

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING ANNUAL ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2015-2016 FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1**

**WHEREAS**, by its Resolution No. 8471, A Resolution Directing Preparation of Annual Engineer's Report for the City of Milpitas Maintenance Assessment District No. 98-1 (the "Maintenance District"), this Council ordered the Engineer to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

**WHEREAS**, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Annual Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid Resolution, and that June 2, 2015, at the hour of 7:00 p.m., or shortly thereafter in the Milpitas City Council Chambers, 455 East Calaveras Boulevard, Milpitas, California, were appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

**WHEREAS**, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Annual Engineer's Report to pay the costs and expenses thereof.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The public interest, convenience and necessity require that the levy be made.
3. The Maintenance District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.
4. The Engineer's Report as a whole and each part thereof are finally approved and confirmed, including:
  - (a) The Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith; and
  - (b) The diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Maintenance District; and
  - (c) The assessment of the total amount of the costs and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Maintenance District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto.
5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report, as

hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2015-2016 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Annual Report.
7. Based on the oral and documentary evidence, including the Annual Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
8. Immediately upon the adoption of this Resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this Resolution with the Auditor of the County of Santa Clara. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Director of Financial Services/Treasurer of the City.
9. Upon receipt of moneys representing assessments collected by the County, the Director of Financial Services/Treasurer shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Maintenance District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney



**City of Milpitas**

**Landscaping and Lighting Maintenance Assessment District  
No. 98-1**

**Fiscal Year 2015/16 Annual Report**

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**CITY OF MILPITAS**  
**LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1**  
**455 East Calaveras Boulevard**  
**Milpitas, California 95035**  
**Phone - (408) 586-3000**

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**CITY COUNCIL**

Jose Esteves, Mayor

Carmen Montano, Vice-Mayor

Debbie Indihar Giordano, Council Member

Garry Barbadillo, Council Member

Marsha Grilli, Council Member

**CITY STAFF**

Steve Erickson, CIP Manager

Steve Machida, Acting Public Works Director/City Engineer

**NBS**

Tim Seufert, Client Services Director

Tiffany Ellis, Senior Consultant

Jason Roth, Consultant

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# 1. ENGINEER'S LETTER

**WHEREAS**, in 1998 the City Council of the City of Milpitas (the "City"), State of California, under the Landscaping and Lighting Act of 1972 (the "Act"), created the City of Milpitas Maintenance Assessment District No. 98-1 (the "District"). The District was formed in order to provide for the continued maintenance, operation, and administration of various improvements within the boundaries of the District.

**WHEREAS**, the City Council has directed NBS to prepare and file a report for Fiscal Year 2015/16 in accordance with Chapter 1, Article 4 of the Act presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained; an estimate of the costs to maintain, operate, and service the improvements for the District for the referenced fiscal year; a diagram for the District showing the area and properties to be assessed; and an assessment of the estimated costs to maintain and service the improvements, stating the net amount to be assessed upon all assessable lots or parcels within the District in proportion to the special benefit received.

**NOW THEREFORE**, the following assessments have been levied in accordance with the assessment methodology adopted and approved by the City Council at the time of District formation, and are made to cover the portion of the estimated costs of maintenance, operation, and servicing of the improvements, to be paid by the assessable real property within the District in proportion to the special benefit received:

District	Parcels	2015/16 Maximum Assessment Rate per Lot (1)	2015/16 Actual Assessment Rate per Lot	Net Amount to be Assessed
LLMAD 98-1	98	\$417.67	\$388.2966	\$38,053.07

(1) The April 1, 2015 CPI was not available at the time of writing of this Report. The Fiscal Year 2015 CPI increase was estimated by using the February 2015/16 CPI.

(2) Amounts placed on the tax roll include the 1% Santa Clara County Collection Fee.

I identified all parcels which will have a special benefit conferred upon them from the improvements described in District's Plans and Specifications section of this Engineer's Report (the "Benefited Parcels"). For particulars as to the identification of said parcels, reference is made to the Assessment Diagram, a copy is on file in the office of the City Clerk.

I have assessed the costs and expenses of the improvements upon the Benefited Parcels. In making such assessment:

- a. The proportionate special benefit derived by each Benefited Parcel from the improvements was determined in relationship to the entirety of the maintenance costs of the improvements;
- b. No assessment has been imposed on any Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the improvements; and
- c. Any general benefits from the improvements have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagrams herein have been prepared and computed in accordance with the order of the City Council of the City of Milpitas, the Act, and Article XIID.

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Brian K. Thomas, PE  
Assessment Engineer

## 2. PLANS AND SPECIFICATIONS

The District provides for the continued administration, maintenance, operation, and servicing of various improvements located within the public right-of-way and dedicated easements within the boundaries of the District.

### 2.1. Location Of Improvements

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The District is located in the City of Milpitas, bounded on the east by Sinclair Frontage Road, on the west by Berryessa Creek, and on the north by Los Coches Street. The improvements maintained include public landscaping and irrigation improvements, including jogging paths, planter walls, grass berms, and ornamental planting, which are primarily situated within the public rights-of-way and dedicated public by easements within the District.

