



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA (REVISED AS OF MAY 17, 2019)

TUESDAY, MAY 21, 2019
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
&
BARBARA LEE SENIOR CENTER, 40 N. MILPITAS BLVD., MILPITAS, CA

6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

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

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING

Pursuant to California Government Code Section 54957.6

City Negotiator: Liz Brown, Human Resources Director

Employee Groups: Professional and Technical Group & Mid-Management and Confidential Group

Under Negotiation: Wages, Hours, Benefits, and Working Conditions

(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Employee Position: City Manager

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

- Certificates to Members of Community Emergency Response Teams (CERT)
- Commendations to Participants in the Community Advisory Commission's Annual Mobile Home Park Spring Clean Up

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight’s agenda. Speakers must come to the podium, state their name and city of residence for the Clerk’s record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

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 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. If removed, this item will be discussed in the order in which it appears on the agenda.

C1. Receive City Council Calendars of Meetings for May and June 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council meeting minutes of April 30 and May 7, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve City Council meeting minutes of April 30 (special meeting) and May 7, 2019 (regular meeting).

C3. Permanently Change the Milpitas National Night Out day to align with the Nationally Recognized Date of the first Tuesday in August (Staff Contact: Police Captain Raj Maharaj, 408-586-2416)

Recommendation: Move to permanently change the Milpitas National Night Out day to align with the Nationally recognized date of the first Tuesday in August.

C4. Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Hudson Campus Center, LLC for Development at 115 North McCarthy Boulevard (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Hudson Campus Center, LLC for development at 115 North McCarthy Boulevard.

C5. Approve the 5-Year Agreement with McCampbell Analytical, Inc. for Water Quality Laboratory Testing Services (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Authorize the City Manager to execute a Professional Service Agreement with McCampbell Analytical, Inc. for Water Quality Laboratory Testing Services for a five-year agreement amount not to exceed \$230,140.

C6. Approve Amendment No. 1 to the Contract with West Coast Arborist, Inc. for City Owned Tree Maintenance Services (Staff Contact: Tony Ndah, 408-586-2602)

Recommendation: Authorize the City Manager to approve Amendment No. 1 to the contract with W Coast Arborist, Inc. in the amount of \$150,000 for citywide tree removal services.

C7. Adopt a Resolution Directing Staff to Fly the Eritrea Independence Day Flag at Cesar Chavez Plaza (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Adopt a Resolution directing staff to fly the Eritrea Independence Day Flag on May 24, 2019 at the Cesar Chavez Plaza.

PUBLIC HEARINGS

8. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2019-20 (Staff Contact: Steve Erickson, 408-586-3001)

Recommendations:

- a) Open the public hearing, receive any comments, and move to close the hearing following any testimony.
- b) Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2019-20.

9. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, for Fiscal Year 2019-20 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- a) Open the public hearing, receive any comments, and move to close the hearing following any testimony.
- b) Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2019-20.

LEADERSHIP AND SUPPORT SERVICES

10. Consider Recommendation from Councilmember Nuñez for One Appointment to the Milpitas Planning Commission (Contact: Councilmember Nuñez, 408-586-3023)

Recommendation: Receive Councilmember Nuñez's recommendation of Ricky Ablaza, and consider confirming his appointment by Mayor Tran to a term on the City of Milpitas Planning Commission that would expire in December 2020.

NEXT AGENDA PREVIEW

11. Receive Preview of Next Regular City Council meeting on June 4, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

City Council, staff and members of the audience are requested to depart the Council Chambers and move to the Senior Center for the study session next.

STUDY SESSION AT BARBARA LEE SENIOR CENTER (Starting time approximately at 8:00 PM)

12. Receive an update on the General Plan Update project and Recommendations from the General Plan Advisory Committee (GPAC), Discuss the Land Use Alternatives Report, and Provide Direction to staff regarding the Preferred Land Use Map (Staff Contact: Ned Thomas, 408-586-3273)

Recommendations: Receive update on the General Plan Update project from the consultant team and staff; receive recommendations from the General Plan Advisory Committee (GPAC) and discuss the Draft Land Use Alternatives Report; and, provide direction to consultant team and staff regarding the preferred General Plan Land Use Map.

ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING
Tuesday, June 4, 2019

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 agencies of the City exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people’s review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney’s office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City’s website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk’s office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk’s office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

April 2019						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Milpitas City Council Calendar

May 2019

June 2019						
S	M	T	W	T	S	S
					5	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
			2:00 PM -Santa Clara VTA - Northeast group (RT) (Santa Clara) 7:00 PM -Community Advisory Commission (BN)	5:30 PM -Santa Clara VTA Board of Directors (RT) 5:30 PM -Milpitas Chamber of Commerce Board (CM)		9:00 AM US Passport Fair @City Hall Lobby
5	6	7	8	9	10	11
	7:00 PM -Parks, Recreation & Cultural Resources Commission (AP)	5:30 PM -Closed Session 7:00 PM -City Council	4:30 PM-City Council Finance Subcommittee (RT/CM) 7:00 PM -Planning Commission 7:00 PM -Silicon Valley Clean Energy Board of Directors (BN) (Cupertino)	4:00 PM -Santa Clara VTA Policy Advisory Committee (KD) 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 7:00 PM -Cities Assoc of SCC (CM) 7:00 PM -Youth Advisory Commission (AP)	4:00 PM -City Council Rules	
12	13	14	15	16	17	18
	4:30 PM -Economic Development & Trade Commission (KD)		11:00 AM -Public Safety Appreciation Day (Council Chambers) 6:00 PM City Council Budget Study Session @ B. Lee Senior Center	6:30 PM -Bay Area Water Supply Conserv Agency (San Mateo) 7:00 PM -Public Safety & Emergency Prep Commission (KD)		
19	20	21	22	23	24	25
	7:00 PM -Science, Technology, & Innovation Commission (BN) 7:00 PM -Library & Education Commission (CM)	?:00 PM -Closed Session 7:00 PM -City Council	7:00 PM -Planning Commission	12:00 PM -Terrace Gardens Board of Directors (BN) 4:30 PM -SV Regional Interop. Authority Board of Directors (KD)		
26	27	28	29	30	31	
	CITY HOLIDAY  9:00 AM Memorial Day Ceremony (Veterans Plaza)	7:00 PM -Arts Commission (CM)	6:00 PM -PD Promotional Badge Ceremony (Council Chambers)			

May 2019						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
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Milpitas City Council Calendar

June 2019

July 2019						
S	M	T	W	T	S	S
				6		
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 4:00 PM- LGBTQ Event (Cesar Chavez)
2	7:00 PM -Parks, Recreation & Cultural Resources Commission (AP) 3	?:00 PM -Closed Session 7:00 PM -City Council 4	2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (RT) (Santa Clara) 5:30 PM -Veterans Commission (RT) 7:00 PM -Community Advisory Commission (BN) 5	8:30 AM -ABAG General Assembly (KD, AP) – Oakland, CA 5:30 PM -Milpitas Chamber of Commerce Board (CM) 5:30 PM -Santa Clara VTA Board of Directors (RT) 6	7	8
9	4:00 PM -Economic Development and Trade Commission (KD) 10	11	*4:30 PM -City Council Finance Subcommittee (RT/CM) 7:00 PM -Silicon Valley Clean Energy Board of Directors (BN) (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 (KD) 7:00 PM -Youth Advisory Commission (AP) 7:00 PM -Cities Assoc of SCC (CM) 13	14	15
16	7:00 PM -Science, Technology, and Innovation Commission (BN) 17	?:00 PM -Closed Session 7:00 PM -City Council 18	6:00 PM -Energy & Environmental Sustainability Commission (BN) 19	20	21	22
23	24	1:30 PM -Senior Advisory Commission (BN) 25	7:00 PM -Planning Commission 26	27	28	29
30					June 28 - July 1 US Conference of Mayors -Hawaii (RT/KD)	

*Finance Subcommittee will meet only as needed

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Special Meeting of Milpitas City Council
Date: Tuesday, April 30, 2019
Time: 5:30 PM
Location: Barbara Lee Senior Center,
40 N. Milpitas Blvd., Milpitas

CALL TO ORDER

Mayor Tran called the meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano and Nuñez

ABSENT: Councilmember Phan was absent at roll call. He arrive at 5:41 PM.

APPROVAL OF AGENDA

On a motion by Councilmember Montano, seconded by Councilmember Nuñez, the agenda was approved on a vote of 4 in favor with 1 member absent.

PUBLIC FORUM

Frank DeSmidt of the Milpitas Rotary Club reported on the successful fundraising event held the prior Saturday, April 27, at Ta restaurant. Funds raised would go to Boys and Girls Clubs.

1. MASTER FEE SCHEDULE

Interim Finance Director Jane Corpus explained the requirement to bring to Council this review of City fees and charges and the need for appropriate cost recovery. Approval of a new updated Master Fee Schedule would be requested for a vote on May 15. She discussed fees as identified in the recent study on Development Services for various departments: Planning, Engineering (Land Development), Fire Prevention, and Building. Ms. Corpus displayed a chart listing 81% as the overall current cost recovery of these services, while City staff recommended that figure be closer to 100%.

Councilmember Montano commented about assuming residents of certain categories being low-income, and to focus potential relief programs for low-income residents. She reported for example that not all seniors nor mobile home park residents were necessarily low income.

Ms. Corpus detailed other dept. (non-development) fee changes recommended. For example, animal licensing fees, Sports Center membership fees and other recreation fees. For Police Department increased fees for records, finger printing, issuing parking citations, and false alarm fees as penalty,

Vice Mayor Dominguez asked about established fees for massage businesses, and Assistant Police Chief Moscuza responded stating that topic, along with a new ordinance, would be coming before the City Council soon.

