



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, MAY 20, 2025

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA
7:00 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_HveNjPjaQSy9ZQkF2orP6w

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (Vice Mayor Barbadillo)

PRESENTATIONS (7:05 PM)

- Asian American, Native Hawaiian, and Pacific Islander Heritage Month (Proclamation)
- Public Works Week - May 18-24, 2025 (Proclamation)
- National Police Week (Proclamation)
- Employee Recognition (Certificate)

PUBLIC FORUM (7:15 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 (7:20 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. Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for May and June 2025.

C2. Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of May 6 and 13, 2025.

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

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

C4. Confirm Milpitas Unified School District Appointment to the Economic Development and Trade Commission (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive and confirm the Milpitas Unified School District appointment to the Economic Development and Trade Commission.

C5. Veterans Commission Term Realignment (Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: (1) Approve a staggered term end date structure for the Veterans Commission to promote continuity of service and leadership; and (2) Adjust the Veterans Commission's term expiration dates from February to March, aligning with a proposed quarterly commission recruitment cycle.

- C6. Approve an Amendment to the Professional Services Agreement with TDG Engineering, Inc., for the Milpitas Gateway-Main Street Sense of Place Plan (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Jay Lee, Planning Director, 408-586-3077)**

Recommendation: Approve and authorize the City Manager, or designee, to execute an amendment to the Professional Services Agreement with TDG Engineering, Inc., in the amount of \$71,138 with additional authority to approve changes of up to 10% as required to complete the work, for a total not-to-exceed amount of \$78,250.

- C7. Authorize the City Manager, or Designee, to Execute a Five-Year Agreement with PSI Water Technologies, Inc. for Maintenance and Related Services of the City Microclor On-Site Hypochlorite Generation Systems (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Authorize the City Manager, or designee, to execute a five-year agreement with PSI Water Technologies, Inc. for maintenance and related services of the City Microclor On-Site Hypochlorite Generation Systems in an amount not-to-exceed \$200,000, subject to the annual appropriation of funds.

- C8. Waive the Second Reading and Adopt Ordinance No. 317 to Adopt by Reference the Mapping of Fire Hazard Severity Zones as Issued by the California Department of Forestry and Fire Protection (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Arthur Belton, Deputy Fire Chief/Fire Marshal, 408-586-3384)**

Recommendation: (1) Waive the second reading; and (2) Adopt Ordinance No. 317 to adopt by reference the mapping of fire hazard severity zones, as issued by the California Department of Forestry and Fire Protection.

- C9. Adopt a Resolution Authorizing an Application to the Home Investment Partnerships Program (HOME) (Staff Contact: Sarah Balcha, Acting Housing Official, 408-586-3268)**

Recommendation: (1) Adopt a resolution authorizing an application to the HOME Program; and (2) Authorize the City Manager, or designee, to execute a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Program.

- C10. Adopt a Resolution to Accept the Completed Public Improvements for the Chick-fil-A Calaveras & Hillview #04483 Project, Approve a Reduction of the Faithful Performance Bond for the Project, and Authorize the City Engineer to Release the Remaining Portion of the Bond after the One-Year Warranty Period (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution to accept the completed public improvements for the Chick-fil-A Calaveras and Hillview #04483 Project, (2) Approve a reduction of \$47,500.00 in the faithful performance bond; and (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work has been completed to the satisfaction of the City Engineer.

- C11. Receive an Update on the Completed Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) and Determine that the Condition No Longer Constitutes an Emergency (Staff**

Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Receive an update on the completed security improvements at the McCarthy Ranch Sewer Lift Station; and (2) Determine by a four-fifths vote that the condition no longer constitutes an emergency and, therefore, terminate the emergency action.

C12. Receive an Update on the Water Main Repairs on Curtis Avenue and Yosemite Drive and Determine that the Condition Constitutes an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: (1) Receive an update on the Water Main Repairs on Curtis Avenue and Yosemite Drive; and (2) Determine by a four-fifths vote that the condition constitutes an emergency.

PUBLIC HEARINGS (7:30 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.

13. Adopt a Resolution to Deny a Minor Site Development Permit and Zoning Variance for a Covered Deck in the Side Yard Setback at 860 Evans Road (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Conduct a public hearing, (2) Consider the project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303(a) (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations); and (3) Adopt a resolution denying the recommendation of the Planning Commission to approve Minor Site Development Permit No. MS24-0257 and Zoning Variance No. VA25-0001 for the property located at 860 Evans Road.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:00 PM)

14. Consider Approval of Hall Park Court Priority Use and Program Plan (Staff Contact: Renée Lorentzen, Director of Recreation and Community Services, 408-586-3409)

Recommendation: Approve conversion of two of the four Hall Park Tennis Courts to six (6) pickleball courts and direct staff on proposed site adjustments.

LEADERSHIP AND SUPPORT SERVICES (8:30 PM)

15. Review the List of New Workplan 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 workplan item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance; and (3) By majority vote, approve the list as so prioritized.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (9:00 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.

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: ccreech@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.

April 2025						
S	M	T	W	T	F	S
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Milpitas City Council Calendar

May 2025

June 2025						
S	M	T	W	T	F	S
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29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 5:30 PM -Santa Clara VTA Board of Directors (CM) 5:30 PM -Milpitas Chamber of Commerce Board (GB)	2	3
4	5 7:00 PM -Parks, Recreation & Cultural Resources Commission (EC)	6 5:30 PM -Closed Session 7:00 PM -City Council	7 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara)	8 4:00 PM -Santa Clara VTA Policy Advisory Committee (EC) 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 6:00 PM -Youth Advisory Commission (HL) 7:00 PM -Cities Assoc of SCC (CM)	9	10
11	12	13 4:00 PM -Milpitas HOPE	14 4:30 PM -City Council Finance Subcommittee (CM/EC) 7:00 PM -Silicon Valley Clean Energy Board of Directors (GB) (Cupertino)	15 6:30 PM -Bay Area Water Supply Conserv Agency (CM) (Oak Room - San Mateo Main Library) 7:00 PM -Public Safety and Emergency Preparedness Commission (WL)	16 3:00 PM -City-School Collaborative Subcommittee	17
18	19 7:00 PM -Science, Technology, and Innovation Commission (WL) 7:00 PM -Library and Education Commission (HL) (Milpitas Public Library) 7:00 PM -Arts Commission Special Meeting	20 5:00 PM -Closed Session 7:00 PM -City Council	21 6:00 PM -Energy and Environmental Sustainability Commission (EC)	22 4:00 PM -Silicon Valley Regional Interoperability Authority (SVRIA) (GB)	23	24
25	26 	27	28 12:00 PM -Santa Clara Valley Water District - Water Commission (CM)	29	30	31

May 2025						
S	M	T	W	T	F	S
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Milpitas City Council Calendar

June 2025

July 2025						
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20	21	22	23	24	25	26
27	28	29	30	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 7:00 PM -Parks, Recreation & Cultural Resources Commission (EC)	3 6:00 PM -Closed Session 7:00 PM -City Council	4 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara) 5:30 PM -Veterans Commission (GB) 7:00 PM -Community Housing Commission (EC)	5 12:00 PM -Santa Clara County Library JPA Board Meeting (CM) (Campbell, CA) 5:30 PM -Milpitas Chamber of Commerce Board (GB) 5:30 PM -Santa Clara VTA Board of Directors (CM)	6	7
8	9 4:30 PM -Economic Development and Trade Commission (WL)	10	11 4:30 PM -City Council Finance Subcommittee (CM/EC) 7:00 PM -Silicon Valley Clean Energy Board of Directors (GB) (Cupertino) 7:00 PM -Planning Commission	12 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 4:00 PM -Santa Clara VTA Policy Advisory Committee (EC) 6:00 PM -Youth Advisory Commission (HL) 7:00 PM -Cities Assoc of SCC (CM)	13	14
15	16 7:00 PM -Science, Technology, and Innovation Commission (WL)	17 5:00 PM -Closed Session 7:00 PM -City Council	18 6:00 PM -Energy and Environmental Sustainability Commission (EC)	19	20 10:00 AM -ABAG General Assembly & Conference (HL) (Bay Area Metro Center (375 Beale St, San Francisco, CA 94105, United States))	21
22	23	24 1:30 PM -Senior Advisory Commission (HL)	25 5:30 PM -Cities Assoc. of SCC - Recycling and Waste Reduction Commission (CM) 7:00 PM -Planning Commission	26	27	28
29	30					



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, MAY 6, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on May 6, 2025, in the City Council Chamber, 455 E. Calaveras Blvd, Milpitas, CA, and via teleconference/Zoom webinar.

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

Mayor Montano called the Regular City Council meeting to order at 5:31 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Barbadillo (5:33 PM), Councilmember Chua, Councilmember Lam, Councilmember Lien

ABSENT: None

Acting City Attorney Creech briefed the City Council on the Closed Session items.

There were no public comments.

The City Council adjourned to Closed Session at 5:33 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency's Designated Representative(s): Rick Bolanos, Liebert Cassidy Whitmore

Employee Organization(s): Professional and Technical Employees, Mid-Management and Confidential Employees, Milpitas Employees Association, Unrepresented Employees

(b) PUBLIC EMPLOYEE APPOINTMENT AND HIRING

Pursuant to Government Code Section 54957(b)(1)

Employee Position: City Attorney

(c) PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957(b)(1)

Employee Position: Acting City Attorney

(d) CONFERENCE WITH LEGAL COUNSEL

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

Existing Litigation: *City of Milpitas vs Dominic Chang et al.*, Santa Clara County Superior Court Docket 24-CV-450646

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:12 PM

Acting City Attorney Christopher Creech reported out on the closed session items:

- The City Council voted unanimously to appoint Assistant City Attorney Christopher Creech as Acting City Attorney.
- The City Council voted unanimously to form a subcommittee comprising Vice Mayor Barbadillo and Councilmember Chua to work with staff on recruitment for the position of a permanent City Attorney.

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

INVOCATION

Councilmember Chua provided the invocation.

PRESENTATIONS

Mayor Montano, joined by the City Council, presented proclamations in recognition of Building Safety Month and Older Americans Month.

PUBLIC FORUM

There were the following public speakers:

1. Niyati Shah
2. Rob Means
3. Eric Rodriguez
4. Voltaire Montemayor

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

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

READING OF THE CITY COUNCIL CODE OF CONDUCT

Councilmember Lien read the Milpitas City Council Code of Conduct.

APPROVAL OF AGENDA

Councilmember Chua asked to move Item 21 to be heard before the Public Hearings.

After discussion, motion: to approve the agenda, moving Item 21 to be heard before the Public Hearings.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

CONSENT CALENDAR

There were no requests to make changes to the Consent Calendar.

There were the following public speakers:

1. BJ Navarro

After discussion, motion: to approve the Consent Calendar.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

1. **Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for May 2025.

2. **Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of April 2 and 15, 2025.

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

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

4. **Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

5. **Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Carmen Montano, 408-586-3024)**

Received recommendations from Mayor Montano and approved the following recommendations for appointments to City Commissions:

Arts Commission:

1. Appoint Precious Canaveral to a nonvoting student seat with an unexpired term ending October 2026.

Community Housing Commission:

1. Reappoint Armilyn Quijano to a full voting seat with an unexpired term ending January 2028.
2. Reappoint Jinky Peralta to a full voting seat with an unexpired term ending January 2028.
3. Reappoint Oscar Leon to a full voting seat with an unexpired term ending January 2028.

Library and Education Advisory Commission:

1. Promote Naga Sannidhi to a full voting seat with an unexpired term ending June 2027.

Parks, Recreation and Cultural Resources Commission:

1. Appoint Bhupendra Kumar as Alternate No. 2 with an unexpired term ending June 2026.

Science, Technology and Innovation Commission:

1. Reappoint Aahan Shah to a nonvoting student seat with an unexpired term ending January 2028.
2. Reappoint Amrita Mukherjee to a full voting seat with an unexpired term ending January 2028.
3. Reappoint Anh Bao to a full voting seat with an unexpired term ending January 2028.
4. Reappoint Kevin Le to a full voting seat with an unexpired term ending January 2028.
5. Reappoint Ratan Choudhury to a full voting seat with an unexpired term ending January 2028.
6. Appoint Vishal Gandhi as Alternate Member No. 1 with an unexpired term ending January 2027.

Senior Advisory Commission:

1. Reappoint Barbara Jo Navarro to a full voting seat with an unexpired term ending December 2027.

6. Adopt a Resolution and Increase Appropriation for the Annual Regional Wastewater Facility O&M and CIP Payments to the City of San Jose by \$2,027,512 (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)

Adopted **Resolution No. 9405** and increased the appropriation for the Annual Wastewater Facility O&M and CIP Payments to the City of San Jose by \$2,027,512.

7. Approve an Amendment to the Professional Services Agreement with Lisa Wise Consulting, Inc. for the Comprehensive Zoning Ordinance Update (Staff Contacts: Holly Pearson, Senior Special Projects Associate, 408-609-0072; and Jay Lee, Planning Director, 408-586-3077)

Approved and authorized the City Manager, or designee, to execute an amendment to the professional services agreement with Lisa Wise Consulting, Inc. in the amount of \$6,870 for the Comprehensive Zoning Ordinance Update project.

8. Waive the Second Reading and Adopt Ordinance No. 38.857 to Amend Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code Regarding the Establishment of the Neighborhood Commercial Mixed-Use (NCMU) Zoning District and Town Center (TC) Subdistricts, and Amend the Designation of Certain Parcels within the Zoning Map (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

(1) Determined that the EIR Addendum and Supplemental Letter to the Addendum properly evaluate the potential environmental impacts of the proposed Zoning Amendments and are in compliance with CEQA Guidelines §15162 and §15164, (2) Waived the second reading and adopted **Ordinance No. 38.857** approving Zoning Text and Zoning Map Amendment No. ZA24-0001 amending Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code regarding the establishment of the Neighborhood Commercial Mixed-Use (NCMU) Zoning District and Town Center (TC) Subdistricts; and (3) Amended the designation of certain parcels within the Zoning Map.

9. Adopt a Resolution Designating Street Resurfacing 2025-26, Project No. 4307, to be Funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Adopted **Resolution No. 9406** designating Street Resurfacing 2025-2026, Project No. 4307, to be funded by California Senate Bill 1 - The Road Repair and Accountability Act of 2017.

10. Adopt a Resolution Requesting the Allocation, Acceptance and Appropriation of Transportation Development Act Article 3 Funds for the Americans with Disabilities Act Curb Ramp Transition Program, Project No. 4283 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; Michael Silveira, City Engineer, 408-586-3303)

(1) Adopted **Resolution No. 9407** requesting allocation of Transportation Development Act Article 3 Funding for the City's Americans with Disabilities Act Curb Ramp Transition Program, Project No.

4283; (2) Authorized the City Manager, or their designee, to negotiate, accept and execute grant agreements and all ancillary documents necessary to execute the respective grant agreements administered by the funding agency, Metropolitan Transportation Commission, in an amount not-to-exceed \$281,351; and (3) Appropriated \$281,351 into the construction phase (Phase 7) for the ADA Curb Ramp Transition Program, Project No. 4283.

11. **Adopt a Resolution to Accept the Improvements, Authorize the City Engineer to File a Notice of Completion and Issue a Notice of Final Acceptance After the One-Year Warranty, and Authorize Design Services Agreement Amendment No. 2 with MNS Engineers, Inc. for Fire Station 1 Pressure Reducing Stations Reconstruction, Project No. 7133 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9408** to accept improvements, (2) Authorized the City Engineer to file a Notice of Completion and issue a Notice of Final Acceptance after the one-year warranty; and (3) Approved and authorized the City Manager to execute Amendment No. 2 to the Design Services Agreement with MNS Engineers, Inc. in the amount of \$99,651 for Fire Station 1 Pressure Reducing Stations Reconstruction, Project No. 7133.

12. **Adopt a Resolution to Approve Project Plans and Specifications, Award Construction Contract to VSS International, Inc. for Street Sealing Project 2024, Capital Improvement Plan (CIP) Nos. 3424, 3426, 4283, 4305 and 7118; and Approve the Budget Amendment for the Street Resurfacing Project 2023-24, CIP No. 4305 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Adopted **Resolution No. 9409** to (1) Approve Project plans and specifications, (2) Authorize the City Manager, or designee, to award and execute the construction contract with VSS International, Inc. in the amount of \$3,031,971.04, (3) Authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$316,000.00 for Street Sealing Project 2024, CIP Nos. 3424, 3426, 4283, 4305 and 7118; and (4) Approve the budget amendment in the amount of \$208,372.40 from the California State Bill 1 Road Maintenance and Rehabilitation Account (SB1 RMRA) for the Street Resurfacing Project 2023-24, CIP No. 4305.

13. **Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intent to Levy and Collect Assessments for Landscaping and Lighting Maintenance Assessment District No. 95-1 McCarthy Ranch (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9410** approving the Annual Engineer's Report, (2) Adopted **Resolution No. 9411** declaring the intent to levy and collect assessments; and (3) Provided notice of a public hearing to be held on June 3, 2025, for Landscaping and Lighting Maintenance Assessment District No. 95-1 McCarthy Ranch.

14. **Adopt Resolutions Approving the Annual Engineer's Report and Declaring Intent to Levy and Collect Assessments for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

(1) Adopted **Resolution No. 9412** approving the Annual Engineer's Report; (2) Adopted **Resolution No. 9413** declaring the intent to levy and collect assessments; and (3) Provided notice of a public hearing to be held on June 3, 2025, for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon.

15. **Approve and Authorize the City Manager to Execute An Amended and Restated Master Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for**

Bike and Pedestrian Outreach, CIP No. 4306 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

Approved and authorized the City Manager to execute an Amended and Restated Master Funding Agreement between the City of Milpitas and the Santa Clara Valley Transportation Authority for Bike and Pedestrian Outreach, CIP No. 4306.

16. Receive an Update on the Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) and Determine that the Condition Continues to Constitute an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

(1) Received an update on the security improvements at the McCarthy Ranch Sewer Lift Station; and
(2) Determined by a four-fifths vote that the condition continues to constitute an emergency.

17. Adopt a Resolution Approving the Public Art Master Plan (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Adopted **Resolution No. 9414** approving the Public Art Master Plan.

LEADERSHIP AND SUPPORT SERVICES

21. Adopt a Resolution Appointing an Acting City Attorney (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3086)

Interim City Manager Deanna Santana introduced the item. Assistant City Manager Matt Cano presented the item, noting there was no presentation but he was available for questions.

There was the following public speakers:

1. Voltaire Montemayor

After discussion, motion: to (1) Adopt **Resolution No. 9415** to appoint an Acting City Attorney effective on adoption and continuing until City Council takes further action; and (2) Authorize the City Manager, or designee, to take such other actions as necessary and appropriate to carry out the purpose of this appointment, including establishment of acting pay..

Motion/Second: Councilmember Chua / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

PUBLIC HEARINGS

18. Adopt a Resolution Approving the FY 2025-26 Development and Storm Impact Fee Schedule for the Transit Area Specific Plan (TASP) Impact Fee, the Calaveras Boulevard Widening Traffic Impact Fee, and the Storm Drain Fee (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)

Interim City Manager Santana introduced the item. Finance Director Cofresí-Howe presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

During Council discussion, Vice Mayor Barbadillo asked for clarification on how the fees are calculated and used. Finance Director Cofresí-Howe explained they are based on the San Francisco City Construction Cost Index and are used to offset infrastructure costs related to new development.

Mayor Montano inquired about the duration of these impact fees. Acting City Attorney Creech clarified they are ongoing as long as new development occurs, with each new project paying fees at the time of approval.

Councilmember Lam asked about the decrease in fees. Finance Director Cofresí-Howe confirmed it was a slight decrease and explained it was based on industry standard publications.

After discussion, motion: to adopt **Resolution No. 9416** approving the FY 2025-26 Development and Storm Impact Fee Schedule for the Transit Area Specific Plan (TASP) Impact Fee, the Calaveras Boulevard Widening Traffic Impact Fee, and the Storm Drain Fee..

Motion/Second: Councilmember Lien / Councilmember Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

19. Introduce an Ordinance to Adopt by Reference the Mapping of Fire Hazard Severity Zones as Issued by the California Department of Forestry and Fire Protection (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811)

Interim City Manager Santana and Fire Chief Schoonover introduced the report. Deputy Fire Chief / Fire Marshal Belton presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Councilmember Lien asked about fire risks from dryer vents and ducts. Deputy Fire Chief Belton confirmed they can cause fires and recommended emptying lint traps regularly.

Vice Mayor Barbadillo inquired about the city's role after adopting the maps. Deputy Fire Chief Belton explained there are no additional requirements for moderate hazard zones, unlike high or very high zones which would require implementing certain code requirements.

Councilmember Lam asked for clarification on the map colors and hazard levels in areas bordering Milpitas. Deputy Fire Chief Belton explained the color distinctions and confirmed that fires in neighboring areas could impact Milpitas depending on conditions.

Acting City Attorney Creech read aloud the title of the ordinance.

After discussion, motion: to (1) waive the reading beyond the title; and (2) Introduce **Ordinance No. 317** to adopt by reference the mapping of fire hazard severity zones, as issued by the California

Department of Forestry and Fire Protection.

Motion/Second: Councilmember Lien / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

20. Consider a Substantial Amendment to the 2022-2025 Consolidated Plan and 2024-2025 Annual Action Plan (Staff Contact: Sarah Balcha, Acting Housing Official, 408-586-3222)

Interim City Manager Santana introduced the item. Acting Housing Official Sarah Balcha presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Alaina Purcell Schroeder
2. Voltaire Montemayor

Mayor Montano closed the public hearing.

Councilmember Chua asked for clarification on the Milpitas Historic Downtown Association boundary and its purpose. Economic Development Coordinator Thomas explained it aligns with the council's priority of investing in Main Street revitalization.

Councilmember Lien inquired about restrictions on how businesses could use the grant funds. Economic Development Coordinator Thomas explained eligible uses include supplies, equipment, tenant improvements, utilities, rent, and employee salaries.

Councilmember Lam suggested equalizing all grants to \$5,000 to benefit more businesses citywide.

After extensive discussion, the Council reached consensus on the following approach for CDBG funding allocations:

1. Program Administration: \$16,217.05
2. FY 2025-26 Public Services: \$12,162.79
3. Rebuilding Together Silicon Valley: \$385,000
4. Microenterprise Assistance Program: \$262,588.26

With the following directions for the implementation of the Microenterprise Assistance Program:

- Divide program into 2 areas (1) Milpitas Historic Downtown Business Association for \$100,000 and Remainder of City for \$135,000;
- First priority in each area will be to award grants to daycare/childcare businesses that did not receive funding last year;
- Second priority in each area will be to award grants to non daycare/childcare businesses that did not receive grants during the prior program year in each section.
- Third priority, if funding remains in Milpitas Historic Downtown area after priorities 1 and 2 above and eligible businesses remain in the Citywide area based on priority 1 and 2 above, then provide remaining money to those citywide eligible businesses;

- Fourth priority, if funding still remains, would be to provide remaining funding to business who did receive a grant in a prior cycle, mimicking the above priority in order of providing funds.

The Council also directed staff to conduct broad outreach efforts to raise awareness and ensure greater participation among eligible microenterprises. Any unallocated funds initially reserved for downtown businesses may be redirected to support businesses elsewhere in the city to ensure full utilization of available funds prior to expenditure deadlines.

In addition, staff was directed to continue exploring separate rental assistance options outside of the CDBG program, due to current program limitations on rental assistance expenditures.

After discussion, motion: to (1) Approve a substantial amendment to the 2022-2025 Consolidated Plan and the 2024-2025 Annual Action Plan; and (2) Authorize the City Manager, or designee, to make any necessary changes to the Plans.

Motion/Second: Councilmember Chua / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Interim City Manager Deanna Santana provided updates on the Milpitas Youth Force summer employment program and an upcoming Story Walk installation event at Murphy Park. She also congratulated City Clerk Suzanne Guzzetta on her appointment as First Vice President of the California Municipal Clerks Association.

Councilmember Chua thanked staff for successful commissioner appreciation dinner and Black April commemoration events. She also congratulated the interim City Manager and Acting City Attorney on their appointments.

Councilmember Lam noted May is Asian American Pacific Islander (AAPI) Heritage Month, highlighting the importance of celebrating Asian American and Pacific Islander communities' contributions and history.

Councilmember Lien echoed appreciation for the Black April event and suggested recognizing the young performers from the event at a future meeting.

Mayor Montano welcomed Interim City Manager Deanna Santana and congratulated Acting City Attorney Christopher Creech and City Clerk Suzanne Guzzetta on their new roles.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9:04 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, MAY 13, 2025

The City Council of the City of Milpitas convened in a Special Meeting of the Milpitas City Council on May 13, 2025, in the Barbara Lee Senior Center, 40 N Milpitas Blvd, Room 140/141, Milpitas, CA, and via teleconference/Zoom webinar.

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

Mayor Montano called the Regular City Council meeting to order at 5:32 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

ABSENT: None

PLEDGE OF ALLEGIANCE

Councilmember Chua led the Pledge of Allegiance.

PUBLIC FORUM

There were no public speakers.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

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

READING OF THE CITY COUNCIL CODE OF CONDUCT

Vice Mayor Barbadillo read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Councilmember Chua / Councilmember Lien
by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

AGENDA ITEMS

- 1. Receive a Presentation on the FY 2025-26 Proposed City of Milpitas Operating Budget, and Provide Direction Approving the FY 2025-26 Proposed Operating Budget and Proposed Fiscal Strategy Framework (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111)**

Interim City Manager Santana introduced the item. Finance Director Cofresí-Howe and Budget Director Vurich presented the report.

Council members engaged in extensive discussion about the budget proposal and fiscal strategy. Points of discussion included:

- Councilmember Chua expressed concern about relying too heavily on cost allocation changes rather than true expenditure reductions. She urged staff to look at potential position cuts sooner rather than later.
- Vice Mayor Barbadillo questioned whether the proposed reductions and revenue strategies would be sufficient to address the long-term deficit. He emphasized the need for more focus on economic development and increasing revenues.
- Councilmember Lien cautioned against discussing potential position cuts, stressing the importance of staff morale and the ability to tap reserves if needed.
- Mayor Montano expressed support for the methodical approach proposed by staff, praising the focus on efficiency and long-term planning rather than immediate cuts.

City Manager Santana addressed Council concerns, explaining the rationale behind the proposed strategy and emphasizing the need for a multi-pronged approach including housekeeping measures, organizational assessment, and revenue generation. She outlined plans for ongoing budget monitoring and adjustment throughout the year.

Following discussion, the Council provided consensus direction on priority items to be incorporated into the final budget proposal:

- Ongoing funding for the Black April ceremony (\$5,000 annually) - unanimous consensus
- Ongoing funding for the Milpitas Community Concert Choir - unanimous consensus
- Creation of a Milpitas Summer College Internship Program - unanimous consensus
- Increase funding for the Milpitas Assistance Program (MAP) - unanimous consensus
- Exploring options for a temporary police substation on Main Street - unanimous consensus

Additionally, Councilmember Chua also expressed interest in reviewing and potentially adjusting the salary for council interns to offer a broader and more flexible pay range to attract more qualified candidates.

Interim City Manager Santana responded that there is a plan already for a net zero request to repurpose positions without increasing the general fund deficit, and some changes related to internship compensation would likely be included in the upcoming budget for consideration by June 3.

The City Council recessed at 7:40 PM and Reconvened at 7:51 PM.

Interim City Manager Santana resumed the presentation.

The Mayor and Council offered final remarks on the presentation.

Staff indicated they would return at the June 3, 2025, City Council meeting with the final budget proposal incorporating the Council's direction from this meeting.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Interim City Manager Santana thanked staff for their work on the budget preparation and announced that May 11-17 is National Police Week, honoring fallen officers killed in the line of duty. She emphasized the importance of recognizing the work and sacrifices of police officers.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:10 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

as of 5/16/2025

June 3, 2025 – Regular Meeting (7:00 PM)

CLOSED SESSION

INVOCATION (Councilmember Lien)

PRESENTATION

None

CONSENT CALENDAR

1. Receive City Council calendar for June 2025 (City Clerk)
2. Approve City Council meeting minutes of May 20, 2025 (City Clerk)
3. Preview list of items for June 17, 2025 (City Clerk)
4. Councilmember Request List (City Clerk)
5. Commission Appointments (City Clerk)
6. 3FQ25 Financial Position (Finance)
7. Amendment to Ascent Contract for Gateway Plan (Planning)
8. Resolution to receive MTC TOC Policy Grant (Planning)
9. Dempsey Road Water Valve replacement Construction Final Acceptance (Public Works / Engineering)
10. Water Main Repairs Emergency Declaration (Public Works)
11. Enterprise Lease Agreement (Public Works)

PUBLIC HEARINGS

12. FY 2025-26 Operating Budget Adoption (Finance)
13. 2026-2030 Capital Improvement Program Adoption (Finance)
14. CDBG FY 2025-2030 Consolidated Plan and FY 25-26 Annual Action Plan (Housing)
15. Conduct Public Hearing to Assess Levy for LLMD District No. 95-1 (Public Works / Engineering)
16. Conduct Public Hearing to Assess Levy for LLMD District No. 98-1 (Public Works / Engineering)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Confirm Milpitas Unified School District Appointment to the Economic Development and Trade Commission (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/20/2025
Recommendation	Receive and confirm the Milpitas Unified School District appointment to the Economic Development and Trade Commission.

Background:

The City of Milpitas has 13 Commissions (including the Measure F Oversight Committee), with members confirmed by the City Council. The Commissions advise Milpitas elected officials on a variety of community interest and policy areas. Commissioner appointments and removals are governed by various sections of the California Government Code, Milpitas Municipal Code, and the adopted Milpitas Commissioner Handbook and By-Laws.

Certain commission seats have specific requirements to be filled including recommendation for appointment by outside organizations. One seat on the Economic Development and Trade Commission is designated as a Milpitas Unified School District representative seat. The Milpitas Unified School District appoints a representative and that appointment is confirmed by the Milpitas City Council.

Analysis:

Appointments are as follows:

Economic Development and Trade Commission:

1. Confirm reappointment of Chris Norwood to the Milpitas Unified School District representative seat with a term ending April 2028

Fiscal Impact:

There is no fiscal impact associated with this item.

CEQA:

The action is continuing administrative or maintenance activity and is not a project pursuant to Cal. Code Regs., tit. 14, § 15378.

Recommendation:

Receive the Milpitas Unified School District appointment for appointment to the Economic Development and Trade Commission and confirm appointment.

Attachments:

None.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Veterans Commission Term Realignment (Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/6/2025
Recommendation:	Approve revisions to the Veterans Commission Bylaws Addendum to (1) approve a staggered term end date structure for the commission; and (2) adjust the term expiration dates from February to March.

Background:

The Veterans Commission is composed of community members appointed by the Mayor and confirmed by the City Council, pursuant to Government Code Section 40605. Commissioners serve three-year terms and advise the City on policies and initiatives related to veterans' interests. Like other Milpitas commissions, their appointments and terms are governed by provisions in the California Government Code, Milpitas Municipal Code, and the adopted Milpitas Commissioner Handbook and By-Laws.

At present, all terms on the Veterans Commission are set to expire simultaneously in February 2025. This synchronized expiration schedule creates the potential for a complete membership turnover at the end of each cycle, which may negatively impact the continuity and effectiveness of the commission.

All terms on the Veterans Commission were set to expire simultaneously in February 2025. Although those terms have now expired, per the Milpitas Commissioner Handbook, commissioners are continuing to serve until they are either reappointed or replaced. This current expiration schedule creates the potential for a complete membership turnover at the end of each cycle, which may negatively impact the continuity and effectiveness of the commission.

At the Veterans Commission's regular meeting on February 5, 2025, staff presented the concept of staggered term expirations to address this issue. The Commission expressed support for the proposed changes and agreed that staggering terms would help preserve institutional knowledge and ensure smoother transitions between commissioners.

Additionally, commission terms across the City currently expire in six different months throughout the year, which places a year-round administrative burden on the recruitment process. To address this, the City Clerk's Office is exploring a shift to a quarterly commission recruitment cycle to consolidate outreach efforts, improve predictability, and enhance public engagement. Aligning the Veterans Commission's term end date with this quarterly schedule – specifically to March – would serve as a pilot for broader improvements to the City's commission management process.

Analysis:

Staggering terms on advisory bodies is a best practice in municipal governance. It preserves institutional memory, promotes balanced representation, and ensures continuity during membership transitions. Without staggered terms, the Veterans Commission risks losing all its experienced members at once, potentially disrupting ongoing initiatives and reducing its effectiveness.

The proposed realignment would distribute term expirations across multiple years, supporting a smoother onboarding process for new commissioners and reducing the impact of any single appointment cycle. Staggering also helps balance workload related to managing recruitments and appointments.

In addition, shifting the Veterans Commission term expiration date from February to March aligns with a proposed Citywide move to quarterly commission recruitment cycles. The City Clerk's Office is evaluating this

model to consolidate recruitment efforts, enhance transparency, and simplify public access to open positions. Currently, commission terms expire in six different months throughout the year. Standardizing end dates across four quarters (March, June, September, and December) would reduce administrative complexity and improve planning for both the public and staff.

Realigning the Veterans Commission's term end date to March and introducing staggered terms provides a timely opportunity to pilot this more structured approach. It would allow for smoother onboarding of new members, minimize operational disruption, and provide a model for improving commission administration citywide.

The revised terms for the Veterans Commission would be staggered to expire in March 2026, March 2027, and March 2028. In accordance with California Government Code Section 40605, the Mayor of a General Law City holds the authority to make commission appointments, subject to City Council confirmation. As such, the Mayor would determine which current commissioners are appointed to each of the newly aligned term lengths.

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

Approve revisions to the Veterans Commission Bylaws Addendum to:

- (1) Approve a staggered term end date structure for the commission; and
- (2) Adjust the term expiration dates from February to March..

Attachments:

- (a) Veterans Commission Draft Revised Bylaws Addendum

CITY OF MILPITAS
STANDARD COMMISSION
BYLAWS
Addendum: Veterans Commission

The Veterans Commission was established by City Council on December 1, 2009.

Advisory Area

This Commission will advise the Council on services and programs affecting Milpitas veterans.

Membership

All members and alternates shall be Milpitas residents who are honorably discharged U.S. veterans or are actively serving members in any branch of the U.S. military.

Terms

Beginning in 2025, commissioner terms shall be staggered so that all commissioner seats expire in March and no more than three commissioner seats expire in any given year. In order to achieve staggered terms, seats shall be initially assigned to expire in one of each of the three years following the adoption of this section. The student commissioner seat is exempt from this limitation.

Meetings

The Veterans Commission shall hold meetings the 1st Wednesday of February, April, June, August, October, and December, at 5:30 PM at the Committee Conference Room in City Hall, or another designated location.

PASSED AND ADOPTED MAY 20, 2025.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve an Amendment to the Professional Services Agreement with TDG Engineering, Inc., for the Milpitas Gateway-Main Street Sense of Place Plan (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Jay Lee, Planning Director, 408-586-3077)
Category:	Consent Calendar-Community Development
Meeting Date:	5/20/2025
Recommendation:	Approve and authorize the City Manager, or designee, to execute an amendment to the Professional Services Agreement with TDG Engineering, Inc., in the amount of \$71,138 with additional authority to approve changes of up to 10% as required to complete the work, for a total not-to-exceed amount of \$78,250.

BACKGROUND:

The Milpitas Gateway-Main Street Specific Plan (Plan) was originally adopted as the Midtown Specific Plan by the Milpitas City Council in March 2002 to maximize land uses, transportation, and economic opportunities along the City's historic Main Street and energize and catalyze mixed-use, transit-oriented development in this area, also known as the "heart" of Milpitas. At present, the Plan provides for development up to 2,328 new dwelling units, supporting retail, and new office and employment uses at key locations. Development activity in recent years has been mixed and includes approval and construction of 1,200 units of multifamily housing, reinvestment in the adjacent Great Mall, and the extension of the Santa Clara Valley Transportation Authority (VTA) Light Rail Transit (LRT) line. Recent successful multifamily residential developments, which promoted the vision and goals of the Plan, are concentrated in the southern end of the Plan area south of Curtis Avenue. Originally encompassing 942 acres of land, Plan boundaries were amended in 2010 to remove parcels of land in the southern end of the Plan area and prioritize areas in greater need of reinvestment.

Since adoption of the current Plan in 2002, little of the development potential has been realized, and the City believes that several vacant and underutilized sites have the potential for additional catalytic development and investment, especially along Main Street and Calaveras Boulevard. Obstacles to redevelopment in Midtown include haphazard parcel sizes and dimensions, disparate property ownership, and lack of a cohesive identity. Other challenges include gaps in the transportation network (i.e., weak connection to Calaveras Boulevard to the north and disconnected cul-de-sacs) and shortage of recreational opportunities to complement existing creeks and trails in the Plan area.

The revitalization of Main Street is one of the City's 2020 Economic Development Strategy key goals and priorities. To support these efforts, the Milpitas City Council created an Ad Hoc Main Street Revitalization Subcommittee to lead and direct City staff in implementing this new vision and strategy for the revitalization of historic Main Street.

To meet the San Francisco Bay Area's long-range goals of reduced greenhouse gas emissions and more affordable housing for all, the Metropolitan Transportation Commission (MTC) has been offering funding and technical assistance to local jurisdictions through its Priority Development Area (PDA) Planning Program since 2007. On February 23, 2023, City staff applied for grant funding to prepare the Milpitas Gateway-Main Street Sense of Place Plan and was awarded \$600,000 in funding for this work. Further, the City has allocated this funding as part of the 2025-29 Capital Improvement Program (CIP) in CIP Project No. 3504, Milpitas Gateway-Main St. Impact Fee Study and Sense of Place Plan.

On [November 19, 2024](#), the City Council adopted a resolution to accept the grant award from MTC and approved and authorized the City Manager to execute a two-year Professional Services Agreement with TDG Engineering, Inc., for a Milpitas Gateway-Main Street Sense of Place in an amount not to exceed \$420,000.

ANALYSIS:

An update to the Milpitas Gateway-Main Street Specific Plan is underway; the project was initiated in late 2021 and is estimated to be completed by the end of 2025. The public review draft of the Gateway-Main Street Specific Plan was released on April 17, 2025. This Agenda Report is seeking authority to approve and authorize the City Manager, or designee, to execute an amendment to the Professional Services Agreement (Amendment) with TDG Engineering, Inc. for the following scope of work.

During staff's review of the administrative draft plan and Environmental Impact Report (EIR), Main Street's storm drain capacity was flagged for a future study. To keep the project on schedule and within budget, staff identified additional funding capacity to study the storm drain infrastructure as part of the Gateway-Main Street Sense of Place Plan. TDG Engineering, Inc. contacted BKF Engineers to create a scope of work for the storm drain extension planning. As part of the Amendment, BKF Engineers will create a final infrastructure Plan for the Sense of Place Plan.

During the Sense of Place Plan's project kick-off, staff also identified the need for additional community engagement work. TDG Engineering, Inc. will develop and provide content for a dedicated project webpage, create an online survey to gather input on the community's vision, and design sidewalk decals and lawn signs to maximize visibility and engagement. Additionally, TDG Engineering, Inc. will attend and present at City Council, Planning Commission, and Ad Hoc Main Street Revitalization Subcommittee meetings to introduce the project and present community feedback. A technical memo will also be prepared summarizing key findings from the Starter Workshop, survey results, and preliminary direction to inform the rest of the project.