### 2.2. Landscaping Improvements

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The landscaping and irrigation improvements were installed within the District in order to enhance the overall visual appearance for adjacent parcels. The improvements consist of the maintenance and operation of any or all public landscaping and irrigation improvements adjacent to curbs, including asphalt concrete jogging paths, planter walls, grass berms, and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof. The landscaping and irrigation improvements are collectively referred to as "landscaping improvements". All such work will be performed in the following areas:

#### Berryessa Creek

A strip of land approximately 510 feet long varying in width from 35 feet to 60 feet along the east bank of Berryessa Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting, and irrigation.

#### Los Coches Creek

1. A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting, and irrigation.
2. A strip of land 5.5 feet wide within the Los Coches Street right-of-way between the back of sidewalk and the right-of-way along the south side of Los Coches Street between Berryessa Creek and Sinclair Frontage Rd. The improvements include planting and irrigation.

### 2.3. Overhead

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In addition to the hard costs of maintaining the improvements mentioned above, the City will incur costs for staff time and expenses related to the management and maintenance of the improvements within the District. Staff time includes oversight and coordination of both City and contractor provided services, annual tax roll preparation, and addressing property owner questions and concerns. These activities are directly related to the maintenance of the improvements, and without them the improvements could not be efficiently completed or properly maintained on an ongoing basis.

### 3. ESTIMATE OF COSTS

The estimated costs of maintenance and servicing of the improvements as described in the Plans and Specifications are summarized below. Each year, as part of the assessment district levy calculation process, the costs and expenses are reviewed and the annual costs are projected for the following fiscal year.

#### 3.1. District Budget

The Fiscal Year 2015/16 estimated cost budget for the maintenance and servicing of the improvements is as follows:

Description	Budget 2015/2016
Personnel (Eng)	\$0
Landscape Maintenance Contract Services <sup>1</sup>	12,965
Capital Equipment	0
Supplies	500
Utilities (Water, Electricity)	13,200
<u>Capital Improvement Program</u>	<u>0</u>
<b>Maintenance Costs</b>	<b>\$26,665</b>
NBS Financial	\$6,375
NBS Report Review	10,950
City Staff District Admin	3,000
<u>County Auditor-Controller Fee<sup>2</sup></u>	<u>381</u>
<b>District Specific Costs</b>	<b>\$20,706</b>
Total District Costs	<b>\$47,371</b>
General Benefit Contribution <sup>3</sup>	(8,479)
<u>Operating Reserve Contribution</u>	<u>(838)</u>
<b>Net Amount to be Assessed</b>	<b>\$38,053</b>
<b>Total District Lots</b>	<b>98</b>
<b>Rate per Lot<sup>4</sup></b>	<b>\$388.2966</b>
<b>Maximum Rate Per Lot – 2015/16<sup>5</sup></b>	<b>\$417.67</b>

- (1) For 2015/16 Landscape Maintenance Contract Services includes TerraCare \$12,965.
- (2) County Auditor-Controller Fee is currently 1% of the total levy submittal.
- (3) General Benefit Contribution is not applied to District Specific Costs as these are special benefits to the District.
- (4) The Rate per Lot equals the Net Amount to be Assessed / Total District Lots.
- (5) The actual Rate per Lot levied cannot exceed the Maximum Rate per Lot. The April, 2015 CPI was not available at the time of writing of this Report. The Fiscal Year 2015/16 CPI increase was estimated by using the February 2015 CPI.

## Operating Reserve

It is the intent of the City to maintain an operating reserve which shall not exceed the estimated costs of maintenance and servicing of the improvements prior to December 10 of the fiscal year, or when the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later. The operating reserve balance information for the District is as follows:

Estimated Fiscal Year Ending 6/30/2015 Operating Reserve Cash Balance	\$21,000
Operating Reserve Collection – Fiscal Year 2015/16	(838)
<b>Estimated Fiscal Year Ending 6/30/2016 Operating Reserve Cash Balance</b>	<b>\$20,162</b>

## 4. SPECIAL AND GENERAL BENEFIT

The improvements defined in Section 2 are expected to confer certain special benefits to parcels within the District. The special benefits are described below.

### 4.1. Introduction

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Pursuant to Article XIID, all parcels that receive a special benefit conferred upon them as a result of the installation, implementation and maintenance of the improvements, services and activities shall be identified, and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire costs of the installation, implementation and maintenance of the improvements, services and activities.

Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property. Proposition 218 requires that the City separate the general benefit from special benefit, so that only special benefit may be assessed to properties within the District. Furthermore, Article XIID also provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment.

### 4.2. Special Benefits Identified

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The improvements described in Section 2 are expected to confer certain special benefits to parcels within the District. The special benefits conferred to property within the District can be grouped into two primary benefit categories: aesthetic benefit and safety benefit. The two district benefit categories are further expanded upon below.