Councilmember Nuñez asked if the low income discount was included in the fees. Assistant City Manager Ashwini Kantak said that would be part of the budget, to be presented in a few weeks.

More detailed cost recovery evaluation for all other fees for services (for example, development) would be done in FY 2019-20. Mr. Nuñez wanted the definition of “disadvantaged community groups.” Ms. Kantak said staff was looking for input from Council. Mr. Nuñez was not in favor of subsidy for homeowner routine repair and maintain housing stock while he did support an annual escalator for all fees based on Memorandums of Understanding, like development services fee.

Mayor Tran supported his colleague, in terms of getting clear definition on disadvantaged community groups.

Vice Mayor Dominguez wanted to pull away from the “disadvantaged” community group term. If residents were already on a subsidy or Care program, then the person could be included. Define low income in the Milpitas area, not relying on Care. Regarding subsidy for Accessory Dwelling Units (ADUs), if a low income unit was for rent, then allow that person a subsidy. She asked about third party verification on alarms, and Assistant Police Chief Moscuza said no right now, but would consider it for the future.

Councilmember Phan generally would not support something that’s a “handout.” After assistance, what about after that, what then? Connecting people to other housing resources. The City needed workforce and economic development connecting workers with jobs, incentives to hire youth, e.g. Being energy efficient, he felt, was a focus now. Focus on fees that go to Public Safety. Charge the customer if Police did go out to respond to an alarm call (all calls charged full rate). He wanted to ensure all services provided, while collecting the fee.

Councilmember Montano wanted an emergency one-time relief fund for subsidies to help people when needed and to include low income residents. She believed there was a program for low income loans existing, to help those who needed assistance to remodel their homes. Deputy City Manager Steve McHarris responded to her and she then supported an annual escalator for all fees.

City Manager Julie Edmonds-Mares commented on how to apply an approach to subsidy or incentive, and the impact on the City’s General Fund which would have to backfill any subsidies offered.

Councilmember Nuñez commented on lower percent cost recovery for many Recreation services. Recreation Services Director Renee Lorentzen responded, explaining that the City traditionally offered recreation programs at prices that residents could afford, and not necessarily at rates that were intended to be full cost recovery. Mr. Nuñez felt that direction was not given in the past - where the Council wanted to be on cost recovery levels (lower than other departments.). He felt the subsidies were not targeted to those most in need and the city needed to target to those appropriate people.

Vice Mayor Dominguez felt the obligation for equity on these fees for roof, water, electricity upgrades to a home – to ensure those are provided. Consider a subsidy, if possible, as she did not want people to by-pass the legal steps.

Mayor Tran asked Ms. Lorentzen about the impact on the Milpitas Knights football program, with regard to change in fees on the football fields. She replied there was no impact for youth sport user groups.

Councilmember Nuñez gave an example from a Southern California program, for example, in Fullerton, CA.

Councilmember Phan agreed with the Vice Mayor’s comments. The City needed to increase affordable housing stock. He wanted to make sure vendors would pay a living wage, and to have fair labor practices. He commented on day care costs, as a current concern.

Councilmember Montano urged the Council to start moving up cost recovery in Recreation so it would be closer to best business practices. Staff replied with current approaches to private rentals versus use of the auditorium by the Center for Performing Arts theater group.

Mayor Tran asked to lower the deposit to \$500 from \$750 when renting out City facilities. Staff could swipe a credit card for deposit to make it more affordable to families. He felt the City was pricing out diverse families.

Councilmember Nuñez would support that as long as Councilmember Montano’s comment on the theater program would allow the City to get out of contract with the program, in order to allow more available use of the Community Center Auditorium. Councilmember Phan suggested maybe a waiver for groups. Ms. Lorentzen explained the current approach and Mr. Phan suggested to expand for groups that were not non-profits.

Vice Mayor Dominguez inquired about fees for National Night Out (NNO) and a possible subsidy program. Staff explained that city parks were blocked out on that date each year, so groups could use parks for NNO and thus there were no fees. The Vice Mayor said that faith-based groups would like an approach for those groups to use parks for yoga, e.g., even if they were not a 501c3 non-profit. She asked about picnic area fees and commented on use of parks by groups and classes offered. She asked for a list of past groups that were given subsidies.

The Vice Mayor remarked that she did not see it anywhere that Councilmembers had access to spaces (facility use), and felt the Council should have free use of public spaces or parks.

Councilmember Phan responded that as long as there was a public benefit to the event, he would support that. The City could have a set-aside fund for office of each Councilmember. Perhaps they could have the City Attorney or other sign off on that fact. Vice Mayor Dominguez said it could be on number of uses per member, perhaps, rather than a fund.

The City Manager asked the Council to consider what was the priority of the Council’s use of City facilities, and then those could come back to the Council.

At 7:07 PM, Mayor Tran opened the public hearing.

Dan Boatwright, of Castle Properties at 260 S. Main Street across from Catholic Church, referred to a current fee, on fire and water related charges on water meters. He discussed fire flow for water and wanted to ask staff to separate out residential size from other flow in order to charge the proper amount. Mr. Boatwright asked Council to give clarification to staff, and to make domestic separate from fire flow meter fee.

The City Manager responded that she could take this back to staff to discuss and come back at a future meeting.

Robert Marini, asked about the use of parks and benefits. He referred to candidate’s use of a park and raising funds. He needed explanation from Karina Dominguez of her proposal about the use of public spaces.

Voltaire Montemayor, resident, was for the good of everybody. He supported subsidies for people, if funds were available. On the issue of false alarms, a penalty charged was alright.

Councilmember Nuñez stepped away from the meeting for a few minutes prior to the vote below.

Motion: to continue the public hearing on the Master Fee Schedule to the special City Council meeting scheduled on Wednesday, May 15, 2019 at 6:00 PM

Motion/Second: Councilmember Phan/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nunez)

2. VOLUNTARY TAX COLLECTION AGREEMENT

Economic Development Director Alex Andrade explained the request for the City Council to approve an agreement (Voluntary Collection Agreement or “VCA”) related to collecting Transient Occupancy Tax (hotel tax of TOT) from short term rental owners in the city.

He introduced Economic Development Coordinator Daniel Degu, who described short term rentals in Milpitas and how those were regulated. Only one short term renter paid such tax presently with 341 such rentals operating in Milpitas as of November 2018. Staff anticipated revenue to be approximately \$260,000 annually. Mr. Degu described five key provisions of the proposed voluntary agreement. If it was signed by May 31, then TOT could be collected starting July 1, 2019. Staff identified six cities that had entered into agreement with Air B’n’B to date.

Councilmember Nuñez asked if Air B’n’B would hold the City harmless with regard to liability at sites. City Attorney Diaz replied that the city would collect tax on the short term use (similar to a hotel night stay), as required under the TOT ordinance. Private tenant use would be covered by the homeowner association and/or the renter.

Councilmember Montano asked what the other six cities were doing. Staff said the agreement (VCA) was similar for each city, which then was collecting its TOT at established rates.

Councilmember Phan focused on the key word “voluntary” on the part of Air B’n’B. Its goodwill brought the VCA to the City Council. He referred to relief for those folks who needed housing. Maybe this revenue could go to those who needed rental assistance or affordable housing, instead of going to General Fund. Funds into the Housing Authority would be valuable and/or maybe a public-private partnership for this goal, using credits perhaps.

Councilmember Montano agreed with the concept of putting funds into the Housing Authority.

Resident Robert Marini noted that Air B’n’B was a profitable company and so he asked why would it want to go in on this arrangement.

Councilmember Nuñez asked the two corporate representatives Mick Del Rosario and Allison Peck if the company’s stock went up or down, after the VCA agreements with other cities were signed. Mr. Del Rosario provided some context on the part of Air B’n’B for signing onto the agreements. .

How the money was used, once collected, could be discussed at the scheduled upcoming budget study session on May 15, said the City Manager.

In response to Councilmember Montano, Ms. Peck spoke of the company’s global tax policy and how Air B’n’B had partnered with the disaster response team at City of San Jose recently, stating how it could help provide homes during wildfires or following other disasters.

Motion: to approve and authorize the City Manager to execute a Voluntary Collection Agreement with Airbnb, Inc. for collection of the City’s Transient Occupancy Tax on Residential Short-Term Rentals, with negotiating authority granted to the City Attorney to negotiate better terms with Air B’n’B, Inc.

Motion/Second: Councilmember Nuñez/Councilmember Phan

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

3. GENERAL PLAN STUDY SESSION PREPARATION

Councilmember Nuñez left the room and the meeting at 7:50 PM.

Planning Director Ned Thomas referred to upcoming meeting to give a broad update on General Plan and status, per hired consultants for that major long term policy document. Land Use map. He introduced Barbara Nelson, consultant for FCS. She was hired to help prepare staff and Council for the upcoming future meeting with the General Plan consultants.

Consultant Barbara Nelson remarked that a City’s General Plan was its “constitution for future development.”

Mr. Thomas gave history on efforts to date, including formation of General Plan Advisory Committee., with 14 land use alternatives, at locations all around the city. Maps with the alternatives were available.

Ms. Nelson then listed next milestones on the General Plan update, with four dates for 2019 actions and the General Plan Advisory Committee (GPAC) recommendations and Land Use Alternatives report. She defined City Council role and that of other participants: GPAC, community, Planning Commission and city staff.

Councilmember Montano mentioned the school district also should be noted in the roles. Staff reminded her that the Schools Superintendent Cheryl Jordan served as a member on the GPAC.

14 opportunity areas would be discussed on May 21, and staff would seek input and direction from City Council along with Land Use Alternates Report and GPAC recommendations.

Mayor Tran thanked staff for work done on this topic to date.