The City was awarded \$600,000 in funding from MTC for this project, and the previously approved Professional Services Agreement with TDG Engineering, Inc. was in an amount not-to-exceed \$420,000. The additional scope of work for \$71,138, plus an additional 10% authority to approve changes in the amount of \$7,112 for a total amount not-to-exceed, will be fully reimbursed by the grant award.

Staff recommends the City Council approve and authorize the City Manager, or designee, to execute an Amendment to the Professional Services Agreement with TDG Engineering, Inc. This Amendment amounts to \$71,138, with an additional contingency of 10%, equating to \$7,112. The total not-to-exceed amount for this Amendment will be \$78,250, bringing the overall not-to-exceed total for the Amended Agreement to \$498,250.

POLICY ALTERNATIVE(S):

Alternative 1: Do not execute the amendment to the Professional Services Agreement with TDG Engineering, Inc. for the Milpitas Gateway-Main Street Sense of Place Plan project.

Pros: None.

Cons: The City would not be able to conduct additional community engagement or plan for additional storm drain infrastructure within the project area.

Reason for Not Recommending: Without additional engagement, the project would be missing key feedback from various stakeholders. Further, the Gateway-Main Street Specific Plan would miss an opportunity to study the necessary storm drain improvements to accommodate future development and include the infrastructure planning in the plan-specific impact fee study.

FISCAL IMPACT:

Should Council approve this contract Amendment, the revised agreement is for an amount not to exceed \$71,138, with an additional 10% contingency authority (if required) of \$7,112, for a total not-to-exceed of \$78,250 for this Amendment. Funding for this Professional Services Agreement has been approved through the current Capital Improvement Program (CUP) Project No. 3504 Milpitas Gateway-Main St. Impact Fee

Study and Sense of Place Plan. The funding source of the project comes from the Priority Development Area (PDA) Planning Grant Program through the Metropolitan Transportation Commission (MTC). As of the writing of this agenda report, the unencumbered balance for the project is \$180,000.

Fiscal Summary of Contract (2 Years):

Task Descriptions	Not to Exceed¹
Task 1: Project Initiation & Management	\$41,140
Task 2: Existing Conditions Analysis	36,842
Task 3: Public Engagement	46,698
Task 4: Preliminary Design	138,540
Task 5: Draft Plan	51,094
Task 6: Impact Fee Study	63,350
Task 7: Final Plan & Impact Fee Adoption	30,252
Task 8: Additional Engagement	22,742
Task 9: Storm Drain Extension Planning	45,036
Allowance for reimbursable incidentals (subject to pre-approval by City) ²	15,444
Total Contract Cost (2 Years)	\$491,138
Additional Requested 10% contingency authority, if needed	7,112
Total Not-to-Exceed Cost	\$498,250

¹ City to be billed based on costs associated with actual vendor hours required to complete the work.

² Reimbursable incidentals include, but are not limited to, printing, copying, travel, etc. as required and approved in advance by City. City will reimburse vendor at vendor's actual cost or U.S. General Services Administration (GSA)-approved rates for pre-approved expenses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded and does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors pursuant to Cal. Code Regs., tit. 14, § 15262.

RECOMMENDATION:

Approve and authorize the City Manager, or designee, to execute an amendment to the Professional Services Agreement with TDG Engineering, Inc. in the amount of \$71,138 with additional authority to approve changes of up to 10% as required to complete the work, for a total not-to-exceed amount of \$78,250.

ATTACHMENT(S):

N/A.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager, or Designee, to Execute a Five-Year Agreement with PSI Water Technologies, Inc. for Maintenance and Related Services of the City Microclor On-Site Hypochlorite Generation Systems (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/20/2025
Recommendation:	Authorize the City Manager, or designee, to execute a five-year agreement with PSI Water Technologies, Inc. for maintenance and related services of the City Microclor On-Site Hypochlorite Generation Systems in an amount not-to-exceed \$200,000, subject to the annual appropriation of funds.

BACKGROUND:

The City of Milpitas operates and maintains a water distribution system that includes 206 miles of water lines, 4 pumping stations, 5 storage reservoirs, and numerous pressure-regulating valves across 7 pressure zones. This infrastructure delivers 11 million gallons of potable water per day to approximately 15,884 service connections. In 2022, the City rented Microclor On-Site Hypochlorite Generation Systems from PSI Water Technologies, Inc. (PSI) to test the equipment's ability to produce sodium hypochlorite onsite for water treatment purposes. This approach is generally a safer and more efficient alternative to traditional chlorine delivery methods. The testing was successful, and the City subsequently purchased four of these systems through its energy and water efficiency project activities. These systems are fully integrated with the City's Supervisory Control and Data Acquisition (SCADA) system, which is the control system used to operate and monitor the City water distribution system.

On February 7, 2024, the City entered into an agreement (Agreement) with PSI to provide quarterly maintenance for these systems. This purchase was approved as a sole source by the Purchasing Agent on February 6, 2024 pursuant to the City's [Municipal Code Section I-2-3.06 - Sole Source Procurement](#) as the equipment is proprietary, and the vendor does not utilize authorized service providers. The Agreement is for a not-to-exceed amount of \$28,020 and has an end date of June 30, 2025.

ANALYSIS:

It is critical these treatment systems be regularly maintained and repaired to ensure optimal operation, and that they last for their projected useful life of 15-20 years. With the current Agreement expiring June 30, 2025, staff reassessed the current sole source and determined that PSI still does not utilize authorized service providers for their proprietary equipment. On April 27, 2025, the Purchasing Agent approved a new sole source request for a period of five years pursuant to the City's [Municipal Code Section I-2-3.06 - Sole Source Procurement](#) for these ongoing services. These systems are protected by one or more patents owned by PSI, and PSI is the sole authorized service provider for this equipment. Engaging an unauthorized vendor to provide these services would void the City's existing warranties with PSI.

Staff requests authorization to execute a five-year contract for quarterly maintenance and related services for these systems to ensure system longevity and optimal operation. These systems enhance the City's operational efficiency and flexibility, improve water quality, and reduce energy consumption. Of the \$200,000 to be included in the new five-year Agreement estimated to begin July 1, 2025, \$147,188 will be for regular quarterly preventative maintenance services with the remaining balance of \$52,812 to be utilized as required for repairs, parts replacement, and related services not covered under preventative maintenance. Contacts for services valued at over \$100,000 generally require approval by the City Council pursuant to Municipal Code Section I-4-2.01.

POLICY ALTERNATIVE(S):

Alternative 1: Do not authorize the City Manager, or designee, to execute the five-year Agreement with PSI for maintenance and related services.

Pros: None.

Cons: The City would not be able to properly maintain the existing Microclor On-Site Hypochlorite Generation Systems, potentially compromising their operational efficiency, longevity, and integration with the SCADA system.

Reason for Not Recommending: The City owns and operates four Microclor On-Site Hypochlorite Generation Systems which are proprietary to PSI. No other vendors are authorized to service this equipment. Additionally, utilizing an unauthorized vendor would nullify the City's existing warranties on these systems.

FISCAL IMPACT:

Sufficient funds for the project are requested in the Public Works Operating Budget for Fiscal Year 2025-26, which is subject to City Council review and approval in June 2025. Ongoing costs will be subject to the annual appropriation of funds.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The City Council approval of this Agreement is exempt from environmental review pursuant to the California Environmental Quality Act, CEQA Guideline 15301 given this project amounts to maintenance of existing public structures and facilities involving negligible or no expansion of use.

RECOMMENDATION:

Authorize the City Manager, or designee, to execute a five-year agreement with PSI Water Technologies for maintenance and related services of the City Microclor On-Site Hypochlorite Generation Systems in an amount not-to-exceed \$200,000, subject to the annual appropriation of funds.

ATTACHMENT(S):

N/A



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive the Second Reading and Adopt Ordinance No. 317 to Adopt by Reference the Mapping of Fire Hazard Severity Zones as Issued by the California Department of Forestry and Fire Protection (Staff Contact: Jason Schoonover, Fire Chief, 408-586-2811; and Arthur Belton, Deputy Fire Chief/Fire Marshal, 408-586-3384)
Category:	Consent Calendar-Public Safety
Meeting Date:	5/20/2025
Recommendation:	(1) Waive the second reading; and (2) Adopt Ordinance No. 317 to adopt by reference the mapping of fire hazard severity zones, as issued by the California Department of Forestry and Fire Protection.

BACKGROUND:

In response to the devastating wildland-urban fire in Oakland in 1991, California adopted the Bates Bill (Government Code sections 51175 et seq.), which together with Public Resources Code section 4202 mandates the California Board of Forestry and Fire Protection (CAL FIRE) map all very high fire danger areas within both State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) throughout the state. LRAs are those areas of the state where a local government agency has primary responsibility for fire protection. The City of Milpitas is categorized as an LRA.

In 2021, the legislation was modified to require the California State Fire Marshal also identify moderate and high fire severity zones throughout the state. The law requires local agencies to designate, by ordinance, moderate, high and very high fire hazard severity zones (FHSZ) within their jurisdictions based on recommendations of the State Fire Marshal. Pursuant to Government Code section 51179, a local agency is prohibited from decreasing the level of fire hazard severity zone identified by the State Fire Marshal. A local agency may in its discretion increase the severity level of areas within its jurisdiction.

As explained by the State Fire Marshal, fire hazard severity zone maps evaluate fire “hazard,” not fire “risk.” They are like flood zone maps, where lands are described in terms of the probability level of a particular area being inundated by floodwaters, and not specifically prescriptive of impacts. “Hazard” is based on the physical conditions that create a likelihood and expected fire behavior over a 30 to 50-year period without considering mitigation measures such as home hardening, recent wildfire, or fuel reduction efforts. “Risk” is the potential damage a fire can do to the area under existing conditions, accounting for any modifications such as fuel reduction projects, defensible space, and ignition resistant building construction.

In addition to fire protection measures required under the California Building Code and Government Code, fire hazard severity zone maps dictate various levels of required actions under other laws, such as home disclosure requirements under Section 1102.6f and 1102.19 of the Civil Code, insurance requirements under Section 10094.2 of the Insurance Code, and school safety plans under Section 32282 of the Education Code.

ANALYSIS:

According to Government Code Sections 51177 to 51179, the California State Fire Marshal must prepare and release recommended maps delineating fire hazard severity zones. Upon receiving the recommendations from the State Fire Marshal, local agencies are required to make the information public within 30 days. The local agency must then either adopt the proposed fire hazard severity map or exercise its discretion to increase proposed fire hazard severity zones within 120 days after receiving these recommendations.

The Milpitas Fire Department received the most recent mapping from the State Fire Marshal on February 24, 2025. The map along with educational information were published and made available for public comment on the Fire Department website on March 10, 2025. An email link to the Milpitas Fire Marshal office was included to solicit questions and comments.

The map (Attachment A) indicates that there are no very high or high FHSZs within the City of Milpitas. However, the western edge of the City into the hills is shown as a “moderate” zone. Attachment B provides further information on the differences between moderate, high and very high FHSZs.

This ordinance is the final requirement established under existing state law regarding the designation of fire hazard severity zones in LRA as mandated by the California State Fire Marshal.

On [May 6, 2025](#), City Council conducted a public hearing regarding the fire hazard severity zone mapping and Introduced Ordinance No. 317 to adopt by reference the mapping of fire hazard severity zones, as issued by the California Department of Forestry and Fire Protection. No changes or amendments were directed to City Staff by Council. This will constitute the second reading of the ordinance for adoption.

POLICY ALTERNATIVE(S):

Alternative 1: Designate more extensive or increased fire severity zones

Pros: This would allow the City of Milpitas to engage more stringent regulations regarding fire protection applicable to homes and structures in areas so designated.

Cons: Residents and property owners may be required to make significant adjustments to current properties and structures.

Reason for Not Recommending: Staff can find no rationale or justification to extend or increase the mapping designation from the State. Historically, Milpitas has significantly mitigated fire risk through the limitation of hillside development, annual reduction of fuel loading through the weed abatement program, and engagement of public education

Alternative 2: Not adopt the ordinance

Pros: None

Cons: City of Milpitas would be out of compliance with California State Government Code.

Reason for Not Recommending: Being out of compliance with the State of California could create significant legal challenges.

FISCAL IMPACT:

There is no fiscal impact with the engagement of this ordinance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. The action is also a continuing administrative or general policy making activity and is not a project pursuant to Cal. Code Regs., tit. 14, § 15378.

RECOMMENDATION:

- (1) Waive the second reading; and
- (2) Adopt Ordinance No. 317 to adopt by reference the mapping of fire hazard severity zones, as issued by the California Department of Forestry and Fire Protection.

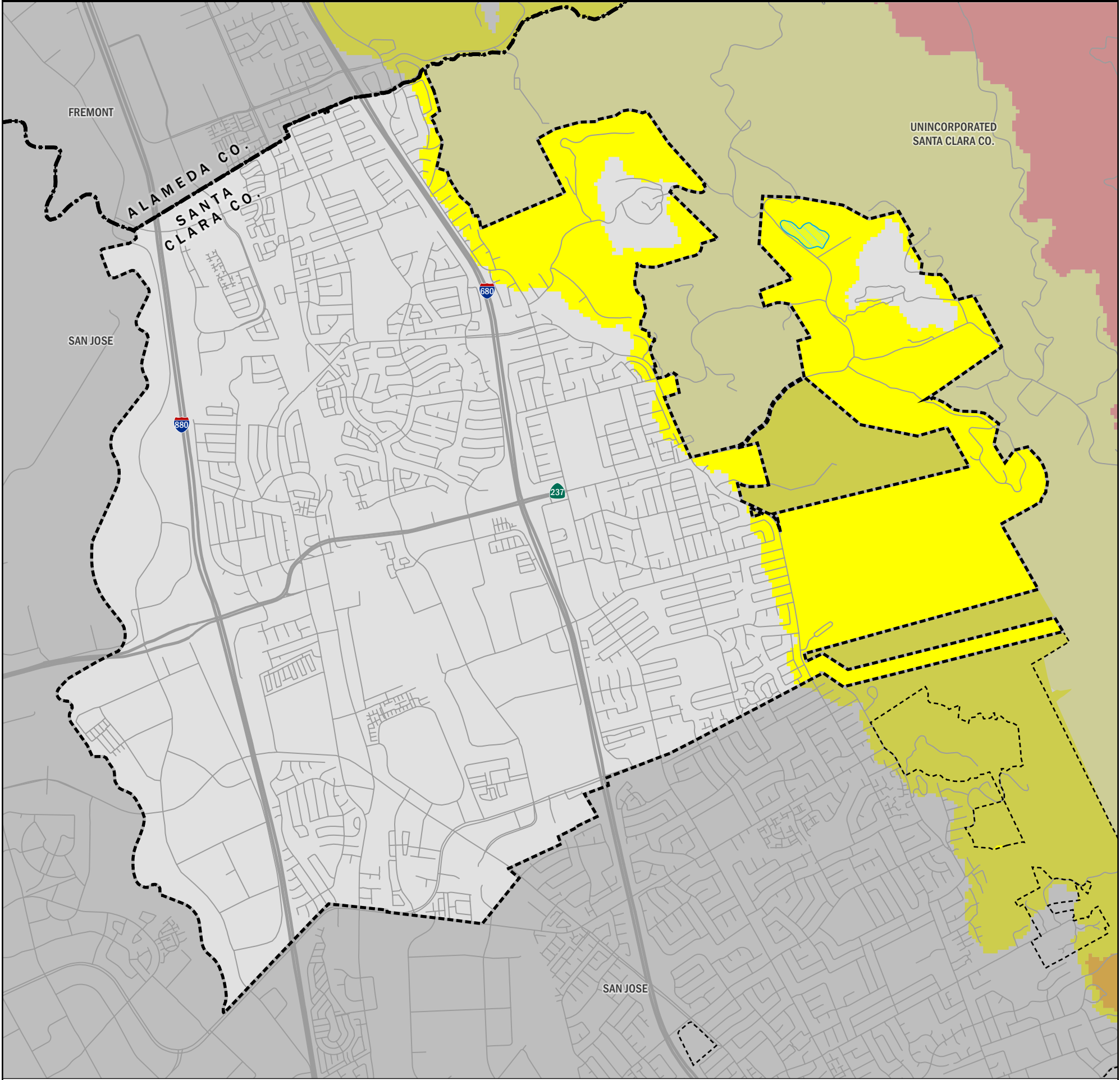
ATTACHMENT(S):

- (a) 2025 Local Responsibility Area Fire Hazard Severity Zones Map
- (b) 2025 Fire Hazard Severity Zone Ordinance



Local Responsibility Area Fire Hazard Severity Zones

As Identified by the
State Fire Marshal
February 24, 2025



Fire Hazard Severity Zones (FHSZ) in Local Responsibility Area (LRA), as Identified by the State Fire Marshal

High

Moderate

Fire Hazard Severity Zones in State Responsibility Area (SRA), Effective April 1, 2024

Very High

Moderate

Mi 01

Km 012

Projection: NAD 83 California Teale Albers
Scale: 1:35,000 at 11" x 17"

Incorporated City

Waterbody

Unzoned LRA

REGULAR

NUMBER: ____.

TITLE: **AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING THE FIRE HAZARD SEVERITY ZONES AS RECOMMENDED BY THE CALIFORNIA FIRE MARSHAL**

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

RECITALS AND FINDINGS:

WHEREAS, in 1992, the California Legislature adopted the Bates Bill, codified as Government Code sections 51175, et seq., to prevent and control wildfires in the State, and reduce the intensity of uncontrolled fires, in order to protect life and property within the State; and

WHEREAS, as stated in Section 51176 of the Government Code, the purpose of the Bates Bill is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property; and

WHEREAS, Section 51178 of the Government Code requires the State Fire Marshall to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas, including based on fuel loading, slope, fire weather, winds, and other relevant factors; and

WHEREAS, Section 51181 of the Government Code requires the State Fire Marshall to periodically review the areas in the state identified as very high fire hazard severity zones and, as necessary, make recommendations relative to very high fire hazard severity zones, including every five years if possible; and

WHEREAS, Section 51179 of the Government Code requires local agencies by ordinance to designate moderate, high, and very high fire hazard severity zones within their jurisdictions following receipt of updated recommendations from the State Fire Marshal. In making this determination, local agencies may, upon specified findings, add to or increase the areas within their jurisdictions recommended for designation as moderate, high, and very high fire hazard severity zones but may not decrease the level of fire hazard severity zones as identified by the State Fire Marshal. Changes made by a local agency to the recommendations made by the State Fire Marshall shall be final and shall not be rebuttable by the State Fire Marshal; and

WHEREAS, by transmittal dated February 24, 2025, the City received from the State Fire Marshal a map entitled “City of Milpitas – Santa Clara County Local Responsibility Area Fire Hazard Severity Zones,” copy of which is attached hereto as **Exhibit A**, which provides recommendations pursuant to Section 51178 of the Government Code for designation of fire hazard severity zones within the City of Milpitas; and

WHEREAS, consistent with Section 51178.5 of the Government Code, the City within 30 days after receiving this transmittal made this transmittal, the proposed map, and all information contained therein available for public review and comment in a format that was understandable and accessible to the general public, including through posting on the City of Milpitas Website; and

WHEREAS, consistent with Section 511795 of the Government Code, the City Council now within 120 days of receiving this transmittal intends to approve and adopt by ordinance the most recent Fire Hazard Severity Zone Map recommended by the State Fire Marshall.

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

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted

or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. ADOPTION OF FIRE HAZARD SEVERITY ZONES MAP

As reflected in the map entitled “City of Milpitas – Santa Clara County Local Responsibility Area Fire Hazard Severity Zones,” copy of which is attached hereto as Exhibit A and incorporated herein, the City of Milpitas, by and through the Milpitas City Council, hereby designates the Fire Hazard Severity Zones as recommended by the State Fire Marshal pursuant to Section 51178 of the Government Code. Said map shall be kept on file in the Office of the Milpitas City Clerk and will also be made accessible through the Fire Prevention Bureau of the Milpitas Fire Department and as practical through the City of Milpitas Website.

SECTION 3. APPLICABILITY

Materials and construction methods for exterior wildfire exposure applying to the design and construction of new buildings as found in the California Building Code and the mitigation strategies to reduce risk associated with wildland fires, exemptions, disclosure requirements and violation and penalty provisions pursuant to Sections 51182 through 51189 of the Government Code, Section 1102.6f and 1102.19 of the Civil Code, Section 10094.2 of the Insurance Code, Section 32282 of the Education Code, and such other laws as are made applicable by reference to state and local fire hazard severity maps adopted pursuant to the Bates Bill shall apply to those areas identified in the map entitled “City of Milpitas – Santa Clara County Local Responsibility Area Fire Hazard Severity Zones,” copy of which is attached hereto as Exhibit A.

SECTION 4. TRANSMITTAL

Consistent with Section 51179(c) of the Government Code, the Fire Marshall of the City of Milpitas shall transmit a copy of this Ordinance to the State Board of Forestry and Fire Protection within thirty (30) days of adoption.

SECTION 5. SEVERABILITY

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

SECTION 6. EFFECTIVE DATE AND POSTING

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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Authorizing an Application to the Home Investment Partnerships Program (HOME) (Staff Contact: Sarah Balcha, Acting Housing Official, 408-586-3268)
Category:	Consent Calendar-Community Development
Meeting Date:	5/20/2024
Recommendation:	(1) Adopt a resolution authorizing an application to the HOME Program; and (2) Authorize the City Manager, or designee, to execute a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Program.

BACKGROUND:

The California Department of Housing and Community Development (HCD) released the 2024 Notice of Funding Availability (NOFA) for Home Investment Partnerships Program (HOME) on December 31, 2024. HCD provides approximately \$35 million in funding for jurisdictions who are not eligible to receive HOME funding directly from the Department of Housing and Urban Development (HUD). All awards given through HCD are done so on a competitive basis with at least 50 percent of the awards going to rural applicants. Additionally, the amount of funding available through this NOFA is subject to change.

HOME funds received from HCD must meet the statewide goals outlined in their 2020-2024 Consolidated Plan and HCD's 2024-2025 Annual Action Plan. The statewide goals are to service low-income households earning at or below 80% of the Area Median Income (AMI) and very-low-income households earning at or below 50% of the AMI through:

- Increasing the supply of affordable rental housing
- Expanding homeownership opportunities and improving existing housing
- Addressing and preventing homelessness; and
- Providing recovery assistance for natural disaster survivors

The current deadline to apply to the HOME funds through HCD is May 22, 2025. Staff are seeking Council approval to apply for the maximum allocation of \$500,000 for tenant-based rental assistance (TBRA).

ANALYSIS:

To be eligible for a competitive HOME award, jurisdictions must engage in activities covered by HCD's guidelines. HOME activities are separated into project activities and program activities as follows:

Project Activities

A. Rental Projects

1. Rental New Construction Projects — funds are provided to develop a specific multifamily Project on a specific site by a specific Developer. Rental new construction Projects may be with or without acquisition of the property; or
2. Rental Rehabilitation Projects — funds are provided to rehabilitate a specific rental Project on a specific site by a specific Developer, with or without acquisition of the property; or
3. Rental Acquisition Projects — funds are provided to acquire a specific rental Project that meets all HOME requirements including property standards.

B. First-Time Homebuyer Projects

1. Construction financing must include the following: (1) New construction or acquisition/rehabilitation/conversion to develop homes on specific site(s).
2. All (100 percent) of the HOME investment rolls over to permanent financing to provide mortgage assistance to eligible first-time homebuyers when the units are sold to eligible homebuyers.

Program Activities

A. First-Time Homebuyer Program

1. Acquisition-only Down Payment Assistance – funds are awarded to HOME-eligible Applicants to provide individual loans to homebuyers to purchase modest dwellings selected from the open market.
2. Infill New Construction – funds are awarded to eligible State Recipients or CHDOs to provide assistance with the new construction of dwellings on scattered sites, with no more than four dwellings per vacant site.

B. Owner-Occupied Rehabilitation Program

1. Assist HOME eligible homeowners whose primary residence needs repairs, improvements, or reconstruction necessary for correction of any health and safety deficiencies, and to meet locally adopted standards used for rehabilitation Projects.

C. Tenant-Based Rental Assistance Program (TBRA)

1. Assist HOME eligible individuals with rent subsidies and/or security deposit

As no rental projects were identified that would meet the requirements of the HOME NOFA, Santa Clara County's pre-existing homebuyer assistance program, known as Empower SCC, and City Council recently sunsetting the City's Home Rehabilitation Loan program due to lack of interest, staff are recommending the City Council approve a funding application for TBRA. The maximum amount of TBRA the City of Milpitas can apply for this year is \$500,000. Depending on funding availability, the total amount of funding allocated to the HOME program is subject to change. If notified of receipt of award, staff propose coming back to Council for feedback on program guidelines. Additionally, HCD has guidelines for TBRA which are listed below:

- TBRA can be used for rental subsidies and/or security deposits
- TBRA must be given for a minimum of 6 months, however, tenants must be initially offered a one-year lease and term of rental assistance must begin on first day of new lease
- City must have an executed rental assistance agreement with the owner or the tenant
- Residence must be in Milpitas as Milpitas is the only state-funded HOME jurisdiction in Santa Clara County
- Amount of monthly assistance that a jurisdiction can pay to a household may not exceed the difference between a rent standard for the unit size and 30% of the family's Adjusted Gross Income
- Individuals must be at 80% of the Area Median Income or below with 90% of the total families assisted through TBRA program having incomes that do not exceed 60% AMI. Santa Clara County most recent HOME income limits from June 2024 are provided on the table below:

Income Category	1	2	3	4	5	6	7	8
30%	\$38,750	\$44,250	\$49,800	\$55,300	\$59,750	\$64,150	\$68,600	\$73,000
Very Low Income 50%	\$64,550	\$73,750	\$82,950	\$92,150	\$99,550	\$106,900	\$114,300	\$121,650
60% Limits	\$77,460	\$88,500	\$99,540	\$110,580	\$119,460	\$128,280	\$137,160	\$145,980
Low Income 80%	\$102,300	\$116,900	\$131,500	\$146,100	\$157,800	\$169,500	\$181,200	\$192,900

Program Reporting Requirements:

HOME funds are similar to CDBG funds and require quarterly reporting to HCD. Staff will also be responsible for completing project set-up and completion reports. If the City of Milpitas receives an award, staff anticipate releasing a request for proposal (RFP) for a third-party administrator to help with application processing, eligibility determinations, rental assistance agreements, and disbursement of funds.

Next Steps:

To apply for the state-funded HOME program, the City must certify it will comply with all applicable state and federal laws in addition to the HOME program threshold requirements. These include items such as compliance with Fair Housing Act and substantial compliance with state Housing Element Law.

The City must also submit a resolution granting authority to make an Application to the HOME Program and identifying the position(s) that will be authorized to sign the Standard Agreement, any amendments thereto, and related documents including drawdown requests (Attachment 1).

Award Determinations:

Once HCD determines all applicants who have met the threshold requirements, HCD will score, rank, and fund applications based on which category of project/program funding they fall within. In the case of a tied score, the application demonstrating the highest jurisdictional poverty level will be funded first. Scoring will be based on a series of factors including demonstration of administering similar programs and overpayment by low-income renter households as reflected in United States Census data. To receive points for program guidelines, the City must certify that program guidelines will use HCD-provided templates and reflect state and federal requirements.

Award announcements for TBRA are expected in July 2025. The City will need to execute a Standard Agreement with HCD within 90 days of notice of its award. The Standard Agreement contains all the relevant state and federal requirements, as well as specific information about the award and the work to be performed. The Standard Agreement includes deadlines consistent with state and federal HOME regulations. HOME funds must be expended within three (3) years of standard agreement execution date.

FISCAL IMPACT:

The City application and receipt of the HOME grant would be in an amount not to exceed \$500,000. The budget appropriation of \$500,000 will be requested, if the grant is awarded to the City, when staff returns to City Council for feedback on program guidelines.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. The action is also a fiscal activity of the City government or an action to continue a City government funding mechanism that 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. Even if a project, the action is exempt from further CEQA review pursuant to Cal. Code Regs., tit. 14, § 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION:

- (1) Adopt a resolution authorizing an application to the HOME Program.
- (2) Authorize the City Manager, or designee, to execute a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Program.

ATTACHMENT(S):

- (a) Home Investment Partnerships (HOME) Program Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILPITAS AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME); AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME PROGRAM

WHEREAS, the California Department of Housing and Community Development (the “Department”) is authorized to allocate HOME Investment Partnerships Program (“HOME”) funds made available from the U.S. Department of Housing and Urban Development (“HUD”). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and in Title 25 of the California Code of Regulations commencing with section 8200;

WHEREAS, On February 11, 2025, the Department issued a Notice of Funding Availability announcing the availability of funds under the HOME program (the “NOFA”); and

WHEREAS, in response to the NOFA, the City of Milpitas a municipal corporation organized and operating under the laws of the State of California, wishes to apply to the Department for, and receive an allocation of, HOME funds.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. In response to the above-referenced HOME NOFA, the City of Milpitas will submit an Application to the Department to participate in the HOME program and for an allocation of funds not to exceed Five-Hundred Thousand Dollars (\$500,000) for a Tenant-Based Rental Assistance Program located in the city of Milpitas.
3. If the Application for funding is approved, then the City of Milpitas hereby agrees to use the HOME funds for eligible activities in the manner presented in its Application as approved by the Department in accordance with the statutes and regulations cited above. The City of Milpitas, as a condition precedent to further disbursement of funds, will also execute a Standard Agreement with the Department, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program.
4. The City Council hereby authorizes the City Manager or their designee, to execute, in the name of the City of Milpitas, the HOME Standard Agreement, other HOME-related contracts and conveyances, and any subsequent amendments thereto.

5. The City Council hereby authorizes the City Manager or their designee, to execute, in the name of the City of Milpitas, drawdown requests and any other HOME Program form requiring a signature, as may be required by the Department from time to time.

PASSED AND ADOPTED this 20 day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Accept the Completed Public Improvements for the Chick-fil-A Calaveras & Hillview #04483 Project, Approve a Reduction of the Faithful Performance Bond for the Project, and Authorize the City Engineer to Release the Remaining Portion of the Bond after the One-Year Warranty Period (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)
Category:	Consent Calendar-Community Development
Meeting Date:	5/20/2025
Recommendation:	(1) Adopt a resolution to accept the completed public improvements for the Chick-fil-A Calaveras and Hillview #04483 Project, (2) Approve a reduction of \$47,500.00 in the faithful performance bond; and (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work has been completed to the satisfaction of the City Engineer.

BACKGROUND:

On November 2, 2021, the City Council approved the Improvement Agreement for Chick-fil-A Calaveras and Hillview #04483 (Project). The Project constructed a new Chick-Fil-A convenience food restaurant with drive-thru service, outdoor seating, site and public Improvements, and parking stalls on a 1.23-acre site located at 755 East Calaveras Boulevard. The public improvements include the construction of a new domestic water service, replacement of a portion of curb/gutter and sidewalk, and resurfacing of half of a street along Hillview Drive.

ANALYSIS:

The Developer, Chick-fil-A, Inc., has successfully completed all required public improvements for the Project in accordance with the approved Public Improvement Plans, No. 2-1345. The completed public improvements are now ready for acceptance by the City Council triggering the commencement of the one-year warranty period. Staff recommends the City Council adopt a Resolution (**Attachment 1**) granting acceptance of the public improvements, and approve a reduction of the faithful performance bond to \$47,500.00, which is 25% of the security's original value, and grant authorization to the City Engineer to release the remaining portion of the faithful performance bond after the one-year warranty period without further City Council action provided any required warranty work is completed to the satisfaction of the City Engineer.

POLICY ALTERNATIVE(S):

Alternative: Not approve resolution granting acceptance of public improvements including the reduction of the faithful performance bond.

Pros: None

Cons: Not granting acceptance of public improvements would limit public use of improvements and does not promote orderly completion and closeout of the Project. Also, not granting acceptance could be in conflict with the City's obligations under the Improvement Agreement.

Reason for Not Recommending: Granting acceptance of the completed public improvements would allow public use of the improvements and allows for the closeout of the Project as required by the Improvement Agreement. Staff recommends the City Council adopt the resolution granting acceptance of public improvements.

FISCAL IMPACT:

Public improvements completed as part of the Project will be perpetually owned and maintained by the City following acceptance by City Council and expiration of the one-year warranty period. The Public Works Department will be responsible for maintenance of the improvements and any required additional funding for ongoing maintenance will be requested through future budget appropriations as the City Council adopts the annual operating budget for the Public Works Department.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Planning Department completed an environmental assessment for the Project in accordance with the California Environmental Quality Act ("CEQA") and has determined that the proposed Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects), and on a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning). Granting acceptance of public improvements and reducing faithful performance bond for public improvements are not considered projects under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

RECOMMENDATION:

- (1) Adopt a resolution to accept the completed public improvements for the Chick-fil-A Calaveras & Hillview #04483 Project;
- (2) Approve a reduction of \$47,500.00 in the faithful performance bond; and
- (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work is completed to the satisfaction of the City Engineer.

ATTACHMENT(S):

- (a) Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
ACCEPTANCE AND REDUCING FAITHFUL PERFORMANCE BOND OF CHICK-FIL-A
CALAVERAS & HILLVIEW #04483 AND GRANTING AUTHORIZATION TO THE CITY
ENGINEER TO RELEASE THE PERFORMANCE BOND AFTER THE ONE-YEAR
WARRANTY PERIOD**

WHEREAS, the City Council of the City of Milpitas on November 2, 2021 approved the plans and specifications for Chick-fil-A Calaveras & Hillview #04483, (the “Project”) to be completed by Chick-fil-A, Inc. at 755 East Calaveras Boulevard; and

WHEREAS, the City of Milpitas has heretofore entered into an improvement agreement on November 2, 2021 with Chick-fil-A, Inc., for the Project; and

WHEREAS, Chick-fil-A, Inc., as Principal, and Liberty Mutual Insurance Company, as Surety, executed and posted a certain Faithful Performance Bond Number 016230862 conditioned upon the faithful performance of the provisions of said improvement agreement and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said public improvements for the Project have been completed and the improvement agreement provides that the security shall extend for a period of one year after the date of acceptance of said improvements to cover the warranty period of said improvements under said agreement; and

WHEREAS, the City Council is willing to consent to a reduction in the penal sum of said security during said one year warranty period; and

WHEREAS, the City Engineer of the City of Milpitas has made a final inspection of said improvements for the Project and recommends that the City Council of the City of Milpitas accept the same as constructed in accordance with the approved plans and specifications.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Those certain public improvements constructed as part of the Project, are hereby accepted as constructed in accordance with the approved plans and specifications upon recommendation of the City Engineer of the City of Milpitas.
3. The penal sum of the faithful performance bond securing said improvements may be reduced to the sum of \$47,500.00, upon request of Principal and Surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of one year of said security. Provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquish by City of any obligations imposed upon the developer or his surety, or sureties, by law or by the above referend public improvement agreement, save and except as expressly set forth herein.
4. The City Council grants authorization to the City Engineer to release the faithful performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

PASSED AND ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an Update on the Completed Security Improvements at the McCarthy Ranch Sewer Lift Station (Main Lift) and Determine that the Condition No Longer Constitutes an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/20/2025
Recommendation:	(1) Receive an update on the completed security improvements at the McCarthy Ranch Sewer Lift Station; and (2) Determine by a four-fifths vote that the condition no longer constitutes an emergency and, therefore, terminate the emergency action.

BACKGROUND:

Pursuant to Public Contract Code section 22050 and the attached Council Resolution No. 9134, the Director of Public Works, in the case of emergency, may authorize a repair of a public facility and procure the work without giving notice for bids. An emergency is defined as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Additionally, State law requires the Public Works Director, as the City official with delegated authority to take emergency action, to report any emergency authorization and the reason(s) for the authorization to the City Council not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action. Further, the Public Works Director is required to report why the emergency would not permit a delay resulting from a competitive solicitation for bids and the City Council is required to review the emergency action at every regularly scheduled meeting thereafter until the emergency repair is completed. The City Council shall continue to review the emergency action at every regularly scheduled meeting thereafter until the action is terminated. At each review, the City Council shall determine, by a four-fifths vote, whether there is a need to continue the action.

Consistent with applicable State law and Council Resolution, on July 30, 2024, the Public Works Director declared an emergency and authorized the City to contract with Trofholz Technologies and Diamond Fencing to implement various security and access control improvements to the McCarthy Ranch Sewer Lift Station (Main Lift). Further, within the required timeframe the Public Works Director informed the City Council via [Information Memorandum](#) on July 31, 2024, regarding the emergency authorization, the reasons for the authorization, and the cost for repair in a not to exceed amount of \$700,000.

PROJECT/STATUS UPDATE:

Security system enhancements to include cameras, card readers, and motion sensor alarms are complete. The perimeter fence installation has also been completed. Closure systems and gates have been installed, tested, and verified. Accordingly, the Public Works Director is hereby recommending the termination of the emergency action. The total cost of the repairs was \$633,694.14.

FISCAL IMPACT:

Funding for these repairs is available in the City’s Capital Improvement Program (CIP) budget. CIP Project 6124 – Sewer Pump Station Rehabilitation Project will fund the installation of security cameras, card readers, and motion sensors. The funding source of this CIP project is Sewer Infrastructure Fund. The available balance as of 01/07/2025 is \$1,277,987.

CIP 6130 – Main Lift Odor Emission Control Project will fund the removal and replacement of the perimeter fencing. The funding source of this CIP Project are Sewer Infrastructure Fund, and Sewer Treatment Fund. The available balance as of 03/31/2025 is \$5,365.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The emergency repair work is exempt from CEQA, per CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction.

RECOMMENDATION:

- (1) Receive an update on the completed security improvements at the McCarthy Ranch Sewer Lift Station; and
- (2) Determine by a four-fifths vote that the condition no longer constitutes an emergency and, therefore, terminate the emergency action.

ATTACHMENT(S):

N/A



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an Update on the Water Main Repairs on Curtis Avenue and Yosemite Drive and Determine that the Condition Constitutes an Emergency (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/20/2025
Recommendation:	(1) Receive an update on the Water Main Repairs on Curtis Avenue and Yosemite Drive; and (2) Determine by a four-fifths vote that the condition constitutes an emergency.

BACKGROUND:

Pursuant to Public Contract Code section 22050 and the attached Council Resolution No. 9134, the Director of Public Works, in the case of emergency, may authorize a repair of a public facility and procure the work without giving notice for bids. An emergency is defined as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Additionally, State law requires the Public Works Director, as the City official with delegated authority to take emergency action, to report any emergency authorization and the reason(s) for the authorization to the City Council not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action. Further, the Public Works Director is required to report why the emergency would not permit a delay resulting from a competitive solicitation for bids and the City Council is required to review the emergency action at every regularly scheduled meeting thereafter until the emergency repair is completed. The City Council shall continue to review the emergency action at every regularly scheduled meeting thereafter until the action is terminated. At each review, the City Council shall determine, by a four-fifths vote, whether there is a need to continue the action.