- **Improved Aesthetics:** The aesthetic benefit relates to the increase in the overall aesthetics as a result of the ongoing maintenance, servicing and operation of the improvements within the District. Street landscaping improvements improve the livability, commercial activity, appearance and desirability for properties within the District. Regular maintenance ensures that the improvements do not reach a state of deterioration or disrepair so as to be materially detrimental to properties adjacent to or in close proximity to the improvements. The overall appeal of the District is enhanced when improvements are in place and kept in a healthy and satisfactory condition. Conversely, appeal decreases when improvements are not well-maintained, unsafe, or destroyed by the elements or vandalism. Streetscapes have a significant effect on how people view and interact with their community<sup>1</sup>. With streetscapes that are safe and inviting, people are more likely to walk, which can help reduce automobile traffic, improve public health, stimulate local economic activity and attract residents and visitors to the community<sup>2</sup>.
- **Increased Safety:** Well maintained areas mitigate crime, especially vandalism, and enhance pedestrian safety. A recent study found that after landscape improvements were installed, there was a 46% decrease in crash rates across urban arterial and highway sites and a second study reviewed found a 5% to 20% reduction in mid-block crashes after trees and planters in urban arterial roads were put in place. In addition, there is less graffiti, vandalism, and littering in outdoor spaces with natural landscapes than in comparable plant-less spaces<sup>3</sup>. The Victoria

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<sup>1</sup> Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tdm/tdm97.htm>.

<sup>2</sup> Ibid.

<sup>3</sup> Wolf, Kathleen L. (2010). *Safe Streets – A Literature Review. In: Green Cities: Good Health* ([www.greenhealth.washington.edu](http://www.greenhealth.washington.edu)). *College of the Environment, University of Washington*.

Transport Policy Institute has found that streetscapes reduce traffic speeds and when combined with improved pedestrian crossing conditions can significantly reduce collisions<sup>4</sup>.

### **4.3. General Benefits Identified**

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Section 4 of Article XIID of the California Constitution provides that once a local agency which proposes to impose assessments on property has identified those parcels that will have special benefits conferred upon them and upon which an assessment will be imposed, the local agency must next “separate the general benefits from the special benefits conferred,” and only the special benefits can be included in the amount of the assessments imposed.

General benefit is an overall and similar benefit to the public at large resulting from the maintenance of the District’s improvements provided by the assessments levied. The improvements to be maintained by the District are located within the District boundaries only. There will be no District maintenance activities provided for improvements located outside of the District boundaries.

The ongoing maintenance of the District improvements will provide aesthetic and safety benefits to the property within the District. However, it is recognized that the ongoing District maintenance activities will also provide a level of benefit to some property within proximity to the District, as well as individuals passing through. Therefore, the general benefit created as a result of the District maintenance activities has been considered.

### **4.4. Quantification of Benefit**

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As a result of the maintenance and operation of the improvements, there will be a level of general benefit to people that do not live in or intend to conduct business within the District. In order for property within the District to be assessed only for that portion of special benefits received from the district’s maintenance activities, general benefits provided by the ongoing maintenance of the improvements needs to be quantified. The amount of general benefit that is provided from the District’s maintenance activities cannot be funded via property owners’ assessments.

The landscaping improvements are primarily located along Los Coches Street and Sinclair Frontage Road and within the subdivision along Los Coches Creek and Berryessa Creek. A portion of the maintained landscaping provides some general benefit to pass-thru traffic. Per the City, there is currently 52,912 square feet of landscaping being maintained.

#### Los Coches Creek and Berryessa Creek

As result of the District maintenance activities, there will be a level of general benefit to pedestrians and vehicular traffic that are not associated with property in the District. As expressed by the Court in *Beutz v. County of Riverside* (2010), “... courts of this state have long recognized that virtually all public improvement projects provide general benefits.” A route beginning or ending with a parcel within the District does not include the “general public” for purposes of determining general benefit. The landscaping improvements along the south side of Los Coches Creek and Berryessa Creek are local in nature, however even though they are intended primarily for localized access, there is some portion of pedestrian traffic that may not be accessing the adjacent properties. The landscaping improvements are located adjacent to the backyard of homes, and access is only available by walking or bicycling. There is no vehicular access to these improvements.

The Summary of Travel Trends, 2009 National Household Travel Survey (NHTS) prepared by the U.S. Department of Transportation Federal Highway Administration analyzed the number of person trips by various modes of transportations such as private vehicle, transit, walking or some other means of transportation. According to the Pacific Division data extracted from the 2009 NHTS database, of the

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<sup>4</sup> Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tm/tm97.htm>.

annual 181,703 (in millions) total person trips, 21,252 (in millions) or 11.70% of those person trips were made by using walking as their mode of transportation, and 2,066 (in millions) or 1.14% of those person trips were made by bicycling<sup>5</sup>.