Councilmember Phan noted progress on GPAC since Mr. Thomas arrived at the city. He spoke of non-conforming uses and zoning within the General Plan. He wanted to incorporate some type of “Social Justice” element when forming the General Plan. Planning Manager Jessica Garner replied how that could be included in the “Health and Wellness” element the City would include.

Mayor Tran acknowledged receipt of that staff report and then adjourned the meeting at 8:35 PM.

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: **Joint Meeting of Milpitas City Council and
Milpitas Housing Authority**
Date: **Tuesday, May 7, 2019**
Time: **5:30 PM Closed Session
7:00 PM Open Session**
Location: **Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas, CA**

CALL TO ORDER

Mayor Tran called the meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez and Councilmember Nuñez

ABSENT: Councilmembers Montano and Phan were absent at roll call. Both arrived in Closed Session.

CLOSED SESSION

City Council convened in Closed Session to discuss four matters listed on the agenda.

City Council convened at the dais for the Open Session regular agenda at 7:00 PM.

ANNOUNCEMENT

City Attorney Chris Diaz stated there was nothing to report out of Closed Session.

PLEDGE

The pledge of allegiance was led by Boy Scouts from Troop No. 92.

INVOCATION

Vice Mayor Dominguez invited Rev. Jethroe Moore to offer a prayer to start the meeting.

PRESENTATION

Mayor Tran presented the following, alongside City Councilmembers:

- Proclaimed *National Public Works Week* for May 19 – 25, 2019, accepted by Public Works Director Tony Ndah and several employees of the department.
- Proclaimed May 2019 as *Affordable Housing & Building Safety Month*, accepted by Sharon Goei and staff from the Building, Housing and Code Enforcement units.
- Proclaimed May 2019 as *Older Americans Month*, accepted by several members of the Milpitas Senior Advisory Commission, including Chairman Denny Weisgerber.

PUBLIC FORUM

Galen Boggs, from US Representative Ro Khanna's office, invited all to the Congressman's May Town Hall event in Santa Clara on Saturday, May 11 from 1:30-3:00 PM. On June 7, there would be a Milpitas Town Hall.

Yolie Garcia, resident and MCE Board member, helped Milpitas High School theatre students, who were invited to the Fringe Festival in Edinburgh, Scotland. Students were fundraising, so Council was invited to a Friday dinner event to seek donations for the students' trip.

Robert Aguirre, lived in San Jose, spoke for houseless people in Santa Clara County. He noted the amount of houseless people in the area and asked Council to do all it can to move people off the streets, and urged more affordable housing for all.

John Agg, Milpitas resident and Chair of the Arts Commission, spoke of the eight students from Milpitas High School who would go to the theatre festival in Scotland. He urged Councilmembers to attend the spaghetti dinner fundraiser on Friday night.

Frank DeSmidt, Milpitas Rotary Club, also encouraged Council to go to the fundraiser dinner. The Milpitas Rotary Club wanted to support the dinner for students on May 10.

Steve Siddell, resident, noted Los Coches road and its appearance, which was much improved since last year and thanked Council and staff for the work done. He thanked the Milpitas Police Officers and all they do for the community.

Joseph Weinstein, Hamilton Ave. resident, thanked City Council for their service to the City.

Maureen Cruzen of Verizon Wireless gave a brief presentation about the company’s “small cell program” for expansion of cellular phone technology throughout Milpitas. This was to meet consumer demand in the marketplace.

Councilmember Nuñez asked about the status of the process and inquired about AT&T. City Manager Julie Edmonds-Mares replied that staff could respond with an information memo on this topic regarding all companies seeking to place cellular technology in the City.

Voltaire Montemayor, resident, was at Big Al’s the prior day when it opened. He supported sports and spoke about funds, and city plans that were yet unfunded regarding parks.

Emmanuel Manalang, resident and retired veteran, noted everything is not perfect. He thanked City Council for the good job they were doing.

Rob Means, 1421 Yellowstone resident, addressed the Council regarding Sierra Club magazine and global warming and the climate crisis.

ANNOUNCEMENTS

City Manager Edmonds-Mares invited all to breakfast with Public Safety on Saturday, May 11 at 9:00 a.m. at the parking lot of the Milpitas Police Department on N. Milpitas Blvd.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions.

The City Attorney said that Councilmember Nuñez would recuse himself from voting on agenda item no. 14 (fee waiver request from the Nuñez Community Foundation).

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

CONSENT CALENDAR

Mayor Tran requested the Councilmembers to express any requests regarding consent items.

Councilmember Nuñez asked to remove item no. 11 (National Night Out) and stated he would not vote on no. 14 (fee waiver request).

Councilmember Montano asked to remove items no. 8 (1700 Sango Court), no. 9 (reimbursement of expenditures) and no. 14 (fee waiver request).

Motion: to approve the consent calendar including agenda items numbered 1 – 15, excluding those numbered 8, 9, 11 and 14

Motion/Second: Councilmember Montano/Councilmember Nuñez

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

Mayor Tran wanted to move item no. 16 (report from VTA staff) to the very front of discussion items and move item no. 21 (rent control) to be heard after that (second), then item no. 20 third.

Councilmember Phan requested the Council to hear no. 17 before no. 21. Mayor Tran responded that no. 17 could be heard after no. 20.

- * 1. Council Calendars Accepted City Council calendar for May 2019.
- * 2. Meeting Minutes Approved City Council meeting minutes of April 16, 2019.
- * 3. Adopt Ordinance No. 38.833 Waived the second reading and adopted Ordinance No. 38.833 for regulation of accessory dwelling units.
- * 4. Adopt 2 Resolutions – LLMD No. 95-1 Adopted Resolution No. 8865 approving the Annual Engineer’s Report, and adopted Resolution No. 8866 declaring its intention to levy and collect assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1 McCarthy Ranch, and provided Notice of a Public Hearing to be held on May 21, 2019.
- * 5. Adopt 2 Resolutions – LLMD No. 98-1 Adopted Resolution No. 8867 approving the Annual Engineer’s Report, and adopted Resolution No. 8868 declaring its intention to levy and collect assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1 Sinclair Horizons, and provided Notice of Public Hearing to be held on May 21, 2019.
- * 6. Adopt Resolution Adopted Resolution No. 8869 awarding a construction contract to and authorizing the City Manager to execute the contract with St. Francis Electric, LLC in the amount of \$595,100 for the McCarthy/Sandisk Traffic Signal Project, Project No. 4292, and authorized the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$89,500 for the project.
- * 7. Adopt Resolution Adopted Resolution No. 8870 requesting allocation of Transportation Development Act (TDA), Article 3 Funding for the City’s Americans with Disabilities Act (ADA) Curb Ramp Transition Program, and appropriated the funding received into Project No. 4283.
- 8. Adopt Resolution The City Manager stated the 1700 Sango Ct. land would be directly across the street from 355 Sango Ct. (project voted on earlier at this meeting). The city looked forward to future park plans for the land once acquired, in the TASP area.

Motion: to adopt Resolution No. 8871 authorizing the City Manager to execute a Purchase and Sale Agreement and all related closing documents for Property at 1700 Sango Court (APN 086-36-012) within the Transit Area Specific Plan (TASP) area to accommodate expansion of Augustus Rathbone Park and approved a budget amendment

Motion/Second: Councilmember Phan/Councilmember Montano

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

- 9. Adopt Resolution Councilmember Montano asked staff to explain why this action was requested. Finance Consultant Jim Steele responded about rate plans for public noticing on water and sewer capital improvement services, and needing to fund bonds for those system improvements.

Motion: to adopt Resolution No. 8872 authorizing reimbursement of certain water and wastewater capital improvement expenditures from the proceeds of future indebtedness

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

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

- *10. Agreement for Police Canine Training Approved the 5-Year Professional Services Agreement with Precision K9 for Milpitas Police Department canine training in the amount not to exceed \$195,000.
11. National Night Out on First Tuesdays each August This item was removed from consent but not heard.
- *12. Agreement for On-call Environmental Services Approved and authorized the City Manager to execute Master Professional Service Agreements with the selected consulting firms to provide on-call environmental consulting services for the Milpitas Planning Department.
- *13. Donation Request Approved a \$500 donation to Milpitas Historical Society to defray costs of a touring bus for historical tour of Milpitas on June 22, 2019.
14. Fee Waiver Request This item was removed from consent but not heard.
- *15. Support Legislation Authorized the City Manager to submit letters of support to state legislators for Assembly Bill 1235 - Youth Homelessness Prevention Centers; Assembly Bill 291 - Local Emergency Preparedness and Hazard Mitigation Fund; Assembly Bill 344 – New Beginnings California Program; Assembly Bill 916 - Suicide prevention; Assembly Bill 688 - Firearms: vehicle storage; Senate Bill 438 - Emergency Medical Services: Dispatch; Senate Bill 531 - Local Agencies: Retailers. Received update on Senate Bill 50 - Planning and Zoning: Housing Development: Incentives.

COMMUNITY DEVELOPMENT

- 16.** Presentation by Staff of the Santa Clara Valley Transportation Authority Per a prior request from Councilmember Carmen Montano, Transportation Engineer Steve Chan said the Council would receive an oral presentation from Santa Clara Valley Transportation Authority (VTA) staff Berniz Alaniz on the Bay Area Rapid Transit (BART) Extension and Montague Expressway Pedestrian Overcrossing projects.
- Ms. Alaniz presented current information to the City Council, including a powerpoint presentation with maps and current plans for the BART station, connections with VTA buses, parking and other topics.
- Councilmember Montano asked about the art planned at the Milpitas BART station. She wished to know what was planned based on past Council direction to include Milpitas history at the site.
- Councilmember Nuñez felt the VTA was doing a great job bringing BART and other services. He wanted to know if there was agreement about shared use of the parking structure with the neighborhood around the BART station. Ms. Alaniz said it would be available to anyone who'd like to use it and park for a fee. Mr. Nuñez asked about the bid put in for police services at the station, while VTA staff was not certain when that would be awarded.
- Councilmember Montano asked when would the Milpitas BART station be open, and Ms. Alaniz responded hopefully in late 2019 - by the end of the year.
- No vote was taken and Mayor Tran thanked the VTA staff for her presentation and information provided.
- Councilmember Montano wanted to know when she could learn the date of what when a contract would be awarded for public safety, so she could bring some residents to ask the SCVTA Board to hire Milpitas Police Department. The City Manager said staff could find out that information, and respond back to the Council.
- Mayor Tran invited members of the audience to comment next.
- Robert Aguirre, resident, asked if handicap parking would be free, as in the rest of the City.

