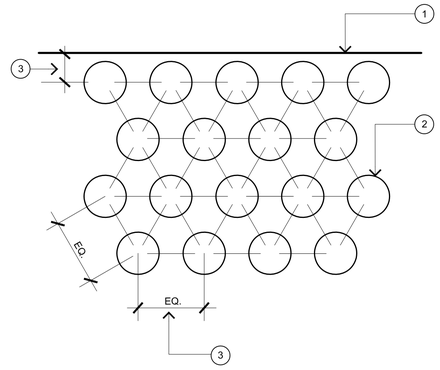
NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT.



1 TREE STAKING

N.T.S.



1. EDGE OF PAVING, HEADER, FACE OF BUILDING, WALL, ETC.
2. GROUNDCOVER: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
3. CENTERLINE OF PLANTS SHALL BE 1/2 OF EQUAL SPACING MINIMUM FROM EDGE OF PLANTING AREA

NOTES:

- ALL PLANTS SHALL BE PLANTED AT EQUAL SPACING (TRIANGULAR) UNLESS OTHERWISE SPECIFIED ON THE PLANS
- INFILL PLANTS AS REQUIRED TO MAINTAIN SPACING AT IRREGULAR EDGES
- KEEP MULCH CLEAR OF PLANT BASE
- ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT

2 GROUNDCOVER PLANTING

N.T.S.

1. SHRUB: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
2. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
3. FINISH GRADE
4. BACK FILL MIX: (1/2 DEPTH OF ROOT BALL HEIGHT): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
5. SHRUB ROOTBALL SET ON LIGHTLY TAMPED SOIL. SET CROWN OF ROOTBALL 1" ABOVE FINISH GRADE.
6. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 1 GALLON: 1 TAB
    - 2 GALLON: 2 TABS
    - 5 GAL: 3 TABS
    - 15 GAL: 5 TABS
7. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM ROOT BALL CROWN
8. PULVERIZED NATIVE SOIL

NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT

3 SHRUB PLANTING

N.T.S.

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Planting Details
L-7

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com