According to the U.S. Census Bureau (2010), the average household size in the City is 3.34 persons<sup>6</sup>. Based on this average household size, and considering there are 98 residential units within the District, there are approximately 327 people residing within the District boundaries. There are an estimated 163 residential units in close proximity, but outside of the District boundaries. Based on the City's average household size, there are approximately 544 persons residing outside of the District boundaries, but have access to the landscaping improvements.

<b>Community</b>	<b>Estimated Number Of Residential Units</b>	<b>Estimated Number of Persons<sup>1</sup></b>
District	98	327
Sundrop subdivision	83	277
Sinclair Renaissance subdivision	80	267
<b>Total Residential Population</b>	<b>261</b>	<b>871</b>

(1) U.S. Census Bureau (2010) average household size in the City is 3.34 persons.<sup>7</sup>

In order to determine the estimated total number of persons who are within close proximity to the landscaping improvements, and would utilize walking or bicycling as their mode of transportation, we applied the 12.84% (11.70% walking, 1.14% bicycling) of person trips reported from the NHTS Pacific Division study, to the total nearby residential population (871). There are approximately 112 people within close proximity of the District that utilize walking or bicycling as their mode of transportation.

In order to determine the portion of the 112 persons that reside within the District, we applied the 2009 NHTS walking trip percentage (12.84%) to the District population (327). Approximately 42 people within the District boundaries use walking or bicycling as their primary mode of transportation. Therefore, the total surrounding neighborhood area population, located outside of the District boundaries, but in close proximity the landscaping improvements, that uses walking or bicycling as their primary mode of transportation is estimated to be 70 people.

<b>Community</b>	<b>Estimated Number of Persons</b>
District	42
Sundrop subdivision	36
Sinclair Renaissance subdivision	34
<b>Walking or Bicycling Population</b>	<b>112</b>

In order to obtain a better picture of the overall level of general benefit provided by the landscaping improvements, the pedestrian traffic that utilizes walking or bicycling as the mode of transportation that will seek out and use the District improvements, but live outside of the District, must be considered. The 2009 NHTS further details the purposes of the reported walking (21,252 in millions) and bicycling (2,066 in millions) trips; based on the property types people entering the District would most likely do so for social or recreational activities.

<sup>5</sup> U.S Department of Transportation. Federal Highway Administration. (2011). *Summary of Travel Trends: 2009 National Household Travel Survey*. (Report No. FHWA-PL-11-022). Retrieved from <http://nhts.orl.gov>

<sup>6</sup> U.S. Census Bureau. (2010). *Profile of General Population and Housing Characteristics: 2010, 2010 Demographic Profile Data. Milpitas, C.A.* Retrieved March 23, 2015, <http://quickfacts.census.gov/qf/d/states/06/0647766.html>

<sup>7</sup> Ibid.

The following details the number of walking and bicycling trips, based on the 2009 NHTS study, for each of the activities that are the most likely reasons people outside of the District would use the landscaping improvements:

<b>Trip Purpose</b>	<b>Number of Walking/Bicycling Trips (in millions)</b>
Social/Recreational	6,442
<b>Total</b>	<b>6,442</b>

Of the total number of walking and bicycling trips reported, 6,442 (in millions) or 27.63% are for purposes that persons outside of the District may use the landscaping improvements. Applying this percentage (27.63%) to the number of people walking or bicycling as their mode of transportation and that reside outside of the District (70), there are approximately 19 people (general benefit) that may use the landscaping improvements, but do not reside within the District. Taking the 19 people that may walk or bicycle, but reside outside of the District, divided by total residential population with access to the landscaping improvements (871), the estimated percentage of persons, engaging in what is considered general benefit because they do not reside within the District, represents 2.21%.

Los Coches Street and Sinclair Frontage Road

The City does not have a study showing traffic volume along Los Coches Street and Sinclair Frontage Road along the District boundaries. The portion of the maintained landscaping that is located along Los Coches Street and Sinclair Frontage Road provides some general benefit to pass-through traffic. Before the determination and allocation of the percentage of special and general benefit for the District can be made, the estimated pass-through traffic must be computed. The pass-through trips are vehicles driving along the maintained streets within the District for a portion of their trips, but not living or conducting business in the District and benefiting from the landscaping improvements in place.

The Sundrop and Sinclair Renaissance residential communities are located directly across the street and next to the District, and vehicles entering and/or exiting these communities in all likelihood are passing by a portion of the landscaping improvements for a portion of their trip. In lieu of having a study that identifies the pass-through traffic, the estimated number of trips generated for each community has been calculated based on the number of units and average number of trips per dwelling unit.

<b>Community</b>	<b>Number of Residential Units<sup>1</sup></b>	<b>Estimated Number of Daily Vehicle Trips<sup>2</sup></b>	<b>% of Total Daily Vehicle Trips</b>
District	98	933.0	44.34%
Sundrop subdivision	83	790.2	37.56%
Sinclair Renaissance subdivision	80	380.8	18.10%
<b>Total</b>	<b>261</b>	<b>2,104.0</b>	<b>100.00%</b>

- (1) Number of Residential Units is from the City's Approved Projects map.<sup>8</sup>
- (2) Per the ITE Trip Generation Report a single family residence generates an average of 9.52 trips per dwelling unit.<sup>9</sup>
- (3) Number of daily trips has been reduced by 50% to account for vehicles entering and exiting the community from the opposite direction on Sinclair Frontage Road, and not driving along the portion of Los Coches Street and Sinclair Frontage Road with landscaping improvements maintained by the District.