Paul Tecada, stating he represented his co-renters on East Calaveras Blvd. wanted to address the next item (on housing).

A resident spoke on the sanitation and cleanliness at BART station and hoped that would be a top priority for the management of the new station in Milpitas.

17. HOUSING

AUTHORITY- funding for 355 Sango Court development

Building & Housing Director Sharon Goei provided a background report on the action requested, related to an affordable housing project in the city. She described work staff had done with the County on Measure A funding for this project at 355 Sango Court.

Planning Director Ned Thomas described the entitlement features for 355 Sango Court, including the approved “Density Bonus” and the approved site development permit for 102 affordable housing units at this location.

Ms. Goei reviewed costs and the funding formula for the project, including land acquisition by the developer. The loan request at this meeting was to help in the construction phase. She reviewed Housing Authority assets.

Mayor Tran asked for public comments.

Huascar Castro of Silicon Valley at Home spoke in support of the funding for the much needed affordable housing to be built at 355 Sango Court. He asked City Council for a positive vote.

Ms. Brown from Resources for Community Development (RCD) thanked Council for consideration and support for this project. RCD was looking forward to moving forward on it.

Allysson McDonald, resident, urged a vote in favor of this loan to bring affordable housing and leverage funds for the developer to build the project.

Voltaire Montemayor, resident, said they need a running start so help them.

Tom Valore, resident, said this seemed like a “no brainer.” He urged Council to get behind actions of this nature with a need to help the most vulnerable of the community.

Robert Mize, a Milpitas pastor, asked for support for this item.

Councilmember Nuñez inquired as to the amount of the state’s loan for this project.

Ms. Brown from RCD described funding from the state and the county, along with this loan. Mr. Nuñez asked her if the state money (\$10 million) was almost assured, and she replied no. If not successful in this round, then the developer RCD would apply again.

Mayor Tran felt the key was finding the funding on the project with a total close to \$84 million.

Councilmember Phan asked how much was in the current Housing Authority fund and Ms. Goei responded: \$7.5 million total. Mr. Phan asked if there were other applicants asking for money for affordable housing, and staff replied \$125,000 requested by one developer.

The City Manager asked County staff to come to the podium to address the competitive funds available for affordable housing from Measure A funds.

Councilmember Phan asked County staff what the amount was that came from City taxpayers. It was a parcel tax so she could find out that information. He wanted the agreement to include if there were any “leftover” funds, those would be released back equally to all government partners. How this occurred was explained by RCD staff.

Councilmember Montano asked if there would be a learning center/homework club included with the project when built. There would be robust social services and other programming planned on that site.

City Manager Edmonds-Mares noted that 40 veterans or formerly homeless people from Milpitas would be housed there, based on past Council action.

The City Council, acting as the Board of the Milpitas Housing Authority, took action next.

Motion: to adopt Housing Authority Resolution No. HA 28 authorizing the development loan to Sango Court LP in the amount of \$6.5 million; and, to approve a budget appropriation of \$6.5 million from the Housing Authority Fund reserve into the Fiscal Year 2018-19 non-departmental operating budget

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

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

COMMUNITY SERVICES

18. Design and Funding for Fire Station 2 Replacement This item was not heard.

LEADERSHIP

19. Appointment to Planning Commission This item was not heard.

20. Council Rules Subcommittee This item was not heard.

REPORT

21. Consideration of Direction to Council on Rent Control and Just Cause Eviction Housing Authority Administrator Robert Musallam provided a background report on why the Council was discussing this topic of potential new ordinances for tenant protections, including past receipt of the report from the Citizens Task Force on Housing Protections.

Vice Mayor Dominguez felt this was the time for a vote on an urgency ordinances, while some of her colleagues had time in the past to discuss this topic. It was the time for action to do something to address the housing crisis. She called her program “rent stabilization” and it was to fulfill her commitment on challenging conversations. Move this forward, she asked. She want to vote on ordinances for rent control and just cause eviction (JCE).

Councilmember Nuñez wanted to say what the Council was going to do, to finish the conversation, after he listened to all the comments from the community who came to the meeting. Milpitas was not unique on these housing issues in the city, he stated.

A large number of people were in the audience, and Mayor Tran invited speakers to the podium to address the City Council, limited to one minute each.

Speakers:

Huascar Castro, staff of Silicon Valley at Home, noted the real need for policies to protect tenants. He read his comments for the record.

Yolie Garcia, resident, was in support of emergency ordinances for just cause eviction and rent control for residents.

Allysson McDonald, resident, said the Board of Sunnyhills Neighborhood Association voted to endorse emergency ordinances to support tenants in Milpitas. She urged adoption of ordinances.

Huy Tran, resident of San Jose and on the Housing Commission in that city, said there were two

sides to the issue of housing. There's need to build more housing and keep people in their homes.

Eddie Truong, Director of Government Relations for Silicon Valley Organization in San Jose, spoke in strong opposition to rent control and other limitations on rent and housing opportunity.

Anil Barbar, of the California Apartments Association and member of the Housing Task Force, said rent control reduces the supply of affordable rental housing units. Owners take units off the market and can convert to condominiums.

Rob Means, resident, poked fun at the approach of keeping things as they are, with no change. He told Council the city needed both of the urgency ordinances.

Tiffany spoke in solidarity with renters in the City. Many people were moving out to the Central Valley to afford a place to live. She supported a rental registry.

Arturo, spoke in Spanish to City Council, and mentioned rising rents and wanted a solution from the City Council.

John Maranthal, worked with Affordable Housing Network, knew that housing was an extreme issue. Do right for Milpitas.

Naseem, member of a County Council, thanked the City Council for actions on support to renters in Milpitas, because housing was essential. Vote yes on rent control and JCE.

Robert Aguirre, of San Jose, supported tenant protections for those in need in the City, including elderly residents. The city did not need more homeless people.

Michael, resident of Milpitas, commented on homelessness as a societal problem. It had a very long term impact.

A man from Silicon Valley Rising urged support for voting for both urgency ordinances, as tenants should not face eviction.

William Au, resident of Sunnyhills Apartments, wanted to have rent control as soon as possible.

Michael, staff attorney at Law Foundation of Silicon Valley, represented tenants at other cities where rent control and JCE laws were implemented. It was good for Milpitas to join other communities with these needed protections.

Joseph Weinstein, represented four generations of housing providers and clients, spoke of two elderly tenants in some buildings. Other costs go up, like water rates, and repair costs for building owners were not covered under the ordinance.

Rosario, spoke in Spanish to the Council, said her landlord raised her rent by \$400 recently with no warning. She did not have enough income to cover the dramatic increase. She asked for help to keep from being evicted, for her family and other residents.

Chris Tallen, of San Jose, where he lived in a rent controlled apartment, and he spoke of profit and ethics. Profit was a luxury and was not essential.

Milt Krantz, San Jose resident, spoke in favor of JCE and a rent cap.

Heidi Wolf-Reed, long time resident, was a housing advocate and felt the City would be going backwards if these ordinances were approved. Need more housing overall.

Steve Sidell, a 73 year old resident, was once a renter in San Francisco years ago. He supported certain just causes, and did not agree with putting people out just to raise rent. He wanted Council to allow people to rent out rooms.

A Milpitas resident spoke about data in Milpitas, and few calls received by city about evictions and complaints of rent increases. He did not support urgency ordinances.

A Milpitas resident was raised in a low income family, he used to be renter, while the root cause was insufficient housing. So more housing was needed to solve the problem.

Jim, 20 year resident and homeowner, did not believe JCE and rent control was the solution to housing in Milpitas. More building was the answer. Don't limit landlord rights.

Victor San Vicente, resident, said he represented a client who had rental property in Milpitas and spoke of the man's retirement income.

Fayu, Milpitas resident and a landlord, was opposed to JCE and rent control. She urged City Council to study what other cities had done, and the financial impact to these proposals. Voters opposed and voted down Proposition 10 last fall.

David, from the South Bay Labor Council, asked for support of all tenants by approving JCE and rent control proposals. Keep this a safe and open place to live for all and support renters.

A Milpitas resident who worked in Palo Alto said he lived here since he could not afford Palo Alto. He felt the solution was more housing.

Mina Young, Milpitas owners group, said they all used to be renters and now were landlords. Rent control kills housing.

A man, who was a researcher, supported the proposed ordinances and spoke of regional and state level actions on housing issues. Reasonable regulations were needed.

Hien La, 15 year resident and tenant at Sunnyhills Apartments, noted most tenants were working class, seniors, living check to check. They needed justice for all.

A man, homeowner in Milpitas, spoke about his analysis to consider renting out his property. These ordinances could make it too costly to do so.

A woman said rent control and unfair JCE would cause rental unit owners to remove units from the rental market.

Wendy Wong, from San Francisco, spoke of the "horror story" of rent control that was spreading like cancer, with limiting the supply of rental housing. Rent control did not work.

A woman spoke on behalf of her 86 year old mother, who lived on low income from Social Security. She rented one unit, for \$800 below market. Protect small landlords, she asked.