Pursuant to Public Contract Code Section 22050 and Resolution No. 9134, the Director of Public Works has determined that Water Main Repairs on Curtis Avenue and Yosemite Drive constitute emergencies. Both incidents meet the legal definition of an emergency as a “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Delaying these repairs to complete a formal bidding process would significantly increase the risk of further infrastructure failure, extended service disruptions, environmental impacts, and property damage.

PROJECT/STATUS UPDATE:

Project #1: An 18-inch ductile iron recycled water main located at 330 Curtis Avenue.

Per the agreement entered on October 8, 1997, with the City of San José, the City of Milpitas is responsible for the operation and maintenance of the recycled water distribution system and all associated facilities located within Milpitas city limits. The portion of the recycled water distribution system within Milpitas includes approximately 24 miles of pipeline and related appurtenances. During Fiscal Year 2022–23, the City’s 255 recycled water customers used approximately 390,018 hundred cubic feet of recycled water—an average of 799,270 gallons per day. In addition to routine operations and maintenance, the City is also responsible for providing emergency services on an as-needed basis.

On April 11, 2025, City staff were notified of a significant recycled water spill into the storm drain system associated with a nearby recycled water main break. Crews immediately began potholing to identify the location of the break and cause of the leak. To prevent further discharge into the local drainage system, the recycled water main was isolated and recycled water flowing to that section of line was shut down. As a result, eight

recycled water customers (including the Great Mall landscaping) have been put out of service for an extended period of time.

The repair site posed significant challenges, with the break located approximately 10 feet deep, requiring engineered shoring for safe access. The main pipeline is located within a joint utility trench alongside fiber optic conduit and other critical utilities, demanding precise excavation and close coordination to avoid service disruptions or damage. These factors substantially increased the complexity and risk of the repair and excavation work. After inquiring with several other contractors, staff contacted Preston Pipeline, our local on-call contractor, to provide repair proposals and assist with excavation efforts. The total cost for repairs, including time and materials, is not to exceed \$110,400. Repairs are tentatively expected to start on May 16th and be completed on May 21st. Immediate repairs without the delay of competitive bidding is required to protect the public, restore clean water services, and protect the City system from further damage that complicate repairs and other water delivery systems.

Project #2: A 16-inch spiral welded steel water main located at 878 Yosemite Avenue.

On April 16, 2025, City staff responded to a major water leak at the intersection of Yosemite Avenue and Hillview Drive. Crews promptly isolated the potable water main to prevent further property damage and initiated an investigation. The cause of the leak was identified as a large hole on the bottom of a 16-inch wrapped steel main at a transition fitting. Due to the pipe type, repairs require specialized materials and a certified welder. During the isolation process, staff also discovered that one of the valves was broken in the closed position and will need to be replaced. Staff contacted Preston Pipeline once again to assist with the repairs and provide a cost proposal. The total cost for the repair at Yosemite and Hillview, including time and materials, is not to exceed \$214,000. Work is tentatively scheduled to start the week of the May 26th and it is anticipated to take four to five days to complete the repairs. Staff is currently waiting on the proposal to repair the broken valve and will update the City Council with the estimated cost as part of the next City Council emergency status update. Immediate repairs without the delay of competitive bidding is required to protect the public, restore clean water services, and protect the City system from further damage that complicate repairs and other water delivery systems.

Discussion

The repairs for both the recycled water main at 330 Curtis Avenue and the potable water main at 878 Yosemite Avenue must be completed on an emergency basis and awarded to Preston Pipeline due to the urgency, complexity, and public safety implications of the incidents. The failure of the 18-inch ductile iron recycled water main at 330 Curtis Avenue resulted in a significant spill into the local drainage system, requiring immediate main isolation and impacting eight recycled water customers. Recycled water plays a critical role in reducing potable water consumption, supporting sustainability goals, and maintaining essential irrigation and industrial operations. Extended service outages risk non-compliance with agreements, customer dissatisfaction, and damage to local infrastructure.

Similarly, the break in the 16-inch spiral welded steel potable water main at Yosemite Avenue and Hillview Drive posed an immediate threat to public and private property and disrupted essential potable water service to several businesses in the area. Staff have been able to temporarily “jump” affected businesses to continue water service, but it is not a viable solution in the long run. The nature of the damage specifically a hole in the steel main at a transition fitting requires specialized materials and certified welding expertise not readily available through standard City maintenance operations. Furthermore, a broken valve discovered during isolation complicates the repair and must be addressed simultaneously to restore full system functionality.

Preston Pipeline has provided on-call underground utility repair services for the City and has the required expertise, availability, and equipment to address these complex repairs promptly. The City's Public Works crews do not have the specialized capacity or certification required to perform the steel pipe welding and corrosion protection work involved, nor the resources to complete both projects in parallel while maintaining routine operations.

FISCAL IMPACT:

Funding for these repairs is available in the City's CIP Budget.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project entails replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced and is exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15302.

ATTACHMENT(S):

(a) Council Resolution No. 9134

RESOLUTION NO. 9134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DELEGATING TO THE PUBLIC WORKS DIRECTOR THE AUTHORITY TO TAKE EMERGENCY ACTION AND TO LET EMERGENCY CONTRACTS WITHOUT GIVING NOTICE SOLICITING COMPETITIVE BIDS

WHEREAS, in the event of an emergency which results in damage to City public facilities requiring immediate remedial action, it would be detrimental to public health, safety, and welfare if the remedial action were delayed by the issuance of a notice for bids to let contracts; and

WHEREAS, Public Contract Code section 1102 defines an emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, pursuant to Sections 22035 and 22050 of the Public Contract Code, the City may undertake immediate action to repair or replace public facilities and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, in the case of an emergency; and

WHEREAS, pursuant to Section 22050 of the Public Contract Code, the City Council, by a four-fifths vote, may delegate by resolution the authority to order such emergency action to the Public Works Director.

WHEREAS, on September 2, 2008, the City Council adopted Resolution No. 7779 delegating authority to the Public Works Director pursuant to Public Contract Code 22050 and this new resolution is intended to clarify, amend, and replace the prior resolution and shall control moving forward.

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

1. The foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.
2. Pursuant to Public Contract Code Sections 22035 and 22050(b)(1), the authority to order emergency remedial action and to let emergency contracts without giving notice is delegated to the Public Works Director by a four-fifths vote of this City Council.
3. If the Public Works Director, pursuant to the authorization set forth herein, orders any emergency action, he or she shall report to the City Council, not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, the reasons justifying why the emergency did not permit any delay that would have been caused by a competitive solicitation for bids and why the action was necessary to respond to the emergency.
4. The Public Works Director shall work with the Purchasing Agent to execute an emergency contract as soon as reasonably possible prior to starting the emergency work. Additionally, the Public Works Director shall have the authority to execute one or more change orders related to the emergency work.
5. The City Council shall continue to review the emergency action at every regularly scheduled meeting thereafter until the action is terminated. At each review, the City Council shall determine, by a four-fifths vote, whether there is a need to continue the action, unless the Public Works

Director terminates the action prior to the City Council reviewing the emergency action and making a determination pursuant to this resolution and Section 22050 of the Public Contract Code.

6. When the City Council reviews the emergency action pursuant to this resolution, it shall terminate the action at the earliest date that conditions warrant so that the remainder of the action may be completed by giving notice for bids to let contracts.

PASSED AND ADOPTED this 15th day of March, 2022, by the following vote:

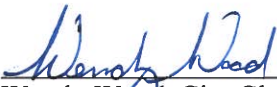
AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:



Wendy Wood, City Clerk

APPROVED:



Rich Tran, Mayor

APPROVED AS TO FORM:



Christopher J. Diaz, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Deny a Minor Site Development Permit and Zoning Variance for a Covered Deck in the Side Yard Setback at 860 Evans Road (Staff Contact: Jay Lee, Planning Director, 408-586-3077)
Category:	Public Hearings-Community Development
Meeting Date:	5/20/2025
Recommendation:	(1) Conduct a public hearing, (2) Consider the project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303(a) (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations); and (3) Adopt a resolution denying Minor Site Development Permit No. MS24-0257 and Zoning Variance No. VA25-0001 for the property located at 860 Evans Road.

BACKGROUND:

An applicant (Applicant) is seeking a minor site development permit and zoning Variance for a covered deck in the side yard setback at 860 Evans Road (Project). The existing 1,796 square-foot single-family home does not have any related planning entitlements as it was constructed before the Hillside Combining District was adopted in 1992. The City does not have the original Building permits on file, but the oldest Building permits show the existing dwelling was constructed as of at least 1969.

On October 15, 2024, the Applicant filed a Minor Site Development Permit for initial staff review on the proposed hillside development Project. After the first round of review of the application, staff determined that a Variance request would be necessary to approve the covered deck in the proposed location. On February 13, 2025, the Applicant applied for a Variance Permit to deviate from the Hillside development standards for setbacks as established in [Section XI-10-45](#) of the Milpitas Municipal Code (MMC).

Pursuant to MMC [Section XI-10-57.06\(B\)\(2\)](#), the City Council shall have approval authority, upon recommendation by the Planning Commission, of any Variance application relating to developments within the Hillside (-H) Overlay District. The City Council shall hold a public hearing, with notice as required in MMC [Section XI-10-64](#), Development Review Process, review the application and the Commission's recommendation and render its decision.

While other Minor Site Development Permits can be processed at the Zoning Administrator or staff level pursuant to MMC [Sections XI-10-57.03](#) and [XI-10-64.02](#), concurrent applications are consolidated so that final action on the project is made by the highest review authority responsible for making a decision on the applications for the project pursuant to MMC [Section XI-10-64.03](#). Furthermore, pursuant to MMC [Section XI-10-45.09-2](#), no building permit may generally be issued for the construction or expansion of a single-family structure or accessory structure in the Hillside (-H) Overlay District until such structure has received a site and architectural review approval by the Planning Commission and the City Council.

On April 9, 2025, the Planning Commission held a public hearing to consider the Conditional Use Permit application for the proposed Variance. After receiving a presentation from staff, hearing from the applicant and the public, the Planning Commission closed the public hearing and voted 4-1-1, with one Commissioner absent and one abstaining vote, recommending the Milpitas City Council approve the Variance request.

ANALYSIS:

Project Description

The Project site is a developed 0.8-acre parcel located on Evans Road, near the intersection of North Park Victoria Drive and Jacklin Road. The property and neighboring properties are zoned R1-H Single Family Residential – Hillside. The Project site is at least 1,500 feet west of the hillside crest line as established in the Hillside development regulations (MMC Section XI-10-45).

The applicant is requesting a Minor Site Development Permit and a Variance to construct a 1,082-square foot, attached, accessory building (covered deck) on a 0.8-acre lot. The following is a summary of the applicant's requests:

1. *Minor Site Development Permit:* To allow development of a 1,082 square-foot covered deck, attached to an existing 1,796 square-foot single-family residence. The proposed covered deck would be an expansion to a non-conforming building.
2. *Variance Permit:* To deviate from one of the Hillside development standards for side setbacks, which requires a minimum distance of 40 feet for primary structures from side property lines. Pursuant to MMC [Section XI-10-54.08\(A\)\(3\)\(a\)](#), accessory buildings structurally attached to the main building are treated as part of the main building in terms of development standards including setbacks.

The Project site is in the northeastern portion of the City of Milpitas in the hillside area. Table 1 provides a summary of the Zoning and Land Uses surrounding the site:

Table 1:
Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Use
Subject Site	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Single-family home
North	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Single-family home
South	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Single-family home
East	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Vacant
West	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Religious assembly, Baitul Baseer Mosque

Milpitas General Plan 2040

The General Plan designation for the Project site is Hillside Very Low Density (HVL). The General Plan details the goals, objectives, and policies for the City's Hillside Area. It is characterized by gentle to steep slopes, grassy terrain with some scrub and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the City. The Hillside Low Density designation allows a maximum of one (1) housing unit per 10 gross acres. Table 2 outlines the proposed Project in relation to applicable General Plan policies.

Table 2:
General Plan Consistency

Policy	Conformance
<i>CD7 -1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Inconsistent. In the proposed location, the Project may alter the existing visual character of the rolling Hillside in that the proposed setbacks are not consistent with the existing Zoning Standards in place since 1992. Based on the site plan submitted by the Applicant, the home will encroach into the required 40-foot side yard setback. However, the Project will not significantly increase any existing impediment to the ability for public views of the hillsides.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed Project will be situated at the flattest portion of the lot to limit the disruption to the existing natural topography by limiting cut and fill. A portion of the Project is partially proposed within the footprint of an existing deck and will not disrupt the existing topography of the hillside areas.
<i>CD 7-3 Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required for the construction of the new enlarged deck due to its location on the flattest areas of the lot. All contours for the home and access driveway will remain the same and will continue to blend with the natural site contours. The driveway follows the natural contours, does not require steep cuts, and follows the natural grade of the existing Hillside.
<i>CD 7-4 Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The existing graded pad for the home is situated on a flat portion of the parcel and will not be modified. Grading follows the site's natural contours in an effort to preserve the natural terrain.

Policy	Conformance
CD 7-5 <i>Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed, especially with respect to runoff and erosion.</i>	Consistent. No changes are proposed to the existing land use and zoning designation, as the subject site will continue to be used as a single-family residence. Construction of the proposed covered deck should meet current building code requirements, and the Engineering Department will review all construction documents for compliance with applicable stormwater and erosion management requirements. In accordance with MMC Section XI-10-45.17-3 , the amount of impervious surface on the site shall be less than 8,000 sq. ft.
CD 7-6 <i>Require hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.</i>	Inconsistent. The attached accessory building (covered deck) is proposed with a side yard setback of five feet. The minimum required side yard setback within the Hillside Combining District is 40 feet. The proposed Project would encroach approximately 35 feet into the required setback, which would not reflect the natural hillside setting.

Milpitas Zoning Ordinance

The site is located in the R1-H Single-Family Residential-Hillside Combining District. The "H" Hillside Combining District promotes and encourages the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular constraints associated with the development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility. Per MMC [Section XI-10-45.17-3](#), the subject parcel is less than 3.0 acres, so the maximum size of the proposed residence does not exceed 6,000 square feet, and the amount of impervious surface coverage on the site will be less than 8,000 square feet. Table 3 demonstrates the Project's partial consistency with the applicable development standards of the R1-H zone. The Table notes the Project is not entirely consistent with the requirements of the "H" Hillside Combining District in that the proposed structure further encroaches into the required 40-foot side setback. The Applicant is requesting a Variance to address this issue, which is discussed in a later section of this report.

Table 3:
Summary of Development Standards

Standards	Hillside Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	40 ft. 6 in. from the property line	Yes
Side Yard Setback	40 ft. minimum	5 ft. 1 in. on the west and 10 ft. and 11 in. on the east.	No. Variance Required.
Rear	40 ft. minimum	127 ft and 2 inches	Yes

Standards	Hillside Requirements	Proposed	Complies
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	1,796 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres)	<8,000 sq. ft.	Yes
Building Height (Maximum)	17 ft. and one story west of crestline	One story or 13 feet and 11 inches	Yes
Parking	Two spaces required	Four spaces (two inside garage & two outside)	Yes
Crestline Zone of Protection	The crestline zone of protection is defined as the area westerly of the perceived crestline and between the perceived crestline and an elevation one hundred (100) feet below.	The proposed accessory building is located significantly more than 100 feet below the crestline, and so no part of the covered patio would visually protrude into the crestline zone of protection area. The height of the proposed structure is less than the existing dwelling.	Yes

In addition to the development standards outlined above, the proposed Project must also comply with the Site and Architectural Guidelines for new hillside development outlined in MMC Section XI-10-45.09-7. The Planning Commission and City Council must consider the Site and Architectural Guidelines as part of their review of proposed projects in the "H" Hillside Combining District. As demonstrated in Table 4 below, staff has determined the proposed Project is inconsistent with the Hillside Site and Architectural Guidelines.

Table 4
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed primary or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	Inconsistent. The proposed attached accessory building (covered deck) is located on a developed 0.8-acre lot with proposed side setbacks ranging from 5 feet to 10 feet, 11 inches along the southern property line. The nearest existing residence is located less than 100 feet to the southwest, and a home on the adjacent lot to the northeast is located approximately 200 feet away. The placement of the proposed covered deck and proximity to the side property lines may affect the views and privacy on adjacent lots.

<i>(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.</i>	Consistent. The Project site is currently developed with a single-family dwelling, with a few shrubs on the higher sloped northern portions of the lot. Two trees will be removed as part of this request, but they would be subject to the City's tree removal permit process. The proposed covered deck will be located on a relatively flat portion of the lot that will not require additional grading and follows the existing contours of the site. Therefore, the natural landscape will remain preserved.
<i>(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.</i>	Inconsistent. The proposed attached accessory building (covered deck) is situated on the southwest portion of the site, attached to the existing single-family dwelling. The dwelling has an existing non-conforming 11-foot side setback as measured from the property line to an attached sunroom. The steep topography of the site and the reduced setback will increase the visual impact of the proposed structure and perception of excessive bulk. The proposed covered deck will not exceed the maximum building heights in the R-1-H Zoning District. No new landscaping is proposed at this time.
<i>(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.</i>	Consistent. The proposed detached accessory building (covered deck) will not exceed the maximum building heights in the R-1-H Zoning District; however, the proposed setbacks do not meet the Hillside development standards. The existing dwelling currently has a side setback of 11 feet as measured from the property line to an attached sunroom. With the proposed covered deck, the structure would encroach even further into the required 40-foot side setback. The nearest residence to the south is less than 100 feet away, while the residence to the north is approximately 200 feet away. However, the proposed covered deck should not unreasonably impair the light and air of adjacent properties.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The amount of grading is only limited to the removal of dirt for the proposed deck posts. The proposed covered deck will be built on a flat portion of the lot, which would eliminate the need for significant grading. The existing driveway will not be modified. All grading shall comply with the grading ordinance criteria.

Site & Architectural Design

The Project site is developed with a 1,769 square-foot single-family residence and 690 square-foot attached two-car garage. The existing dwelling has a rear yard setback of 123 feet and 4 inches, an east side setback of 68 feet, a west side setback of 11 feet, and a front yard setback of 40 feet and 6 inches. The development standards of the "H" Hillside Combining District establish a minimum side setback of 40 feet. This proposal would further encroach into that required setback and would result in a side setback between 5 feet and 1 inch and 10 feet and 11 inches.

The proposed 1,082 square-foot attached, covered deck is designed with a 42-inch "dwarf wall" that will match the stucco of the existing residence. A flat roof for the covered deck is also proposed and will match the materials of the existing composition shingle roof. All exterior colors, materials and finishes are natural earth-tones creating harmony with the surroundings.

Grading and Landscaping

The proposed covered deck would be located on the flattest portion of the lot, thus minimizing the amount of grading required. The amount of grading is only limited to the removal of dirt for the proposed deck posts. The existing driveway will not be modified. All grading shall comply with the grading ordinance criteria and would require civil plans to be reviewed prior to any Building permit issuance. No additional landscaping is proposed as part of this Project.

Crestline Zone of Protection

The development standards of the "H" Hillside Combining District establish a "Crestline Zone of Protection" to preserve the natural quality of the crestline and the slopes immediately below, when viewed from the valley floor MMC [Section XI-10-45.06-2](#) defines the crestline zone of protection as "the area westerly of the perceived crestline and between the perceived crestline and an elevation one hundred (100) feet below. In the area within three hundred (300) feet easterly of the crestline, structure heights shall be restricted so that no structure extends above the crestline sight line." The perceived crestline is defined in MMC Section [XI-10-45.06-3](#) as "the crestline identified when viewed from the three (3) closest viewpoints of those nine (9) viewpoints shown on the zoning map and designated as "VP." All proposed new hillside development must demonstrate compliance with the crestline zone of protection, as outlined in MMC Section [XI-10-45.06-5](#).

MMC [Section XI-10-45.06-2](#) outlines an objective standard that restricts building heights for structures located within three hundred feet easterly of the crestline. Specifically, the standards state that: 1) structure heights shall be restricted so that no structure extends above the crestline [sight] line; and 2) no structure may visually intrude into the "crestline zone of protection" area. The proposed accessory building is located significantly more than 100 feet below the crestline, and so no part of the covered patio would visually protrude into the crestline zone of protection area.

Variance

Even for legal non-conforming buildings, the Zoning Ordinance states:

In the R1, R2 and R1-H Districts, a legal nonconforming building or structure shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all development standards and regulations of the district in which it resides, including, but not limited to height, yard setbacks, maximum lot coverage, impervious surface coverage, and maximum size of residence regulations of said district. In addition, a legal nonconforming building or structure shall not be added to or enlarged unless existing front yard paving is brought into conformance.

(MMC [Section XI-10-56.02\(D\)\(1\).](#)) Accordingly, the proposed project must conform to all development standards and regulations, including specific yard setbacks.

A Variance is a type of permit approved by the City that sanctions deviations from the adopted Zoning Ordinance regulations related to physical development standards, such as lot size, building setback, and height limits. The purpose and intent of the Variance process is to provide relief from the substantive provisions of the City Zoning Ordinance when the strict application of these provisions would deprive the property for which the Variance is sought of privileges enjoyed by other properties in the vicinity and under the same zoning classification because of special circumstances applicable to the property (including, but not limited to size, shape, topography, location or surroundings).

As discussed in the previous section, the proposed Project requires approval of a Variance by the City Council to allow for the development of an attached accessory building (covered patio) to encroach into the required side setback of the “H” Hillside Combining District.

Planning staff do not recommend approval of a Variance because there is no evidence of special circumstances applicable to the property that would warrant this deviation from generally applicable zoning standards. Rather, such Variance would extend to this property privileges that are not enjoyed by other properties in the vicinity.

Design Alternatives

To meet the setback requirements of the “H” Hillside Combining District, it is not feasible to have an attached accessory building structure along the southwest side of the existing single-family residence. However, Staff has provided alternatives for the Applicant that may provide similar amenities, which are included below:

- *Install a deck without a roof.* The uncovered deck would be considered an accessory structure instead of an accessory building and would be subject to a 3-foot side setback requirement.
- *Install a detached patio cover, gazebo, pergola, or similar structure.* This detached structure would also be subject to a 3-foot side setback but would have to adhere to the MMC Sec. XI-10-54.08(B)(7) including a maximum height of 12 feet. This project would be feasible at the rear of the property.
- *Install an attached covered deck in a new location.* Although the Project site is developed with a non-conforming side setback along the southwest boundary, it may be feasible to develop an attached accessory building (covered deck) along the northeast side of the single-family residence. The dwelling currently has a side setback of at least 68 feet along that side.

Findings for Approval (or Denial)

A finding is a statement of fact relating to the information the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Outlined below are separate findings for approval of a Minor Site Development Permit; and a Variance to allow the Project to deviate from minimum setback requirements imposed by the Hillside development standards.

Minor Site Development Permit Findings ([Section XI-10-57.03\(F\)](#))

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

As described within the staff report, the architectural design and site planning of the proposed accessory building (covered deck) is not compatible with the neighboring homes within the Hillside Combining District due to proposed location. The required minimum side setback is 40 feet and as little as 5 feet is proposed. This is not consistent with the planned and zoned development and the rural and natural character of the hillside.

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

As described within the staff report, the proposed home is not consistent with all the development standards in MMC [Section 45.09-7\(a\)](#) of the Single-Family Hillside Zoning district, particularly with regards to side yard setbacks. To grant exceptions to the Zoning Ordinance, a Variance request would need to be approved.

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

The Project is consistent with Policy CD7 - 5 of the Milpitas General Plan, which establishes that land uses allowed in the Hillside Area shall be limited to Very Low Density Residential, parks, and open space. The proposed accessory building (covered deck) will not change the land use of the property and will continue to be used as a single-family dwelling.

The Project is not entirely consistent with the intent of the General Plan, specifically General Plan Policy section regarding Hillside Development and Preservation Policy CD 7-6 which requires “hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.” The proposed Project would encroach approximately 35 feet into the required 40-foot side yard setback, which would not reflect the natural hillside setting nor is it compatible with similar single-family residences within the vicinity of the area.

Variance

To grant the exceptions to allow the proposed accessory building (covered deck) to extend into the required side yard and approve the request for a Variance, the following findings must be made pursuant to Milpitas Municipal Code [Section XI-10-57.06\(F\)\(1\)](#):

- 1. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.*

The subject property is one of five properties within the immediate vicinity that are developed with single-family dwellings. The subject property was developed prior to the adoption of the City’s Hillside Combining District, resulting in non-conforming setbacks along the southwest property line. Other adjacent properties are also non-conforming in terms of side setbacks, although they have not requested to further encroach into those setbacks at this time. There are, however, no special circumstances of the property that require this accessory building to be located in this area and encroach into the side setback. Rather, the proposed accessory building could have been relocated elsewhere on the property in a manner that could meet all development standards of the “H” Hillside Combining District. There are also alternative avenues for substantially similar development on the property identified in the staff report. Far from depriving the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications, the proposed Variance would grant the property a special privilege by allowing an expansion of a non-conforming building not otherwise available to similarly situated properties.

- 2. The granting of the Variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zone and otherwise denied the subject property.*

The granting of the Variance for the attached accessory building (covered deck) is not considered a substantial property right for the proposed location. The existing dwelling currently has a non-conforming side setback of 11 feet as measured from the property line to an attached sunroom. With the proposed covered deck, the structure would encroach even further into the required 40-foot side setback and across the entire length of the residence. The 5-foot side yard setback for the proposed covered deck would be substantially closer to the property line than any of the properties within the same vicinity of the Project site. Furthermore, an uncovered deck within the proposed location, a covered deck located elsewhere on the property, and other alternatives discussed in the staff report likely would not have required a Variance. The Applicant has not demonstrated the proposed location of the deck is the only feasible location within the property.

3. *The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.*

The Variance would apply to the provision of not allowing structures and buildings within the required 40-foot side yard setback. The Planning Commission and City Council may grant exceptions to these requirements pursuant to the guidelines set forth in MMC [Section 45.09-7](#), outlined in Table 4 above. Conditions of approval may be added by the City Council to ensure that the Variance will not constitute a grant of special privileges. In this case, however, the granting of a Variance would allow the expansion of a non-conforming structure, including further encroachment into a setback toward other residential structures, in contravention of MMC [Section XI-10-56.02\(D\)\(1\)](#). The proposed Variance would grant a special privilege by allowing a greater encroachment into the side setback than other properties are allowed. This fundamental consequence cannot be adequately mitigated through conditions of approval.

4. *The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed attached accessory building (covered deck) for a single-family residence is located on a 0.8-acre lot with non-conforming southwest side setbacks between 11 to 26 feet. The nearest existing residences is located less than 100 feet to the south, and an additional residence is located approximately 200 feet to the north, on adjacent lots. Further encroachment into this setback could therefore negatively impact adjacent properties, including the privacy, air, and light afforded to those properties. It will also place structural elements on a downward slope closer to and above developed and inhabited properties than would be otherwise allowed, which inherently can pose somewhat greater risks to downhill properties and persons in the event of structural failure or negligently disgorged or unsecured items from regular use. Additionally, if approved, the proposed Variance could be a catalyst for other properties in the vicinity to seek further encroachment into their side yard setbacks, which would have a greater negative cumulative impact on the neighborhood. However, the Project site is located at least 1,500 feet away from the Crestline so the structure should not obstruct views of the Crestline Zone of Protection. The larger and greater massing on the western side of the structure would, however, be more visible from some vantage points on the valley floor.

5. *The granting of a Variance is consistent with the General Plan and the intent of this title.*

The Project is not entirely consistent with the intent of the General Plan, specifically General Plan Policy section regarding Hillside Development and Preservation Policy CD 7-6 which requires “hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.” The proposed Project would encroach approximately 35 feet into the required 40-foot side yard setback, which would not reflect the natural hillside setting nor is it compatible with similar single-family residences within the vicinity of the area.

POLICY ALTERNATIVE(S):

Alternative: Direct staff to draft a resolution to approve the Variance request.

Pros: None.

Cons: The Variance may set a precedent for future Variances requests within the Hillside Combining District. By allowing a covered deck to further encroach into a required 40-foot side yard setback, it may encourage other homes within the Hillside Combining District to apply for similar variances. Furthermore, approval of this Variance would lower the threshold for making findings of approval for future variances. Consequently, staff may receive a higher volume of Variance requests, which would be difficult to deny if the City were to apply its standards consistently, resulting in unintended negative impacts.

Reason for Not Recommending: The proposed project does not meet the required findings for approval and is not entirely consistent with the City’s General Plan Policies, specifically regarding the Hillside Development

and Preservation Policy.

FISCAL IMPACT:

If the proposed Project is approved, the applicant will apply for a Building permit and pay associated fees.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Project is exempt from further environmental review under CEQA pursuant to CEQA Guidelines Section 15301 (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations). As proposed, the Project includes a conditionally permitted use within an existing commercial center in an urbanized area. Although the Project is not entirely consistent with the Milpitas General Plan and Zoning Ordinance, there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration. Project denials are also categorically exempt from CEQA review pursuant to Public Resources Code section 21080(b)(5).

RECOMMENDATION:

- (1) Conduct a public hearing,
- (2) Consider the project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303(a) (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations); and
- (3) Adopt a resolution overturning the recommendation of the Planning Commission to approve Minor Site Development Permit No. MS24-0257 and Zoning Variance No. VA25-0001 for the property located at 860 Evans Road.

ATTACHMENT(S):

- (a) Resolution
- (b) Planning Commission Staff Report
- (c) Project Plans

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DENYING MINOR SITE DEVELOPMENT PERMIT NO. MS24-0257 AND ZONING VARIANCE NO. VA25-0001 TO ALLOW FOR AN ATTACHED 1,082 SQUARE-FOOT COVERED DECK TO AN EXISTING SINGLE-FAMILY DWELLING ON A 0.8-ACRE SITE TO FURTHER ENCROACH INTO THE REQUIRED 40-FOOT SIDE SETBACK OF THE HILLSIDE COMBINING DISTRICT, LOCATED AT 860 EVANS ROAD (APN: 029-06-016)

WHEREAS, on October 15, 2024, the Applicant submitted a Minor Site Development Permit application (Permit No. MS24-0257) to allow for an attached 1,082 square-foot covered deck to an existing single-family dwelling; and

WHEREAS, on February 13, 2025, the Applicant applied for a Variance Permit (Permit No. VA25-0001) to deviate from the Hillside development standards for setbacks as established in Section XI-10-45 of the Milpitas Municipal Code; and

WHEREAS, the property is located within the Single Family Residential - Hillside (R1-H) Combining District and has a General Plan land use designation of Hillside Low Density (HLD); and

WHEREAS, the Planning Department completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that this project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations); and

WHEREAS, on April 9, 2025, the Planning Commission held a duly noticed public hearing on the subject application, and considered the evidence presented by City staff, the applicant, and other interested parties; and

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

WHEREAS, the Planning Commission closed the public hearing and voted 4-1-1, with one Commissioner absent and one abstaining vote, recommending that the Milpitas City Council approve Variance No. VA25-0001 and Minor Site Development Permit No. MS24-0257; and

WHEREAS, on May 20, 2025, the City Council held a duly-noticed public hearing, at which time all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public hearing, including evidence presented by City staff, the Appellant, and the public in making its decision.

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

SECTION 1. Recitals

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

SECTION 2. California Environmental Quality Act

This project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations). As proposed, the Variance request would allow for an attached structure (covered deck) to further encroach into a required 40-foot side yard setback. The project is not entirely consistent with the Milpitas General Plan, Zoning Ordinance, but there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration. Project denials are also categorically exempt from CEQA review pursuant to Public Resources Code section 21080(b)(5).

SECTION 3. Minor Site Development Permit Findings (Section XI-10-57.03(F))

The City Council makes the following findings based on the evidence in the public record in support of Minor Site Development Permit No. MS24-0257:

- 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.*

As described within the staff report, the architectural design and site planning of the proposed accessory building (covered deck) is not compatible with the neighboring homes within the Hillside Combining District due to proposed location. The required minimum side setback is 40 feet and as little as 5 feet is proposed. This is not consistent with the planned and zoned development and the rural and natural character of the hillside.

- B. The Project is consistent with the Milpitas Zoning Ordinance.*

As described within the staff report, the proposed home is not consistent with all of the development standards in MMC Section 45.09-7(a) of the Single-Family Hillside Zoning District, particularly with regards to side yard setbacks. In order to grant exceptions to the Zoning Ordinance, a Variance request would need to be approved.

SECTION 4. Variance Findings

To grant the exceptions to allow the proposed accessory building (covered deck) to extend into the required side yard and approve the request for a Variance, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.06(F)(1):

- A. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.*

The subject property is one of five properties within the immediate vicinity that are developed with single-family dwellings. The subject property was developed prior to the adoption of the City's Hillside Combining District, resulting in non-conforming setbacks along the southwest property

line. Other adjacent properties are also non-conforming in terms of side setbacks, although they have not requested to further encroach into those setbacks at this time. There are, however, no special circumstances of the property that require this accessory building to be located in this area and encroach into the side setback. Rather, the proposed accessory building could have been relocated elsewhere on the property in a manner that could meet all development standards of the “H” Hillside Combining District. There are also alternative avenues for substantially similar development on the property identified in the staff report. Far from depriving the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications, the proposed variance would grant the property a special privilege by allowing an expansion of a non-conforming building not otherwise available to similarly situated properties.

- B. The granting of the Variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zone and otherwise denied the subject property.*

The granting of the Variance for the attached accessory building (covered deck) is not considered a substantial property right for the proposed location. The existing dwelling currently has a non-conforming side setback of 11 feet as measured from the property line to an attached sunroom. With the proposed covered deck, the structure would encroach even further into the required 40-foot side setback and across the entire length of the residence. The 5-foot side yard setback for the proposed covered deck would be substantially closer to the property line than any of the properties within the same vicinity of the Project site. Furthermore, an uncovered deck within the proposed location, a covered deck located elsewhere on the property, and other alternatives discussed in the staff report likely would not have required a Variance. The applicant has not demonstrated that the proposed location of the deck is the only feasible location within the property.

- C. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.*

The Variance would apply to the provision of not allowing structures and buildings within the required 40-foot side yard setback. The Planning Commission and City Council may grant exceptions to these requirements pursuant to the guidelines set forth in Subsection 45.09-7, outlined in Table 4 above. Conditions of approval may be added by the City Council to ensure that the Variance will not constitute a grant of special privileges. In this case, however, the granting of a Variance would allow the expansion of a non-conforming structure, including further encroachment into a setback toward other residential structures, in contravention of MMC Section XI-10-56.02(D)(1). The proposed variance would grant a special privilege by allowing a greater encroachment into the side setback than other properties are allowed. This fundamental consequence cannot be adequately mitigated through conditions of approval.

- D. The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed attached accessory building (covered deck) for a single-family residence is located on a 0.8-acre lot with non-conforming southwest side setbacks between 11 to 26 feet. The nearest

existing residences is located less than 100 feet to the south, and an additional residence is located approximately 200 feet to the north, on adjacent lots. Further encroachment into this setback could therefore negatively impact adjacent properties, including the privacy, air, and light afforded to those properties. It will also place structural elements on a downward slope closer to and above developed and inhabited properties than would be otherwise allowed, which inherently can pose somewhat greater risks to downhill properties and persons in the event of structural failure or negligently disgorged or unsecured items from regular use. Additionally, if approved, the proposed variance could arguably be a catalyst for other properties in the vicinity to seek further encroachment into their side yard setbacks, which would have a greater negative cumulative impact on the neighborhood. However, the Project site is located at least 1,500 feet away from the Crestline so the structure should not obstruct views of the Crestline Zone of Protection. The larger and greater massing on the western side of the structure would, however, be more visible from some vantage points on the valley floor.

E. The granting of a variance is consistent with the General Plan and the intent of this title.

The Project is not entirely consistent with the intent of the General Plan, specifically General Plan Policy section regarding Hillside Development and Preservation Policy *CD 7-6* which requires “hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.” The proposed Project would encroach approximately 35 feet into the required 40-foot side yard setback, which would not reflect the natural hillside setting nor is it compatible with similar single-family residences within the vicinity of the area.

Table 1:
General Plan Consistency

General Plan Policy	Consistency Finding
<i>CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Inconsistent. In the proposed location, the Project may alter the existing visual character of the rolling Hillside in that the proposed setbacks are not consistent with the existing Zoning Standards that have been in place since 1992. Based on the site plan submitted by the applicant, the home will encroach into the required 40-foot side yard setback. However, the project will not significantly increase any existing impediment to the ability for public views of the hillsides.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed Project will be situated at the flattest portion of the lot to limit the disruption to the existing natural topography by limiting cut and fill. A portion of the Project is partially proposed within the footprint of an

General Plan Policy	Consistency Finding
	existing deck and will not disrupt the existing topography of the hillside areas.
CD 7-3 <i>Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required for the construction of the new enlarged deck due to its location on the flattest areas of the lot. All contours for the home and access driveway will remain the same and will continue to blend with the natural site contours. The driveway follows the natural contours, does not require steep cuts, and follows the natural grade of the existing Hillside.
CD 7-4 <i>Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The existing graded pad for the home is situated on a flat portion of the parcel and will not be modified. Grading follows the site's natural contours in an effort to preserve the natural terrain.
CD 7-5 <i>Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed, especially with respect to runoff and erosion.</i>	Consistent. No changes are proposed to the existing land use and zoning designation, as the subject site will continue to be used as a single-family residence. Construction of the proposed covered deck should meet current building code requirements, and the Engineering Department will review all construction documents for compliance with applicable stormwater and erosion management requirements. In accordance with MMC Section XI-10-45.17-3, the amount of impervious surface on the site shall be less than 8,000 sq. ft.
CD 7-6 <i>Require hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.</i>	Inconsistent. The attached accessory building (covered deck) is proposed with a side yard setback of five feet. The minimum required side yard setback within the Hillside Combining District is 40 feet. The proposed Project would encroach approximately 35 feet into the required setback, which would not reflect the natural hillside setting.

C. The proposed use is inconsistent with the Milpitas Zoning Ordinance.

The site is located in the R1-H Single-Family Residential-Hillside Combining District. The "H" Hillside Combining District promotes and encourages the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular constraints associated with the development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility.

Per MMC Section XI-10-45.17-3, the subject parcel is less than 3.0-acres, so the maximum size of the proposed residence does not exceed 6,000 square feet, and the amount of impervious surface coverage on the site will be less than 8,000 square feet. Table 3 demonstrates the Project's partial consistency with the applicable development standards of the R1-H zone. The Table notes that the Project is not entirely consistent with the requirements of the "H" Hillside Combining District in that the proposed structure further encroaches into the required 40-foot side setback.

Table 2: Zoning Conformance

Standards	Hillside Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	40 ft. 6 in. from the property line	Yes
Side Yard Setback	40 ft. minimum	5 ft. 1 in. on the west and 10 ft. and 11 in. on the east.	No. Proposed project requires approval of a Variance
Rear	40 ft. minimum	127 ft and 2 inches	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	1,796 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres)	<8,000 sq. ft.	Yes
Building Height (Maximum)	17 ft. and one story west of crestline	One story or 13 feet and 11 inches	Yes
Parking	Two spaces required	Four spaces (two inside garage & two outside)	Yes
Crestline Zone of Protection	The crestline zone of protection is defined as the area westerly of the perceived crestline and between the perceived crestline and an elevation one hundred (100) feet below.	The proposed accessory building is located significantly more than 100 feet below the crestline, and so no part of the covered patio would visually protrude into the crestline zone of	Yes

Standards	Hillside Requirements	Proposed	Complies
		protection area. The height of the proposed structure is less than the existing dwelling.	