As detailed above, based on the average number of daily vehicle trips generated for the communities in close proximity to the District, 1,171 (55.66%) are generated by residential units located outside of the District (general benefit).

<sup>8</sup> City of Milpitas. (2013). Approved Development Projects. Retrieved from [http://www.ci.milpitas.ca.gov/government/planning/proj\\_approved.asp](http://www.ci.milpitas.ca.gov/government/planning/proj_approved.asp)

<sup>9</sup> *Trip Generation, 9<sup>th</sup> Edition: An Informational Report of the Institute of Transportation Engineers.* (2012). Washington, DC: Institute of Transportation Engineers.

All Locations and Landscaping Improvements – Residential Pass-thru Benefit

The general benefit percentages determined in the previous sections for Los Coches Creek and Berryessa Creek (2.21%) and Los Coches Street and Sinclair Frontage Road (55.66%) were then applied to each corresponding location with landscaping improvements. The landscaping square footage being maintained by the District was provided by the City’s Public Works Department. The general benefit percentage for each street type was multiplied by the total square footage being maintained for such street. The general benefit square footage was summed for all street segments and divided into the total square footage of all landscaping maintenance. The result is the combined general benefit percentage. The following table details this calculation.

<b>Street Name</b>	<b>Total Square Footage</b>	<b>General Benefit Percentage</b>	<b>General Benefit Square Footage</b>
Los Coches Creek	4,572	2.21%	101
Berryessa Creek	21,025	2.21%	465
Los Coches Street	24,747	55.66%	13,773
Sinclair Frontage	2,568	55.66%	1,429
<b>Totals:</b>	<b>52,912</b>		<b>15,768</b>
<b>Landscaping General Benefit</b>			<b>29.80%</b>

Based on the above calculations, the general benefit portion of the improved aesthetics and increased safety resulting from the landscaping improvements is estimated to be 29.80%.

Public at Large General Benefit

Given the location and nature of the improvements, it is very unlikely the public at large would seek out or use the landscaping improvements within the District. In addition, there are more direct routes to access the industrial complexes/businesses located to the south of the District than the 2 lane Los Coches Street and Sinclair Frontage Road. Nevertheless, it is perceivable that members of the public at large may pass-thru a portion of the landscaping improvements, even if it’s lost or leisure traffic. As such, general benefit of 2.00% has been assigned for the landscaping improvements to the public at large.

Collective District-Wide General Benefit

Since the District is comprised of improved aesthetics and increased safety benefits resulting from the collective landscaping improvements, the activity of both pedestrians and vehicles, and the public at large must be addressed in a collective form rather than independently. The sum of the calculated general benefits is the total general benefit related to all pass-thru traffic. This general benefit result is provided in the table below:

Residential Pass-thru General Benefit	29.80%
Public at Large General Benefit	2.00%
<b>Total General Benefit</b>	<b>31.80%</b>

The general benefit, which is the percentage of the total budget that must be funded through sources other than assessments, is 31.80%. The special benefit then, which is the percentage of the budget that may be funded by assessments, is 68.20%.

## 5. METHOD OF ASSESSMENT

### 5.1. Method of Assessment Spread

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All parcels in the District on which residential dwelling will be constructed specially benefit from the improvements to an equivalent extent. These parcels are therefore assessed on a per lot basis for the maintenance and operation of the District, including incidentals and appurtenances, and will include all the costs of maintenance and/or operating the improvements. As outlined in Section 4, the total amount of general benefit from the improvements is determined to be 31.80%.

The maximum assessment rate for Fiscal Year 2015/16 is estimated to be \$417.67. The April 2015 CPI was not available at the time of writing of this Report. The Fiscal Year 2015/16 CPI increase and maximum rate per lot was estimated using the February 2015 CPI.

Each year the maximum assessment rate shall be increased by the percentage change from April 1<sup>st</sup> of the prior fiscal year to April 1<sup>st</sup> of the current year by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-San Jose.

### 5.2. Maximum Assessment Rates

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The following table provides the maximum assessment rate for Fiscal Year 1998/99 through the current fiscal year:

Historical Maximum Rates			
Fiscal Year	CPI	% Increase <sup>1</sup>	Maximum Rate
1998/99	164.6	N/A	\$269.70
1999/00	172.2	4.62%	282.153
2000/01	178.7	3.77%	292.803
2001/02	189.1	5.82%	309.844
2002/03	193.0	2.06%	316.234
2003/04	197.3	2.23%	323.280
2004/05	198.3	0.51%	324.918
2005/06	202.5	2.12%	331.800
2006/07	208.9	3.16%	342.286
2007/08	215.842	3.32%	353.661
2008/09	222.074	2.89%	363.872
2009/10	223.854	0.80%	366.789
2010/11	227.697	1.72%	373.086
2011/12	234.121	2.82%	383.611
2012/13	238.985	2.08%	391.581
2013/14	244.675	2.38%	400.904
2014/15	251.495	2.79%	412.079
2015/16 <sup>2</sup>	254.910	1.36%	417.675

(1) Percentage increase from April 1 of the prior year to April 1 of the current year in the US Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and US City Average, San Francisco-Oakland-San Jose.