Voltaire Montemayor, resident, said it was hard a decision, with extremes - meet in the middle.

Mr. Ma, a small housing provider, referred to housing crisis. There were failed policies of rent control and JCE. Fremont had a policy of a housing panel to hear complaints about rent increases, and only one case came forward to date.

A Fremont man felt the two proposed policies would make the housing market even worse.

A woman resident remarked on speakers from San Jose, while this was City of Milpitas. Don't mimic those policies and wanted the focus on Milpitas policies.

Ken, 10 year resident of Milpitas, was not in favor of rent control as a policy. There was no emergency. On proposition 10, Milpitas residents were not in favor of that.

A woman resident said she was against JCE. Landlord should have the right to determine how to manage property. Landlords needed rights too. Rent control was hurting the marketplace.

A woman Milpitas homeowner was against rent control. She was a landlord and if rent control did go in, she could remove the house from the market.

George, a landlord in Milpitas, spoke of difficult, bad tenants. With JCE, he could not let go of tough renters so he was opposed to that policy.

A woman spoke in Spanish to the Council, saying that if landlords provided tenants rights, they would not be present at this meeting. She wanted protections for families and did not want folks living in cars and motels.

Sandy Perry, of the Affordable Housing Network, spoke of a meeting at the County. When housing one homeless person, three more people were found homeless. The item this evening was protection, which he supported.

Vanessa, who lived in apartments on Calaveras, said the landlord was raising the rent and would give just three days to move out.

A man resident and registered voter in Milpitas was concerned about homeless students and families in the city. Tenants have no rights, with no laws to back them up. He spoke of Costa-Hawkins law and single family houses were exempt from rent control.

A young mother liked living in Milpitas, as a good place for her children. She asked for support and vote in favor of JCE and rent control.

Sharlene, represented 400 housing units as manager for Essex including Apex Apartments properties in Milpitas, said economics show that these ordinances do not work. No research supported it and would have limited short term impact on tenants. She asked the Council to fight hard for housing as well as jobs.

Mr. Lu, lived in Milpitas since 1993, said it was a nice place to live. He was a homeowner and a house provider. He did not believe rent control was going to work, as a landlord.

Mr. Sharma, a 10 year resident of Milpitas, was opposed to JCE and rent control, since it did not work and was bad for tenants and landlords.

Tiffany, lived here since 2008, said did folks did not need rental control in the City. This was a demand and supply issue.

William Tam, a landlord in Milpitas for more than 20 years, rented out units more than 20% below market. He would raise it to market price if rent control was implemented or sell.

A man who lived in Milpitas for 18 years, felt this was a great community to raise his kids. He could rent out his kids' rooms in the rental market. Vote no on JCE and rent control.

Ling Kong, lived in Milpitas and grew up in a City that had rent control for 40 years, where rent control did not work. It had not worked in San Francisco nor San Jose. Doing something right in Milpitas with homeownership at nearly 70% of residents.

Sandy had a house that she rented out in Milpitas. JCE and rent control did not work. Those would bring more problems and would be unfair to landlords.

A man, who spoke in Mandarin Chinese language to Council, thanked the Vice Mayor for bringing the proposal to the Council but direction provided was wrong, he believed. JCE was not because of the landlord since issues were with tenants, not the responsible landlords.

Evan, a landlord and former renter in Milpitas, wanted to know if renters had complained about the level cost of rent. He quoted a KQED recent story. Landlord needed to pay the mortgage no matter what protections were granted to tenants.

A man from San Jose was in favor of the proposed tenant protections. There was a need for proposals to protect current affordable units. Urged a rent cap for human rights.

Vicky Young, 26 years resident of Milpitas, noted that Milpitas residents voted against Proposition 10 last November. Landlords were working hard too, just like renters as noted. Do more study - she opposed JCE and rent control.

A man, 30 year resident of Milpitas, did not feel JCE would work.

A woman, speaking in Spanish to the City Council, spoke on behalf of children becoming homeless due to rising rents and lack of affordable housing. Her daughter, in English, asked for a vote in favor of rent control to be fair to families and children.

Tom Valore, resident, addressed the overall problem of the need for affordable housing needed, stating that people needed to come to a resolution to the problem together. Do research and come up with solutions on how citizens deal with it.

The public comments section of the meeting concluded at 10:00 PM.

Mayor Tran said he supported rent control in Milpitas. It only applied to units built before 1995, and would not impact rental of single family homes, per state law. There would be some costs to the city in order to enforce a law on rent control. Government intervention was okay for tenant protections that he supported.

Councilmember Nuñez felt it was brave of the Vice Mayor to sign on to both memos she prepared to the Council. He asked the City Manager what actions the Council could take. The City Attorney stated the agenda recommendation was to seek direction from Council to the staff on what ordinance to bring back for adoption.

Mr. Nuñez said City Council needed to help and assist those who really needed it. He asked how many rental units there were in the City. He referred to non-binding arbitration in Fremont, and mediation, as possible ideas. A process needed to be Council-led, not staff-led. Just Cause does not do enough, he felt. Lots of "natural" partners he believed City would work with. Look at a living wage ordinance in the city. Allow renters to be offered at least a one year lease, allow only one increase in that time, and have non-binding arbitration to help both sides work things out. Have all of that go on to the Housing Commission, and have two City Councilmembers make all that work. He wanted to bring it back to Council within 60 days.

Mayor Tran told the tale of where he first lived when his family moved to Milpitas, to an apartment on Dempsey Road when he was in the fourth grade.

Councilmember Montano thanked all the speakers for coming to the meeting and giving their opinions. The Council had various opinions, like the public speakers, including the previously recommended Housing Commission, and subsidies to families for helping with utilities. She suggested an "emergency" fund to help those needing money for moving. Council just voted to approve Accessory Dwelling Units (regulation by ordinance). 15% of all new developments must be for affordable units. More housing was the solution.

Ms. Montano supported the City of Fremont concept of non-binding arbitration. She wanted revenue from Air B'n'B units to go into the Housing Authority (as her proposal). She also referred to the statewide CASA compact for housing.

Vice Mayor Dominguez had received a lot of phone calls from residents on this issue. She then responded to some of comments made by speakers and other Councilmembers. She wanted to move this topic forward in order to provide needed protections in the ordinances that she had drafted along with two memos to Council. She reported on what she had found out about rental apartments in Milpitas, when she recently walked door to door to more than 100 units. She asked City staff for figures on how many housing units there were in the City and when built.

Building Director Goei said the number of buildings built before 1995 was approximately 200 with 2,500 rental units. The Vice Mayor asked staff why it would compare to Mountain View and staff responded it was a city comparable in size in Silicon Valley. She commented on lower cost of enforcement for Milpitas versus Mountain View.

Vice Mayor Dominguez asked why ordinances for adoption were not on the agenda, as she asked. The City Manager responded that staff had followed what Councilmember specifically had requested from the podium at the last Council meeting.

Councilmember Phan thanked all the speakers. The inventory for rent-controlled units was small, and his family had searched for those in the past and he'd lived in Section 8 housing. He wanted to give people resources to be able to stand up and support their families. The argument centered on the "urgency" aspect of the suggested ordinances. There were too many ways to manipulate the intent of rent control, by all parties. Owners could respond by demolishing apartments to then build condominiums, and would displace even more people.

Mr. Phan said that rent control did not affect supply and hindered growth. He would support establishing an emergency relief fund for residents who were going to be evicted urgently, and for the City to help find housing in the City. Be pro-active with different agencies and partners.

Mayor Tran wanted to support the urgency ordinance on rent control and called for a motion.

Councilmember Montano noted City was building, along with County support, affordable units on Sango Court. She would like to create a list of people seeking affordable housing, to have ready, when this project was ready. She stated she was not in favor of Just Cause Eviction, due to the requirement on landlords to pay tenants to move out.

Vice Mayor Dominguez stated that she was not in favor of special interests.

Next, the Mayor called for a motion and a vote on both proposals.

(1) Motion: to direct staff on the request to prepare and bring back to City Council an Urgency Ordinance related to rent control for tenant protection

Motion/Second: Vice Mayor Dominguez/Mayor Tran

Motion failed on a vote of: AYES: 2 (Dominguez, Tran)
NOES: 3

(2) Motion: to direct staff on request to prepare and bring back to City Council an Urgency Ordinance recommendation related to Just Cause Eviction for tenant protection

Motion/Second: Vice Mayor Dominguez/Mayor Tran

Motion failed on a vote of: AYES: 2 (Dominguez, Tran)
NOES: 3

Councilmember Nuñez still believed the Council could implement something on both topics, and in shorter amount of time than five or six months. He wanted a Housing Commission or Council Subcommittee to meet right away, look at what was presented at this meeting and what the community suggested, and bring back to the full Council at the first meeting in June.

City Attorney Diaz said there could be direction to staff this evening on his idea.

(3) Motion: to appoint a new Council Subcommittee on Housing and appoint Councilmembers Montano and Nuñez to serve on it, to consider what was discussed at this meeting including from the community, and to bring it back to the full City Council in June

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion failed on a vote of:

AYES: 4

NOES: 1 (Dominguez)

NEXT AGENDA

22. Preview next agenda

Received the list of agenda items for the May 21, 2019 regular City Council meeting.

ADJOURNMENT

Mayor Tran adjourned the regular Council meeting at 12:12 AM on Wednesday, May 7, 2019.

*Meeting minutes respectfully drafted and submitted by
Mary Lavelle, City Clerk*



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Permanently change the Milpitas National Night Out day to align with the Nationally recognized date of the first Tuesday in August.
Category:	Consent Calendar-Public Safety
Meeting Date:	5/21/2019
Staff Contact:	Milpitas Police Captain Raj Maharaj, 408-586-2416
Recommendation:	Move to permanently change the Milpitas National Night Out day to align with the Nationally recognized date of the first Tuesday in August.