SECTION 5: City Council Decision and Approval.

The City Council of the City of Milpitas hereby denies Minor Site Development Permit No. MS24-0257 and Variance VA25-0001 based on the above findings.

PASSED AND ADOPTED this 20 day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney



MILPITAS PLANNING COMMISSION STAFF REPORT

April 9, 2025

APPLICATION: **HILLSIDE RESIDENCE ADDITION – 860 Evans Road – Minor Site Development Permit No. MS24-0257 and Zoning Variance No. VA25-0001:** A Minor Site Development and Variance Permit to allow for an attached 1,082 square-foot covered deck to an existing single-family dwelling on a 0.8-acre site in the Single-Family Residential – Hillside Zoning District, located at 860 Evans Road. The Project also includes a Variance request to further encroach into the required 40-foot side setback of the Hillside Combining District.

RECOMMENDATION: **Staff recommends that the Planning Commission recommend denial to the City Council of the Variance request for Minor Site Development Permit No. MS24-0257 and Variance No. VA25-0001 to allow for a proposed covered deck to encroach into the required side yard setback.**

LOCATION:
Address/APN: 860 Evans Road (APN 029-06-016)
Area of City: Northeastern portion of the City of Milpitas in the hillside area

PEOPLE:
Project Applicant/Owner: Hien Nguyen
Project Planner: Randy Baez, Associate Planner

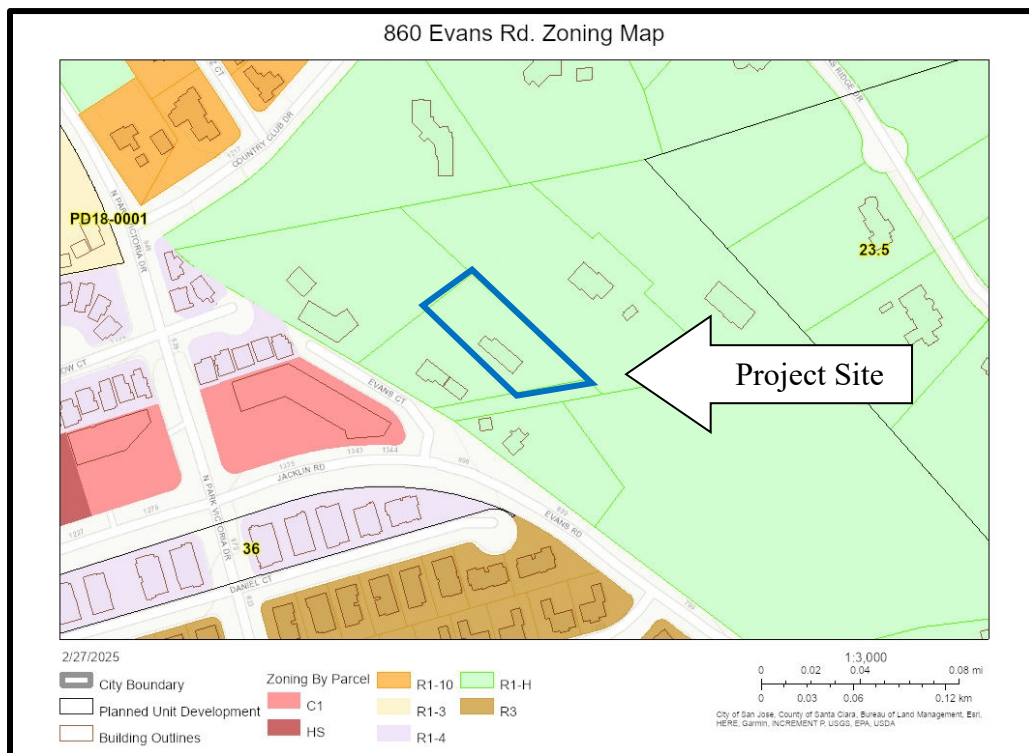
LAND USE:
General Plan Designation: Hillside Low-Density (HLD)
Zoning District: Single Family Residential-Hillside (R1-H)
Planned Unit Development: None
Site Area: 0.8 acres

ENVIRONMENTAL: Categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations).

Map 1 3D Aerial Project Location



Map 2 Zoning Map



BACKGROUND

History

The existing 1,796 square-foot single-family home does not have any related Planning entitlements as it was constructed before the Hillside Combining District was adopted in 1992. The City does not have the original Building permits on file, but the oldest Building permits show that the existing dwelling had been constructed since at least 1969.

On October 15, 2024, the applicant filed a Minor Site Development Permit for initial staff review on the proposed hillside development project. After the first round of review of the application, staff determined that a variance request would be necessary in order to approve the covered deck in the proposed location.

On February 13, 2025, the applicant applied for a Variance Permit to deviate from the Hillside development standards for setbacks as established in Section XI-10-45 of the Milpitas Municipal Code (MMC).

Process

Pursuant to MMC Section XI-10-57.06(B)(2), the City Council shall have approval authority, upon recommendation by the Planning Commission, of any Variance application relating to developments within the Hillside (-H) Overlay District. The City Council shall hold a public hearing, with notice as required in MMC Section XI-10-64, Development Review Process, review the application and the Commission's recommendation and render its decision.

While other Minor Site Development Permits can be processed at the Zoning Administrator or staff level pursuant to MMC Sections XI-10-57.03 and XI-10-64.02, concurrent applications are consolidated so that final action on the project is made by the highest review authority responsible for making a decision on the applications for the project pursuant to MMC Section XI-10-64.03. Furthermore, pursuant to MMC Section XI-10-45.09-2, no building permit may generally be issued for the construction or expansion of a single-family structure or accessory structure in the Hillside (-H) Overlay District until such structure has received a site and architectural review approval by the Planning Commission and the City Council.

PROJECT DESCRIPTION

Overview

The Project site is a developed 0.8-acre parcel located on Evans Road, near the intersection of North Park Victoria Drive and Jacklin Road. The property and neighboring properties are zoned R1-H Single Family Residential – Hillside. The Project site is at least 1,500 feet west of the hillside crest line as established in the Hillside development regulations (MMC Section XI-10-45). A vicinity map of the subject site location is shown on Map 1.

The Application

The applicant is requesting a Minor Site Development Permit and a Variance to construct a 1,082-square foot, attached, accessory building (covered deck) on a 0.8-acre lot. The following is a summary of the applicant's requests:

1. *Minor Site Development Permit:* To allow development of a 1,082 square-foot covered deck, attached to an existing 1,796 square-foot single-family residence. The proposed covered deck would be an expansion to a non-conforming building.
2. *Variance Permit:* To deviate from one of the Hillside development standards for side setbacks, which requires a minimum distance of 40 feet for primary structures from side property lines. Pursuant to MMC Section XI-10-54.08(A)(3)(a), accessory buildings structurally attached to the main building are treated as part of the main building in terms of development standards including setbacks.

Location and Context

The Project site is located in the northeastern portion of the City of Milpitas in the hillside area. Map 2 and Table 1 provide a summary of the Zoning and Land Uses surrounding the site:

Table 1:
Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Use
Subject Site	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Single-family home
North	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Single-family home
South	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Single-family home
East	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Vacant
West	Hillside Very Low Density (HVL)	Single-Family Residential-Hillside (R1-H)	Religious assembly, Baitul Baseer Mosque

PROJECT ANALYSIS

General Plan and Zoning

Milpitas General Plan 2040

The General Plan designation for the Project site is Hillside Very Low Density (HVL). The General Plan details the goals, objectives, and policies for the City's Hillside Area. It is characterized by gentle to steep slopes, grassy terrain with some scrub and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the City. The Hillside Low Density designation allows a maximum of one (1) housing unit per 10 gross acres. Table 2 outlines the proposed Project in relation to applicable General Plan policies.

Table 2:
General Plan Consistency

Policy	Conformance
<i>CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Inconsistent. In the proposed location, the Project may alter the existing visual character of the rolling Hillside in that the proposed setbacks are not consistent with the existing Zoning Standards that have been in place since 1992. Based on the site plan submitted by the applicant, the home will encroach into the required 40-foot side yard setback. However, the project will not significantly increase any existing impediment to the ability for public views of the hillsides.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed Project will be situated at the flattest portion of the lot to limit the disruption to the existing natural topography by limiting cut and fill. A portion of the Project is partially proposed within the footprint of an existing deck and will not disrupt the existing topography of the hillside areas.
<i>CD 7-3 Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required for the construction of the new enlarged deck due to its location on the flattest areas of the lot. All contours for the home and access driveway will remain the same and will continue to blend with the natural site contours. The driveway follows the natural contours, does not require steep cuts, and follows the natural grade of the existing Hillside.
<i>CD 7-4 Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The existing graded pad for the home is situated on a flat portion of the parcel and will not be modified. Grading follows the site's natural contours in an effort to preserve the natural terrain.

<i>CD 7-5</i> <i>Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed, especially with respect to runoff and erosion.</i>	Consistent. No changes are proposed to the existing land use and zoning designation, as the subject site will continue to be used as a single-family residence. Construction of the proposed covered deck should meet current building code requirements, and the Engineering Department will review all construction documents for compliance with applicable stormwater and erosion management requirements. In accordance with MMC Section XI-10-45.17-3, the amount of impervious surface on the site shall be less than 8,000 sq. ft.
<i>CD 7-6</i> <i>Require hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.</i>	Inconsistent. The attached accessory building (covered deck) is proposed with a side yard setback of five feet. The minimum required side yard setback within the Hillside Combining District is 40 feet. The proposed Project would encroach approximately 35 feet into the required setback, which would not reflect the natural hillside setting.

Milpitas Zoning Ordinance

The site is located in the R1-H Single-Family Residential-Hillside Combining District. The "H" Hillside Combining District promotes and encourages the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular constraints associated with the development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility.

Per MMC Section XI-10-45.17-3, the subject parcel is less than 3.0-acres, so the maximum size of the proposed residence does not exceed 6,000 square feet, and the amount of impervious surface coverage on the site will be less than 8,000 square feet. Table 3 demonstrates the Project's partial consistency with the applicable development standards of the R1-H zone. The Table notes that the Project is not entirely consistent with the requirements of the "H" Hillside Combining District in that the proposed structure further encroaches into the required 40-foot side setback. The applicant is requesting a Variance to address this issue, which is discussed in a later section of this report.

Table 3:
Summary of Development Standards

Standards	Hillside Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	40 ft. 6 in. from the property line	Yes

Standards	Hillside Requirements	Proposed	Complies
Side Yard Setback	40 ft. minimum	5 ft. 1 in. on the west and 10 ft. and 11 in. on the east.	No. Proposed project requires approval of a Variance
Rear	40 ft. minimum	127 ft and 2 inches	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	1,796 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres)	<8,000 sq. ft.	Yes
Building Height (Maximum)	17 ft. and one story west of crestline	One story or 13 feet and 11 inches	Yes
Parking	Two spaces required	Four spaces (two inside garage & two outside)	Yes
Crestline Zone of Protection	The crestline zone of protection is defined as the area westerly of the perceived crestline and between the perceived crestline and an elevation one hundred (100) feet below.	The proposed accessory building is located significantly more than 100 feet below the crestline, and so no part of the covered patio would visually protrude into the crestline zone of protection area. The height of the proposed structure is less than the existing dwelling.	Yes

In addition to the development standards outlined above, the proposed Project must also comply with the Site and Architectural Guidelines for new hillside development outlined in MMC Section XI-10-45.09-7. The Planning Commission and City Council must consider the Site and Architectural Guidelines as part of their review of proposed projects in the "H" Hillside Combining District. As demonstrated in Table 4 below, staff has determined that the proposed Project is inconsistent with the Hillside Site and Architectural Guidelines.

Table 4
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed primary or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	Inconsistent. The proposed attached accessory building (covered deck) is located on a developed 0.8-acre lot with proposed side setbacks ranging from 5 feet to 10 feet, 11 inches along the southern property line. The nearest existing residence is located less than 100 feet to the southwest, and a home on the adjacent lot to the northeast is located approximately 200 feet away. The placement of the proposed covered deck and close proximity to the side property lines may affect the views and privacy on adjacent lots.
<i>(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.</i>	Consistent. The Project site is currently developed with a single-family dwelling, with a few shrubs on the higher sloped northern portions of the lot. Two trees will be removed as part of this request, but they would be subject to the City's tree removal permit process. The proposed covered deck will be located on a relatively flat portion of the lot that will not require additional grading and follows the existing contours of the site. Therefore, the natural landscape will remain preserved.
<i>(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.</i>	Inconsistent. The proposed attached accessory building (covered deck) is situated on the southwest portion of the site, attached to the existing single-family dwelling. The dwelling has an existing non-conforming 11-foot side setback as measured from the property line to an attached sunroom. The steep topography of the site and the reduced setback will increase the visual impact of the proposed structure and perception of excessive bulk. The proposed covered deck will not exceed the maximum building heights in the R-1-H Zoning District. No new landscaping is proposed at this time.
<i>(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably</i>	Consistent. The proposed detached accessory building (covered deck) will not exceed the maximum building heights in the R-1-H Zoning District; however, the proposed setbacks do not

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<i>impair the ability of adjacent properties to utilize solar energy.</i>	meet the Hillside development standards. The existing dwelling currently has a side setback of 11 feet as measured from the property line to an attached sunroom. With the proposed covered deck, the structure would encroach even further into the required 40-foot side setback. The nearest residence to the south is less than 100 feet away, while the residence to the north is approximately 200 feet away. However, the proposed covered deck should not unreasonably impair the light and air of adjacent properties.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The amount of grading is only limited to the removal of dirt for the proposed deck posts. The proposed covered deck will be built on a flat portion of the lot, which would eliminate the need for significant grading. The existing driveway will not be modified. All grading shall comply with the grading ordinance criteria.

Site & Architectural Design

The Project site is developed with a 1,769 square-foot single-family residence and 690 square-foot attached two-car garage. The existing dwelling has a rear yard setback of 123 feet and 4 inches, an east side setback of 68 feet, a west side setback of 11 feet, and a front yard setback of 40 feet and 6 inches. The development standards of the “H” Hillside Combining District establish a minimum side setback of 40 feet. This proposal would further encroach into that required setback and would result in a side setback between 5 feet and 1 inch and 10 feet and 11 inches.

The proposed 1,082 square-foot attached, covered deck is designed with a 42-inch “dwarf wall” that will match the stucco of the existing residence. A flat roof for the covered deck is also proposed and will match the materials of the existing composition shingle roof. All exterior colors, materials and finishes are natural earth-tones creating harmony with the surroundings.

Grading and Landscaping

The proposed covered deck would be located on the flattest portion of the lot, thus minimizing the amount of grading required. The amount of grading is only limited to the removal of dirt for the proposed deck posts. The existing driveway will not be modified. All grading shall comply with the grading ordinance criteria and would require civil plans to be reviewed prior to any Building permit issuance. No additional landscaping is proposed as part of this Project.

Crestline Zone of Protection

The development standards of the "H" Hillside Combining District establish a "Crestline Zone of Protection" to preserve the natural quality of the crestline and the slopes immediately below, when viewed from the valley floor MMC Section XI-10-45.06-2 defines the crestline zone of protection as "the area westerly of the perceived crestline and between the perceived crestline and an elevation one hundred (100) feet below. In the area within three hundred (300) feet easterly of the crestline, structure heights shall be restricted so that no structure extends above the crestline sight line." The perceived crestline is defined in MMC Section XI-10-45.06-3 as "the crestline identified when viewed from the three (3) closest viewpoints of those nine (9) [viewpoints] shown on the zoning map and designated as "VP." All proposed new hillside development must demonstrate compliance with the crestline zone of protection, as outlined in MMC Section XI-10-45.06-5.

MMC Section XI-10-45.06-2 outlines an objective standard that restricts building heights for structures located within three hundred feet easterly of the crestline. Specifically, the standards state that: 1) structure heights shall be restricted so that no structure extends above the crestline [sight] line; and 2) no structure may visually intrude into the "crestline zone of protection" area. The proposed accessory building is located significantly more than 100 feet below the crestline, and so no part of the covered patio would visually protrude into the crestline zone of protection area.

Variance

Even for legal non-conforming buildings, the Zoning Ordinance states:

In the R1, R2 and R1-H Districts, a legal nonconforming building or structure shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all development standards and regulations of the district in which it resides, including, but not limited to height, yard setbacks, maximum lot coverage, impervious surface coverage, and maximum size of residence regulations of said district. In addition, a legal nonconforming building or structure shall not be added to or enlarged unless existing front yard paving is brought into conformance.

(MMC XI-10-56.02(D)(1).) Accordingly, the proposed project must conform to all development standards and regulations, including specific yard setbacks.

A Variance is a type of permit approved by the City that sanctions deviations from the adopted Zoning Ordinance regulations related to physical development standards, such as lot size, building setback, and height limits. The purpose and intent of the variance process is to provide relief from the substantive provisions of the City's Zoning Ordinance when the strict application of these provisions would deprive the property for which the Variance is sought of privileges enjoyed by other properties in the vicinity and under the same zoning classification because of special circumstances applicable to the property (including, but not limited to size, shape, topography, location or surroundings).

As discussed in the previous section, the proposed Project requires approval of a variance by the City Council to allow for the development of an attached accessory building (covered patio) to encroach into the required side setback of the "H" Hillside Combining District.

Planning staff do not recommend approval of a variance because there is no evidence of special circumstances applicable to the property that would warrant this deviation from generally applicable zoning standards. Rather, such variance would extend to this property privileges that are not enjoyed by other properties in the vicinity.

Alternatives

In order to meet the setback requirements of the “H” Hillside Combining District, it is not feasible to have an attached accessory building structure along the southwest side of the existing single-family residence. However, Staff has provided alternatives for the applicant that may provide similar amenities, which are included below:

- *Install a deck without a roof.* The uncovered deck would be considered an accessory structure instead of an accessory building and would be subject to a 3-foot side setback requirement.
- *Install a detached patio cover, gazebo, pergola, or similar structure.* This detached structure would also be subject to a 3-foot side setback but would have to adhere to the MMC Sec. XI-10-54.08(B)(7) including a maximum height of 12 feet. This project would be feasible at the rear of the property.
- *Install an attached covered deck in a new location.* Although the Project site is developed with a non-conforming side setback along the southwest boundary, it may be feasible to develop an attached accessory building (covered deck) along the northeast side of the single-family residence. The dwelling currently has a side setback of at least 68 feet along that side.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Outlined below are separate findings for approval of a Minor Site Development Permit; and a Variance to allow the Project to deviate from minimum setback requirements imposed by the Hillside development standards.

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

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

As described within the staff report, the architectural design and site planning of the proposed accessory building (covered deck) is not compatible with the neighboring homes within the Hillside Combining District due to proposed location. The required minimum side setback is 40 feet and as little as 5 feet is proposed.

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

As described within the staff report, the proposed home is not consistent with all of the development standards in MMC Section 45.09-7(a) of the Single-Family Hillside Zoning

district, particularly with regards to side yard setbacks. In order to grant exceptions to the Zoning Ordinance, a Variance request would need to be approved.

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

The Project is consistent with Policy CD 7- 5 of the Milpitas General Plan, which establishes that land uses allowed in the Hillside Area shall be limited to Very Low Density Residential, parks, and open space. The proposed accessory building (covered deck) will not change the land use of the property and will continue to be used as a single-family dwelling.

The Project is not entirely consistent with the intent of the General Plan, specifically General Plan Policy section regarding Hillside Development and Preservation Policy CD 7-6 which requires “hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.” The proposed Project would encroach approximately 35 feet into the required 40-foot side yard setback, which would not reflect the natural hillside setting nor is it compatible with similar single-family residences within the vicinity of the area.

Variance

To grant the exceptions to allow the proposed accessory building (covered deck) to extend into the required side yard and approve the request for a Variance, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.06(F)(1):

- 1. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.*

The subject property is one of five properties within the immediate vicinity that are developed with single-family dwellings. The subject property was developed prior to the adoption of the City’s Hillside Combining District, resulting in non-conforming setbacks along the southwest property line. Other adjacent properties are also non-conforming in terms of side setbacks, although they have not requested to further encroach into those setbacks at this time. There are, however, no special circumstances of the property that require this accessory building to be located in this area and encroach into the side setback. Rather, the proposed accessory building could have been relocated elsewhere on the property in a manner that could meet all development standards of the “H” Hillside Combining District. There are also alternative avenues for substantially similar development on the property identified in the staff report. Far from depriving the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications, the proposed variance would grant the property a special privilege by allowing an expansion of a non-conforming building not otherwise available to similarly situated properties.

- 2. The granting of the Variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zone and otherwise denied the subject property.*

The granting of the Variance for the attached accessory building (covered deck) is not considered a substantial property right for the proposed location. The existing dwelling currently has a non-conforming side setback of 11 feet as measured from the property line to an attached sunroom. With the proposed covered deck, the structure would encroach even further into the required 40-foot side setback. The 5-foot side yard setback for the proposed covered deck would be substantially closer to the property line than any of the properties within the same vicinity of the Project site. Furthermore, an uncovered deck within the proposed location, a covered deck located elsewhere on the property, and other alternatives discussed in the staff report likely would not have required a Variance. The applicant has not demonstrated that the proposed location of the deck is the only feasible location within the property.

3. *The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.*

The Variance would apply to the provision of not allowing structures and buildings within the required 40-foot side yard setback. The Planning Commission and City Council may grant exceptions to these requirements pursuant to the guidelines set forth in Subsection 45.09-7, outlined in Table 4 above. Conditions of approval may be added by the Planning Commission to ensure that the Variance will not constitute a grant of special privileges. In this case, however, the granting of a Variance would allow the expansion of a non-conforming structure, including further encroachment into a setback toward other residential structures, in contravention of MMC Section XI-10-56.02(D)(1). The proposed variance would grant a special privilege by allowing a greater encroachment into the side setback than other properties are allowed.

4. *The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed attached accessory building (covered deck) for a single-family residence is located on a 0.8-acre lot with non-conforming southwest side setbacks between 11 to 26 feet. The nearest existing residences is located less than 100 feet to the south, and an additional residence is located approximately 200 feet to the north, on adjacent lots. Further encroachment into this setback could therefore negatively impact adjacent properties, including the privacy, air, and light afforded to those properties. Additionally, if approved, the proposed variance would establish a precedent for other properties in the vicinity to further encroach into their side yard setbacks, which would have a greater negative cumulative impact on the neighborhood. However, the Project site is located at least 1,500 feet away from the Crestline so the structure should not obstruct views of the Hillside.

5. *The granting of a variance is consistent with the General Plan and the intent of this title.*

The Project is not entirely consistent with the intent of the General Plan, specifically General Plan Policy section regarding Hillside Development and Preservation Policy CD

7-6 which requires “hillside development to incorporate architecture, scale, massing, building form, building color, roof materials, and landscaping to reflect the natural hillside setting.” The proposed Project would encroach approximately 35 feet into the required 40-foot side yard setback, which would not reflect the natural hillside setting nor is it compatible with similar single-family residences within the vicinity of the area.

ENVIRONMENTAL REVIEW

The proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

PUBLIC COMMENT/OUTREACH

Staff provided public notice for the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on March 21, 2025. In addition, 44 notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.milpitas.gov, and posted at City Hall.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution 25-006, recommending the City Council deny Minor Site Development Permit No. MS24-0257 and Variance VA25-0001, which would allow the development of an accessory building attached to an existing single-family residence to encroach into the required 40-foot side yard setback, in conformance with the development standards of the R1-H Single-Family Residential-Hillside Zoning District, subject to the findings.

ATTACHMENTS

A: Resolution 25-006

B: Project Plans

C: Variance Request and Justification from Applicant

860 EVANS RD, MILPITAS, CA 95035 - REMODELING & ADDITION

PROJECT INFORMATION

OWNER

860 EVANS RD, MILPITAS, CA 95035

PROJECT LOCATION

860 EVANS RD, MILPITAS, CA 95035

PROJECT DATA

ZONE: R1-H

APN: 029-06-016

LOT AREA: 35,485 SQ.FT.

OCCUPANCY: R-3

CONSTRUCTION TYPE: V-B

EXISTING USED: SINGLE HOUSE

STORY : 1 STORY

EXISTING LOT COVERAGE: 2,795 SQ.FT. (7.8 %)

PROPOSED LOT COVERAGE: 2,505 SQ.FT.(7.1 %)

EXISTING BUILDING HEIGHT: 13'-11"

FLOOR AREA	EXISTING AREA	NEW AREA
GARAGE	690 SQFT	
(E) LIVING TO BE CONVERTED TO GARAGE	19 SQFT	
1ST FLOOR LIVING AREA	1,769 SQFT	
PROPOSED ADDITION		27 SQFT
COVERED PATIO		185 SQFT
NEW DECK		1,082+240= 1,372 SQFT
TOTAL LIVING AREA	1,796 SQFT	
TOTAL GARAGE AREA	709 SQFT	

SCOPE OF WORK

REMOVED EXISTING DECK

CONVERTED 290 S.F. SUNROOM TO A NEW DECK

ADDED 1,082 S.F. OF NEW DECK

RELOCATED KITCHEN

ADDED 27 S.F. TO ENTRY

NEW LAUNDRY ROOM

CONVERTED 19 S.F. OF LIVING AREA TO GARAGE

INSTALLED 2 NEW GARAGE DOORS

REMODELED 3 BEDROOMS & 2 BATHROOMS

RE-WIRED ALL ELECTRICAL

INSTALLED NEW INSULATION

INSTALLED 6 SUN TUNNELS & 1 SKYLIGHT

WALL HEATERS FOR ALL CONDITIONED AREAS

ADDED 185 S.F. OF NEW COVERED PATIO

INSTALLED NEW HEAT PUMP WATER HEATER

APPLICABLE CODES

2022 CALIFORNIA RESIDENTIAL CODE

2022 CALIFORNIA ADMINISTRATIVE CODE

2022 CALIFORNIA GREEN BUILDING STANDARDS CODE

2022 CALIFORNIA MECHANICAL CODE

2022 CALIFORNIA PLUMBING CODE

2022 CALIFORNIA ELECTRICAL CODE

2022 CALIFORNIA FIRE CODE

2022 INTERNATIONAL PROPERTY MAINTENANCE CODE

TITLE 24,PART 6, CALIFORNIA ENERGY CODE

2023 MILPITAS MUNICIPAL CODE

SHEET INDEX

A0 TITLE SHEET.

A1 PLOT PLAN.

A2 EXISTING FLOOR & ROOF PLAN.

A3 PROPOSED FLOOR PLAN & ROOF PLAN.

A4 EXISTING ELEVATIONS.

A5 PROPOSED ELEVATIONS.

A6 ELECTRICAL PLAN.

A7 PROPOSED SECTIONS& DETAILS.

CG GAL GREEN BUILDING CHECKLIST.

CB BLUEPRINT FOR A CLEAN BAY.

GENERAL NOTES:

1. DISCREPANCIES: DO NOT SCALE FROM DRAWINGS, WRITTEN DIMENSIONS HAVE PRECEDENCE OVER ALL ELSE. ANY DISCREPANCIES SHALL BE REPORTED TO THE PROJECT ENGINEER IMMEDIATELY PRIOR TO COMMENCING ANY WORK.
2. ALL CONSTRUCTION WORKMANSHIP AND MATERIALS SHALL CONFORM: CALIFORNIA BUILDING CODE 2022 EDITION
CALIFORNIA MECHANICAL CODE 2022 EDITION
CALIFORNIA PLUMBING CODE 2022 EDITION
CALIFORNIA ELECTRIC CODE 2022 EDITION
ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS.
3. ALL ELECTRICAL, FIRE PROTECTION, MECHANICAL, PLUMBING AND STRUCTURAL WORK SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH EACH FIELDS APPLICABLE CODES AND STANDARDS.
4. CONSTRUCTION DRAWING NOTES AND DETAILS TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS. ALL DIMENSIONS TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS, SECTIONS AND DETAILS.
5. CONTRACTORS SHALL VERIFY LOCATION AND ACCEPTABILITY OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION.
6. ROOMS W/ FIXED GLASS SHALL HAVE A MIN.OF 2 AIR CHANGES PER HOUR WITH 1/5 FROM OUTSIDE AIR . BATHROOMS AND LAUNDRY ROOMS SHALL HAVE A MIN. OF 5 AIR CHANGES PER HOUR .
7. INTERIOR WALL COVERINGS SHALL BE MIN. 1/2" THK. GYPSUM BOARD FLAME SPREAD CLASS III UNLESS NOTED OTHERWISE .
8. WORK SHALL BE EXECUTED WITH THE LEAST POSSIBLE DISTURBANCE TO THE PUBLIC AND OCCUPANTS OF ADJACENT AREAS. THE CONTRACTOR SHALL KEEP DIRT, DUST AND NOISE TO A MINIMUM AND PROVIDE DUST SHEETS AS REQUIRED AND DIRECTED. WORK SHALL BE SCHEDULED BY THE CONTRACTOR AND AGREED TO BY THE OWNER IN WRITING.
9. INSULATE ALL EXTERIOR WALLS WITH R-19 MIN. BATT INSULATION AND CEILINGSS WITH R-30 MIN. INSULATION, UNLESS NOTED OTHERWISE ON THESE PLANS AND DRAWINGS PER TITLE 24.
10. ALL HABITABLE ROOMS, SHALL HAVE COMFORT HEATING AT LEAST 68°F (20°C) AT A POINT 3'-0" ABOVE FLOOR.
11. PRIOR TO INSPECTION OF ROOF SHEATHING, THE APPLICANT'S REPRESENTATIVE SHALL REQUEST AN INSPECTION OF THE RESIDENCE BY THE PROJECT ENGINEER IN ORDER TO ENSURE COMPLIANCE WITH ALL OF THE ARCHITECTURAL DETAILING OF THE BUILDING AS SPECIFIED IN THE APPROVED DRAWINGS.

12. VERIFY EXCESS FLOW OR MOTION SENSOR AUTOMATIC SHUT-OFF VALVE IS AT (E) GAS METER IF IS NOT SHALL BE PROVIDED.

13. PROVIDE WATERPROOF GYPSUM BOARD AT TUBS AND SHOWERS WITH SELF-FURRED BLDG. PAPER BACKING BEHIND CERAMIC TILE.

14. WATER HAMMER ARRESTORS SHALL BE INSTALLED AT THE FOLLOWING QUICK-ACTING SHUT OFF VALVES. (CPC 609.10):
1. AUTOMATIC WASHING MACHINE HOT AND COLD WATER).
2. ICEMAKER.
3. DISHWASHER.

- 15.ATTIC ACCESS : THE ATTIC ACCESS SHALL BE WEATHERSTRIPPED AND INSULATION EQUIVALENT TO THAT OF THE CEILING SHALL BE INSTALLED ON THE ACCESS PANEL IN THE ATTIC SIDE OF CEILING .

16. DRYER VENT SHALL NOT EXCEED A COMBINED VERTICAL AND HORIZONTAL LENGTH OF 14' FEET INCLUDING 2 TWO 90 DEGREE ELBOWS .

17. ALL STAIR RISERS SHALL BE OF UNIFORM SIZE AND SHAPE EXCEPT THAT THE LARGEST TREAD RISER IN ANY FLIGHT OF STAIRS CANNOT EXCEED THE SMALLEST BY MORE THAN 3/8" (CBC. 1003.3.3)

18. PROVIDE " TYPE "X" GYP. BD. THROUGHOUT THE ENCLOSED USABLE AREA.

19. PROVIDE FIREBLOCKING OF THE STUD WALL ADJACENT TO THE STAIR STRINGER. (CBC. 1003.3.3.4 & 708)

20. INSULATE ALL INTERIOR WALLS WITH R-11 MIN. BATT INSULATION UNLESS OTHERWISE NOTED ON THESE PLANS AND DRAWINGS.

21. SMOKE DETECTORS ARE REQUIRED TO BE INTER-CONNECTED AND BE EQUIPPED WITH A BATTERY BACKUP. DETECTORS MUST EMIT A SIGNAL WHEN BATTERIES ARE LOW .

22. TEST FOR RADON, IF THE LEVELS ARE STILL EQUAL OR EXCEED 4 PCIL, THE PASSIVE SYSTEM SHOULD BE ACTIVATED BRING IT TO THE ATTENTION OF THE PROJECT ENGINEER IMMEDIATELY, FOR REMEDIATION.

23. ROOF COVERAGE FIRE-RESISTANCE CLASS SHALL BE CLASS B.

LEGEND

EXISTING EXTERIOR WALL

EXISTING EXTERIOR WALL TO BE REMOVED

EXISTING INTERIOR WALL

EXISTING INTERIOR WALL TO BE REMOVED

CONCRETE WALL

CONCRETE WALL TO BE REMOVED

NEW EXTERIOR WALL

NEW EXTERIOR WALL - RATED

NEW INTERIOR WALL

NEW INTERIOR WALL - RATED

NEW EXTERIOR HALF WALL

SITE PLAN NOTES:

1. THE GENERAL CONTRACTOR (GC) SHALL READ, EXAMINE AND BE THOROUGHLY FAMILIAR WITH THESE DRAWINGS AND WITH THE EXISTING SITE CONDITIONS PRIOR TO START WORK. IN THE EVENT THERE ARE DISCREPANCIES OR OMISSIONS WITHIN THE DRAWINGS AND/OR SPECIFICATIONS, THE GC SHALL NOTIFY THE DESIGNER IMMEDIATELY.

2. THE GC, AND ALL SUBCONTRACTORS SHALL COMPLY WITH ALL APPLICABLE LAWS AND CODE REGULATIONS.

3. THE GC SHALL VERIFY ALL GRADE ELEVATIONS PRIOR TO CONSTRUCTION.

4. THE GC, AND ALL SUBS SHALL BE RESPONSIBLE FOR THE PROTECTION OF NEW AND EXISTING CONSTRUCTION FROM DAMAGE. ALL DAMAGED MATERIAL SHALL BE RESTORED/ REPAIRED TO ITS ORIGINAL CONDITION

5. THE GC SHALL BE RESPONSIBLE FOR ALL ITEMS OF EQUIPMENT, FIXTURES AND MATERIALS NOT SPECIFIED HEREIN BUT NECESSARY FOR THE COMPLETION OF THE WORK AS INDICATED ON THESE DRAWINGS. THE GC SHALL SUBMIT CUT SHEET/SHOP DRAWINGS WHICH MEET THE QUALITY AND FUNCTION DESIRED.

6. THE ARCHITECT RESERVES THE RIGHT TO REJECT ALL MATERIALS AND WORK QUALITY WHICH ARE NOT IN CONFORMANCE WITH THE SPECIFIED STANDARDS OF THE VARIOUS TRADES INVOLVED. SUCH INFERIOR MATERIALS OR WORK OR QUALITY SHALL BE REPAIRED OR REPLACED AS DIRECTED BY THE OWNER OR DESIGNER.

7. THESE PLANS AND RELATED DOCUMENTS MUST BE AVAILABLE AT THE JOB SITE AND AVAILABLE DURING INSPECTION ACTIVITY.

8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTLY LOCATING ALL PROPERTY LINES AND GRADES REQUIRED FOR THE CONSTRUCTION OF THIS PROJECT.

9. THE BUILDING SITE SHALL BE CLEARED AND GRUBBED OF ALL STUMPS, ROOTS OR OTHER FOREIGN MATTER TO A DEPTH OF 12 INCHES.

10. ALL FOOTINGS TRENCHES SHALL BE CLEANED AN GRUBBED OF ALL ROOTS.

11. ALL FILL SHALL BE COMPACTED TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION OR MAXIMUM FIELD DENSITY. FIELD DENSITY SHALL BE DETERMINED IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE AND BY THE LOCAL BUILDING DEPARTMENT. ALL FILL MATERIAL USED TO SUPPORT THE FOUNDATION SHALL BE PLACED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE AND SHALL HAVE NO MORE THAN MINOR AMOUNT OF ORGANIC SUBSTANCES AND HAVE NO ROCK OR SIMILAR IRREDUCIBLE MATERIAL WITH A MIN. DIMENSION GREATER THAN 8"

- ALL FILL MATERIAL SHALL BE PLACED IN LAYERS NOT TO EXCEED 6" WATER SHALL BE ADDED TO THE OPTIMUM LEVEL FOR THE REQUIRED COMPACTION AND DENSITY PER LAYER FILL AND COMPACTION SHALL MEET THE APPROVAL OF THE LOCAL BUILDING DEPARTMENT.

12. ALL FINISH GRADES AROUND THE BUILDING SHALL BE SLOPPED TO DRAIN WATER AWAY FROM THE BUILDING.

13. PROVIDE A MINIMUM SLOPE OF 5% AWAY FROM THE BUILDING FOR THE ENTIRE SITE.

14. NO DRAINAGE ONTO ADJACENT PROPERTIES SHALL BE PERMITTED PROVIDE A MINIMUM OF 0.5% SLOPE FOR THE ENTIRE SITE.

15. PROPERTY SHALL NOT RETAIN DRAINAGE WATER UNLESS PROVISIONS FOR SUCH ARE INDICATED ON THE DRAWINGS.

16. PROVIDE A CHEMICAL TOILET ON SITE PRIOR TO CALLING FOR THE FIRST INSPECTION.

17. INSTALL STREET ADDRESS NUMERALS, AT LEAST 4" HIGH WITH MINIMUM 1/2" STROKE, MOUNTED ON A CONTRASTING BLACK GROUND CLEARLY VISIBLE FROM THE STREET.

18. FINISH FLOOR TO BE ABOVE CROWN OF EXISTING STREET. PROVIDE A 2 PER CENT SLOPE AWAY FROM PROPOSED BUILDING FOR A MINIMUM OF 5 FEET.

DIMENSION NOTES:

- DO NOT SCALE THESE DRAWINGS, ALL WORK SHALL BE GOVERNED BY THE DIMENSIONS SHOWN ON THE DRAWINGS.

- ALL DIMENSION ARE TO THE FACE OF THE STUD, UNLESS OTHERWISE NOTED.

- THE GENERAL CONTRACTOR AND/OR SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS, SPECIFICATIONS AND MANUFACTURERS INSTALLATION PROCEDURES PRIOR TO START OF ANY WORK.

- DIMENSIONS REGARDING FRAMING ARE FROM FACE OF STUD TO FACE OF STUD.

- DIMENSIONS NOTED 'CLEAR' ARE FROM FACE OF FINISH TO FACE OF FINISH AND MUST BE PRECISELY MAINTAINED. DIMENSIONS REGARDING FURNITURE, FIXTURES AND/OR EQUIPMENT ARE 'CLEAR' DIMENSIONS.

- DIMENSIONS NOTED 'V.I.F.' SHALL BE VERIFIED IN THE FIELD BY THE GENERAL CONTRACTOR PRIOR TO THE START OF WORK BEING PERFORMED.

- DIMENSIONS NOTED 'A.F.F.' ARE ABOVE FINISHED FLOOR IN CARPETED AREAS, THE TOP OF THE CARPET IS CONSIDERED THE FINISH FLOOR.