(2) The April 2015 CPI was not available at the time of writing of this Report. The Fiscal Year 2015/16 CPI increase was estimated by using the February 2015 CPI.

### **5.3. Appeals**

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Any property owner who feels that the amount of their assessment is in error as a result of incorrect information being used to apply the foregoing method of spread, may file an appeal with the Finance Director of the City. Any such appeal is limited to correction of an assessment during the current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Finance Director shall promptly review the information provided by the property owner and if he/she finds that the assessment should be modified, he/she shall have the authority to make the appropriate changes in the assessment roll. If any such changes are provided after the assessment roll has been filed with the County for collection, the Finance Director is authorized to refund to the property owner the amount of any approved reduction.

## 6. ASSESSMENT DIAGRAM

The following page provides a copy of the assessment diagram of the District.

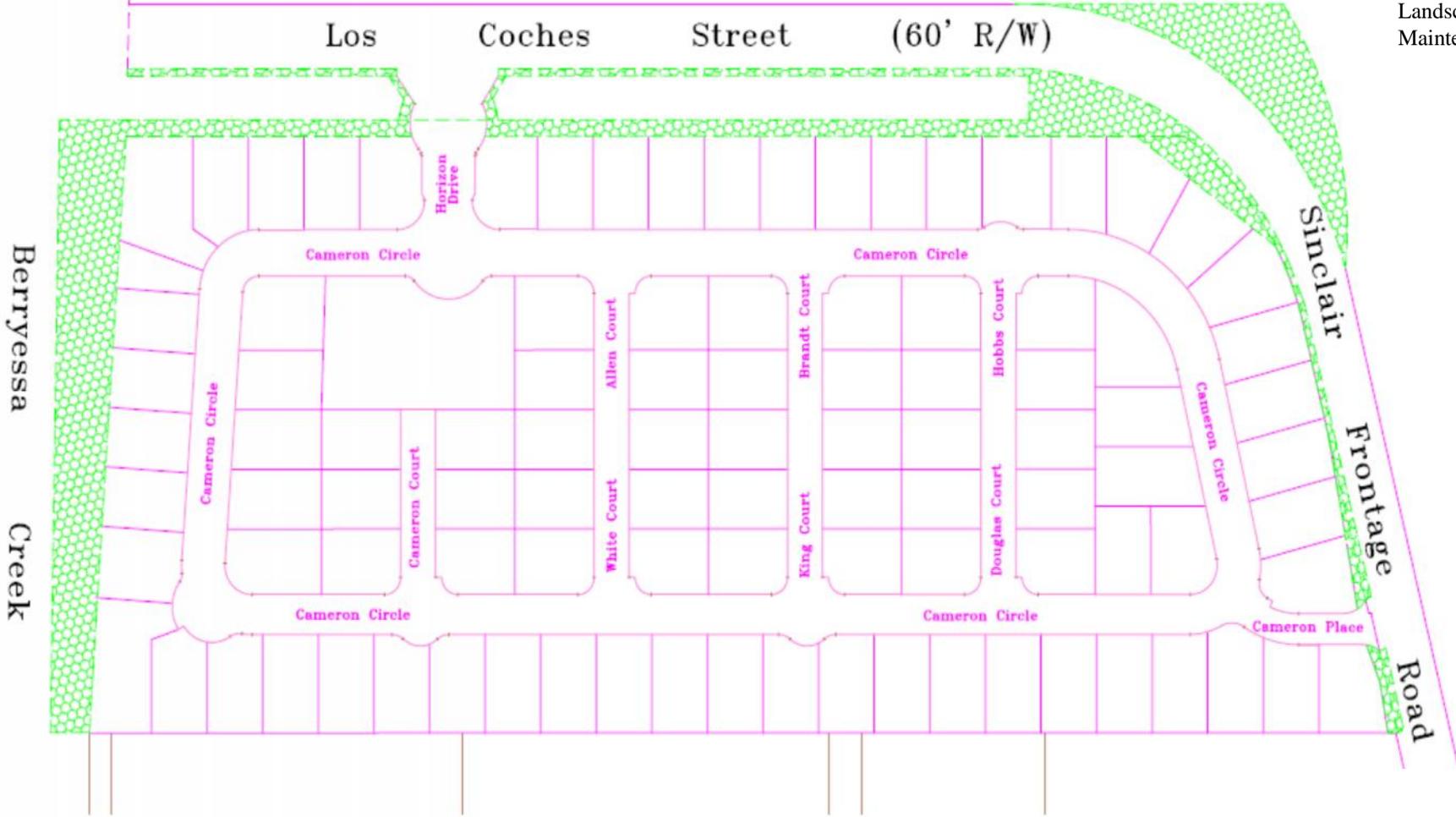


**Exhibit A**  
**Landscape and Lighting Maintenance Assessment District**  
**NO. 98-1**

**LEGEND**



Landscape Area  
 2015-2016 Fiscal Year  
 Landscape Area Funded For  
 Maintenance