Background:

National Night Out was established in 1984 and it is a nationwide annual community-building campaign that promotes strong police-community partnerships and neighborhood camaraderie to make our neighborhoods safer. National Night Out is meant to enhance the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances.

On the first Tuesday in August, neighbors take part in National Night Out across thousands of communities from all fifty states, U.S. territories, and military bases. Neighborhoods host block parties, festivals, parades, cookouts, and various other community events with safety demonstrations, seminars, youth events, visits from emergency personnel, and exhibits. Today, 38 million neighbors in 16 thousand communities across the nation take part in National Night Out.

Analysis:

The City of Milpitas has traditionally held National Night Out on the first Thursday in August. This is inconsistent with the nationally recognized date set forth by the National Association of Town Watch. The celebration date was modified, in the City of Milpitas, to avoid a scheduling conflict with the City Council meeting held on the first Tuesday, in August.

Celebrating National Night Out on the first Tuesday in August would bring the City in line with the rest of the nation, thus making it truly a National Night Out. A celebration in unity with the rest of the nation may encourage more participation from our community members. If the recommendation is approved, staff will work with the newly established Rules Subcommittee and City Council to develop a Council meeting agenda on the first Tuesday in August that will still enable Council participation in National Night Out events.

Policy Alternative:

Alternative 1: Do not authorize the date change to recognize National Night Out.

Pros: The City Council meeting on the first Tuesday of August would not be impacted.

Cons: Milpitas citizens would not celebrate National Night Out on the nationally recognized date.

Reason not recommended: National Night Out is a national event. Celebrating the event on a different day is inconsistent with celebrating a national event.

Alternative 2: Authorize the date change to recognize National Night Out and direct staff to work with Rules Subcommittee and City Council to develop a Council meeting agenda for an alternate City Council meeting.

Pros: Milpitas citizens would celebrate National Night Out on the nationally recognized date.

Cons: The City Council meeting on the first Tuesday of August would be rescheduled to an alternate date.

Reason to recommended: National Night Out is a national event. Celebrating the event on a different day is inconsistent with celebrating a national event.

Fiscal Impact:

None

California Environmental Quality Act:

Not applicable

Recommendation:

Move to permanently change the National Night Out for the City of Milpitas from the first Thursday in August to the first Tuesday in August to be consistent with the nationally recognized date.

Attachment:

Official National Night Out 2019 flyer

**TUESDAY
AUGUST 6
2019**

POLICE • COMMUNITY PARTNERSHIPS



NATW

ring

 **Associa**

 **AT&T**

 **Academy**



Renewal by Anderson 



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Hudson Campus Center, LLC for Development at 115 North McCarthy Boulevard
Category:	Consent Calendar-Community Development
Meeting Date:	5/21/2019
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Hudson Campus Center, LLC for Development at 115 North McCarthy Boulevard.

Background:

On August 18, 2017, Planning Department staff approved a Minor Site Development Permit (MS17-0121) for three existing buildings at 115 North McCarthy Boulevard to include the removal and replacement of trees and landscaping, reconfiguration of passenger drop-off areas, new contemporary single row colonnade and new building architectural entry features.

In accordance with State law and the City's Municipal Regional Stormwater NPDES Permit ("MRP") issued by the Regional Water Quality Control Board (RWQCB), new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface are required to incorporate Low Impact Development (LID) post construction stormwater control measures into the project. LID control measures include bio-treatment areas, permeable pavement, infiltration trenches, tree well filters, and catch basin trash capture devices.

Analysis:

MRP section C.3.h.ii.(1)(a) and Milpitas Municipal Code Title XI Chapter 16 requires development project property owners meeting the 10,000 sqft threshold are required to execute and record a Stormwater Management Facilities Operation and Maintenance Agreement ("Agreement") with the City for the perpetual operation, maintenance and annual inspection of installed LID stormwater treatment facilities.

The owner of the project at 115 North McCarthy Boulevard has complied with the LID requirements and has executed the required Agreement, which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

Policy Alternatives:

Alternative 1:

Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

Cons: Not approving the Agreement would cause the project to be not in compliance with the MRP and would be prohibitive by federal and state law.

Reason not recommended: To be in compliance with federal and state law and to allow for the on-going maintenance and annual City inspection of the installed stormwater treatment devices, staff recommends approval of the Agreement.

Fiscal Impact:

None. The Developer will pay for the maintenance and inspection of the storm water facilities.

California Environmental Quality Act:

This project is categorically exempt from further CEQA review pursuant to Section 15304(b) (Minor Alterations to Land) and Section 15303(e) (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

Recommendation:

Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Hudson Campus Center, LLC for Development at 115 North McCarthy Boulevard.

Attachments:

Stormwater Management Facilities Operation and Maintenance Agreement

**Recording Requested by
and when Recorded, return to:**

CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035-5479

Attn: City Clerk
Exempt From Recording Fees per Government
Code 6103 and 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Document Transfer Tax is \$ 0

() Computed on full value of property conveyed

() Computed on full value less value of liens and encumbrances remaining

City transfer tax is \$ 0

**STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT**

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this _____ day of _____ 2019 ("Effective Date"), by and between HUDSON CAMPUS CENTER LLC ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS

This AGREEMENT is made and entered into with reference to the following facts:

- A. **WHEREAS**, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and
- B. **WHEREAS**, the Property Owner received entitlements from the City allowing the development of the Property, including new landscaping adjacent to the buildings, a reconfiguration of existing drop off areas, outdoor amenities, a new contemporary single row colonnade for all three buildings, new building architectural entry features for all three buildings, and stormwater treatment measures on a 29.94 acre site located at 115 N McCarthy Blvd in Milpitas and more commonly known as Hudson Campus Center, Project No. PJ1372, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):
1. Planning Approval letter sent on August 18, 2017 approving Site Development Permit No. P-MS17-0121.

- C. **WHEREAS**, discharges to the City's municipal separate storm sewer system ("MS4") are regulated under state and federal law pursuant to Waste Discharge Requirements and National Pollutant Discharge Elimination System permit ("MS4 Permit") issued by the Regional Water Quality Control Board, San Francisco Region ("Regional Board"); and
- D. **WHEREAS**, pursuant to the requirements of the MS4 Permit and the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), the City Approvals require the Property Owner to install, operate and maintain, at no cost or expense to the City, the Permanent Stormwater Pollution Prevention Measures ("BMPs") more particularly described in the City-approved Stormwater Control Operation and Maintenance Plan (sometimes referred to herein as "Plan") for the Project on file with the City as **Exhibit B** and fully incorporated herein by reference; and
- E. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan may be subsequently modified from time to time with City's written approval and such changes shall be fully incorporated as part of this Agreement by this reference; and
- F. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and
- G. **WHEREAS**, this Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1. Responsibility for Operation and Maintenance:

The Property Owner, at its sole cost and expense, shall construct and install the BMPs shown in Exhibit B in accordance with the plans approved by and on file with the City. Property Owner shall diligently maintain in perpetuity the BMPs in a manner assuring peak performance at all times, shall make such changes or modifications to the BMPs, subject to City's prior approval as may be reasonably necessary for the BMPs to continue to operate as designed and approved and to accomplish its intended purpose and in good repair, and in compliance with all applicable Federal, State, County and local laws and regulations, including but not limited to the Ordinance, as the same may be amended, revised, and/or replaced from time to time. The Owner shall be responsible for the costs incurred in operating, maintaining, repairing and replacing the BMPs. Property Owner shall not destroy or remove the BMPs or modify any measure in any manner that would lessen its effectiveness. Property Owner shall make available copies of the approved Stormwater Control Operation and Maintenance Plan at the site with the facility or property manager

SECTION 2: Inspection by Property Owner:

The Property Owner, at its sole cost and expense, shall conduct annual inspections of all permanent installed BMPs per the Plan. The annual inspection report shall include completion of the checklist described in the approved Stormwater Control Operation and Maintenance Plan. The BMPs must be inspected by a qualified independent inspector who is acceptable to the City. The Property Owner shall submit the Inspection Report on these BMPs to the City Engineer no later than July 15th of each year.

SECTION 3. Facility Inspection by the City:

- (a) **Right of Entry.** The Property Owner, on its behalf and on behalf of its successors and assigns, grants permission to the City, the inspectors of the Regional Board, and local mosquito and vector control agency, and their authorized agents and employees, to enter the Property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the Ordinance, this Agreement, or any other local or state requirements. The City may enter the premises at any reasonable time during normal business hours and upon at least 48 hours prior written notice (except that prior written notice is not required in case of emergency) to inspect the premises related to BMPs and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements related to BMPs. The Property Owner shall deposit and maintain a Private Job Account with the City a minimum balance of Four Thousand Dollars (\$4,000) for inspection by City Staff pursuant to this Section 3. The deposit of four Thousand Dollars (\$4,000.00) shall be made simultaneously with the execution of this Agreement.
- (b) **Security.** The City may require the Owner, its successors and assigns, from time to time, to post security in a form, amount, and for a time period satisfactory to City to guarantee performance of the obligations stated herein. Should the Owner, its successors and assigns, fail to perform the obligations under this Agreement, the City may, in the case of a cash bond, act for the Owner, its successors and assigns, using the proceeds from such cash bond, or in the case of a surety bond, require the surety to perform the obligations of this Agreement.