- DIMENSIONS IN THE PLAN PERTAINING TO DOORS AND WINDOWS ARE TO THE CENTER OF THE UNIT. ACCOMMODATIONS SHALL BE MADE FOR SHIMMING NECESSARY TO ENSURE THE UNIT IS SQUARE, LEVEL AND OPERATES PROPERLY.

- THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS AN 'ARCHITECTURAL WORK' UNDER SECTION 102 OF THE COPYRIGHT ACT.11 U.S.C. AS AMENDED DECEMBER 1, 1990 AND KNOWN AS THE ARCHITECTURAL WORKS PROTECTION ACT OF 1990.

- THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF ASSOCIATE DESIGN PROFESSIONALS, ALL DESIGN AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR THE USE ON THIS SPECIFIC PROJECT AND SHALL NOT BE USED OTHERWISE WITHOUT WRITTEN PERMISSION OF ASSOCIATE DESIGN PROFESSIONALS.

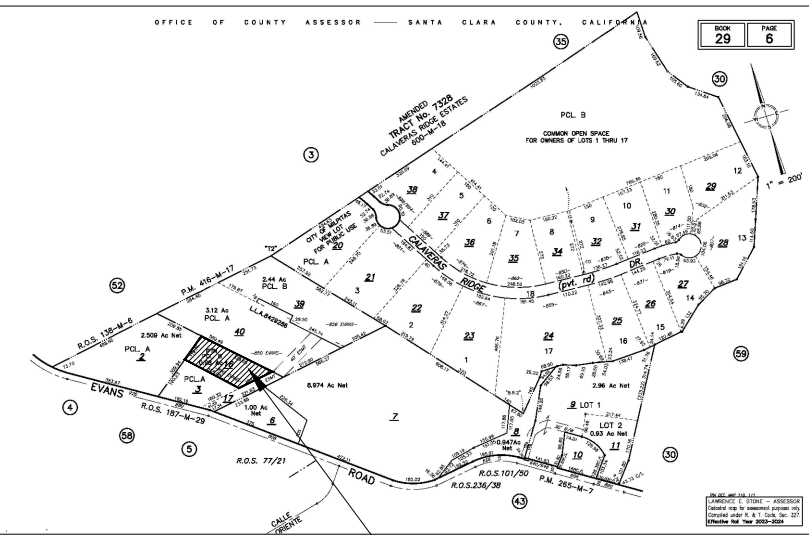
- WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS, CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND ASSOCIATE DESIGN PROFESSIONALS SHALL BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS.

ABBREVIATIONS / DEFINITIONS:

&	AND	(E.)	EXISTING/ EAST/	I.D.	INSIDE DIAMETER/	R.A.	RETURN AIR
<	ANGLE		ENTRY/ EACH		INTERIOR DESIGNER	RAD.	RADIUS
@	AT	E.J.	EXPANSION JOINT	IN.	INCH	R.D.	ROOF DRAIN
CL	CENTERLINE	EL	ELEVATION	INSUL.	INSULATION	R.D.L	ROOF DRAIN LEADER
Ø	DIAMETER OR ROUND	ELEC.	ELECTRIC	INT.	INTERIOR	RECT.	RECTANGLE
Ø	PROPERTY LINE, PLATE	ELEV.	ELEVATOR	INV.	INVERT/	RECT.	RECTANGULAR
		EMER.	EMERGENCY		INVERTED	REF	REFERENCE
A.B.	ANCHOR BOLT	ENCL.	ENCLOSURE			REFR/ R/F	REFRIGERATOR
ABV.	ABOVE	E.F.	ELECTRIC PANEL	JAN.	JANITOR	REG.	REGISTER
AC	AIR CONDITIONING	E.Q.	EQUAL/	JT.	JOINT	REINF.	REINFORCEMENT
A.C.	ASPHALT CONCRETE	E.Q.	EQUIVALENT	JST.	JOIST	REQ'D	REQUIRED
ACQUS.	ACOUSTICAL	E.Q.F	EQUIPMENT	KIT.	KITCHEN	RESIL.	RESILIENT
A.D.	AREA DRAIN	E.Q.F	EQUIPMENT			RET.	RETAIN(ING), RETURN
ADH.	ADHESIVE	E.K.	EACH WAY			RM.	ROOM
ADJ.	ADJUSTABLE	EXST.	EXISTING	L.	LOWLINE	R.O.	ROUGH OPENING
AL.	ALUMINUM	EXH.	EXHAUST	L.A.	LANDSCAPED AREA	R.R.	ROOF RAFTER
ALT.	ALTERNATE	EXPO.	EXPOSED	L.A.	LABORATORY	RND.	REDWOOD
ANDD.	ANDDIZED	EXT.	EXTERIOR	LAM.	LAMINATE	S.	SOUTH
A.P.	ACCESS PANEL	E.G.	EXISTING GRADE	LAV.	LAVATORY	S.A.	SUPPLY AIR
APFX.	APPROXIMATELY	F.	FIXED	LBS.	POUNDS	S.C.	SOLID CORE
APPRVD	APPROVED	F.A.	FIRE ALARM	LFA.	LOAD FROM ABOVE	S.G.D.	SEAT COVER DISPENSER
ARCH.	ARCHITECTURAL	F.A.	FACTORY	L.H.	LEFT HAND	SCHD.	SCHEDULE
ASB.	ASBESTOS	FAC.	FLOOR CLEAN OUT	L.K.R.	LOCKER	S.D.	SUB DRAIN/
ASSY.	ASSEMBLY	F.C.O.	FLOOR DRAIN	LT.	LIGHT	SECTION	SOAP DISPENSER
AUTO.	AUTOMATIC	F.D.	FOUNDATION	LUM.	LUMINOUS	SEG.	SECTION
		FDN.	FOUNDATION			SEL.	SELECTED
B.	BATH	F.E.	FIRE EXTINGUISHER	MAINT.	MAINTENANCE	SH.	SHelf
B.D.	BOARD	F.E.G.	FIRE EXTINGUISHER CABINET	MAS.	MASONRY	SHT.	SHEET
BEL.	BELOW	F.G.	FINISH GRADE	MAT.	MATERIAL	SHT'G.	SHEATHING
BET.	BETWEEN	F.H.	FLAT HEAD	MAX.	MAXIMUM	SIM.	SIMILAR
BITUM.	BITUMINOUS	FIN.	FINISH	M.B.	METAL BOLT	SIMP.	SIMPSON
BLDG.	BUILDING	FIX.	FIXTURE	M.C.	MEDICINE CABINET	S.J.	SOFFIT JOIST
BLK.	BLOCK	F.J.	FLOOR JOIST	MECH.	MECHANICAL	S.S.	STAINLESS STEEL
BLKG.	BLOCKING	F.L.	FLOYN LINE	MEMB.	MEMBRANE	S.SK.	SERVICE SINK
BM.	BEAM	FLASH.	FLASHING	MET/MTL.	METAL	STA.	STATION
B.O.	BY OWNER/BY OTHERS	FLR.	FLOOR		WFRM/FR MANUFACTURER	STD.	STANDARD
BOT.	BOTTOM	FLUOR.	FLUORESCENT	M.H.	MAN HOLE	STL.	STEEL
BR.	BEDROOM	F.O.C.	FACE OF CONCRETE/	MIN.	MINIMUM	STOR.	STORAGE
B.N.	BACK OF WALK/	F.O.C.	FACE OF CURB	MIR.	MIRROR	STRUCT.	STRUCTURAL
	BOT. OF WALL	F.O.F.	FACE OF FINISH	MISC.	MISCELLANEOUS	SUSP.	SUSPENDED
		F.O.S.	FACE OF STUD/	M.O.	MASONRY OPENING	SYM.	SYMMETRICAL
			FACE OF STRUCTRE	MOS.	MOSAIC	T.	TREAD
CAB.	CABINET	F.O.M.	FACE OF MASONRY	MTD.	MOUNTED	T.C.	TOP OF CURB
C.B.	CATCH BASIN	FP.	FIREPLACE	MUL.	MULLION	T.G.L.	TIME CLOCK
CEM.	CEMENT	F.S.	FLOOR SINK			TEL.	TELEPHONE
C.G.	CORNER GUARD	FT.	FOOT OR FEET	(N.)	NEW	TEMP.	TEMPERED
CHAN.	CHANNEL	FTG.	FOOTING	N.	NORTH	TER.	TERAZZO
CHG.	CHANGE	FUR.	FURRING	NAT.	NATURAL	T.D.	TOP OF FENCE
C.I.	CAST IRON	FUT.	FUTURE	N.I.C.	NOT IN CONTRACT	T.&G.	TONGUE AND GROOVE
C.J.	CONTROL JOINT/	F.V.	FIELD VERIFY	N.G.	NATURAL GRADE	THK.	THICK
	CONST. JOINT			NO.	NOMINAL	T.F.	TOP OF PAVING
CLG.	CEILING/CEILING JOIST			NOM.	NOT TO SCALE	T.FL.	TOP OF FLATE
CLKG.	CAULKING	GA.	GAUGE			T.O.S.	TOP OF STRUCTURE/SLAB
CLR.	CLEAR	GALV.	GALVANIZED			TRANS.	TRANSFORMER
CNTR.	COUNTER	G.B.	GRAB BAR/GRADE BEAM	O.I.	OVER	T.O.F.	TOP OF STEP
CONC.	CONCRETE	G.C.	GENERAL CONTRACTOR	O.A.	OVERALL	T.W.	TOP OF WALL
COND.	CONDITION	GEN.	GENERAL	OBS.	OBSCURE	TYP.	TYPICAL
CONST.	CONSTRUCTION	G.F.	GROUND FAULT INTERRUPT	O.D.	OUTSIDE DIAMETER/	U	UNDER
CONT.	CONTRACTOR/ CONTINUOUS	G.I.	GALVANIZED IRON	O.F.D.	OVERFLOW DRAIN	U.B.C.	UNIFORM BUILDING CODE
CORR.	CORRIDOR, CORROSIVE	G.L.	GLASS	OFF.	OFFICE	U.G.	UNDERGROUND
CTSK.	COUNTERSUNK	G.L.B.	GLU-LAM BEAM	O.F.D.	OPENING	U.L.	UNDERWRITER'S LABORATORY
CTR.	CENTER	GND.	GROUND	OPF.	OPENING	UNF.	UNFINISHED
		GR.	GRADE	OPP.	OPPOSITE	U.N.O.	UNLESS NOTED OTHERWISE
DBL.	DOUBLE	GYP.	GYPSUM			UR.	URINAL
DECO.	DECORATIVE	G.P.	GRADE PLANE	PERIM.	PERIMETER	V.	VERTICAL
DEFT.	DEPARTMENT	H.	HIGH	FL.	PLATE/PROPERTY LINE	VENT.	VENTILATING
DET.	DETAIL	H.B.	HOSE BIB	FLAM.	PLASTIC LAMINTE	VERT.	VERTICAL
D.F.	DRINKING FOUNTAIN/	H.C.	HOLLOW CORE	FLAS.	PLASTER	V.T.R.	VENT THROUGH ROOF
DIA.	DIAMETER	HD.	HARD	FLUMB.	FLUMBING		
DIAG.	DIAGONAL	HDR.	HEADER	FLYND.	PLYWOOD	W.	WEST, WIDE, WIDTH
DIM.	DIMENSION	HDR.	HARDWOOD	PNT.	PAINT	W.	WITH
DN.	DOWN	HDR.	HARDWARE	P.O.C.	POINT OF CONNECTION	W.	WOOD
DR.	DOOR	H.M.	HOLLOW METAL	PK.	PAIR	W.H.	WATER HEATER
D.S.	DOWN SPOUT	HORIZ.	HORIZONTAL	PROJ.	PROJECTION	W.C.	WATER CLOSET
D.S.P.	DRY STAND PIPE	HR.	HOUR	PSL.	PARALLEL STRAND	W.I.	WROUGHT IRON
DNG.	DRAINING	HT./HGT.	HEIGHT			WP.	WATERPROOF
		HVAC	HEATING VENTILATING/	PT.	POINT	W.V.M.	WELDED WIRE MESH
			AIR COND.				

NOTICE TO BUILDER:

IT IS THE INTENT OF THIS DESIGNER THAT THESE PLANS ARE ACCURATE AND ARE CLEAR ENOUGH FOR THE LICENSED PROFESSIONAL BUILDER TO CONSTRUCT THIS PROJECT. IN THE EVENT THAT SOMETHING IS UNCLEAR OR NEEDS CLARIFICATION, STOP AND CALL THE DESIGNER LISTED ON THE TITLE SHEET. IT IS THE RESPONSIBILITY OF THE LICENSED PROFESSIONAL TO FULLY REVIEW THESE DOCUMENTS BEFORE CONSTRUCTION BEGINS SO THAT THIS PROJECT IS CONSTRUCTED PROPERLY AND IF NEEDED TO MAKE CORRECTIONS BEFORE ANY WORK BEGINS.



PROJECT LOCATION

VICINITY MAP

NOTE

PRIOR TO THE CONSTRUCTION OF THE NEW FOUNDATION VERIFICATION IS REQUIRED TO SHOW THAT THE NEW FOUNDATION SYSTEM MATCHES THE EXISTING. EXCAVATION AT THE CORNER OF THE EXISTING BUILDING, OTHER THAN THE CORNER OF GARAGE, TO EXPOSE THE BOTTOM OF THE FOOTING FOR VERIFICATION OF THE TYPE OF THE EXISTING FOUNDATION SYSTEM BY THE FIELD INSPECTOR IS REQUIRED AT FIRST INSPECTION



HIEN T. KIM NGUYEN
Professional Eng. Corp.
15 Duberstein Drive
San Ramon, CA 94583 408-843-6406
ssdesigneng@gmail.com

860 EVANS RD
MILPITAS, CA 95035

REVISIONS

PROGRESS SET

09-07-2024

TITLE SHEET

1ST BUILDING
SUBMITTAL SHEET
JOB NO.
DRAWN MK
CHECK HN

A0

860 EVANS RD
MILPITAS, CA 95035

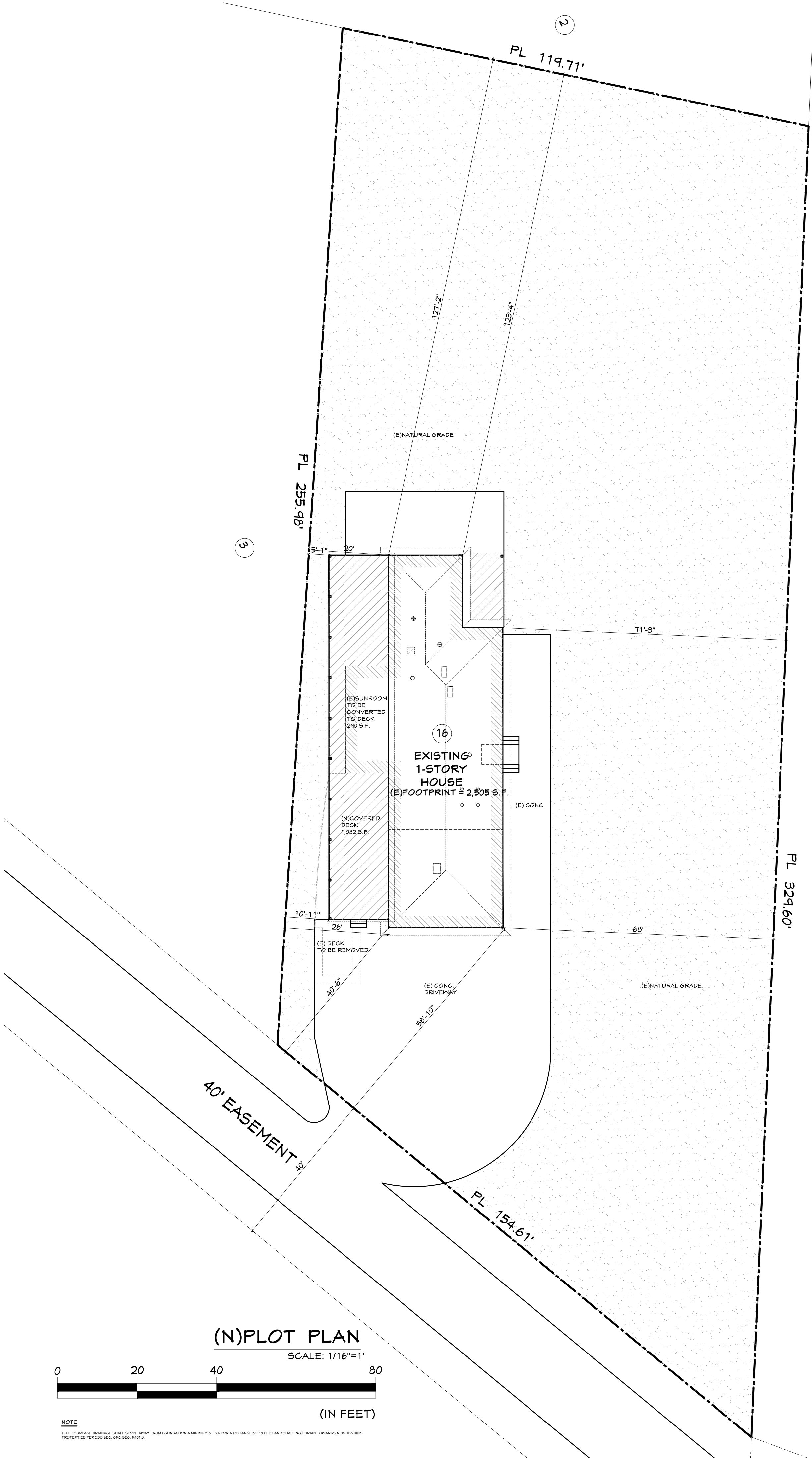
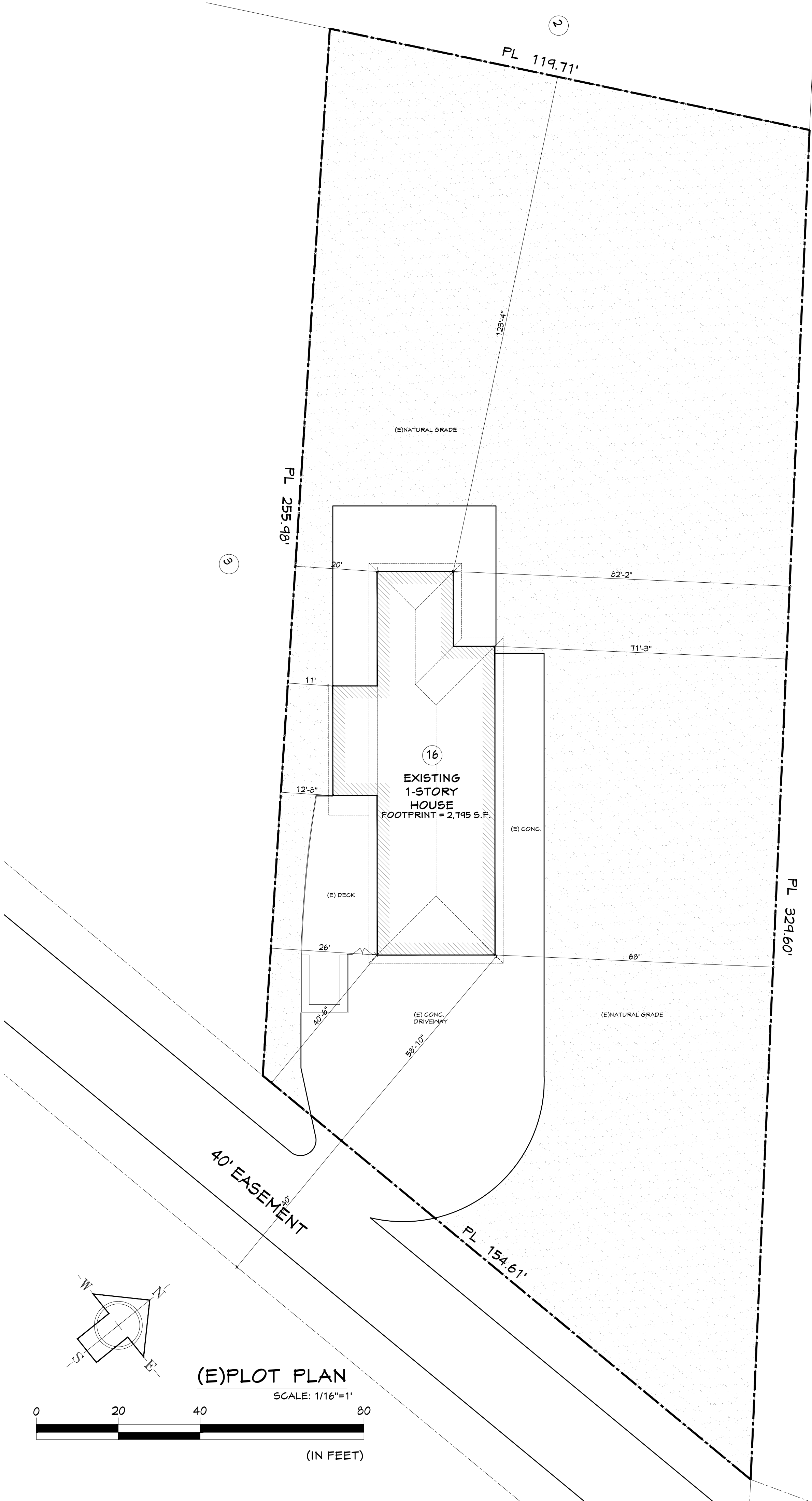
REVISIONS

PROGRESS SET 09-07-2024

PLOT PLAN

1ST BUILDING SUBMITTAL		SHEET
JOB NO.		
DRAWN	MK	
CHECK	HN	

A1



NOTE
1. THE SURFACE DRAINAGE SHALL SLOPE AWAY FROM FOUNDATION A MINIMUM OF 1/8" FOR A DISTANCE OF 10 FEET AND SHALL NOT DRAIN TOWARDS NEIGHBORING PROPERTIES PER CBC SEC. 202.02 AND 202.03.

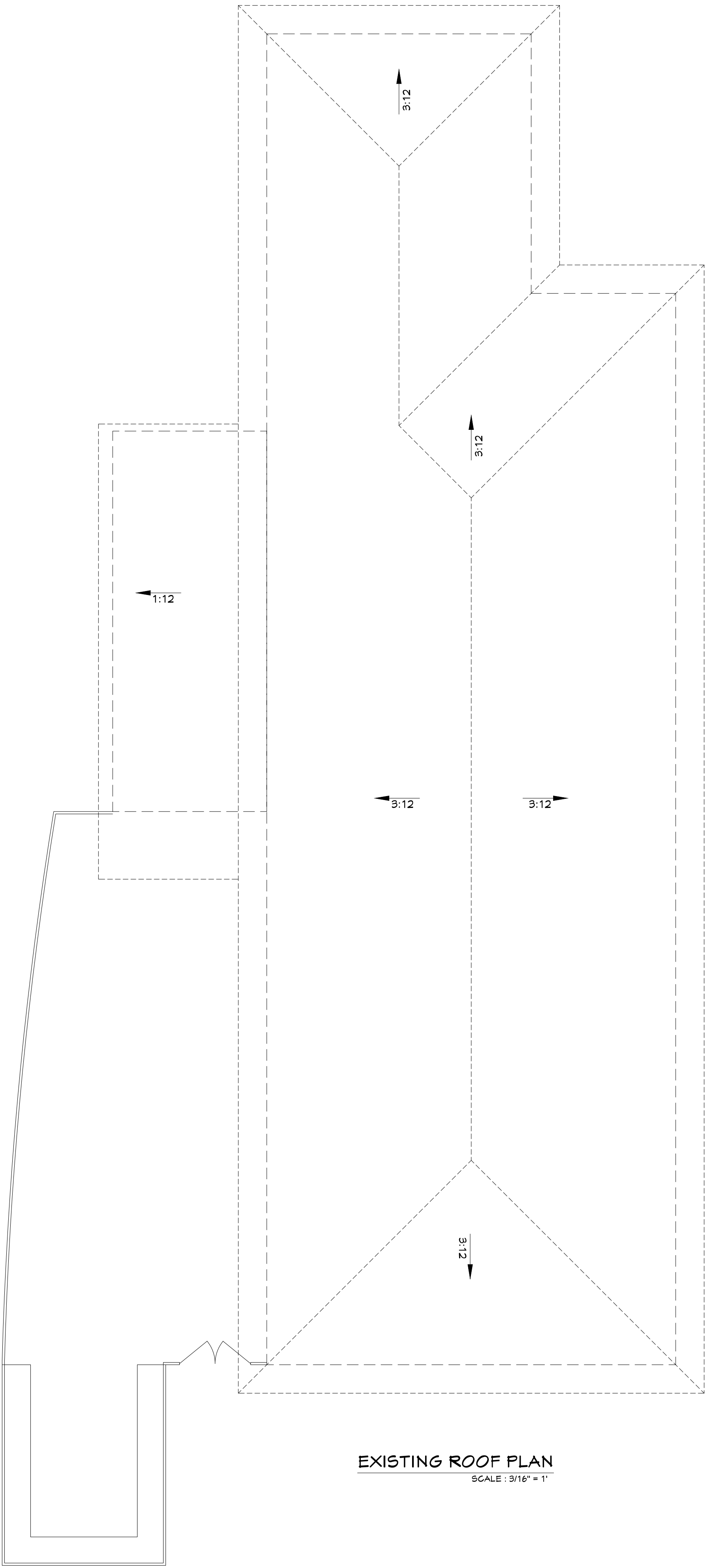


REVISIONS

09-07-2024

1ST BUILDING		
SUBMITTAL		SHEET
JOB NO.		
DRAWN	MK	
CHECK	HN	

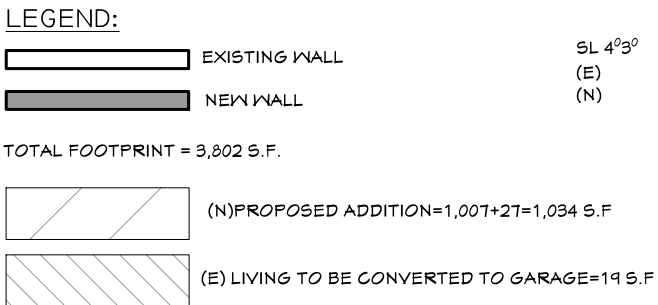
A2





PROPOSED FLOOR & ROOF PLAN

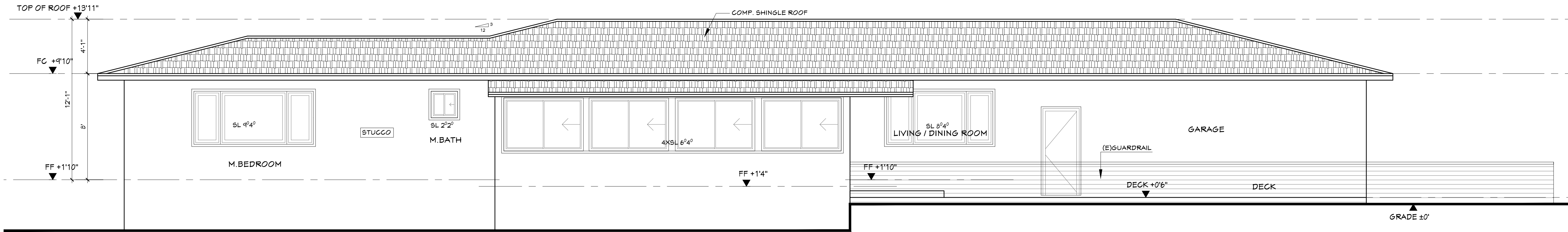
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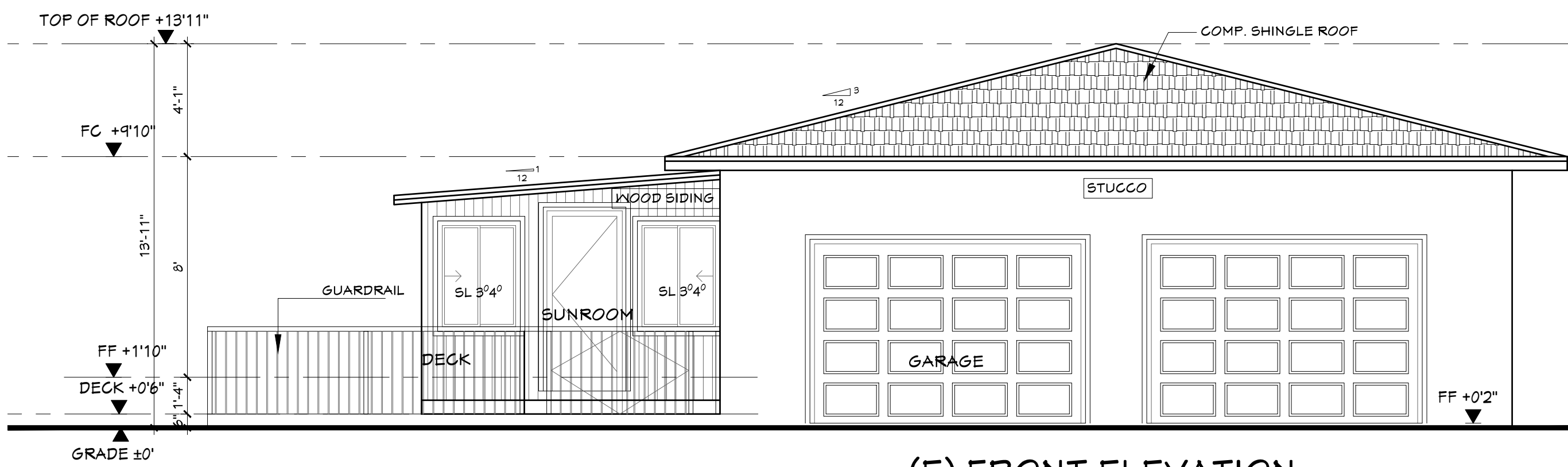
1. 6'-0" HEADER HEIGHTS (UNLESS NOTED OTHERWISE).
2. ALL ANGLES TO BE 45 DEG. UNLESS NOTED OTHERWISE.
3. 2x6 STUDS AT ALL WALLS SHALL BE ADDED.
4. VERIFY ALL EXTERIOR AND INTERIOR TRIM & DETAILS WITH OWNER.
5. WALL STUDS @ FIRST FLOOR PER STRUCTURAL DRAWINGS.
6. WALLS AND CEILINGS SHALL BE 1/2" ASTM 36 GYPSSUM WALLBOARD FOR STUDS @ 16"o.c. AND 3/8" GYPSSUM WALLBOARD FOR STUDS @ 24"o.c.
7. REFER TO INTERIOR ELEVATIONS FOR ADDITIONAL FURRING AND FRAMING INFORMATION.
8. INTERIOR DOORS SHALL BE 1 1/2" SOLID CORE.
9. EXTERIOR DOORS SHALL BE 1 1/2" SOLID CORE REFER TO EXTERIOR ELEVATIONS.
10. ALL BEDROOM WINDOWS TO BE MAX. 44" ABOVE FINISH FLOOR WITH A MINIMUM 24" HIGH AND 20" WIDE OPENING WHICH PROVIDES A MIN. OF 5.7 SQ. FT. NET CLEAR OPENING.
11. EMERGENCY EGRESS FROM SLEEPING ROOMS, MIN 24" CLEAR HEIGHT, 20" CLEAR WIDTH, 5.7 SQ. FT. MIN AREA TOP OF SILL HEIGHT DIMENSION TO BE 44" MAX A.F.F. AND EGRESSES WINDOWS FOR BEDROOMS SHOULD BE OPERABLE.
12. PROVIDE A COMBO CARBON MONOXIDE & SMOKE DETECTOR IN EACH EXISTING SLEEPING AREA AND AT A CENTRAL POINT IN HALLWAY HARD WIRE & BATTERY OPERATED
13. SHOWERS AND TUB/SHOWER WALLS TO BE A SMOOTH HARD NONABSORBENT SURFACE (E.G., CERAMIC TILE) OVER A MOISTURE RESISTANT UNDERLAYMENT (E.G., P.R. GYP. BD., CEMENT BOARD, ETC.) TO A MINIMUM HEIGHT OF 12 INCHES ABOVE THE DRAIN INLET PER SEC. 807.1.3 OF 2013 CBC.
14. PER R308.4.1 GLAZING IN DOORS, GLAZING IN ALL FIXED AND OPERABLE PANELS OF SWINGING, SLIDING AND BIFOLD DOORS SHALL BE CONSIDERED TO BE HAZARDOUS LOCATION. EXCEPTION 1. GLAZED OPENINGS OF SIZE THROUGH WHICH A 3-INCH DIAMETER SPHERE IS UNABLE TO PASS. 2. DECORATING GLAZING
15. PER R308.4.5, GLAZING IN WALLS, ENCLOSURES OR FENCES CONTAINING OR FACING HOT TUB, SPA'S, WHIRLPOOLS, SAUNAS, BATHTUB, SHOWERS, AND INDOOR OR OUTDOOR SWIMMING POOLS WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60 INCHES MEASURED VERTICALLY ABOVE ANY STANDING OR WALKING SURFACE SHALL BE CONSIDERED HAZARDOUS LOCATION. THIS SHALL APPLY TO GLAZING IN WALLS AND ALL PANES IN MULTIPLE GLAZING. EXCEPTION GLAZING THAT IS MORE THAN 60" MEASURED HORIZONTALLY AND IN STRAIGHT LINE, FROM THE WATER'S EDGE OF A BATHTUB, HOT TUB, SPA, OR SWIMMING POOL.
16. REQUIRED SEPARATION BETWEEN THE DWELLING AND GARAGE PER CRC R302.6 AND GARAGE DOOR IN COMPLIANCE WITH CRC R302.5 (FOR WALLS, CEILING AND DOOR) NOTE : 5/8" DRYWALL IS REQUIRED ON GARAGE CEILING WHEN THERE IS HABITABLE SPACE ABOVE

1. SHOWER AND TUB/SHOWER COMBINATION IN ALL BUILDINGS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THE THERMOSTATIC MIXING VALVE TYPE.
2. BATH TUB: MAXIMUM HOT WATER TEMP DISCHARGING FROM THE BATHTUB AND WHIRLPOOL BATHTUB FILLER SHALL BE LIMITED TO 120 DEG F.
3. ULTRA LOW FLUSH TOILET (1.25 GALLONS/FLUSH) AT ALL NEW BATHROOMS (CFC 2022 SECTION 411.2)
4. FINISH BACKING MATERIAL AND WATERPROOFED MATERIAL AT SHOWER/BATHTUB WALL SHALL BE CEMENTITIOUS MATERIAL OR GYPSUM BOARD APPROVED FOR THIS INSTALLATION. WATER RESISTANT GYPSUM BOARD UNDER GLUE-ON TILE IS NOT ALLOWED.
5. SHOWER:
 - A) THE SHOWER DOOR SIZE TO HAVE A NET OPENING OF AT LEAST 22 INCHES AND TO SWING OUT (R307).
 - B) SHOWERS MUST HAVE WATERPROOF WALL FINISH UP AT LEAST 6" ABOVE THE FLOOR [CFC 2022 SECTION R307.2]
 - C) GLASS SHOWER AND TUB ENCLOSURE MUST BE SAFETY GLAZING [CFC 2022 SECTION R308.4.5]
 - D) SHOWERHEADS SHALL HAVE A MAX FLOW RATE OF NOT MORE THAN 1.8 GPM AT 80 PSI (CFC 2022 SECTION 400.2) SHOWERHEADS SHALL BE CERTIFIED TO THE PERFORMANCE CRITERIA OF THE U.S. EPA WATERSENSE SPECIFICATION FOR SHOWERHEADS.
6. THE MAX FLOW RATE OF RESIDENTIAL LAVATORY FAUCETS SHALL NOT EXCEED 1.2 GPM AT 60 PSI. THE MIN. FLOW RATE OF RESIDENTIAL LAVATORY FAUCETS SHALL NOT BE LESS THAN 0.8 GPM AT 20 PSI (CFC 2022 SECTION 401.2.2)
7. THE MAX FLOW RATE OF KITCHEN FAUCETS SHALL NOT EXCEED 1.8 GPM AT 60 PSI.(CFC 2022 SECTION 402.2.1)

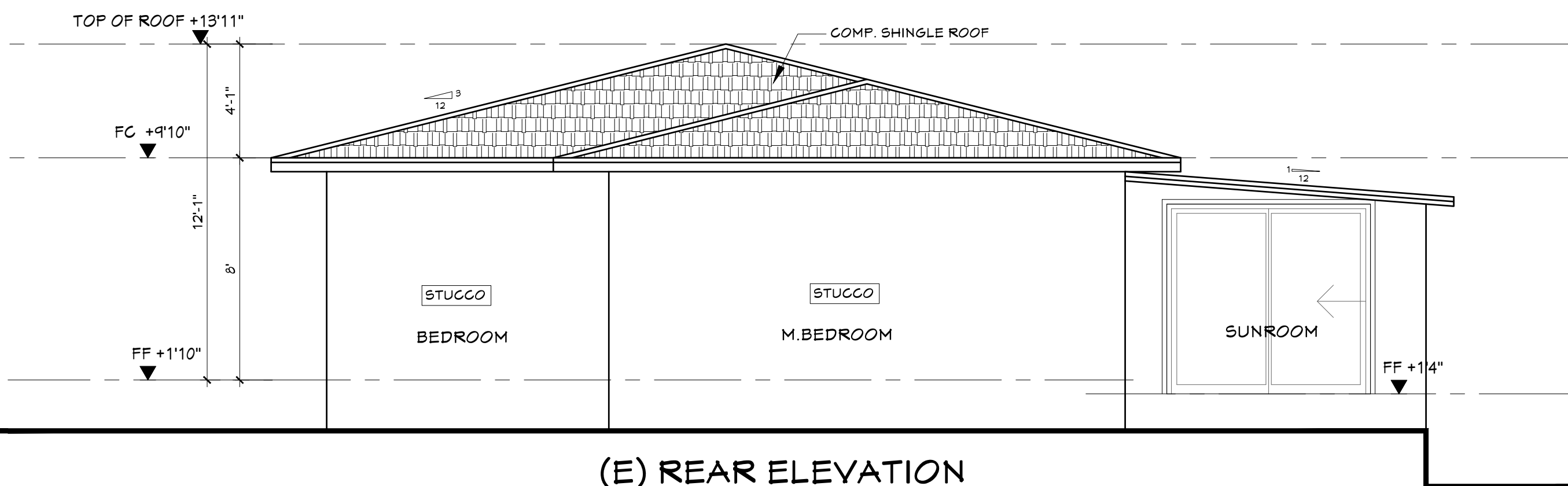
860 EVANS RD
MILPITAS, CA 95035



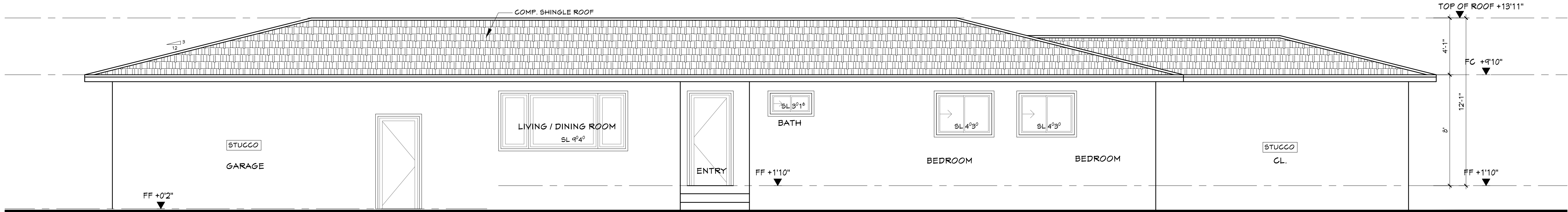
(E) LEFT ELEVATION
SCALE : 1/4" = 1'