NOT TO SCALE

VICINITY MAP	Landscaping and Lighting Maintenance Assessment District No. 98-1	Not to Scale
	MILPITAS, SANTA CLARA COUNTY, CALIFORNIA	

## 7. ASSESSMENT ROLL

The assessment roll is a listing of the proposed assessment for Fiscal Year 2015/16 apportioned to each lot or parcel, as shown on the last equalized roll of the Assessor of the County of Santa Clara. The following page shows the assessment roll for Fiscal Year 2015/16.

**City of Milpitas**  
**Landscaping and Lighting Maintenance Assessment District**  
**No. 98-1**  
**Fiscal Year 2015/16 Assessment Roll**

APN	Assessment ID	Owner	Amount
086-48-001	1	HUYNH CONNIE C AND NGUYEN HUNG	\$388.2966
086-48-002	2	DAM MIKE MINH CHI AND JAMIE LO TRUSTEE	388.2966
086-48-003	3	SANTIAGO SIMON AND RACHEL	388.2966
086-48-004	4	GDK ENTERPRISE LLC	388.2966
086-48-005	5	NOGUERA ALEX D AND GUTIERREZ-NOGUERA MARLI	388.2966
086-48-006	6	KEMPIS BENJAMIN S AND EVANGELINE Q TRUSTEE	388.2966
086-48-007	7	SHILEDAR ADITYA AND BADHE PRIYA P	388.2966
086-48-008	8	XU JIANZHONG AND WANG XIAOMIN ET AL	388.2966
086-48-009	9	LAM TUAN AND NGUYEN YEN N	388.2966
086-48-010	10	VU JOSEPH ANH AND TRAN YENLINH T	388.2966
086-48-011	11	GUTIERREZ ALEJANDRO J AND SOLITA A	388.2966
086-48-012	12	ECAL ERLINDA E AND GEORGE E	388.2966
086-48-013	13	DELA CRUZ DALE E AND JEANETTE M	388.2966
086-48-014	14	RAMOS DIEGO AND SANDY	388.2966
086-48-015	15	NGUYEN TUNG K AND LAC V	388.2966
086-48-016	16	LADLE GORDON B AND MARICAR C	388.2966
086-48-017	17	JACKSON PAUL K AND BRITTON-JACKSON VIVIAN	388.2966
086-48-018	18	CAO MICHAEL T AND TAM VUONG	388.2966
086-48-019	19	MIGUELINO OSCAR T JR AND JUDY Y	388.2966
086-48-020	20	NGUYEN HA AND BUI THUAN	388.2966
086-48-021	21	TRAN KENNETH L AND LENA L TRUSTEE	388.2966
086-48-022	22	AGBUYA ALBERT P AND AMORFINA G TRUSTEE	388.2966
086-48-023	23	PATEL BHUSHAN AND AARTI M	388.2966
086-48-024	24	KOH CHENG-CHEE ET AL	388.2966
086-48-025	25	GADIGE BHASKAR V AND HIMABINDU	388.2966
086-48-026	26	AGARWAL SHIV AND TAYAL MANISHA	388.2966
086-48-027	27	NARVAEZ HOWARD M TRUSTEE & ET AL	388.2966
086-48-028	28	LEUNG PAUL K AND NANCY M	388.2966
086-48-029	29	TRAN MICHAEL AND TIFFANY	388.2966
086-48-030	30	WU XILONG AND YU ZHEBIN TRUSTEE	388.2966
086-48-031	31	WONG IRENE TRUSTEE	388.2966
086-48-032	32	QU HUA AND WANG KAILIN	388.2966
086-48-033	33	RAGHUNATHA SWAROOP AND PADUBIDRI LALITHA BH	388.2966
086-48-034	34	GUDURI VINOD AND LAKMA SHAILAJA	388.2966
086-48-035	35	YAU TIMOTHEUS AND PEGGY	388.2966
086-48-036	36	VOLADRI RAMA K AND GURJAL MANI R	388.2966
086-48-037	37	CHU WEI MUN	388.2966
086-48-038	38	AGRAWAL RAKESH AND KANSAL ESHA	388.2966
086-48-039	39	DUNN ERIC J AND BUI TRANG THI THUY	388.2966
086-48-040	40	MUNE DEREK AND LEE TERRI L	388.2966
086-48-041	41	AGGARWAL RAHUL AND SHELLY	388.2966
086-48-042	42	RAO QIZHOU AND SHAN MENGWEN	388.2966
086-48-043	43	LOW NEE-LOONG AND OH BEE-BEE	388.2966
086-48-044	44	VOGETY RAMANAGOPAL V AND VEDANTAM KANYALAKS	388.2966
086-48-045	45	MAI KENNY CHI AND PAULINE	388.2966
086-48-046	46	DO KHAN AND NGUYEN THU K TRUSTEE	388.2966
086-48-047	47	TSAI JULIE Y ET AL	388.2966
086-48-048	48	GDK ENTERPRISES LLC	388.2966
086-48-049	49	PEI NICHOLAS	388.2966
086-48-050	50	WANG RONG AND GAO YUJIE	388.2966
086-48-051	51	LY PETER T	388.2966
086-48-052	52	WONG JAMES	388.2966
086-48-053	53	FANG XIONG AND WANG QING	388.2966
086-48-054	54	LAN DI AND CAO RONG	388.2966
086-48-055	55	LAM RONNY AND JULIE TRAN	388.2966
086-48-056	56	ZHOU GUO QUAN AND LIU XIN	388.2966
086-48-057	57	LI HONG AND TU MINGHU	388.2966
086-48-058	58	DUGYALA ANURADHA	388.2966