SECTION 4. Failure to Perform Required Facility Repairs or Maintenance by the Property Owner:

- (a) **Enforcement Action.** If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City may, but is not required to, pursue any enforcement action available at law or in equity to cause the completion of all maintenance and may charge the costs of such enforcement action against the Property Owner in any manner authorized by law or in equity.
- (b) **City Maintenance.** In the event of Property Owner's failure to operate and maintain BMPs in accordance with the Plan and the City's Ordinance, the City may also, with prior written notice, enter the Property to return the BMPs to good working order; provided however that the Property Owner shall have 30 days after any such notice, or such other time provided by law, to cure the relevant failure and provided further that the Property Owner shall have such additional time after the initial 30 days to complete a cure so long as Property Owner commences the cure within the initial 30 days and diligently prosecutes the cure to completion. Notwithstanding the foregoing, City may in its sole discretion enter the Property to return the BMPs to good working in an emergency and take any other necessary action to mitigate an emergency without any notice to Property Owner. The City is under no obligation to maintain or repair the BMPs, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this Section 4 takes any action to return the BMPs to good working order, the Property Owner shall reimburse the City for all the reasonable costs and expenses incurred by the City. The City will provide the Property Owner with an itemized invoice of the City's costs and expenses and the Property Owner shall make full payments to the City within thirty (30) days of the date of the invoice. If the Property Owners fails to pay the invoice within thirty (30) days, the City shall be entitled to cause a lien for any such unpaid maintenance expense bill to be recorded against the Property. In addition, the City shall be entitled to have the unpaid amount of the invoice placed as a special assessment on the next regular tax bill levied against the

Property, after which such assessment shall be collected in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedures under foreclosure and sale in the case of delinquency as provided for ordinary municipal taxes. The actions described in this section are in addition to and not in lieu of other legal remedies provided by law. Notwithstanding the above, it is understood that City is under no obligation to repair or maintain the BMPs, and in no event shall this Agreement be construed to impose any such obligation on City.

- (c) Specific Performance. The provisions of this Agreement are expressly declared to be for the benefit of the City. The City may bring an action to obtain specific performance of this Agreement and may recover its costs, including attorney fees, incurred in bringing such action.

SECTION 5: Successors and Assigns:

Property Owner hereby declares that the Property shall be held, transferred, encumbered, used, conveyed, leased and occupied subject to the covenants, conditions, restrictions, easements and rights set forth herein for the use and benefit of each of the Lots. All of the limitations, easements, uses, obligations, covenants, restrictions and conditions stated herein shall run with the Property and shall be binding upon Property Owner, its successors and assigns, any and all parties having or acquiring any right, title or interest in or to the Property or any part thereof or interest therein and shall inure to the benefit of and be binding upon each successor-in-interest thereto.

Upon transfer of the property, the Property Owner shall provide the new owner with the current Plan and a copy of this Agreement and shall, in any event, be released from all obligations under this Agreement as of the effective date of the transfer of the Property.

SECTION 6. Indemnity:

The Property Owner, on Property Owner's behalf and on behalf of all successors in interest pursuant to Section 5 of this Agreement, shall indemnify, release, hold harmless, and defend the City and its authorized agents and employees from and against any and all demands, suits, liabilities, fines, losses, damages, accidents, casualties, occurrences or claims, including reasonable attorneys' fees, against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the property under Section 4. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense, with counsel approved by City. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7. Severability:

Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions, and all other provisions shall remain in full force and effect.

SECTION 8. Non-Discrimination:

The Property Owner shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of this Agreement.

SECTION 9. Governing Law:

City and Property Owner agree that the law governing this Agreement shall be that of the State of California and that Property Owner shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments.

SECTION 10. Recordation:

Property Owner shall, within 10 days after the effective date of this Agreement, record or cause the Agreement to be recorded in the Office of the Recorder, Santa Clara County, California, at the expense of the Property Owner, which recording shall constitute notice of the obligations herein set forth and a covenant running with the land and shall be binding upon all of the successors and assigns in title to the Property. In the event Property Owner fails to timely record this Agreement, City shall be authorized but not required to record the Agreement.

SECTION 11. Books and Records:

- A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in any way relating to the performance of this Agreement for a minimum period of three (3) years, or for any longer period required by law.
- B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at no cost to City, at reasonable any time during regular business hours, upon at least 48 hours' prior written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's address indicated for receipt of notices in this Agreement.

SECTION 12. Notices:

All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

To CITY:

City of Milpitas
 Attn: City Engineer
 455 East Calaveras Blvd.
 Milpitas, CA 95035

To PROPERTY OWNER:

Hudson Campus Center LLC
 11601 Wilshire Blvd,
 Unit 9 FL
 Los Angeles, CA 90025

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the mail.

SECTION 13. Venue:

In the event that suit shall be brought by either party to this contract, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

SECTION 14. Interpretation, Prior Agreements:

This Agreement, including all Exhibits attached hereto, represents the entire understanding of the parties as to those matters contained herein. In the event that the terms specified in any of the Exhibits attached hereto conflict with any of the terms specified in the body of this Agreement, the terms specified in the body of this Agreement shall control. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may be modified only by a written amendment duly executed by the parties to this Agreement.

[Signatures on Next Page]

IN WITNESS WHEREOF, the Parties execute this Stormwater Management Facilities Operation and Maintenance Agreement as of the last date set forth below:

PROPERTY OWNER:

By:

By: Mark T. Lannas
Name: MARK T. LANNAS
Title: COO/CFO/Treasurer

By: _____
Name: _____
Title: _____

CITY:

CITY OF MILPITAS, A MUNICIPAL CORPORATION:

Recommended for approval

By:

Steven Erickson, Engineering Director/City Engineer

Approved as to form

By:

Christopher Diaz, City Attorney

By:

Julie Edmonds-Mares, City Manager

Please note that this is a placeholder for the acknowledgement. So use the most current version of the acknowledgement

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On April 8, 2019, before me, Julieta Marrero, a Notary Public, personally appeared Mark T. Lammis, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julieta Marrero



THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE

EXHIBIT A

Legal Description for the Property

ALL OF PARCEL A AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JUNE 6, 2002 IN BOOK 749 OF MAPS AT PAGE 13, 14, 15 AND 16.

EXHIBIT B
Stormwater Management Plan

STORMWATER CONTROL PLAN
For
CAMPUS CENTER SILICON VALLEY – MILPITAS
115 - 135 N. MCCARTHY BLVD.
REMODEL & SITE IMPROVEMENT

August 25, 2017

Prepared for:

HUDSON CAMPUS CENTER, LLC

HUDSON PACIFIC PROPERTIES

11601 Wilshire Blvd., 10th Floor

Los Angeles, CA 90025

(323) 806-2966

Prepared by:

WARE MALCOMB

Michael Murphy, P.E.

4683 Chabot Drive, Suite 300

Pleasanton, California 94588

(925) 244-9620 Phone

(925) 244-9621 Fax



TABLE OF CONTENTS

I. Project Description.....	3
II. Hydrolic Modification Applicability Determination.....	3
III.Existing Soil Conditions.....	4
IV.Feasibility of Infiltration.....	4
V. Feasibility of Rain-Harvesting and Reuse.....	4
VI.Site Constraints and BMP Measures.....	4
VII. Site Design Features.....	5
VIII. Post Construction BMP Maintenance and Source Control.....	5

APPENDICES

Storm Water Requirements - C.3 Data Form	A
Infiltration/Harvesting and Use Feasibility Worksheet	B
Special Project Worksheet	C
Soil Properties	D
MRP Calculation Worksheet	E
BMP Sizing Calculations	F
Site Plan – Drainage Areas, Treatment Areas, and Flow Lines	G
Details for Each Treatment Measured	H
Operations and Maintenance Plan	I
3 rd Party Certification	J
Vicinity Map	K

I. PROJECT DESCRIPTION

A. PROJECT LOCATION AND DESCRIPTION

The project site as shown in Attachment K (Vicinity Map) is located at 115-135 N. McCarthy Blvd, Milpitas, CA 95035. The site is bound by N McCarthy Boulevard to the east, by undeveloped land to the north/west, and by Ranch Drive to the south. The parcels consist of the six existing two-story buildings surrounded by asphalt parking and landscaping. The project is located in the Coyote Creek watershed and is bordered by the creek to the west.

B. ASSESSOR'S PARCEL NUMBER

The project consists of one parcel listed as follows:

- a. APN 022-56-005
- b. APN 022-56-006
- c. APN 022-56-007
- d. APN 022-56-009

C. PROJECT TYPE AND CLASSIFICATION

The project is currently zoned MP (Industrial Park) and is an existing developed site, with the plan to provide office space.

The project proposes to provide tenant improvements to the existing space with improvements to the exterior, proposed bioretention areas, new asphalt parking areas, new concrete sidewalks, new sport courts, a new portable building as well as new landscaping for sidewalks.

D. POLLUTANTS OF CONCERN

The anticipated pollutants will include petroleum hydrocarbons and heavy metals from automobile traffic within the parking lots, and trash and sediment.

E. NEAREST WATER BODIES

The storm water run-off is collected via an on-site storm drainage system that discharges into the City of Milpitas storm drain system located within N McCarthy Blvd and Ranch Drive.

According to the City of Milpitas Storm Master Plan, the city storm drain system discharges downstream into Coyote Creek.

II. HYDROMODIFICATION APPLICABILITY DETERMINATION

A review of the HM Applicability Map for the City of Milpitas indicates that the project site is not subject to HM requirements, and that it is excluded from utilizing infiltration devices.

III. EXISTING SOIL CONDITIONS

The existing soil conditions have a saturated hydraulic conductivity (Ksat) that will prevent infiltration of 80% of annual runoff. The soil properties map in Attachment D indicates the Ksat ranges of the project site, which is between 0.0 to 0.1 inches/hour.

IV. FEASIBILITY OF INFILTRATION

Santa Clara Valley Pollution Prevention Program demonstrates that the project site is infeasible for constructing infiltration improvements. This project is exempted from feasibility of infiltration.