(E) FRONT ELEVATION
SCALE : 1/4" = 1'



(E) REAR ELEVATION
SCALE : 1/4" = 1'



(E) RIGHT ELEVATION
SCALE : 1/4" = 1'

REVISIONS

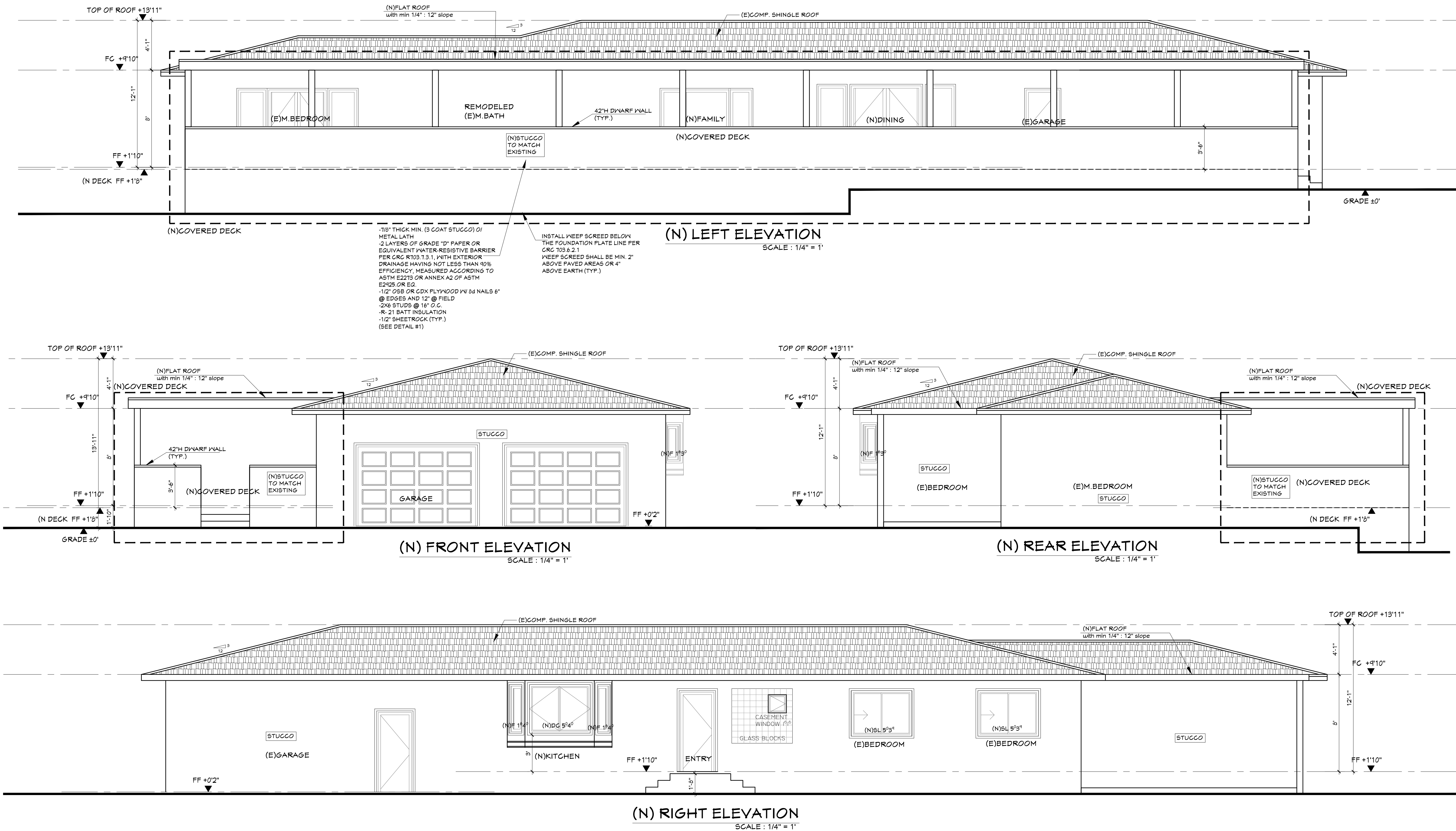
PROGRESS SET 09-07-2024

EXISTING
ELEVATIONS

1ST BUILDING
SUBMITTAL SHEET
JOB NO.
DRAWN MK
CHECK HN

A4

860 EVANS RD
MILPITAS, CA 95035



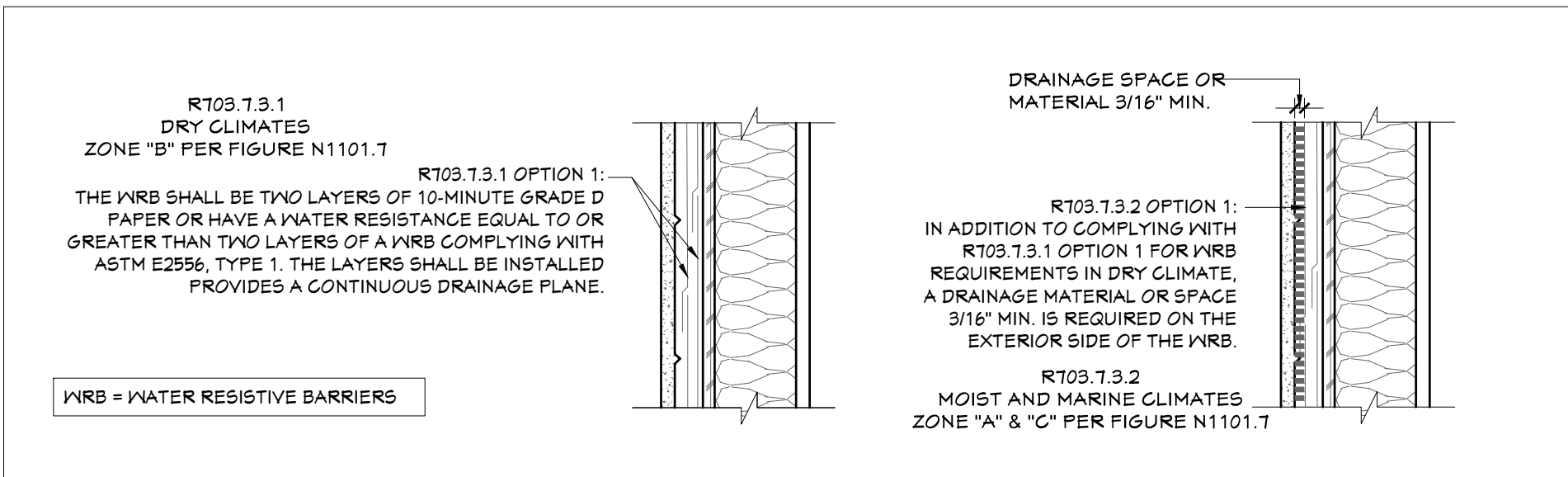
REVISIONS

PROGRESS SET 09-07-2024

PROPOSED
ELEVATIONS

1ST BUILDING
SUBMITTAL SHEET
JOB NO.
DRAWN MK
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A5

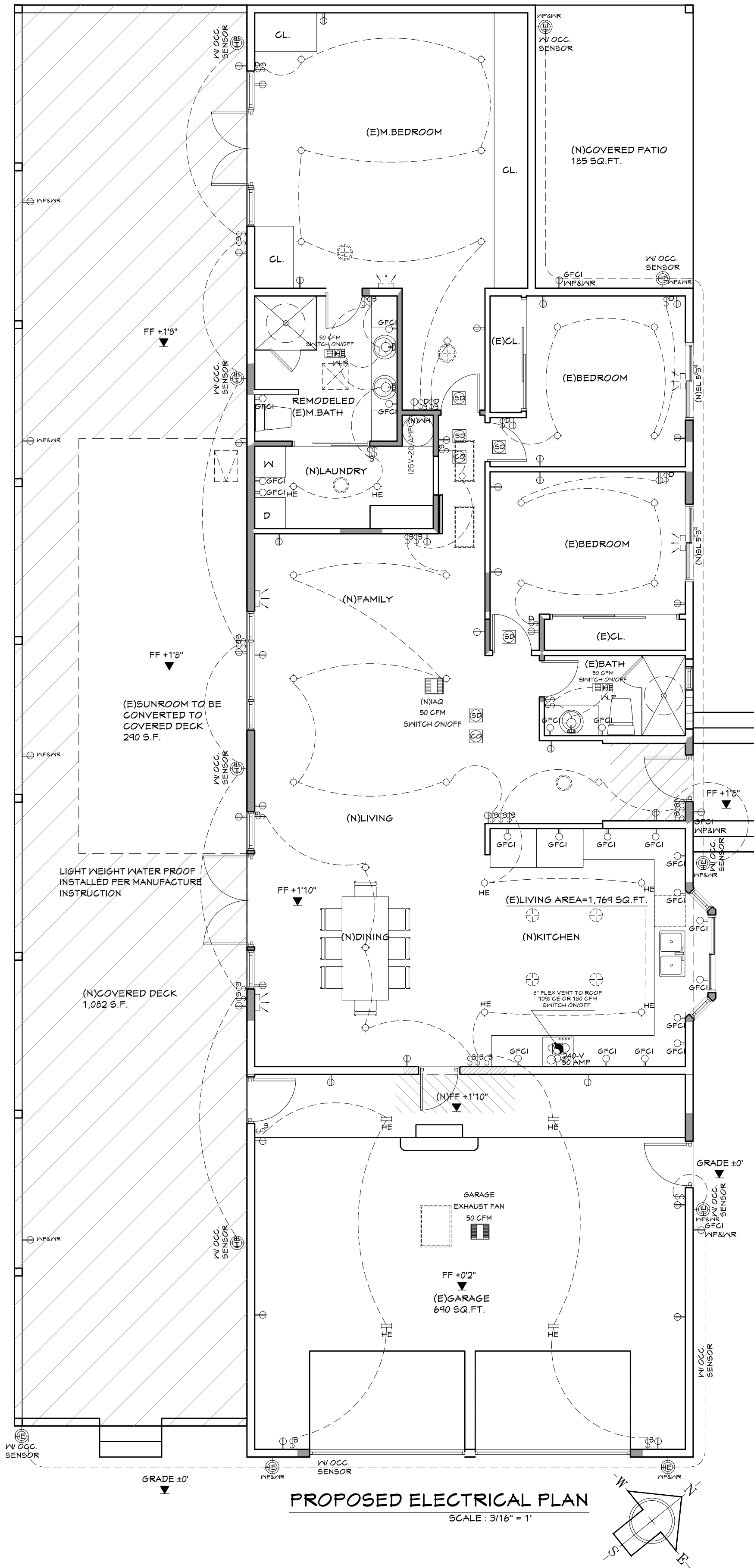


I. STUCCO: WATER RESISTIVE BARRIERS



HIEN T. KIM NGUYEN
Professional Eng. Corp.
15 Duberstein Drive
San Ramon, CA 94583 408-843-6406
ssdesigneng@gmail.com

860 EVANS RD
MILPITAS, CA 95035



- ELECTRICAL NOTES:**
- ALL RECEPTACLES TO BE INSTALLED MINIMUM PER CEC EVEN IF NOT SHOWN (C.E.C 210.52)
 - INSTALL DEDICATED 20-AMP CIRCUIT AT BATHROOM RECEPTACLES (C.E.C 210.52D)
 - PROVIDE STEEL ELECTRICAL BOX IN FIRE-RESISTIVE CEILING AND WALL SEPARATE ELECTRICAL BOXES BACK TO BACK IN FIRE RESISTIVE WALLS BY A MIN 24" HORIZONTALLY BOX AREA SHALL NOT EXCEED 16 SQ IN. AS PER U.B.S 104.1
 - PROVIDE CONDUCTOR WIRES WITH AN INSULATES NEUTRAL AND A FOURFRONG OUTLETS FOR DRYER AND RANGE
 - PROVIDE ARC-FAULT CIRCUIT INTERRUPTER PROTECTION FOR ALL 125-VOLT, SINGLE PHASE, 15 AND 20 AMP RECEPTACLE IN ALL HABITABLE ROOMS (EXCEPT GARAGE). PER CEC 210.12
 - PROVIDE HARD-WIRED INTERCONNECTED SMOKE DETECTORS EQUIPPED WITH BATTERY BACK UP.
 - RECEPTACLE OUTLETS SHALL BE INSTALLED IN ALL HABITABLE ROOMS: (A) ON ALL WALL SPACES 2FT OR WIDER (B) NOT MORE THAN 6FT FROM OPENING AND (C) NOT MORE THAN 12 FT ON CENTERS
 - RECEPTACLE OUTLETS SHALL BE INSTALLED IN KITCHENS: (A) ON COUNTER SPACES 12 INCHES OR WIDER (B) NOT MORE THAN 4FT ON CENTERS, (C) NOT MORE THAN 2FT FROM AN EDGE COUNTER AND (D) ON ISLAND/PENINSULAR COUNTERTOP 12" OR WIDER (1 VERY 4)
 - ALL 125 VOLT, SINGLE-PHASE RECEPTACLE OUTLETS SHALL HAVE GROUND-FAULT CIRCUIT PROTECTION AT THE FOLLOWING LOCATIONS: (A) BATHROOM, ADJACENT TO BASIN, (B) GARAGE, (C) OUTSIDE AND (D) ALL KITCHEN OUTLETS.
 - PROVIDE RECEPTACLE OUTLET IN DWELLING UNIT HALLWAYS 10'-0" OR MORE IN LENGTH.
 - EXTERIOR LIGHTING TO BE PROVIDED WITH MOTION AND PHOTO SENSORS.
 - FOR ALL RECEPTACLES, SWITCHES, DISCONNECTS AND SIMILAR DEVICES, MEASURE FROM THE FINISHED FLOOR:
MINIMUM HEIGHT: 15 INCHES FROM FLOOR TO THE BOTTOM OF THE OUTLET BOX
MAXIMUM HEIGHT: 48 INCHES FROM FLOOR TO THE TOP OF THE OUTLET BOX. IF THE REACH IS OVER AN OBSTRUCTION, SUCH AS A KITCHEN BASE CABINET WITH A DEPTH OF 20 TO 25 INCHES, THE MAXIMUM HEIGHT IS REDUCED TO 44 INCHES FOR FORWARD APPROACH AND 46 INCHES FOR SIDE APPROACH.
 - GFCI PROTECTION MUST BE INSTALLED IN A READILY ACCESSIBLE LOCATION IN THE FOLLOWING AREAS: KITCHENS, BATHROOMS, INDOOR NET LOCATIONS, LOCKER ROOMS WITH SHOWERS, OUTDOOR AREAS, GARAGES, ROOFTOPS, AND WITHIN 6 FEET OF THE OUTSIDE EDGE OF ANY SINK.
 - EXTERIOR RECEPTACLES, ELECTRICAL DEVICES AND THEIR COVER PLATES MUST BE SUITABLE FOR THE ENVIRONMENT IN WHICH THEY ARE INSTALLED. WHEN EXPOSED TO RAIN OR WATER CONDITIONS, ELECTRICAL DEVICES MUST BE LISTED FOR "WET-LOCATION."
 - SWITCHES SERVING LIGHT FIXTURES REQUIRE A NEUTRAL CONDUCTOR TO BE BROUGHT THE OUTLET BOX.
 - RECESSED DOWNLIGHTS LUMINAIRES IN CEILING'S SHALL:
 - BE LISTED IC FOR ZERO CLEARANCE; AND
 - AIRTIGHT WITH AIR LEAKAGE LESS THAN 2.0 CFM AT 15 PASCALS; AND
 - BE SEALED WITH A GASKET OR CAULK BETWEEN LUMINAIRE HOUSING AND CEILING; AND
 - BE READILY ACCESSIBLE FOR MAINTENANCE IF ASSOCIATED WITH HARDWIRED BALLASTS OR DRIVES; AND
 - NOT CONTAIN SCREW BASE SOCKETS; AND
 - CONTAIN LIGHT SOURCES THAT COMPLY WITH REFERENCE JOINT APPENDIX J8 AND ARE MARKED "JAS-2016-E"; AND
 - BE CONTROLLED BY DIMMERS OR VACANCY SENSORS
 - AT LEAST ONE LUMINAIRE IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS SHALL BE CONTROLLED BY VACANCY SENSOR
 - AT LEAST ONE LUMINAIRE IN BATHROOM SHALL BE CONTROLLED BY VACANCY SENSOR.
 - OUTDOOR LIGHTINGS SHALL BE CONTROLLED BY:
 - MANUAL ON/OFF SWITCH; AND
 - CONTROLLED BY PHOTOCELL AND MOTION SENSOR OR PHOTO CONTROL TIME SWITCH CONTROLLING ASTRONOMICAL TIME CLOCK/ENERGY MANAGEMENT CONTROLS SYSTEM
 - A DEDICATED 20-AMP BRANCH CIRCUIT SHALL BE PROVIDED TO SUPPLY THE LAUNDRY RECEPTACLE OUTLET. CEC 210.11(C)(2) AND 210.52(F)
 - ALL NEW 125 VOLT, 15 AND 20 AMPERE RECEPTACLE OUTLETS SHALL BE TAMPER RESISTANT RECEPTACLES (2016 CEC 406.12)
 - EACH BATHROOM SHALL BE MECHANICALLY VENTILATED WITH AN "ENERGY STAR" EXHAUST FAN, AND MUST BE CONTROLLED BY A HUMIDITY CONTROL. EXHAUST FANS SHALL BE RATED 50 CFM MINIMUM (CAG 8033.3.1)
 - THE EXHAUST FANS SHALL BE CONTROLLED SEPARATELY FROM LIGHTING SYSTEM PER CEC SEC. 150.0(K) 2B
 - IF A NEW GAS COOKTOP OR GAS STAND-ALONE OVEN IS INSTALLED, THEN IT TRIGGERS A DEDICATED 208/240-VOLT, 50 AMP OR GREATER ELECTRICAL RECEPTACLE THAT IS CONNECTED TO THE ELECTRIC PANEL WITH CONDUCTORS OF ADEQUATE CAPACITY. WITHIN 3 FEET OF THE APPLIANCE AND ACCESSIBLE WITH NO OBSTRUCTIONS, A RESERVED DOUBLE POLE CIRCUIT BREAKER SPACE IN THE ELECTRICAL PANEL ADJACENT TO THE BRANCH CIRCUIT LABELLED FOR FUTURE APPLIANCE AND ELECTRICALLY ISOLATED. PER MMC II-11-2.04

ELECTRICAL LEGEND	
HE	HIGH EFFICIACY
H.E	H.E FLUORESCENT LIGHTING FIXTURE
5"	5" RECESSED LIGHTING FIXTURE - CEILING MOUNTED
L.F.	LIGHTING FIXTURE, WALL MOUNTED, +84 U.O.N
L.F.S	OUTDOOR LIGHTING FIXTURE, WALL MOUNTED, +84 U.O.N PV SENSOR
S	SINGLE POLE TOGGLE SWITCH, +48", 8" ABOVE COUNTER
D	DIMMER SWITCH, +48"
110V	110V DUPLEX RECEPTACLE U.O.N., 15" ABOVE FLOOR, U.O.N.
110V	110V DUPLEX RECEPTACLE U.O.N., 12" ABOVE COUNTER U.O.N.
220V	220V RECEPTACLE
GFCI	INDEGATED DEVICE/ RECEPTACLE HAS GFCI PROTECTION
W.P	ABBREVIATION FOR "WATERPROOF"
W.P	EXHAUSTED FAN PV FLUORESCENT HIGH EFFICIACY LIGHTING
W.P	COMBO SINGTH SEPERATELY WATERPROOF
S	SINGLE MULTI-FUNCTION CONTROL SWITCH, 48" ABOVE FLOOR
O.S	OCCUPANCY SENSOR
O.S	OCCUPANCY SENSOR WITH MANUAL-ON AND AUTOMATIC-OFF FUNCTIONALITY.
W.H	WALL HEATER

RESIDENTIAL INDOOR AIR QUALITY AND MECHANICAL VENTILATION

ASHRAE STANDARD 62.2 EQUATION 4.1(A):
THE WHOLE-BUILDING EXHAUST FAN SHALL PROVIDE A MINIMUM VENTILATION RATE ACCORDING TO EQUATION 4.1(A) BELOW:
WHERE:
OFAN = 0.01AFLOOR + 7.5(NBR + 1)
WHERE:
OFAN = FAN FLOW RATE, (CFM)
AFLOOR = CONDITIONED FLOOR AREA (EXISTING HOME AND THE ADDITION), FT²
NBR = NUMBER OF BEDROOMS (EXISTING HOME AND THE ADDITION); NOT TO BE LESS THAN ONE
HERE IS AN 1,823 FT² HOUSE WITH 3 BEDROOMS
----> Qfan = 0.01(1,823) + 7.5(3 + 1)
Qfan = 18.23 + 7.5(4)
Qfan = 48.23 cfm
----> EXHAUST FAN : BreezSmart GBR50 - 50 CFM (50 CFM) SHALL OPERATE CONTINUOUSLY.

SOUND RATING AND CONTINUOUS OPERATION
THE WHOLE-BUILDING VENTILATION EXHAUST FAN WILL OPERATE CONTINUOUSLY, AND IS REQUIRED TO BE RATED FOR SOUND AT A MAXIMUM OF 1 SONE. THIS EXHAUST FAN CAN BE CONTROLLED BY A STANDARD ON/OFF SWITCH, BUT THE SWITCH MUST BE LABELED TO INFORM THE OCCUPANT THAT THE EXHAUST FAN IS THE WHOLE-BUILDING VENTILATION EXHAUST FAN AND IS INTENDED TO OPERATE CONTINUOUSLY. NO SPECIFIC WIRING IS MANDATED, BUT THE WIRING NEEDS TO MAKE CLEAR WHAT THE CONTROL IS FOR AND THE IMPORTANCE OF OPERATING THE SYSTEM. THIS MAY BE AS SIMPLE AS "VENTILATION CONTROL" OR MIGHT INCLUDE WIRING SUCH AS "OPERATE WHEN THE HOUSE IS IN USE" OR "KEEP ON EXCEPT WHEN GONE OVER 1 DAYS" OR "FAN IS TO BE LEFT ON TO ENSURE INDOOR AIR QUALITY."

REVISIONS

PROGRESS SET

09-07-2024

PROPOSED ELECTRICAL PLAN

1ST BUILDING SUBMITTAL SHEET
JOB NO.
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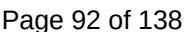
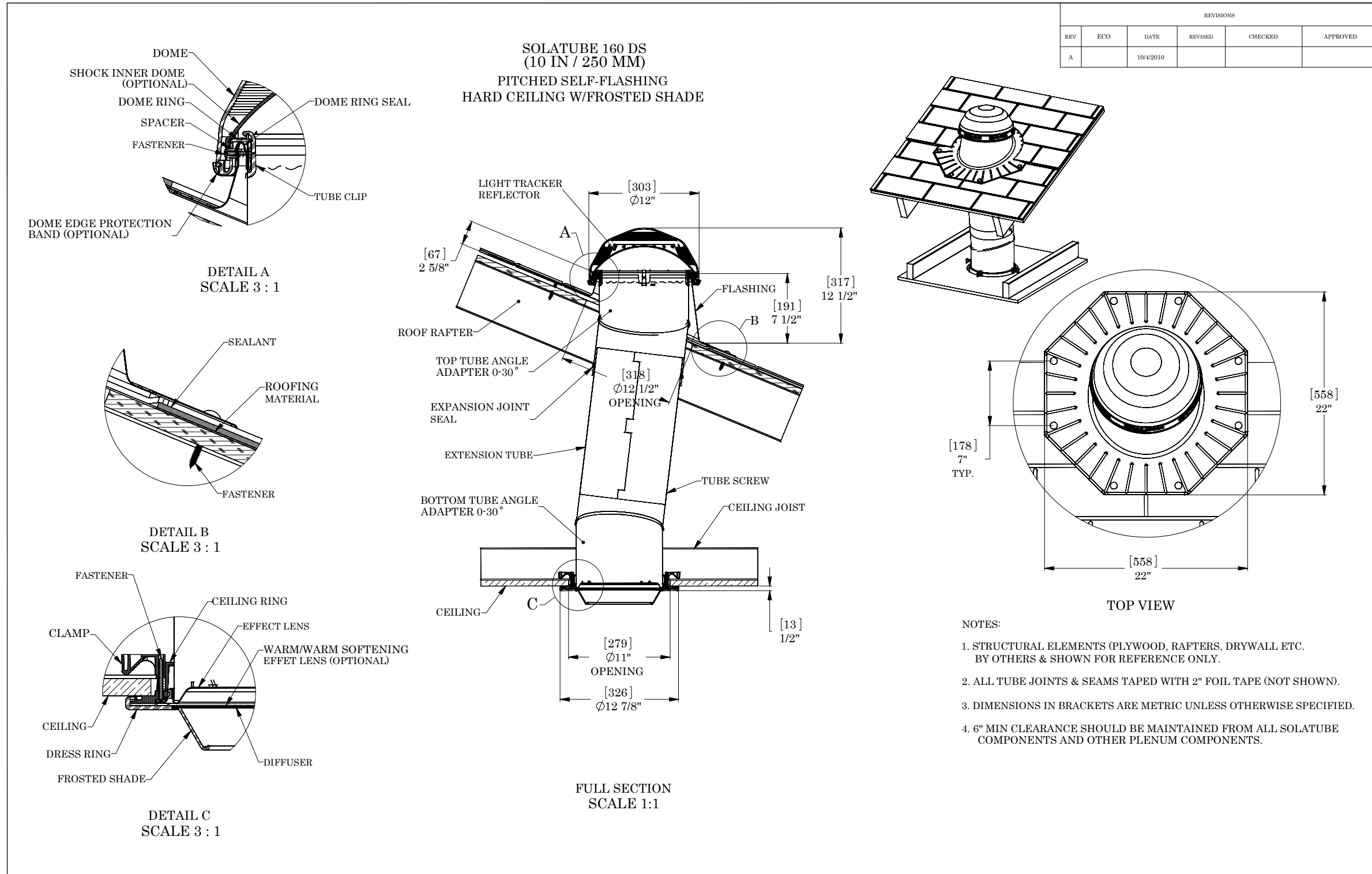
REVISIONS

09-07-2024

PROPOSED SECTIONS DETAILS

1ST BUILDING	
SUBMITTAL	SHEET
JOB NO.	
DRAWN	MK
CHECK	HN

A7





2022 CALGREEN
MANDATORY MEASURES
CHECKLIST
(RESIDENTIAL)

This checklist applies to newly constructed buildings, and additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration. (301.1.1)

Parentetical references are to the noted section of the 2022 California Green Building Code, unless stated otherwise.

Feature or Measure	Required
RESIDENTIAL MANDATORY MEASURES	
Site Development (4.106)	
Projects less than one acre: Projects which disturb less than one acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, shall manage storm water drainage during construction.	N/A
Projects one acre or more: Newly constructed projects or additions shall comply with Milpitas Municipal Code Title 2 Chapter 13 for erosion and sediment controls, the City of Milpitas Enforcement Response Plan for Construction Site Control, and the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit requirements.	N/A
Construction plans shall indicate how the site grading or drainage system will manage all surface water flows to keep water from entering buildings.	✓
Electric vehicle (EV) charging for new construction. New construction shall comply with sec. 4.106.4.1 or 4.106.4.2 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with California Electrical Code (CEC), Article 625.	N/A
New one- and two-family dwellings and Townhouses with private garages. Each dwelling unit shall be installed with listed raceways capable of supporting EVSE.	N/A
New multifamily dwellings, hotels, and motels. EV Capable. 10% of the total parking spaces on a building site shall be EV spaces capable of supporting future Level II EVSE.	N/A
EV Ready. 25% of the total parking spaces shall be equipped with low power Level 2 EV charging receptacles.	N/A
20 or more units. 5% of the total parking spaces shall be equipped with Level 2 EVSE.	N/A
ENERGY EFFICIENCY (4.201)	
For the purposes of mandatory energy efficiency standards in this code, the California Energy Commission will continue to adopt mandatory standards.	✓
WATER EFFICIENCY AND CONSERVATION	
Indoor Water Use (4.303)	
All noncompliant plumbing fixtures in any single-family and multi-family residential real property shall be replaced with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to final inspection. (See also California Civil Code sec. 1101.4 and 1101.5)	✓
Water closets. The effective flush volume of all water closets shall not exceed 1.28 gpf. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Tank-type Toilets. Note: The effective flush volume of dual flush toilets is defined as the composite, average flush volume of two reduced flushes and one full flush.	✓
Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gpf, and other urinals shall not exceed 0.5 gpf.	N/A

Pollutant Control (4.504)	
Cover vent openings. At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilation equipment, all duct and other related air distribution component openings shall be covered.	✓
Finish material pollutant control. Adhesives, sealants, and caulks shall be compliant with VOC limits as shown in Table 4.504.1 or 4.504.2, as applicable.	✓
Aerosol adhesives and smaller unit sizes of adhesives and sealant or caulking compounds (no more than 1 pound in weight no more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements.	✓
Paints and coatings. Paints, stains, and other coatings shall be compliant with VOC limits as shown in Table 4.504.3.	✓
Aerosol Paints and Coatings. Shall meet the Product-Weighted MIR limits for ROC and comply with the BAAQMD percent VOC by weight of product limits of Regulation 8, Rule 49.	✓
Carpet. All carpet and carpet cushion shall meet the requirements of the CDPH "Standard Method for the Testing of Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers".	✓
Carpet adhesive. Shall meet the requirements of Table 4.504.1.	
Resilient flooring systems. At least 80% of floor area receiving resilient flooring shall meet the requirements of CDPH "Standard Method for the Testing of Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers".	✓
Composite wood products. Hardwood plywood, particleboard, and medium density fiberboard (MDF) used on interior or exterior of the building shall comply with formaldehyde emission limits per Table 4.504.5.	✓
Documentation. Verification of compliance shall be provided to the City building inspector.	✓
Interior Moisture Control (4.505)	
Concrete Slab Foundations. Concrete slab foundations required to have a vapor retarder by the California Building Code or the California Residential Code shall have a capillary break installed in compliance with section 4.505.2.1.	✓
Moisture content of building materials. Building materials with visible signs of water damage shall not be installed.	✓
Wall and floor framing shall not to exceed 19% moisture content at time of enclosure. Moisture content shall be verified in compliance with section 4.505.3.	✓
Insulation products which are visibly wet or have a high moisture content shall be replaced or allowed to dry prior to enclosure.	✓
Indoor Air Quality and Exhaust (4.506)	
Bathroom exhaust fans. Each bathroom shall be mechanically ventilated, and exhaust fans shall be ENERGY STAR rated and ducted to terminate outside.	✓
Unless functioning as a component of a whole house ventilation system, bathroom exhaust fans must be controlled by a humidity control adjustable between a relative humidity range of ≤50% to max. 80%.	✓
Environmental Comfort (4.507)	
Heating and air-conditioning systems. Shall be sized, designed, and have their equipment selected using the following methods: 1. Establish heat loss and heat gain values according to ANSI/ACCA 2 Manual J-2016 (Residential Load Calculation), ASHRAE handbooks or other equivalent design methods. 2. Size duct systems according to ANSI/ACCA 1 Manual D-2016 (Residential Duct Systems) or other equivalent design software or methods. 3. Select heating and cooling equipment according to ANSI/ACCA 3 Manual S-2014 or other equivalent design methods.	✓

Single showerheads. Showerheads shall have a max. flow rate of not more than 1.8 gpm at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads.	✓
Multiple showerheads serving one shower. When a shower is served by more than one showerhead, the combined flow rate of all the showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gpm at 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.	✓
Residential lavatory faucets. The max. flow rate of residential lavatory faucets shall not exceed 1.2 gpm at 60 psi. The min. flow rate of residential lavatory faucets shall not be less than 0.8 gpm at 20 psi.	✓
Lavatory faucets in common and public use areas. The max. flow rate of lavatory faucets installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings shall not exceed 0.5 gpm at 60 psi.	N/A
Metering faucets. Metering faucets when installed in residential buildings shall not deliver more than 0.2 gallons per cycle.	N/A
Kitchen faucets. The max. flow rate of kitchen faucets shall not exceed 1.8 gpm at 60 psi.	✓
Outdoor Water Use (4.304)	
Outdoor potable water use in landscape areas. Residential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent.	N/A
Water Reuse Systems (4.305)	
(RESERVED)	✓
MATERIAL CONSERVATION AND RESOURCE EFFICIENCY	
Enhanced Durability and reduced Maintenance (4.406)	
Rodent proofing. Annular spaces around pipes, electric cables, conduits, or other openings in sole/bottom plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry, or similar method acceptable to the enforcing agency.	✓
Construction Waste Reduction, Disposal and Recycling (4.408)	
Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either sec. 4.408.2, 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance.	✓
Documentation. Documentation shall be provided to the City of Milpitas Solid Waste Division which demonstrates compliance prior to final inspection.	✓
Building Maintenance and Operation (4.410)	
O&M Manual. An operation and maintenance manual shall be available in the building at the time of final inspection.	✓
Recycling by Occupants. Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serves all buildings on the site and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive.	N/A
ENVIRONMENTAL QUALITY	
Fireplaces (4.503)	
Bay Area Air Quality Management District. Only gas fireplaces, pellet-fueled devices, or E.P.A. certified wood-burning devices may be installed in new buildings, added to or replace wood-burning devices in existing buildings, or be used when reconstructing or repairing a wood-burning device [Milpitas Municipal Code II-15].	N/A
Gas fireplace shall be a direct-vent sealed-combustion type. Woodstove or pellet stove shall comply with US EPA New Source Performance Standards (NSPS) emission limits.	N/A

INSTALLER AND SPECIAL INSPECTOR QUALIFICATIONS	
Qualifications (702)	
Installer training. HVAC system installers are trained and certified in the proper installation of HVAC systems including ducts and equipment by a nationally or regionally recognized training or certification program.	✓
Special inspection. Special inspectors employed by the owner or owner's agent shall demonstrate competence to the satisfaction of the enforcing agency for the particular type of inspection to be performed and shall have a certification or qualifications acceptable to the enforcing agency. Note: Special Inspectors shall be independent entities with no financial interest in the materials or the project they are inspecting for compliance with CALGreen.	✓
Verifications (703)	
Documentation. Documentation used to show compliance with CALGreen shall include, but is not limited to, construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the enforcing agency, which demonstrate substantial conformance.	✓



HIEN T. KIM NGUYEN
Professional Eng. Corp.
15 Duberstein Drive
San Ramon, CA 94583 408-843-6406
ssdesigneng@gmail.com

860 EVANS RD
MILPITAS, CA 95035

REVISIONS

PROGRESS SET 09-07-2024

CALGREEN BUILDING
CHECKLIST

1ST BUILDING SUBMITTAL SHEET
JOB NO.
DRAWN MK
CHECK HN

CG

Fresh Concrete and Mortar Application

Who should use this information?

- Masons and Bricklayers
- Sidewalk Construction Crews
- Patio Construction Workers
- Construction Inspectors
- General Contractors
- Home Builders
- Developers
- Concrete Delivery/Pumping Workers



Storm Drain Pollution from Fresh Concrete And Mortar Applications
Fresh concrete and cement-related mortars that wash into lakes, streams, or estuaries are toxic to fish and the aquatic environment. Disposing of these materials to the storm drains or creeks can block storm drains, causes serious problems, and is prohibited by law.

Heavy Equipment Operation

Who should use this information?

- Vehicle and Equipment Operators
- Site Supervisors
- General Contractors
- Home Builders
- Developers



Stormwater Pollution from Heavy Equipment on Construction Sites
Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids on the construction site are common sources of storm drain pollution. Prevent spills and leaks by isolating equipment from runoff channels, and by watching for leaks and other maintenance problems. Remove construction equipment from the site as soon as possible.

Earth-Moving and Dewatering Activities

Who should use this information?



- Bulldozer, Back Hoe, and Grading Machine Operators
- Dump Truck Drivers
- Site Supervisors
- General Contractors
- Home Builders
- Developers

Storm Drain Pollution from Earth-Moving Activities

Soil excavation and grading operations loosen large amounts of soil that can flow or blow into storm drains when handled improperly. Sediments in runoff can clog storm drains, smother aquatic life, and destroy habitats in creeks and the Bay. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces.

Contaminated groundwater is a common problem in the Santa Clara Valley. Depending on soil types and site history, groundwater pumped from construction sites may be contaminated with toxics (such as oil or solvents) or laden with sediments. Any of these pollutants can harm wildlife in creeks or the Bay, or interfere with wastewater treatment plant operation. Discharging sediment-laden water from a dewatering site into any water of the state without treatment is prohibited.

Doing the Job Right General Business Practices

- Schedule excavation and grading work during dry weather.
- Perform major equipment repairs away from the job site.
- When refueling or vehicle/equipment maintenance must be done on site, designate a location away from storm drains.
- Do not use diesel oil to lubricate equipment parts, or clean equipment.

Practices During Construction
□ Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
□ Protect downslope drainage courses, streams, and storm drains with wattles, or temporary drainage swales. Use check dams or ditches to divert runoff around excavations. Refer to the Regional Water Quality Control Board's Erosion and Sediment Control

Field Manual 1 for proper erosion and sediment control measures, and California Stormwater Quality Association Stormwater Best Management Practice Handbook (construction, 2003)

- Cover stockpiles and excavated soil with secured tarps or plastic sheeting.
- Check for odors, discoloration, or an oily sheen on groundwater.
- Call your local wastewater treatment agency and ask whether the groundwater must be tested.
- If contamination is suspected, have the water tested by a certified laboratory.
- Depending on the test results, you may be allowed to discharge pumped groundwater to the storm drain (if no sediments present) or sanitary sewer. Oil, you may be required to collect and haul pumped groundwater offsite for treatment and disposal at an appropriate treatment facility.

Dewatering Operations Check for Toxic Pollutants
□ Check for odors, discoloration, or an oily sheen on groundwater.
□ Call your local wastewater treatment agency and ask whether the groundwater must be tested.
□ If contamination is suspected, have the water tested by a certified laboratory.
□ Depending on the test results, you may be allowed to discharge pumped groundwater to the storm drain (if no sediments present) or sanitary sewer. Oil, you may be required to collect and haul pumped groundwater offsite for treatment and disposal at an appropriate treatment facility.

Doing the Job Right General Business Practices

- Develop and implement erosion/sediment control plans for roadway embankments.
- Schedule excavation and grading work during dry weather.
- Check for and repair leaking equipment.
- Perform major equipment repairs at designated areas in your maintenance yard, where cleanup is easier. Avoid performing equipment repairs at construction sites.
- When refueling or when vehicle/equipment maintenance must be done on site, designate a location away from storm drains and creeks.
- Do not use diesel oil to lubricate equipment parts or clean equipment.
- Recycle used oil, concrete, broken asphalt, etc. whenever possible, or dispose of properly.