**City of Milpitas**  
**Landscaping and Lighting Maintenance Assessment District**  
**No. 98-1**  
**Fiscal Year 2015/16 Assessment Roll**

<b>APN</b>	<b>Assessment ID</b>	<b>Owner</b>	<b>Amount</b>
086-48-059	59	AU JONSON C AND OR SOPHIA YUK YU	388.2966
086-48-060	60	WONG CARMEN ET AL	388.2966
086-48-061	61	BASANI SHAILESH AND SUPRIYA	388.2966
086-48-062	62	LEE ANDREW AND LIU LISA	388.2966
086-48-063	63	AZALI ALBERTUS H AND TUNGGAL WENDA TRUSTEE	388.2966
086-48-064	64	NIGAM AJAY AND ANJULA TRUSTEE	388.2966
086-48-065	65	KOMATSU HIROYUKI AND MIKA	388.2966
086-48-066	66	NAIR SEEMA	388.2966
086-48-067	67	BIALA CHARITO M TRUSTEE & ET AL	388.2966
086-48-068	68	NITAFAN DEMETRIO B AND CECILIA C	388.2966
086-48-069	69	NGUYEN TANYA VINH ET AL	388.2966
086-48-070	70	HUYNH QUANG AND VO JASMINE TRUSTEE	388.2966
086-48-071	71	PATEL GITA V TRUSTEE	388.2966
086-48-072	72	FENG HAIJUN AND ZHONG WEIHONG	388.2966
086-48-073	73	XUE WEI AND SUN LI	388.2966
086-48-074	74	OO JUSTIN THANT HSIN	388.2966
086-48-075	75	PRABHU VIVEK R AND SUNITA TEJWANI TRUSTEE	388.2966
086-48-076	76	HSIAO JEFF C AND NGUYEN ANGELA T	388.2966
086-48-077	77	CHIN MICHAEL AND MARY TRUSTEE	388.2966
086-48-078	78	TRUONG PHILLIP TRUSTEE	388.2966
086-48-079	79	XIONG XIANG D AND YEE VICKY TRUSTEE & ET AL	388.2966
086-48-080	80	EDUSADA ROMEO D AND EMMA R	388.2966
086-48-081	81	ARUNACHALAM SARAVANAN AND KRISHNAMOORTHY SA	388.2966
086-48-082	82	LI GANG AND MA NAN	388.2966
086-48-083	83	BUKIN KONSTANTIN V AND HSIEH PING	388.2966
086-48-084	84	DESAI RAJENDRA J AND PRATIMA R	388.2966
086-48-085	85	ZHAO QIANG JIMMY AND YUO JENNY BIN	388.2966
086-48-086	86	HUANG DEZHONG	388.2966
086-48-087	87	PIERCE BRAD A AND KOH CHENG-CHEE TRUSTEE	388.2966
086-48-088	88	AHUJA SUMEET AND RUCHI	388.2966
086-48-089	89	DEVADAS MANJUNATH AND KARVETI HEMALATHA	388.2966
086-48-090	90	LIEU TONY AND TIFFANY	388.2966
086-48-091	91	HO HOWARD AND LUU IVY TRUSTEE	388.2966
086-48-092	92	LIM PERRY F AND DIXIE M TRUSTEE	388.2966
086-48-093	93	LU COURTNIÉ	388.2966
086-48-094	94	QUANG TONY D	388.2966
086-48-095	95	SINGLA SANJEEV K AND ANITA	388.2966
086-48-096	96	PAL SHIRISH C AND DAS SUJATA S	388.2966
086-48-097	97	ANNADATA ANIL K AND VEEPURI SRAVANTHI	388.2966
086-48-098	98	ONG PHILIP J JR AND UYEN T	388.2966
			<b>\$38,053.07</b>