Storm Drain Pollution from Roadwork
Road paving, surfacing, and pavement removal happen right in the street, where there are numerous opportunities for asphalt, saw-cut slurry, or excavated material to illegally enter storm drains. Extra planning is required to store and dispose of materials properly and guard against pollution of storm drains, creeks, and the Bay.

Doing the Job Right Handling Paint Products

- Keep all liquid paint products and wastes away from the gutter, street, and storm drains. Liquid residues from paints, thinners, solvents, glues, and cleaning fluids are hazardous wastes and must be disposed of as hazardous.

□ Wash water from painted buildings constructed before 1978 can contain high amounts of lead, even if paint chips are not present. Before you begin stripping paint or cleaning pre-1978 building exteriors with water under high pressure, test paint for lead by taking paint scrapings to a local laboratory. See Yellow Pages for a state-certified laboratory.

□ If there is loose paint on the building, or if the paint tests positive for lead, block storm drains. Check with the wastewater treatment plant to determine whether you may discharge water to the sanitary sewer, or if you must send it offsite for disposal as hazardous waste.

During Construction

- Avoid paving and seal coating in wet weather, or when rain is forecast, to prevent fresh materials from contacting stormwater runoff.
- Cover and seal catch basins and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
- Protect drainage ways by using earth dikes, sand bags, or other controls to divert or trap and filter runoff.
- Never wash excess material from exposed aggregate concrete or similar treatments into a street or storm drain. Collect and recycle, or dispose to dirt area.
- Cover stockpiles (asphalt, sand, etc.) and other construction materials with plastic tarps. Protect from rainfall and prevent runoff with temporary roofs or plastic sheets and berms.
- Park paving machines over drip pans or absorbent material (cloth, rags, etc.) to catch drips when not in use.
- Clean up all spills and leaks using "dry" methods (with absorbent materials and/or rags). Dig up, remove, and properly dispose of contaminated soil.

Paint Removal

- Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury or tributyl tin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor.
- When stripping or cleaning building exteriors with high-pressure water, block storm drains. Direct wash water onto a dirt area to find out if you can collect (mop or vacuum) building cleaning water and dispose to the sanitary sewer. Sampling of the water may be required to assist the wastewater treatment authority in making its decision.

Recycle/Reuse Leftover Paints Whenever Possible
□ Donate excess water-based (latex) paint for reuse.

Reuse leftover oil-based paint. Dispose of non-recyclable thinners, sludge and unwanted paint, as hazardous waste.
□ Unopened cans of paint may be able to be returned to the paint vendor. Check with the vendor regarding its "buy-back" policy.

Painting Cleanup

- Never clean brushes or rinse paint containers into a street, gutter, storm drain, French drain, or stream.
- For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary

sewer.

Never pour paint down a storm drain. Dispose of excess liquids and residue as hazardous waste.

- For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids and residue as hazardous wastes. Lead based paint removal requires a state-certified contractor.
- When thoroughly dry, empty paint cans, used brushes, rags, and drop cloths may be disposed of as garbage in a sanitary landfill. Leave lids off paint cans so the refuse collector can see that they are empty. Empty, dry paint cans also may be recycled as metal.
- Dispose of empty aerosol paint cans as hazardous waste or at household hazardous waste collection events.

Recycle/Reuse Leftover Paints Whenever Possible

- Donate excess water-based (latex) paint for reuse.

Reuse leftover oil-based paint. Dispose of non-recyclable thinners, sludge and unwanted paint, as hazardous waste.

□ Unopened cans of paint may be able to be returned to the paint vendor. Check with the vendor regarding its "buy-back" policy.



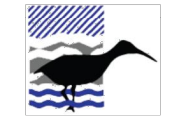
BLUEPRINT FOR A CLEAN BAY

Best Management Practices for the Construction Industry

Remember: The property owner and the contractor share ultimate responsibility for the activities that occur on a construction site. You may be held responsible for any environmental damage caused by your subcontractors or employees.

Preventing Pollution: It's Up to Us

In the Santa Clara Valley, storm drains transport water directly to local creeks and San Francisco Bay without treatment. Stormwater pollution is a serious problem for wildlife dependent on our creeks and bays and for the people who live near polluted streams or baylands. Common sources of this pollution include spilled oil, fuel, and fluids from vehicles and heavy equipment; construction debris; sediment created by erosion; landscaping runoff containing pesticides or weed killers; and materials such as used motor oil, antifreeze, and paint products that people pour or spill into a street or storm drain.



Thirteen valley municipalities have joined together with Santa Clara County and the Santa Clara Valley Water District to educate local residents and businesses and fight stormwater pollution. This "blueprint" summarizes "Best Management Practices" (BMPs) for stormwater pollution prevention.

Doing the Job Right General Principles

- Keep an orderly site and ensure good housekeeping practices are used.
- Maintain equipment properly.
- Cover materials when they are not in use.
- Keep materials away from streets, storm drains and drainage channels.
- Ensure dust control water doesn't leave site or discharge to storm drains.

Advance Planning To Prevent Pollution

- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins. Use the Erosion and Sediment Control Field Manual, available from the Regional Water Quality Control Board San Francisco Bay Region, as a reference.
- Control the amount of runoff crossing your site (especially during excavation!) by using berms or temporary or permanent drainage ditches to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.
- Train your employees and subcontractors. Make these brochures available to everyone who works on the construction site. Inform subcontractors about the stormwater requirements and their own responsibilities.

General Construction and Site Supervision

Who should use this information?

- General Contractors
- Site Supervisors
- Inspectors
- Home Builders
- Developers
- Homeowners



Storm Drain Pollution from Construction Activities

Construction sites are common sources of storm water pollution. Materials and wastes that blow or wash into a storm drain, gutter, or street have a direct impact on local creeks and the Bay.

As a contractor, or site supervisor, owner or operator of a site, you may be responsible for any environmental damage caused by your subcontractors or employees.

Landscaping, Gardening, And Pool Maintenance

Who should use this information?

- Landscapers
- Gardeners
- Swimming Pool/Spa Service and Repair Workers
- General Contractors
- Home Builders
- Developers
- Homeowners



Storm Drain Pollution from Landscaping and Swimming Pool Maintenance

Many landscaping activities expose soils and increase the likelihood that earth and garden chemicals will run off into the storm drains during irrigation or when it rains. Swimming pool water containing chlorine and copper-based algaecides should never be discharged to storm drains. These chemicals are toxic to aquatic life.

Doing the Job Right General Business Practices

- Protect stockpiles (e.g., asphalt, sand, or soil) and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
- Store pesticides, fertilizers, and other chemicals indoors or in a shed or storage cabinet.
- Schedule grading and excavation projects during dry weather.
- Use temporary check dams or ditches to divert runoff away from storm drains.
- Protect storm drains with sandbags or other sediment controls.
- Revegetation is an excellent form of erosion control for any site. Replant as soon as possible with temporary vegetation such as grass seed.

Landscaping/Garden Maintenance

- Consider using Integrated Pest Management Techniques. Use pesticides sparingly, according to instructions on the label. Rinse empty containers, and use rinsewater as product. Dispose of rinsed, empty containers in the trash.
- Dispose of unused pesticides as hazardous waste.

- Collect lawn and garden clippings, pruning waste, and tree trimmings. Chip if necessary, and compost if possible.
- Do not blow or rake leaves, etc. into the street, or place yard waste in gutters or on dirt shoulders.
- Sweep up any leaves, litter or residue in gutters or on street.

Pool/Fountain/Spa Maintenance Draining pools or spas

- When it's time to drain a pool, spa, or fountain, please be sure to call your local wastewater treatment plant before you start for further guidance on flow rate restrictions, backflow prevention, and handling special cleaning waste (such as acid wash). Discharge flows should be kept to the low levels typically possible through a garden hose. Higher flow rates may be prohibited by local ordinance.
- Never discharge pool or spa water to a street or storm drain; discharge to a sanitary sewer cleanout.
- If possible, when emptying a pool or spa, let chlorine dissipate for a few days and then recycle/reuse water by draining it gradually onto a landscaped area. OR

- San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300. You may be able to discharge to the sanitary sewer by running the hose to a utility sink or sewer pipe clean-out.
- Do not use copper-based algaecides Control algae with chlorine or other alternatives, such as sodium bromide.

Filter Cleaning

- Never clean a filter in the street or near a storm drain. Rinse cartridge and diatomaceous earth filters onto a dirt area, and spade filter residue into soil. Dispose of spent diatomaceous earth in the garbage.
- If there is no suitable dirt call San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300 for instructions on discharging filter backwash or rinse water to the sanitary sewer.

Spill Response Agencies:

1. Dial 911
2. Santa Clara County Environmental Health Services (408) 299-6930
3. Governor's Office of Emergency Services Warning Center (800) 852-7550 (24 hours).

Local Pollution Control Agencies

- Santa Clara County Office of Toxics and Solid Waste Management (408) 441-1195
- Santa Clara Valley Water District (408) 265-2600
- San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300
- Serving Milpitas, Cupertino, Los Gatos, Milpitas, Monte Sereno, San Jose, Santa Clara and Saratoga

Small Business Hazardous Waste Disposal Program

Santa Clara County businesses that generate less than 27 gallons or 220 pounds of hazardous waste per month are eligible to use Santa Clara County's Small Business Hazardous Waste Disposal Program. Call (408) 299-7300 for a quote, more information or guidance on disposal.

- Place portable toilets away from storm drains. Make sure portable toilets are in good working order. Check frequently for leaks.

Materials/Waste Handling

- Practice Source Reduction – minimize waste when you order materials. Order only the amount you need to finish the job.
- Use recyclable materials whenever possible. Arrange for pick-up of recyclable materials such as concrete, asphalt, scrap metal, solvents, degreasers, cleaned vegetation, paper, rock, and vehicle maintenance materials such as used oil, antifreeze, batteries, and tires.
- Dispose of all wastes properly. Many construction materials and wastes, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and cleaned vegetation can be recycled. Materials that cannot be recycled must be taken to an appropriate landfill or disposed of as hazardous waste. Never bury waste materials or leave them in the street or near a creek or stream bed.

Permits

- In addition to local grading and building permits, you will need to obtain coverage under the State's General Construction Activity Stormwater Permit if your construction site's disturbed area totals 1 acre or more. Information on the General Permit can be obtained from the Regional Water Quality Control Board.



HIEN T. KIM NGUYEN
Professional Eng. Corp.
15 Duberstein Drive
San Ramon, CA 94583 408-843-6406
ssdesigneng@gmail.com

860 EVANS RD
MILPITAS, CA 95035

REVISIONS

PROGRESS SET

09-07-2024

BLUEPRINT FOR A
CLEAN BAY

1ST BUILDING
SUBMITTAL SHEET
JOB NO.
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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Approval of Hall Park Court Priority Use and Program Plan (Staff Contact: Renée Lorentzen, Recreation and Community Services Director, 408-586-3409)
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	5/20/2025
Recommendation:	Approve the conversion of two of the four Hall Park Tennis Courts to six (6) pickleball courts and direct staff on proposed site improvements.

BACKGROUND:

The Milpitas City Council approved a new Parks and Recreation Master Plan (Plan) on [December 14, 2021](#). A Park and Recreation Master Plan is a strategic document that studies the existing park system, facilities, and recreation programming, and identifies a planning blueprint to improve, protect and expand the City's network of parks, facilities, and recreational services for the future. As identified in the new Plan, key sports resonated with the community for installation and/or expansion for the growing community – one of which was Pickleball.

At the time of the Master Plan drafting, available temporary Pickleball courts in Milpitas were located at:

- Milpitas Sports Center Gym (6 courts)
- Peter Gill Park Handball Courts (2 courts)
- Robert Browne Park Tennis Courts (2 courts)

On [March 15, 2022](#), City Council approved and directed staff to implement a Pilot Pickleball Program (Pilot) at Gill Park handball courts and two Hall Park Tennis Courts, and following the conclusion of the Pilot, remove existing pickleball court lines from Robert Browne Park Tennis Courts. The Pilot launched in August 2022 and included improvements to the physical program sites, onsite storage of nets, newly established program hours on shared courts, and development of a volunteer program that engaged volunteers responsible for setting up and removing nets for the program. The Pilot created six (6) new temporary pickleball courts at Hall Park Tennis courts and enhanced the two (2) existing temporary pickleball courts at Gill Park Handball Courts.

Since the Pilot was established, outdoor pickleball has grown considerably in Milpitas and most notably at the Hall Park courts location. On April 18, 2023, the Milpitas City Council adopted the [2024- 2028 Capital Improvement Program](#) which included a new Park Improvement project CIP 5116 Pickleball Improvements for \$100,000. Staff received direction to return to City Council at a later date with a recommendation for a location for permanent pickleball courts in Milpitas.

On [March 19, 2024](#), staff presented an analysis of the Pilot program and made recommendations for re-configuring the Hall Park court system from four (4) permanent tennis courts to two (2) permanent tennis courts and six (6) permanent pickleball courts, install sound dampening panels, and add fencing between the two sport court areas for player safety. Members from the tennis and pickleball communities spoke on the recommendations, as well as Hall Park neighbors. Some neighbors reported concerns over increased traffic, parking issues and noise they attributed to the new use on the courts.

Staff received direction to:

- Change the Hall Park courts closure time from 10:00 p.m. to 9:00 p.m.
- Install sound dampening panels at the Hall Park courts
- Install a safety fence
- Return to City Council after all recommended changes and improvements have been made and their effects have been measured and surveyed

Following the March 19, 2024 City Council direction, staff enforced court open hours changes (April 2024), completed the installation of safety fencing (September 2024), and installed sound panels (November 2024). Hall Park courts were resurfaced in September/October 2024.

Analysis:

The 2021 Parks and Recreation Masterplan identifies and recommends additional Pickleball opportunities in Milpitas in response to current and expanding interest in the sport. Implementing new programs and/or new types of uses at existing park facilities is a thoughtful process but often challenging when trying to address the interests of park amenity users, park neighbors, and residents at large. Communities throughout the country are facing a similar scenario as Milpitas, trying to balance the well-founded desire on the part of players to enjoy pickleball while supporting residents' interests in other sports, and park neighbors' quality of life.

Staff's approach to both the Pilot and subsequent evaluation of a permanent pickleball courts location was a multi-layered approach as summarized below. Staff's presentation to City Council will focus on efforts following the March 2024 presentation.

Initial Engagement and Assessment

Prior to the implementation of the Pilot, in May 2022, staff conducted an initial assessment of tennis "hours played" at Hall Park courts to understand pre-Pilot utilization levels. Assessment of Gill Park was not conducted as pickleball courts were already available for play. A community meeting on the impending site work, future program hours and rules, and any user concerns was held on June 16, 2022. After the Pilot launch in August 2022, staff conducted bi-monthly assessments including court utilization and decibel readings through August 2023.

Community Meetings and Focus Group Engagement

Staff hosted three (3) community/public meetings and two (2) focus groups. At the [October 2, 2023](#) Parks, Recreation and Cultural Resources Commission (PRCRC) meeting, staff presented a Pilot program overview and sought feedback on a potential permanent pickleball courts site at Hall Park courts. In response to public requests at the meeting, PRCRC recommended staff conduct further outreach. A focus group meeting with equal representation from Tennis and Pickleball players was held in November 2023. Feedback from the focus group provided insight from both groups on their perspectives on court safety, access, and needs of their players. A third community/public meeting was hosted in February 2024, to review the results of the latest survey and discuss options for pickleball courts that would affect Hall Park courts.

On April 29, 2025, staff held a focus group meeting with immediate Hall Park neighbors to review their perspective on the effectiveness of the improvements of the court system, change in court use hours, and potential solutions to address parking concerns.

Meeting Date	Meeting Location	Estimated Attendance
September 25, 2023	Community Center	35
October 2, 2023	City Hall – PRCRC Meeting	80-100
November 16, 2023	Community Center – Focus Group	10
February 8, 2024	Community Center	143
April 29, 2025	Community Center – Focus Group	4

Community Surveys

Staff conducted four surveys seeking feedback from Hall Park users and neighbors on site uses and impacts following the establishment of pickleball courts at the site. Surveys #1 and #2 were more generally distributed to court users including a new Constant Contact® email list of 838 people, and Hall Park neighborhoods. Surveys #3 and #4 were targeted at court users and close neighbors respectively, to gather responses on their perspective on the effectiveness of the court system improvements, change in court use hours, and safety fencing.

	Survey Date Range	Survey Respondents	Estimated % of Resident Respondents
Survey #1	April 3 – May 15, 2023	205	62%
Survey #2	December 1– January 8, 2024	608	62%
Survey #3	February 14 - March 1, 2025	281	68%
Survey #4	February 14 - April 22, 2025	13	100%

Results of Surveys #1 and #2 garnered valuable feedback on, but not limited to, average age of the survey taker, transportation modes of park visitors, rate of visitation to tennis and pickleball courts in Milpitas, wait times, peak use times, impacts to the neighborhood (through January 2024), and receptiveness to changes to Hall Court uses changing or reverting back to single use, and shared use between tennis and pickleball.

Results of Survey #3 provided comments on the player experience as to the safety fencing, sound panels, and new court closure of 9 pm. It also assessed the current rate of visitation to tennis and pickleball courts in Milpitas, and player wait times in comparison to the 2024 survey.

Survey #4 was promoted to the immediate neighbors next to Hall Park (approximately 150 homes), hoping to get reactions to the sound panel installation and the reduction of court hours. Due to lack of responses the survey was extended by two weeks.

Decibel, Traffic and Parking Assessments

In response to neighborhood concerns about speeding and parking impacts raised at the March 19, 2024, City Council meeting, staff conducted both a parking assessment and a traffic speed study in Spring 2024. Staff also measured decibel levels both before and after the installation of the sound-dampening panels.

Traffic Assessment

Speed trailers were placed on La Honda Drive (WB) and Hermina Street (SB) from April 8 – May 6, 2024. The posted speed limit on La Honda and Hermina is 25 mph. The average speed of cars on La Honda was 26.91. The average speed of cars on Hermina was 20.04 mph.

Parking Assessment

Staff evaluated parking in and around Hall Park. The park has an existing parking lot with a total of 10 parking stalls. The parking lot also provides access to an existing storm pump facility, and sandbag area. Staff analysis did not find that additional parking was needed due to the existing public street parking. Additional parking spaces in this lot are not feasible without major renovation of the area which would impact adjacent park amenities. However, staff did note that parking on the south side of La Honda was inefficient. Staff recommended painting tandem parking lines to help the public park better, therefore accommodating more parked cars. Staff also recommended red curb painting in the Hall Park parking lot for emergency vehicles as a matter of public safety.

Decibel Level Readings

Staff conducted decibel level readings at 16 locations in the Hall Park neighborhood during typical pickleball court usage times. Before taking measurements, staff observed and recorded court activity, including the number of active players and an estimated count of individuals waiting to use the courts. The results showed a reduction in decibel levels ranging from 12% to 24%, with the greatest decreases observed at locations closest to the courts.

Existing Tennis and Pickleball Court Inventory

Milpitas' public courts currently include:

- 25 outdoor permanent tennis courts at various City Parks*:
 - Browne (4), Cerano (1), Dixon Landing (3), McGuire (4), Gill (3), Hall (4), Pinewood (4), Evatt (2), * *Court counts prior to Pilot Program*
- 14 temporary pickleball courts**:
 - 8 outdoor temporary pickleball courts at:

- Gill Park (2), Hall Park (6), **** Browne Courts (2) not counted as inventory due to previous Council direction to remove the courts following the Pilot**
- 6 indoor temporary pickleball courts at:
 - Milpitas Sports Center Large Gym (6)

Table 4-8: Service Level Standards and Gaps, referenced in the 2021 Milpitas Parks and Recreation Master Plan, detail Milpitas' facility service levels overall. The data shown on the table reflects facilities available in 2021 and 2019 census population levels. Current tennis court services in Milpitas exceed both NRPA Guidelines and average standards in comparable cities. Outdoor pickleball court services in Milpitas are not yet measurable by NRPA, however, are lower than the average standard in comparable cities.

Based on Milpitas projected population of 113,530 by 2040:

- Tennis Courts should be increased by one (1) court for a total of 26 courts by 2040.
- **Outdoor** pickleball courts should total eight (8) courts to meet current population demands and increased by four (4) courts for a total of 12 courts by 2040.

	NRPA Guidelines	Average Standard for Comparable Agencies	Milpitas Facilities	Milpitas Existing Level of Service	Proposed Guideline	FACILITIES NEEDED	
						Current Population (2019) 84,196	Projected Population (2040) 113,530
FACILITY							
Baseball/Softball Fields	1/9,611	1/8,643	11	1/7,600	1/7,500	0	4
Outdoor Basketball Courts	1/8,557	1/11,672	8	1/10,525	1/10,000	0	3
Community Centers	1/42,491	1/52,348	1	1/84,916	1/56,600	1	1
Soccer Fields	1/9,085	1/9,072	4	1/21,049	1/22,600	0	1
Tennis Courts	1/6,242	1/5,540	25	1/3,368	1/4,300	0	1
Outdoor Pickleball Courts	n/a	1/22,341	6	1/14,033	1/11,000	2	4
Cricket Pitches (regulation)	1/59,227	1/62,051	0	n/a	1/56,600	1	2
Playgrounds	1/3,859	1/9,735	31	1/2,716	1/3,100	0	5
Dog Parks	1/58,000	1/42,005	2	1/42,098	1/38,000	0	1
Outdoor Amphitheater	1/57,304	1/45,203	0	n/a	1/99,000	1	1

Table 4-8: Service Level Standards and Gaps

Recommendation Considerations for Hall Park Courts

Selecting a site(s) for permanent pickleball courts in Milpitas will change how the sites are used but will not change the historical and fundamental use of Hall Park as public open space. The surrounding neighborhood will understandably experience a change in park use. Communities throughout the country are facing a similar scenario to Milpitas, with many cities converting existing sport courts such as tennis and basketball courts to dedicated pickleball courts. Cities like San Francisco, Morgan Hill, Walnut Creek, Dublin, Cupertino, and Sunnyvale have converted existing sport courts to pickleball to meet the growing demand in their communities.

Staff are recommending City Council consider dedicated pickleball courts be located on two of the existing four Hall Park courts, creating a dual priority use court system with two (2) tennis courts and six (6) pickleball courts. The proposed court system would continue to include a fence between the two sport court areas for safety, and sound dampening windscreens/padding.

Additional site improvements are recommended to continue to address sound, parking, and site programming.

Recommended site improvements include:

- Adding additional sound dampening panels and fence reinforcement
- Painting tandem parking stalls on the south side of La Honda Drive for more efficient and increased public street parking
- Painting red curb in Hall Park parking lot for emergency vehicle parking

Recommended program improvements include updated court signage, a court-use queuing system, and a limited-term Neighbor Assistance Program for households near Hall Park. This program would support eligible residents with minor window treatments to help reduce indoor court noise. Homes that meet specific distance and noise level criteria would qualify for one-time funding to purchase sound-dampening curtains or window inserts for a limited number of windows.

Staff Recommendation:

Approve the conversion of two of the four Hall Park Tennis Courts to six (6) pickleball courts and direct staff on proposed site improvements.

Fiscal Impact:

There is currently \$68,000 remaining in CIP 5116 for pickleball courts. Public Works staff estimate an additional \$100,000 will be needed to complete improvements to Hall Park Courts. With City Council direction, staff will include the proposed adjustments to CIP 5116 project budget as part of the annual Capital Improvement Program budgetary cycle, for a total project budget of \$200,000 in CIP 5116.

California Environmental Quality Act:

The action being considered is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19 (Categorical Exemptions), Section 15301 – Existing Facilities (e).

Recommendation:

Approve the conversion of two of the four Hall Park Tennis Courts to six (6) pickleball courts and direct staff on proposed site improvements.

Attachments:

None.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Review the List of New Workplan 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:	5/20/2025
Recommendation:	(1) Review list of workplan item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; (2) Provide additional input to staff, if any, on Group 1 items that received Council direction to advance; and (3) By majority vote, approve the list as so prioritized.

BACKGROUND:

At City Council meetings, during the Announcements section, City Councilmembers may propose new workplan items to staff for consideration by the full Council. These proposed workplan items are added to a list for future Council discussion and action. On January 19, 2021, at a Special City Council meeting, the City Council directed staff to streamline the process by presenting individual Council workplan item requests for prioritization on a quarterly basis. The City Council, on January 10, 2023, adopted a City Council Policy "Prioritization of Additional Workplan Items" (Policy) to guide this prioritization process. As part of this approval, the Policy was amended to remove workplan items proposed by previous Councilmembers, unless a current Councilmember chooses to sponsor their continuation. The last prioritization was held on January 21, 2025.

ANALYSIS:

Staff is now presenting the next set of proposed workplan items, as requested by Council between January 21, 2025 and April 15, 2025, along with an update on the status of previously approved workplan items. A total of 35 workplan items have been organized into four categories based on the level of effort and the status of Council requests, as shown in Table 1 and itemized in Attachment 1 with the staff's objectives and key results by June 30, 2025. Each quarter, staff will have objectives and key results to focus their efforts and track measurable progress.

Table 1
Workplan Item Categories

Group #	Category	# of Items
1	Major Workplan: Not initiated and require more than four hours of staff time; may require additional funding or resources*	2
2	Minor Workplan: Not initiated and require less than four hours of staff time**	6
3	Workplans currently underway	22
4	Workplans completed, postponed indefinitely, or withdrawn since the last Council prioritization update	4
Total		34

*One item, the addition of plaques for Larry Itliong and Mahatma Ghandi, that was raised during the April 1st City Council meeting is not included in this report as it was removed from consideration during the May 13, 2025 Operating Budget Study Session

**Although more than 4 hours, direction was provided at the May 13, 2025 City Council operating budget study session to provide funding for the Community Concert Choir, so this is considered funded and is not included as a project required to be prioritized.

Prioritization Process

Similar to the prior prioritization process, the new Group 1 workplan item requests are listed in Table 2 and further described in the City Council Referral forms (forms) provided in Attachment 2. The forms contain 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).

Table 2

Group 1 – Proposed Workplans Requiring Council Prioritization

Proposed Workplan Items	Sub-groups	Estimated Annual Ongoing Costs		Estimated One-Time Costs	
		Low Range	High Range	Low Range	High Range
CC01: Review bingo ordinance	Ordinance and Policies	TBD	TBD	\$12,000	\$12,000
CC02: Consider policy or program fentanyl	Ordinance and Policies	TBD	TBD	TBD	TBD

Voting Process

Given that there are only two items up for prioritization vote, staff is recommending that these two items proceed through a standard City Council roll call vote, as opposed to the ranking process that is used when more efforts are being prioritized.

However, for reference, if the City Council would like to follow the traditional voting process the below section outlines this process.

In accordance with the adopted City Council Prioritization of Additional Workplan Items 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 proposed workplan items from Group 1. Councilmembers will receive paper copies to help them review and complete the preliminary prioritization, and electronic voting will be conducted.

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.

Any items that do not advance through this multi-step prioritization process will be removed from the active list and need to be resubmitted through Announcements for the next prioritization discussion.

Group 2 – New Items, Requiring Less Than Four Hours

Since Group 2 items require less than four hours of staff time or are already part of City staff's workplan, these items can be advanced without requiring a majority vote; however, Council may wish to provide additional input or direction on these items.

Group 3 – Underway Items

The list includes workplan items currently underway.

Group 4 - Completed or Withdrawn Items

The following four workplan items have been moved to Group 4 as they have been completed or withdrawn since the last Council prioritization in January 2025.

- Completed:
 - *Recreation & Community Services Department review of potentially returning additional programs for Bingo and Senior Trips:* Trips returned to the Milpitas Senior Program lineup in December 2024. Staff will continue to incorporate trips as part of their regular work plan. Council approved the request for a bingo license for the Barbara Lee Senior Center on April 1, 2025.
 - *Human Resources Department presentation to Council on recruitment and staffing:* Staff brought forward an item to Council in February 2025 to provide an update on and discussion about recruitment and hiring.
 - *Hiring activities - priorities to freeze or prioritize vacant positions hiring as it relates to the next fiscal year operating budget:* Effective April 1, 2025, the City Manager directed a temporary hiring freeze, with exemptions on a case-by-case basis.
 - *Explore potential purchase of additional property on Main Street:* The City submitted an offer for the 174–176 South Main Street property (0.23 acres), located near the intersection of Serra Way; however, the parcel was sold to an owner-user, with the transaction closing on March 10, 2025.

Group 5 - Historical Workplan Items

A list of all historical workplan items completed, postponed indefinitely, or withdrawn since September 2019 are presented as Group 5 in Attachment 3.

POLICY ALTERNATIVES:

Not applicable.

FISCAL IMPACT:

For the Group 1 items, 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 (CEQA):

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 workplan item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced;
2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance; and
3. By majority vote, approve the list as so prioritized.

ATTACHMENTS:

- (a) List of Councilmembers Workplan Item Requests
- (b) Group 1 Workplan Items City Council Referral Forms
 - CC01 - Review bingo ordinance
 - CC02 - Consider policy or program fentanyl use
- (c) List of Historical Completed, Postponed Indefinitely, or Withdrawn Items

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
Group 1 – New 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									
CC01	Review bingo ordinance with Council	Gary Barbadillo	4/1/2025	Yes	City Attorney	Has not been prioritized	NA	See attached write up.	No
CC02	Consider support of a policy/program regarding fentanyl	Gary Barbadillo	2/18/2025	Yes	Fire	Has not been prioritized	NA	See attached write up.	No
Group 2 – New items that have not been completed and will require less than 4 hours of staff time									
3	Create community concert choirs	Evelyn Chua	4/1/2025	Yes	Recreation & Community Services	Creation of a community concert choir.	Fund for the FY 25-26 budget.	This project received direction to be funded in the 5/13 Operating Budget Study Session.	Yes
4	Boy Scouts presenting the colors and pledge of allegiance at Council meetings	Evelyn Chua	4/16/2025		City Clerk	To provide an opportunity for our Milpitas youth to participate in the City Council governance process.	Confirm with Boy Scouts on schedule & commitment for effort.	No status.	No
5	Revise Milpitas City Council Code of Conduct regarding electronic devices	William Lam	4/1/2025	No	City Clerk	Agenda report to discuss revisions to the Code of Conduct.	No activity expected during this quarter.	Staff will bring forward an agenda report in late summer/fall 2025 to discuss revisions to the Code of Conduct through the Council Handbook.	No
6	Distribute info memo on how to manage projects to avoid cost increases	Gary Barbadillo	4/1/2025	No	City Manager	To provide an educational informational memo on cost containment practices for capital projects.	Complete a draft info memo.	This will be an info memo or framework on project management.	No
7	Evaluate citywide overtime usage	Gary Barbadillo	3/4/2025	Yes	Finance	Information Memorandum regarding Citywide Overtime for past five (5) years.	Complete a draft internal analysis in preparation for a future City Council memorandum.	This will be part of the City Manager's fiscal strategy framework work efforts.	No
8	Evaluate City reserve policies	Evelyn Chua	2/18/2025	Yes	Finance	To develop standard policy on use of reserves.	Develop schedule for review of reserves.	This will be part of the City Manager's fiscal strategy framework work efforts.	No

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
Group 3 - Items that are currently underway and/or already included in staff's workload									
9	Add entertainment zone to revitalize Main St.	Carmen Montano	3/4/2025	No	Planning	Include a focused section on Entertainment in the Gateway-Main Street Specific Plan.	Public Draft Plan with Entertainment District in the Gateway-Main St. Specific Plan released Apr. 10, 2025.	Consultant will incorporate an "Entertainment District" in the Gateway-Main St. Specific Plan. Final Plan will be presented to Council in late Summer for adoption.	No
10	Police Satellite Office on South Main Street	Carmen Montano	2/18/2025	Yes	Housing	Evaluate a police satellite office within the three Main Street parcels owned by the City and Housing Authority.	(1) Develop a clear timeline for distribution of an RFP for Main Street properties and (2) Produce a cost estimate for a temporary conversion of Main Street parcels into an office for police.	The Office of Housing will include an evaluation of Main Street properties for a police satellite office; No additional workload. Request for proposal to retain a developer to build affordable housing with the potential inclusion of a satellite office by December 2025.	No
11	Revise municipal code to include Animal Cruelty guidelines for additional animals such as horses, cats, etc.	Evelyn Chua	9/3/2024	Yes	City Attorney's Office	Revise municipal code for animal cruelty guidelines.	City staff is drafting an ordinance for Council consideration in June or August 2025.	The City Attorney's Office is having conversations with the San Jose Animal Care Center, an animal shelter providing services to communities including Milpitas. The feral cats discussion will be addressed to Council in the future.	No
12	Review sources of funds for library name and return to City Council with alternatives prior to the next annual budget process	Gary Barbadillo	9/3/2024	No	Recreation & Community Services	Purchase and install plaques and signs.	Items are purchased. Staff to secure a dedication event date with the new library name by June 30, 2025.	Staff has purchased and ordered plaques and signs for installation planned for mid-summer. Staff is scheduling a dedication event with former mayor Esteves for Summer 2025.	Yes

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
13	Evaluate hours of service for the Milpitas Food Pantry	Carmen Montano	9/3/2024	No	City Manager's Office	To determine the best medium term use for the properties on Main Street pending future redevelopment into housing.	Provide City Council alternatives by August 2025.	Staff has had several discussions with the operator of the Milpitas Food Pantry. The operator has indicated that they do not have plans to increase their hours, even if the City increases the rent. Staff are continuing to perform analysis on this situation and plan on returning to the City Council to discuss alternatives.	No
14	Explore new ordinance for accessory dwelling units (ADUs) to allow condominium conversions	Evelyn Chua	8/13/2024	Yes	Planning	Planning staff preparing a memo and briefing sheet with the analysis including input from CAO.	Distribute info memo to Council by June 30, 2025.	Planning staff drafting memo with pros/cons and policy decision and a one-page briefing sheet.	No
15	Feasibility Study for Night Market/Food Trucks on Main Street	Carmen Montano	5/7/2024	No	Office of Economic Development	Organize a food truck event on Main Street.	Execute agreement with Moveable Feast by June 30, 2025.	The Economic Development and Trade Commission provided feedback and consensus, on March 10, 2025, for staff to proceed with the event. Event to be held in either August or September 2025.	Yes
16	Explore increasing stipend for planning commission	Gary Barbadillo	4/16/2024	Yes	Planning	Potentially increase stipend for Planning Commission.	Info memo to Council during the budget process with recommendations.	Planning staff completed the research of Planning Commission stipends at comparable cities. Most cities don't give stipend, but some do.	Yes

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
17	Escuela Parkway Traffic Safety Review	Carmen Montano	5/7/2024	Yes	Public Works	Perform traffic study along Escuela Parkway from Jacklin Road to Washington Street to determine traffic calming measures to improve circulation and traffic flow.	Consultant's evaluation of traffic calming measures and traffic operations is anticipated to be completed by June 30, 2025.	Design consultant is underway as of March 2025. The work will include data collection, evaluation of the existing traffic conditions and operations, analysis of traffic calming measures to improve circulation and traffic flow, community outreach, and final recommendations. The study is anticipated to be completed in the Fall of 2025 and discussed with City Council in the Winter of 2026.	Yes
18	Affordable Housing Ordinance Review	Carmen Montano	12/5/2023	Yes	City Attorney's Office	To provide more clarity for the development community regarding how to adhere to the City's affordable housing ordinance.	Temporary staff member to provide initial review and recommendations to staff on next steps.	Delay in the affordable housing ordinance review due to staffing changes. A temporary, part-time employee knowledgeable about affordable housing has been retained to complete the initial review and staff anticipates presenting the ordinance review to Council in the Fall.	
19	Main Street Movie Night (formerly named International Festival)	Hon Lien	10/3/2023	Yes	Recreation & Community Services	Host a movie night on Main Street with a cultural focus.	Have the movie night scheduled and marketed to the Milpitas community by June 30.	This one time free movie night is scheduled on July 18, 2025 at the Tom Evatt Park. Cultural shorts movies will be presented, along with cultural performances prior to the movie. The 2025 Milpitas Summer Activity Guide will have a save the date advertisement.	Yes

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
20	Look into possibility of Senior citywide discount from certain Milpitas businesses.	Gary Barbadillo	2/7/2023	Yes	City Manager's Office	Prepare Agenda Report to Council with staff's findings	Present findings to Councilmembers in briefings.	Staff have completed additional community and business outreach and prepared a briefing presentation that will be shared with individual councilmembers during May and June.	Yes
21	Look into implementing a workshop for small businesses on the bidding process for projects in the city.	Evelyn Chua	8/9/2022	Yes	City Manager's Office	Assess the necessary steps to enhance opportunities for local businesses to engage in procurement and partnership with the City	Generate a list of Milpitas based businesses offering similar or same goods and services the City could potentially do business.	Due to staffing changes in purchasing, implementing a workshop will be considered after the purchasing group is fully staffed. The Doing Business with the City of Milpitas handbook and procurement webpage will be reviewed and updated.	Yes
22	Pickleball Pilot Project		2/28/2023	Yes	Recreation & Community Services	Provide Pickleball opportunities in Milpitas for Milpitas residents.	Present final findings to Milpitas City Council on Pickleball at Hall Park for final direction by June 30, 2025.	Staff recommendation to be presented to the City Council at the May 20, 2025 meeting.	Yes

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
23	Main Street Infrastructure Projects	Carmen Montano	2/28/2023	Yes	Public Works	Install decorative street lights and traffic signal improvements along Main Street.	Preliminary evaluation and coordination with the Federal/Caltrans is anticipated to be completed.	The City received a federally earmarked funding of \$500,000 for the Street Light and Signal Improvements on Main Street in 2024. Although this amount falls short of the needed budget for the Streetlight Project, staff is evaluating the necessary improvements for three traffic signalize intersections along Main Street. The evaluation and workplan is anticipated to be completed by this summer. According to the federal guidelines, the funding must be obligated by 2027. In addition, the City was selected to received federally earmarked funding of \$250,000 for safety improvements along Main Street in 2025, however, the federal government has not passed a bill allocating this funding.	
24	Main Street Flooding at Library	Evelyn Chua	2/28/2023	Yes	Public Works	Conduct assessment of flooding along Main Street near the Library. The assessment will identify possible mitigation measures with associate construction cost for future programming.	On going coordination with the consultant will continue until the recommendations are finalize which is anticipated by the summer of 2025.	Staff has been working with the Regional Water Board to obtain a permit allowing for the dredging and vegetation management of Ford Creek for some time and will continue this effort.	Yes
25	Evaluate reopening the childcare center with a non-profit organization running the center	Carmen Montano	2/1/2022		Recreation & Community Services	Evaluate using city-owned spaces for a non-profit run childcare center.	Provide briefing to Council re: feasibility of using a city-owned space for a childcare center, costs associated and potential revenue losses/gains.	Staff have completed cost estimates for becoming a permitable childcare center at the Milpitas Community Center and Sal Cracolice Recreational Facility and are finalizing the impacts to the current services and potential revenue loss should those spaces be allocated to outside agency daycare.	Yes

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
26	Hillview Stakeholders Meetings (formerly called crime statistics on the Homekey project)	Evelyn Chua	6/7/2022		City Manager's Office	To continue to collaborate with stakeholders at the Hillview property to promote a safe environment for residents and the public.	Provide briefing to Council re: feasibility of using a city-owned space for a childcare center, costs associated and potential revenue losses/gains.	Staff is continuing to meet with the stakeholder group, with the next meeting scheduled for May 2025.	No
27	Incorporate mural art on Great Mall Parkway on the VTA owned Light rail pillars	Carmen Montano	11/16/2021		Recreation & Community Services	Beautify the metro area with public art.	Have a successful update to SB456 allowing muralists to be exempt for restrictive contractor laws in California.	Install murals on two pillars supporting the VTA Light Rail Line at Great Mall Parkway and McCandless Drive/Fairlane Drive. The release of the project scope to qualified artists is currently on hold while new laws affecting the required certifications and licenses is updated. Current efforts between the arts community and cities associations are moving forward (SB456). This project is expected to be a \$30,000 commission. Package ready for contract.	No
28	Analysis of permit process	Evelyn Chua	11/19/2024	Yes	Office of Economic Development	Evaluate development review process with focus on customer service and gathering feedback from stakeholders.	Meeting with vendor regarding team building training and customer service and have plan by end of June 2025. Consolidate multiple department surveys into one by end of June 2025.	Staff are reviewing bringing on resources to support a review and assesemnt of the City's permitting process.	No

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
29	Job fair for city careers (Alternative Title: City Careers Open-House)	Evelyn Chua	11/19/2024	Yes	Human Resources	The City will increase the awareness within the Milpitas Community about careers within our local government workplace and understand the recruiting and hiring process.	Secure a community partner, date, and location to host a Careers with the City of Milpitas Open House in the Fall of 2025.	Human Resources will reach out to MUSD and Milpitas Library contacts to identify interest, location, and possible date or date-range to host a an Open House (will coordinate with Office of Economic Development).	No
30	Explore Modernizing Business License Tax Rate Schedule	Evelyn Chua	10/1/2024	Yes	City Manager's Office	Retain HdL Companies to conduct the existing conditions and tax rate scenarios analysis.	Execute agreement with HdL Companies.	The consultant's analysis will be presented to Council in fall 2025 for direction and next steps.	Yes
Group 4 – items that have been completed, postponed indefinitely, or withdrawn since the last City Council update									
31	Recreation & Community Services Department to review of potentially returning additional programs for Bingo and Senior Trips (complete)	Evelyn Chua	11/7/2023	No	Recreation & Community Services	NA	NA	Trips returned to the Milpitas Senior Program lineup in December 2024. Staff will continue to incorporate trips as part of their regular work plan. Council approved the request for a bingo license for the Barbara Lee Senior Center on April 1, 2025.	
32	Human Resources Department presentation to Council on recruitment and staffing (complete)	Hon Lien	10/1/2024	Yes	Human Resources	NA	NA	Staff brought forward an item to Council on February 18, 2025 to provide an update on and discussion about recruitment and hiring.	

Attachment 1
List of Councilmembers Workplan Item Requests

No.	Topic	Requested By	Date Requested	> 4 hours staff time	Responsible Department / Office	Objective	Key Results by June 30, 2025	May 2025 Brief Status Update	Additional Resources / Funding Needed or Deferral of Council Approved Programs
33	Hiring activities - priorities to freeze or prioritize vacant positions hiring as it relates to the next FY operating budget (complete)	Gary Barbadillo	3/4/2025	No	Human Resources	NA	NA	Effective April 1, 2025, temporary hiring freeze through June 30, 2025, with exemptions on a case-by-case basis, as directed by the City Manager	
34	Explore potential purchase of additional property on Main Street (complete)	Carmen Montano	8/13/2024	Yes	Office of Economic Development	NA	NA	The City submitted an offer for the 174-176 South Main Street property (0.23 acres), but the site was sold to an owner-user; closing date was 3/10/25.	Yes

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City Council Referral
(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:	
Ordinance and Policies CC01	Review bingo ordinance with Council	Gary Barbadillo	
Lead Department/Office	Supporting Department(s)/Office(s)		
City Attorney's Office	Recreation and Community Services		
Council Priority Areas	Estimated Completion Date	Estimated Cost	
Governance and Administration	Spring 2026	\$12,000 (staff time)	
		Funding Needed	
		\$0	
Description of Required Work Effort			
The California Constitution categorizes bingo generally as a prohibited lottery but allows the State Legislature by statute to authorize cities to provide bingo games, but only for charitable purposes. The Legislature through the Penal Code has set forth a stringent and comprehensive set of regulations specifying when and on what terms a city may allow charitable bingo within its jurisdiction. Chapter 7 of Title III of the Milpitas Municipal Code mirrors the Penal Code and establishes the requirements for the conduct of bingo games within the City of Milpitas. The Municipal Code chapter outlines several requirements for conducting of bingo, including, but not limited to, the following: (1) Staffing and operations; (2) Limitations on profits; (3) Locations; (4) Record keeping; (5) Prizes; (6) Hours, (7) licensing and more. In order to review the bingo ordinance, staff would take approximately 80 hours in total, spread over several weeks, to do the following: (1) interview current licensees to receive feedback on the current ordinance; (2) research and compare Milpitas' ordinance to 3 to 5 additional cities; (3) research on best practices; (4) discuss internally with departments involved such as the City Clerk's Office, Police Department and Finance Department. Following this review, staff would bring a discussion item to the City Council regarding any changes that could be recommended. This item will not require additional staffing, but the schedule would be delayed until at least Spring 2026 completion due to current staff workload and other priority research efforts.			
Status Update			
This item has not been prioritized. This item was requested on April 1, 2025.			
Council Clarification/Further Direction Requested			
Are there specific items regarding the current ordinance that the Council would like staff to focus on?			

City Council Referral
(requires more than 4 hours of staff time)

Other Considerations

There may be limited avenues of change as much of the current ordinance is fixed and mandated by state law. State law also caps the fees the City can charge for bingo licenses at \$50 annually, plus the cost of law enforcement and public safety costs directly related to bingo activities. Those fees are paid out of the proceeds from bingo games, which already must go solely to the payment of prizes, operating expenses, and charitable purposes.

City Council Referral
(requires more than 4 hours of staff time)

Category and Topic No.	Topic:	Requested by:	
Ordinance and Policies CC02	Consider support of a policy/program regarding fentanyl	Gary Barbadillo	
Lead Department /Office	Supporting Department(s)/Office(s)		
Fire Department	City Attorney's Office		
Council Priority Area	Estimated Completion Date	Estimated Cost	
Neighborhoods & Housing	TBD	TBD	
		Funding Needed	
		N/A	
Description of Required Work Effort			
The 2024 Milpitas FD Opioid Report indicates that in comparison to Local, State and National Opioid overdose statistics, the City of Milpitas is currently experiencing less than average opioid overdose incidents. In 2024, emergency calls for opioid related incidents represented 1.2% of total EMS calls. Age-adjusted opioid deaths in Milpitas per 100,000 are currently trending at 8.79 deaths per year. In comparison, the age-adjusted death rate in San Francisco is 54.79 per 100,000 residents. The less than average opioid related overdose deaths currently observed in Milpitas can be attributed to the proactive steps the fire and police departments have implemented to include, carrying and deploying naloxone on all front-line fire apparatus and police patrol cars, along with increased public education consistent with industry best-practice. The final additional workload for this effort would depend upon the direction provided by the City Council. However, an estimated 20 hours of staff time is estimated to provide an additional report that analyzes various options that could be considered to increase awareness and/or enforcement.			
Status Update as of January 2025			
On March 13, 2025, Chief Schoonover shared the 2024 Milpitas FD Opioid Overdose Report with City Council via email. This item has not been prioritized. This item was requested on February 18, 2025.			
Council Clarification/Further Direction Requested			
The Milpitas fire and police departments collectively meet or exceed industry standards relative to providing for the rapid deployment of Naloxone by trained professionals to the community of Milpitas. This is accomplished through the standard practice of ensuring every fire apparatus and police patrol car in the City carries a supply of Naloxone. Additionally, the fire department has integrated fentanyl awareness into its overall public education and life-safety presentations that are delivered throughout the year. Lastly, the fire department website is frequently updated to provide opioid awareness education and instructions regarding how to obtain Naloxone from local health institutions and pharmacies.			

City Council Referral
(requires more than 4 hours of staff time)

If this item is prioritized, staff would like further direction on the additional programming and/or policy work that the City Council envisions. Examples could include additional community outreach, coordination with the school district and/or other policy level work.

Other Considerations

From an emergency response and public education perspective, the Milpitas Fire Department is meeting or exceeding industry standards relative to minimizing the impacts of opioid overdoses in the community of Milpitas. Additionally, the current data indicates that these actions are having a positive impact on the community resulting in a substantially lower percentage of opioid deaths in comparison to the local, state and national trends.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
No.	Topic	Requested By	Date Requested	Brief Update
1	Add Green Bike Lanes	Tran, Montano	9/17/2019	Included in CIP
2	Adopt Resolution similar to County's re: xenophobia, discrimination	Dominguez	4/21/2020	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	Item added to 6/21/2022 Consent Calendar
4	Agendize an update to the Lobbyist Ordinance for the next meeting	Chua	3/1/2022	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	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	Amended Affordable Housing Ordinance adopted on 2/1/2022.
7	Below Market Rate (BMR) units - process for selecting applicants	Chua	10/19/2021	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	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	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	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	Approved on consent 8/18/2020
12	City to highlight mental health resources on the website	Dominguez	8/17/2021	Staff will issue an email this week (week of 7/25)
13	Community Theatre, perhaps with MUSD	Nuñez, Phan	8/20/2019	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	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	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.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
16	Consider adding state certification NEC for electrical work done in the City (safety)	Dominguez	6/30/2020	Not needed, staff is certified
17	Consider change in Commission structure, on term limits	Tran	12/15/2020	Completed on 1/19/2021
18	Consider change in term limits for Mayor + Councilmembers	Montano	6/16/2020	8/4/2020: Voted 3 -2 to pursue; 2/02/2021 to agendize for a future meeting; 3/16/2021 voted 3-1-1 to move forward. 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	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	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	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	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	Staff is working with the developer on options to move the project forward.
24	Consider satellite consular offices (post Covid)	Montano	6/2/2020	Deferred indefinitely per VM Montano's request on 2/02/2021 council meeting

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
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	"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	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	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	On 10/20/2020, to 11/10, 11/17
29	Discuss having 4th of July parade	Nuñez	2/18/2020	No longer under discussion
30	Discuss potential litigation - re: govts' action on Jamboree-Project Homekey	Tran	10/6/2020	Multiple Closed Sessions - Oct. 2020
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	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	Withdrawn @ 8/4/2020 CC meeting
33	Discussion of Minute Man as City's image, when City branding comes back	Phan	8/18/2020	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	Done on 5/15/2020
35	Discussion to reduce the City's Senior Center facilities deposit	Montano	5/4/2021	8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule; 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	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	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	Deferred on 4/20/2021

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
39	Emergency item for next agenda: extend tenant eviction protections	Dominguez	6/16/2020	Withdrawn, covered by other govt
40	Emergency request to cap rents on small businesses (tenants) in Milpitas	Dominguez	10/6/2020	On 12/01/20. Not supported
41	Establish "ADU Mondays"	Chua	1/5/2021	Launched in March 2021
42	Establish a Day Worker Program	Montano	6/16/2020	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	Completed
44	Expedite process for Measure F Oversight Committee	Chua	12/15/2020	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	February 2023 update: At the January 31, 2023 City Council Budget Study Session staff was directed to drop this item from the priority list.
46	Explore increasing the Conferences/Meetings/Memberships allowance for each Councilmember to \$10,000	Chua	5/17/2022	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	Planning Director to provide information on current outdoor dining extension
48	Fee waiver for the Chamber of Commerce for either the Oktoberfest or Arts and wine Festival	Montano	3/1/2022	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	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	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	Approved at the 3/15/2022 Council Meeting
52	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	12/15/2020	Council approved the Beautify Milpitas program on June 1, 2021. No subcommittee to be formed.
53	Form a Historical Commission	Montano	6/2/2020	Already part of PRCRC. Commission discussed on 01-05- 2021, no change
54	Form a Homelessness Task Force	Tran	12/15/2020	Approved by Council on 1/5/21

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
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	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	Deferred by Mayor Tran because of public health status
57	Illegal dumping	Phan	10/5/2021	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	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	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	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	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	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	
64	Letter from City Council opposing AB 2181 (Berman) regarding VTA's Board Composition	Tran	6/7/2022	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	6/30/2020 info memo
66	Local Boy Scouts Fee Waiver for Eagle Scout Ceremony	Tran	6/7/2022	Fee waiver was approved on September 20, 2022.

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
67	Look into allowing outdoor music and would like the ordinance brought back to Council.	Montano	8/5/2021	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	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	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	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	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	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	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	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	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	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	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	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	Staff will include the stem cell donor information in regularly scheduled wellness event

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
80	Performance Evaluation (Contract) of City Attorney	Tran	1/5/2021	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	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	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	Withdrawn 6/2/2020
84	Policy for Social Media	Nuñez, Phan	8/20/2019	Withdrawn 6/2/2020; policy already approved by Council
85	Pollination protection	Dominguez	1/5/2021	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	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	An Information Memorandum was distributed on August 12, 2022.
88	Prepare Vision Zero Action Plan	Tran	6/7/2022	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	Proclaimed at the 3/15/2022 Council Meeting
90	Proclamation and support for face coverings	Montano	4/7/2020	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	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.

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
92	Provide Commissioners appreciation gifts	Chua	10/19/2021	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	Approved 8/18/2020. City Attorney began this practice 9/01/20
94	Reduce the City's Senior Center facilities deposit for the Auditorium/Community Room	Montano	5/4/2021	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	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	Approved on 2/4/2020
97	Rename portion of Dixon Landing Rd., as Barack Obama Boulevard	Núñez, Phan	8/20/2019	Deferred indefinitely
98	Report from staff on 2nd federal stimulus package - action plan on funds	Chua	12/15/2020	Info Memo sent to Council on 12/23/2020
99	Report on parking in The Pines	Núñez	1/7/2020	2/18/2020
100	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	1/7/2020	1/28/2020, 3/24/2020, 4/14/2020
101	Request for Dumpster Days	Tran	1/7/2020	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	The Subcommittee meeting was held 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	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	City Council approved the pilot on 3/15/2022

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
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	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	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	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.
108	Requested the City Attorney's office explore encampment ordinances from 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	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	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	Emergency Outdoor Dining program extended. Draft zoning ordinance 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	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	5/19/2020 Reso. Adopted 8/04/2020 Ord. adopted
113	Resolution on financial status of the City, steps to be taken	Núñez	8/18/2020	Resolution adopted 9/01/2020
114	Responsible Construction Ordinance	Phan	2/4/2020	Ordinance adopted on 02/02/2021
115	Review City policy on speed bumps	Tran	12/15/2020	Presented to Transportation Subcommittee on 02/12/2021; voted on 3/16/2021 to revisit this item; on April 8, 2022 the Transportation Subcommittee provided input on a draft policy, which is scheduled to be reviewed by the Subcommittee at its September 2022 meeting.

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
116	Revise Community Garden Strategy	Dominguez	1/5/2021	Deferred on 2/02/2021; did not receive a majority vote on 2/02/2021
117	Revisit CC Housing Subcommittee, consider dismantling ; bring items to Council	Dominguez	11/10/2020	12/01/20: Did not vote to eliminate Subcommittee
118	Revisit contract provisions of executive staff (CM + CA) best working environment	Phan	11/10/2020	Discussed @ Closed Session 11/17/2020
119	Schedule and host a "Milpitas Business Expo" in late 2021	Chua	12/15/2020	Did not receive a majority vote from 2/02/2021 council meeting
120	Science, Technology, and Innovation Commission agendize and explore a comprehensive internet connectivity plan.	Tran	5/3/2022	Item was discussed at June STI Commission meeting
121	Staff provide and explain the Project Homekey Management Manual, see if the MOU is being followed including forming an oversight committee, and explore with County to have check-ins of the units. Dominguez indicated it could be included in Council Member Chua's recommendation. Mayor requested to include County in discussion.	Dominguez	6/7/2022	Item will be agendized for August 16 City Council meeting
122	Staff to look into creating "Welcome to Milpitas" signs in key areas of in the City	Montano	4/6/2021	8/09/2021 Council voted 5-0 to move this item forward and Council provided direction that the signs should align with the efforts currently underway with the Metro Plan and Main Street Gateway Specific Plan process and work with private development. Staff was directed to work with Vice Mayor on additional clarification. In November, Vice Mayor Montano noted a preference for a location on South Main Street. This project will be added to unfunded project list of the 2023-2027 CIP to allow time for staff to research potential grant funding and outreach to local business and service clubs.
123	Staff to look into creating a rose garden with a children's memorial site	Montano	4/6/2021	8/09/2021 Council voted 4-1 to discuss details with Vice Mayor Montano and refer this item as part of the development of the 2023-2027 CIP; The funding for this project will be included in the 2023-2027 Capital Improvement Program scheduled for adoption on May 3, 2022. Discussed at the May 3 meeting funding was reallocated to the Softball Field project
124	Staff to provide information to place a measure on the ballot to change the directly elected Mayor to a rotational at-large position	Tran	3/16/2021	To be brought forward in Spring of 2022, once new City Attorney is in place; scheduled for 3/15/2022; rescheduled for 4/05/2022; discussed at the May 10 budget meeting and had a consensus that they did not want to move forward with a Mayoral ballot measure

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
125	Street/traffic calming update	Nuñez	1/7/2020	Completed 3/3/2020
126	Support community distribution of masks	Dominguez	4/7/2020	Councilmembers supported at the 4/21/2020 Special Council meeting
127	Support for Laura's Law	Phan	2/4/2020	Supported @ 5/19/2020 council meeting
128	Update "My Milpitas" App for COVID- 19 information	Phan	1/5/2021	Updated App to provide links
129	Update on planning grant for ADU marketing.	Chua	1/5/2021	Presented to Council on 4/06/2021
130	Update on trash problems in homeless camps	Chua	1/19/2021	Info Memo sent 1/24/2021
131	Vaccine distribution plan - add testing locations and expedite mass vaccine distribution	Phan	1/19/2021	COVID-19 mobile testing transition to vaccine distribution info memo was sent on 1/22/2021; SCC and MFD launched mobile vaccination on 4/5/2021, in-home vaccination program started on 4/15/2021
132	Vote on County 2020-2025 Plan to end Homelessness	Dominguez	11/17/2020	12/1/20 adopted Resolution in support
133	Work with the school district to have a contest to create art murals for the pillars on Main Street	Montano	9/7/2021	Approved to move forward at the 1/11/2022 Council meeting; funding allocated to Great Mall Pkwy. VTA pillar murals
134	Consider change in term limits for Mayor + Councilmembers	Montano	6/16/2020	8/4/2020: Voted 3 -2 to pursue; 2/02/2021 to agendize for a future meeting; 3/16/2021 voted 3-1-1 to move forward. Scheduled for 3/15/2022; rescheduled for 4/05/2022; 4/05/2022 Council 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 forward with a ballot measure for the Mayor term limit; Councilmember term limits scheduled for June 7; on June 21, 2022, the Council approved Resolution No. 9178 submitting to the qualified voters of the City of Milpitas a measure amending the Mayoral and Councilmanic Term Limits at the November 8, 2022 General Elections. The election results for Measure F showed a majority of the voters (12,786 YES; 3,465 NO) voted in favor of the measure.
135	Explore a lease for the vacant land adjacent to the Library for City use	Tran	1/18/2022	February 2023 update: At the January 31, 2023 City Council Budget Study Session staff was directed to drop this item from the priority list.
136	Local Boy Scouts Fee Waiver for Eagle Scout Ceremony	Tran	6/7/2022	Fee waiver was approved on September 20, 2022
137	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	Staff will include the stem cell donor information in regularly scheduled wellness event. Staff made contact with the group and were told that Seniors were not good Stem Cell donors but would bring information to share at the Fall Health Fair. The contact did not bring the information.

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
138	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	An Information Memorandum was distributed on August 12, 2022.
139	Prepare Vision Zero Action Plan	Tran	6/7/2022	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.
140	Requested that the City have mini-libraries in the low-income areas of the City.	Montano	4/20/2021	8/09/2021 Council voted 3-1-1 to move this item forward, staff to follow up with Vice Mayor Montano on specific vision. Staff met with the Vice Mayor. The City will continue to facilitate libraries as needed but will not take a lead role in funding or operating them. Guidelines and information regarding little free libraries have been posted on the City's website.
141	Requested the City Attorney's office explore encampment ordinances from 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	4/19/2022 direct the City Attorney to make the recommended changes to the Municipal Code to remove and prohibit property in public. The ordinance was adopted by the City Council on September 20, 2022. The ordinance went into effect on October 20, 2022.
142	Requested the City create a youth scholarship fund for under privileged kids to play sports	Montano	5/17/2022	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. This item was approved by the City Council on October 18, 2022.
143	Requested the City extend the outdoor dining options through March of next year	Phan	9/21/2021	Zoning Ordinance with new standards and regulations for Outdoor Dining adopted by Council on 12/06/2022.
144	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	February 2023 update: 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
145	Review City policy on speed bumps	Tran	12/15/2020	Presented to Transportation Subcommittee on 02/12/2021; voted on 3/16/2021 to revisit this item; on April 8, 2022 the Transportation Subcommittee provided input on a draft policy. on October 12, Subcommittee recommended bringing a policy amendment for full council consideration. On Nov 1, 2022, city council approved revised speed hump policy.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
146	Staff provide and explain the Project Homekey Management Manual, see if the MOU is being followed including forming an oversight committee, and explore with County to have check-ins of the units. Dominguez indicated it could be included in Council Member Chua's recommendation. Mayor requested to include County in discussion.	Dominguez	6/7/2022	The item was presented to the City Council in August 2022.
147	Look into the impact of and how the City can compensate for the massive number of layoffs in the Bay Area. Staff consider how the City can help residents affected by layoffs, reach out to those affected and show them city programs.	Vice Mayor Evelyn Chua	12/6/2022	Prior update: Staff, in partnership with NOVAworks, provided information about past and upcoming layoffs, wage and labor data as well as job and career resources available to Milpitas residents and businesses at the Economic Development and Trade Commission meeting on January 9, 2023. City staff partnered with NOVAworks by promoting the layoff assistance webinars to assist with career transition and unemployment services and resources on January 24, February 7, February 21, May 23, and June 6. Staff will also promote the upcoming June 20 layoff assistance webinar.
148	Requested an appropriation in an amount not to exceed \$250,000 to procure a contract to address the streetlights that are pending fieldwork.	Tran	2/1/2022	Prior update: At this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
149	Gill Park and other park lighting	Chua	2/28/2023	June 2023 update: On April 13, 2023, the City Manager's Office distributed an info memo with details on ARPA funding for park improvements as well as a list of parks with night use lighting in Milpitas.
150	Prepare a brief summary of previous Council action related to Sunnyhills from the first renewal to present day	Barbadillo	12/20/2022	June 2023 update: JMK Investments received preliminary approval February 9, 2023 and final confirmation of approval on March 7, 2023 from HUD on the renewal contract.
151	Provide information on the grant to the Chamber of Commerce and Staff to meet with Chamber to discuss ARPA funding	Barbadillo	2/7/2023	June 2023 update: On February 2, 2023, staff emailed Councilmember Barbadillo a Chamber of Commerce update and the City Council Info Memo issued on October 19, 2022 regarding the proposed ARPA funding of \$200,000. Additionally, the City Council reallocated this funding to other programs.
152	City Manager to draft congratulatory letter to new County sheriff and express support for certain platforms	Chua	2/7/2023	June 2023 update: Completed and sent on February 22, 2023.
153	Establish a fund for real estate acquisitions	Montano	6/7/2022	June 2023 update: The creation of a fund for land acquisitions was approved and added to the City's Fiscal Policies as part of the Fiscal Year 2023-2024 Budget adoption on June 6, 2023.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
154	Crossing Guard Program	??	1/31/2023	June 2023 update: Transitioning to a contract service effective 7/1/2023, pending approval of the contract at the 6/20/2023 City Council meeting.
155	City Manager to look into underutilized areas of parks or a portion of parks not being used and develop for use in the future.	Chua	8/16/2022	June 2023 update: At the February 7, 2023 City Council meeting this request was withdrawn as this review is available in the Parks Master Plan document.
156	Schedule an additional ADU workshop	Chua	9/6/2022	June 2023 update: On May 13, 2023 an ADU workshop was held at the Milpitas Community Center by the nonprofit organization FAREPA Silicon Valley.
157	Staff explore eliminating or waiving the fee for the gym at the Milpitas Senior Center	Chua	10/18/2022	June 2023 update: On April 18, 2023 the separate fee for the gym at the Milpitas Senior Center was removed as part of the City Council's adoption of the Fiscal Year 2023-2024 Fees & Charges.
158	Look into bringing back a roller rink	Montano	8/5/2021	June 2023 update: This will be part of the "retro milpitas" event in August 2023.
159	Look into opening up the Senior Center on Saturdays for half a day	Chua	8/5/2021	June 2023 update: This was included as a proposal in the Adopted Fiscal Year 2023-2024 Budget approved by the Mayor and City Council on June 6, 2023.
160	City Attorney or City Manager to draft a written policy regarding foreign language spoken at the dais	Chua	9/20/2022	June 2023 update: On February 21, 2023, the City Council approved amendments to the City Council Procedures and Protocols Handbook to set forth the Council policy on language used at City Council meetings.
161	Establish State historical designation for the Sunnyhills community	Tran	6/7/2022	November 2023 update: Request is being included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program so this item is being deemed as closed.
162	Staff to provide information on a landmark policy for the City of Milpitas	Tran	3/16/2021	November 2023 update: Request is being included with the Historic Resources Master Plan project approved as part of the 2023-2027 Capital Improvement Program so this item is being deemed as closed.
163	Explore the policy for locking mechanisms on shopping carts for large commercial businesses	Tran	4/19/2022	November 2023 update: Given the challenges and potential expenses of requiring existing owners to install locking mechanisms, staff is recommending closing this item and focusing efforts on (1) the City of Milpitas Cart Retrieval Program and (2) requiring new developments to install locking mechanisms.
164	Requested an appropriation in an amount not to exceed \$250,000 to procure a contract to address the streetlights that are pending fieldwork	Tran	2/1/2022	November 2023 update: This item is being recommended to be closed as, at this time, staff has sufficient Council approved resources to address the remaining streetlight outages; however, will bring relevant actions for Council consideration, if needed.
165	Review of commissioner's ability to release funds (New Item)	Chua	9/5/2023	On September 19, 2023, Agenda Item C17, the Mayor and City Council approved a change to the Workplan for the Arts Commission. With this change, the authority to approve Milpitas Arts and Culture In-Kind Grants is no longer delegated to the Arts Commission. The City Council will now be the final approval for this grant program.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
166	Request for Crossing Guards at McCandless and Montague Expressway and review wages for Crossing Guards	Montano	4/5/2022	November 2023 update: This item is completed. In August 2023, the City of Milpitas transitioned management of the crossing guard program to ACMS. The intersection of McCandless and Montague Expressway was included in the list of sites to be staffed as recommended by Council and the November 2022 Traffic Survey.
167	Info memo on lessons learned from Maui Fire (New Item)	Chua	8/15/2023	On September 5, 2023, the Fire Department issued an informational memorandum on this topic.
168	Add larger electronic outdoor sign at Milpitas Library	Montano	2/7/2023	postponed indefinitely at 6/20/2023 city council meeting as it was not prioritized
169	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	2/16/2021	November 2023 update: The City Attorney's Office has provided the City Council with a confidential memorandum regarding potential legal issue and implementation of food delivery cap. At the June 2023 City Council prioritization hearing, staff requested that further direction be provided to hire a consultant if this item is to continue to be evaluated. There was no specific direction provided to continue this work at the June 2023 City Council hearing.
170	Request for the City to make the temporary third-party food delivery fee caps permanent and add additional provisions for enforcement	Phan	11/16/2021	November 2023 update: The City Attorney's Office has provided the City Council with a confidential memorandum regarding potential legal issue and implementation of food delivery cap. At the June 2023 City Council prioritization hearing, staff requested that further direction be provided to hire a consultant if this item is to continue to be evaluated. There was no specific direction provided to continue this work at the June 2023 City Council hearing.
171	Identify a month and day to celebrate an International Cultural Festival on Main Street.	Lien	2/7/2023	postponed indefinitely at 6/20/2023 city council meeting as it was not prioritized
172	Navigation Center	Montano	2/28/2023	postponed indefinitely at 6/20/2023 city council meeting as it was not prioritized
173	Appraise City owned parcels 2 & 3 on Main Street	Montano	4/18/2023	postponed indefinitely at 6/20/2023 city council meeting as it was not prioritized
174	Potential Safe Parking Site	Montano	6/20/2023	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 11/14/2023 City Council meeting.
175	City Hall Entrance Public Art	Montano	9/5/2023	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 11/14/2023 City Council meeting.
176	Parade on Main Street	Montano	11/7/2023	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 11/14/2023 City Council meeting.
177	Affordable Housing Ordinance Change	Montano	9/5/2023	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 11/14/2023 City Council meeting.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
178	Evaluation of Milpitas Sports Center for additional indoor pickleball location	Chua	8/2/2023	February 2024 Update: Staff has reviewed the identified location and determined that this specific room is not suitable for pickleball. Staff will close out this particular request, however staff will still track the priority for increased pickleball facilities in Milpitas in the "pickleball pilot program" line item on this spreadsheet.
179	Evaluation of Facilities that are not named and CIP Program Update	Phan	9/19/2023	February 2024 Update: Staff received clarification from Councilmember Phan at the January 23, 2024 City Council meeting to focus this request on the library and this item is being tracked on a separate line item. Additionally, a status of key CIP projects are included in the City Manager's bi-weekly report. This item will be closed out.
180	Retail Theft: Provide review of what is being worked on locally versus State	Barbadillo	10/3/2023	February 2024 update: After consultation with the Police Department, CAO has determined that there is not a viable legislative solution for retail theft at the municipal level. PD, CAO, and CMO are working on a means of education for retailers regarding retail theft. This effort is being tracked as part of the "Workshop for Retailers" item that is being tracked separately on this priority list so this specific line item will be closed out
181	Provide Information on City's Gray Water Rebate Program and Options	Montano	10/17/2023	February 2024 Update: On November 7, 2023 a city council agenda report was approved with information and a contract amendment for the City's relationship with Valley Water regarding our water conservation partnership, including the gray water program. The City continues to partner with Valley Water on the grey water program rebate. Given this continued relationship, this item will be closed out. Further information can be found here: www.valleywater.org/saving-water/rebates-surveys/graywater-rebate
182	Police Substation Feasibility Analysis in Metro Area	Montano	2/28/2023	February 2024 update: An informational memorandum has been distributed for this project in February 2024. This project will continue to be tracked as part of future public infrastructure needs in the Metro Area. Since this task (info memo) has been completed, this item will be closed out from this tracking list
183	Create a plan for future solar paneling at City facilities	Montano	3/1/2022	February 2024 Update: As funding was not received in calendar year 2023 for a Federal earmark staff and staff is not working on any specific new projects, staff is recommending that this line item be closed out at this time. Staff will continue to pursue options to increase solar on facilities as noted in the November 2023 update.
184	Explore an ordinance or policy to reduce thefts and increase security in the commercial retail parking areas	Chua	4/5/2022	February 2024 Update: Preliminary Crime Statistics indicate a 24.4% reduction in property crime. The data suggests existing police department strategies are effective. Staff is recommending that this item be closed out and that the efforts to work with our community on reducing theft in commercial and retail parking areas be tracked as part of the retail workshops that have been added to this priority list for tracking

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
185	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	4/6/2021	February 2024 update: See update to prior item titled "City Manager to look into implementing a workshop for small businesses on the bidding process for projects in the city." This item will be move to the "closed" list and tracked/combined with this item
186	Revisit solicitation ordinance	Barbadillo	4/16/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
187	Strengthening of No Smoking ordinance	Chua	5/7/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
188	Tobacco Ordinance Review	Chua	5/7/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
189	Animal Cruelty Ordinance	Chua	5/21/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
190	Arts month: wants to recommend that we have an arts month exhibit for commissioners to showcase art	Chua	3/5/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
191	Veteran Banner program	Chua	3/19/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
192	Citywide Banner Program	Chua	5/7/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
193	Review of a potential catalytic converter ordinance	Chua	2/20/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
194	Accessory Dwelling Unit Ordinance to Allow Condominium Conversions	Chua	3/5/2024	Shifted to Group 4 (withdrawn) as this item was not prioritized at the 6/11/2024 City Council meeting.
195	Update the Commissioner Handbook to include an option for outgoing commissioners to make presentations to other commissions	Chua	1/23/2024	June 2024 Update: Revised Handbook adopted by City Council on March 19, 2024
196	Workshop for retailers focusing on best practices and safety with plans for quarterly sessions (completed)	Chua	1/23/2024	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 magnitude 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.

Attachment 3

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Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
197	Explore Ordinance for Residential Home Solicitors (completed)	Barbadillo	10/3/2023	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.
198	Satellite Consulate Office (completed)	Montano	2/28/2023	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.
199	Discuss converting vacant lot that was a basketball court into a community garden at Vasona and Adobe (completed).	Montano	8/16/2022	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.
200	Recognize March as national endometriosis month	Phan	3/5/2024	June 2024 update: This item was completed. March was recognized as National Endometriosis month at the March 19, 2024 City Council meeting.
201	Letter to County regarding horseriding	Chua	5/21/2024	September 2024 update: This item is completed. The letter sent to County on 6/7/2024. June 2024 update: Staff is working on a letter to the County and expects it to be send by mid June 2024.
202	Adopt a resolution supporting the Build the Future Santa Clara County (childcare) Campaign	Phan	8/5/2024	September 2024 Update: This item is completed. A resolution was approved by the Mayor and City Council on August 20, 2024.
203	Solicitation Ordinance - bring back prior version to council	Barbadillo	8/21/2024	September 2024 Update: This item is completed. On September 3, 2024 the Mayor and City Council adopted an ordinance prepared by the City Attorney's Office.
204	Community Advisory Commission: Change focus to housing	Chua	4/2/2024	September 2024 Update: This item is completed. On August 13, 2024 the Mayor and City Council approved changing the name of the Community Advisory Commission to the Community Housing Commission.
205	Explore possibility of naming the County library on Main Street	Phan	1/23/2024	September 2024 Update: This item is completed. On September 3, 2024, the Mayor and City Council adopted the name "Milpitas Jose Esteves Library". However, the funding and installation of the sign on the exterior of the buiding will be tracked as a separate item moving forward.

Attachment 3

List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
206	Staff to complete analysis if, working with the County, it would be beneficial to have a location where residents can pickup Narcan (completed)	Chua	9/5/2023	September 2024 Update: Based on current opioid OD statistical trends for Milpitas, staff is confident that there are adequate opportunities for members of the community to access Naloxone. These access points include a mail-in program for residents of Santa Clara County, sponsored by the Santa Clara County Opioid Prevention Project (SCCOOPP). Additionally, the County Public Health website lists several locations throughout the County that readily provide Naloxone to anybody, no questions asked. Lastly, the Milpitas Fire and Police Departments have taken a proactive approach to preventing Opioid ODs through the active deployment of Naloxone on all fire and police vehicles throughout the City. Without doubt, these actions have saved lives throughout the community.
207	City Employment Job Fair at City Hall (completed)	Chua	5/2/2023	September 2024 Update: This is complete. Human Resources conducted a recruitment tabling event at a Community Concert in Starlite park in June 2024. City Staff talked with attendees about job opportunities, signed people up for job alerts, and provided department information and give aways. The department will do more of these recruitment activities in the community (partnering with City departments) in the next year. An opportunity with the Library is already being planned.
208	Create a compassion fund for Milpitas residents	Montano	9/3/2024	September 2024 update: After further discussions with Mayor Montano prior to the 9/17/2024 City Council meeting, this item was dropped from consideration as the underlying reason it was being raised had been resolved.
209	Revise the rental assistance yearly cap from \$5,000 to approximately \$3,500 to \$3,800 per family	Montano	9/3/2024	September 2024 update: This item was not prioritized at the September 17, 2024 meeting so it has been moved to the "completed" list".
210	Impact fees for car transports	Carmen Montano	11/19/2025	was not prioritized, move to attachment 3
211	Review of traffic conditions at Edsel and Roswell	Carmen Montano	10/1/2024	was not prioritized, move to attachment 3
212	Pickleball Feasibility Study at Dixon Landing Park	Carmen Montano	10/15/2024	was not prioritized, move to attachment 3

Attachment 3

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213	Communicate Need for Weeds to be Cleared on Montague Expressway to County (prior name as: Send letter to County Supervisor Otto Lee re: weeds on Montague) (complete)	Carmen Montano	8/13/2024	This is completed but will continue to be monitored. County staff was contacted and following this they cleaned the weeds on Montague Expressway median islands within their jurisdiction.
214	Recognize local 2024 Olympians with ties to Milpitas (complete)	Carmen Montano	8/5/2024	This is completed. Recognition was provided at the October 15, 2024 City Council meeting.
215	Request that the Arts Commission explore alternatives for future of statue in front of City Hall (to be removed - former City Councilmember)	Anthony Phan	1/30/2024	Per City Council policy, this item is being removed from consideration, unless it is sponsored by an existing Councilmember.
216	Charter City Evaluation (to be removed - former City Councilmember)	Anthony Phan	9/5/2023	Per City Council policy, this item is being removed from consideration, unless it is sponsored by an existing Councilmember.
217	Look into defining either a standalone teen center or updating information to indicate the Senior Center also functions as a Teen Center (complete)	Evelyn Chua	9/20/2022	Starting in June 2024 staff launched a Teen Center Everywhere campaign and have successfully brought back sport drop in programming to teen programs, as well as a series of meet ups around Milpitas. programming was successful, with many trips, classes, meet ups and sports drop-in sessions at full capacity. The summer MYF program, held out of the center and run by Teen Center staff, had one of their best sessions yet. Center programs, events and workshops for the new school year, included increased collaboration with high school clubs, a Halloween event, and financial aid workshops for college preparedness.
218	Have a picture of Albert Vogel Sr. put up in the Senior Center & Include Maria Lemery on the Mural in front of the Senior Center (complete)	Carmen Montano	10/19/2021 & 8/17/2021	Portraits of Albert Vogel Sr. and Maria Lemery were installed in late December 2024. Staff is discussing a small reception for the pieces.
219	Memorial Plaque in honor of youth skateboarder that passed away (complete)	Carmen Montano	6/7/2022	The memorial plaque was installed and a unveiling ceremony was held on November 2, 2024.
220	Impact Fees for car transports (not prioritized)	Carmen Montano	11/19/2024	Not prioritized.
221	Review of traffic conditions at Edsel and Roswell (not prioritized)	Carmen Montano	10/1/2024	Not prioritized.

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List of Historical Completed, Postponed or Withdrawn Workplan Items

Group 4 – historical workplan items that have been completed, deferred, or withdrawn				
222	Pickleball Feasibility Study at Dixon Landing Park (not prioritized)	Carmen Montano	10/15/2024	Not prioritized.