V. FEASIBILITY OF RAIN-HARVESTING AND REUSE

Based on calculations shown in Attachment A, the potential rainwater capture area is over 60,025 square feet of impervious surface. Scope of the project includes installing and using a recycled water plumbing system for irrigation of landscape on site. According to Attachment B, constructing a rain-harvesting device is infeasible due to construction cost constraints.

VI. SITE CONSTRAINT AND BMP MEASURES

Based on the calculations shown in Attachment A for the existing and proposed impervious/pervious areas, the project site is creating/replacing 60,025 square feet of impervious surface. BMPs were selected based on site conditions and infiltration/harvesting feasibility studies.

BMP sizing has been provided using the simplified Uniform Intensity Method (4% method) per the SCVURPPP C.3 technical guidance, see Attachment F.

A. BIORETENTION AREAS

The bioretention best management practice functions as a soil and plant-based filtration device that removes pollutants through a variety of physical, biological, and chemical treatment processes. These facilities normally consist of an engineered planting soil mix, ponding area, plants, and an under drain system. The runoff's velocity is reduced by passing over or through an energy dissipating cobble or rip rap and subsequently distributed evenly along a ponding area. Stored water in the bioretention area infiltrates into the underlying soils and is collected by a subdrain and conveyed to the storm drain. This project is treated via a bioretention system. See Attachment G for the location of the proposed watershed & bioretention area. All required bioretention areas are equal to 4% of the impervious area within the contributing watershed area.

B. LABELING OF STORMWATER INLETS

Storm water inlets will be labeled with the logo “No Dumping/Flows to Bay”. This educational measure is intended to prevent unlawful dumping of waste materials such as motor oil or trash into the inlets.

D. INTEGRATED PEST MANAGEMENT

Alternative methods for pest reduction methods will be employed to limit the usage of pesticides. Method includes the incorporation of planting materials. Owner and maintenance staff shall review and adhere to the Landscape Maintenance Techniques for Pest Reduction.

VII. SITE DESIGN FEATURES

The project activity will minimize land disturbed, cluster structures/pavement, includes self-treating areas and self-retaining areas. The course of the project will include beneficial landscaping, storm drain labeling, and installing three bioretention areas.

VIII. POST CONSTRUCTION BMP MAINTENANCE AND SOURCE CONTROL

A. SPILL RESPONSE PROCEDURES

- Purchase, maintain and use the proper absorbent for cleanup of different spills (absorbent materials).
 - Use rags for small spills
 - Use absorbents for large spills
- Keep handy and use drain mats or plugs to cover or temporarily block the inlet to the storm drains in order to prevent spilled fluids from entering storm drains, and to help contain spilled fluids for clean up.
- Know the type of material that is kept at your facility and the procedures that are necessary to clean the material up if a spill should occur.
- Conduct regular training for your employees on how to respond to a spill.
- Prepare a clean-up plan. The plan should be posted in a very visible place.
- Clean up spills with dry absorbent materials (i.e. kitty litter) to soak up the liquids. Use absorbent “snakes” as temporary booms to contain a liquid while you clean it up. Sweep up the used absorbent and snakes and dispose of them properly. Or, use a wet/dry shop vacuum cleaner to collect spills and dispose of the liquid. Do not use vacuums for gasoline, solvents, or other volatile fluids because of the explosive hazards.

B. PREVENTIVE MAINTENANCE OF STRUCTURAL BMPs

Regular maintenance, sweeping, and trash pick-up from the parking and landscaping areas will be employed to decrease the incidence of solids and pollutants entering into the on-site storm drainage system.

C. MATERIALS HANDLING AND STORAGE

No outside storage of materials is anticipated or allowed. Materials handling will only be allowed for normal business operations for retail use. No car washing will be allowed within the project site. No vehicle storage will be anticipated on-site.

D. EMPLOYEE TRAINING PROGRAM

Name of Party or Agency/Company responsible for training: _____ If different from above, identify party responsible for training and attach to this report. Address: _____ Phone: (_____) _____ Fax: (_____) _____ E-mail: _____		
Description of Items for Training (e.g. maintenance, inspection, pesticide use, others as applicable to site)	Training Schedule	Employees To Be Trained (Job Category or Title)
Staff will be trained to inspect and maintain the Bioretention Areas on the guidelines in Attachment I.	At start of position	Building Maintenance Staff
Building maintenance staff will be trained to comply with the storm water inlet labels painted with the logo "No Dumping/Flows to Bay". This educational measure is intended to prevent unlawful dumping of waste materials, such as motor oil, into the storm drains.	At start of position	Building Maintenance Staff.
Maintenance staff will be trained to in the maintenance of the plants and use pesticides as a last resort. When pesticides must be used, maintenance staff will be trained to do so with the least impact.	At start of position	Building Maintenance Staff

E. RECORD KEEPING

The owner shall be responsible for record keeping of all inspection and maintenance reports.

The types of records kept shall be:

1. Bioretention Area
 - a. Checklist for routine inspection and maintenance following major storm events (Attachment I)
 - b. Checklist for routine inspection and maintenance prior to rainy season and once during wet season (Attachment I)
2. Reporting to the City of Milpitas during the annual reporting period (Attachment I)
3. All records shall be kept for a period of at least 3 years.

F. RESPONSIBLE PARTY

The party responsible for maintenance, inspections, and record keeping of the storm water measures contained within this report shall be the property owner-of-record.

Storm Water Requirements - C.3 Data Form



City of Milpitas – Stormwater Requirements C.3 Data Form
Santa Clara Valley Urban Run-Off Pollution Prevention Program

Which Projects Must Comply with Stormwater Requirements?

All projects that create and/or replace **10,000 sq. ft.** or more of impervious surface on the project site must fill out this worksheet and submit it with the development project application.

All restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects (stand-alone or part of another development project, including the top uncovered portion of parking structures) that create and/or replace **5,000 sq. ft.** or more of impervious surface on the project site must also fill out this worksheet.

Interior remodeling projects, routine maintenance or repair projects such as re-roofing and re-paving, and single family homes that are not part of a larger plan of development are **NOT** required to complete this worksheet.

What is an Impervious Surface?

An impervious surface is a surface covering or pavement that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to rooftops, walkways, paved patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, underlain with pervious soil or pervious storage material (e.g., drain rock), that infiltrates rainfall at a rate equal to or greater than surrounding unpaved areas OR that stores and infiltrates the water quality design volume specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP) is not considered an impervious surface.

For More Information

For more information regarding selection of Best Management Practices for stormwater pollution prevention or stormwater treatment in Santa Clara County: http://www.scvurppp-w2k.com/c3_handbook_2012.shtml

1. Project Information

Project Name: McCarthy Center APN # 022-56-005 & 022-56-006
& 022-56-007 & 022-56-009

Project Address: 115-135 N McCarthy Blvd, Milpitas, CA

Cross Streets: Ranch Dr

Applicant/Developer Name: Ware Malcomb

Project Phase(s): 1 of 1 Engineer: Michael Murphy

Project Type (Check all that apply): New Development Redevelopment

Residential Commercial Industrial Mixed Use Public Institutional

Restaurant Uncovered Parking Retail Gas Outlet Auto Service (SIC code) _____

Other _____ (5013-5014, 5541, 7532-7534, 7536-7539)

Project Description: Construction of new sitework includes sidewalk, sport courts, parking areas, portable building.

Project Watershed/Receiving Water (creek, river, or bay): Coyote Creek

2. Project Size

a. Total Site Area: <u>29.940</u> acre	b. Total Site Area Disturbed: <u>3.920</u> acre (including clearing, grading, or excavating)			
	Existing Area (ft ²)	Proposed Area (ft ²)		Total Post-Project Area (ft ²)
		Replaced	New	
Impervious Area				
Roof	0	0	0	0
Parking	32,757	22,125	0	22,125
Sidewalks and Streets	31,330	31,330	6,570	37,900
c. Total Impervious Area	64,087	53,455	6,570	
d. Total new and replaced impervious area		60,025		
Pervious Area				
Landscaping	106,680	106,680	4,062	110,742
Pervious Paving	0	0	0	0
Other (e.g. Green Roof)	0	0	0	0
e. Total Pervious Area	106,680	106,680	4,062	110,742
f. Percent Replacement of Impervious Area in Redevelopment Projects (Replaced Total Impervious Area ÷ Existing Total Impervious Area) x 100% = _____ %				

3. State Construction General Permit Applicability:

a. Is #2.b. equal to one acre or more?

- Yes, applicant must obtain coverage under the State Construction General Permit (i.e., file a Notice of Intent and prepare a Stormwater Pollution Prevention Plan) (see www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml for details).
- No, applicant does not need coverage under the State Construction General Permit.

4. MRP Provision C.3 Applicability:

a. Is #2.d. equal to **10,000** sq. ft. or more, or **5,000** sq. ft. or more for restaurants, auto service facilities, retail gas outlets, and uncovered parking?

- Yes, C.3. source control, site design, and treatment requirements apply.
- No, C.3. source control and site design requirements may apply – check with local agency

b. Is #2.f. equal to 50% or more?

- Yes, C.3. requirements (site design, source control, as appropriate, and stormwater treatment) apply to entire site.
- No, C.3. requirements only apply to impervious area created and/or replaced.

5. Hydromodification Management (HM) Applicability:

a. Does project create and/or replace one acre or more of impervious surface AND is the total post-project impervious area greater than the pre-project (existing) impervious area?

- Yes (continue) No – exempt from HM, go to page 3

b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map? (www.scvurppp-w2k.com/hmp_maps.htm)

- Yes, project must implement HM requirements
- No, project is exempt from HM requirements

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- Minimize land disturbed
- Minimize impervious surfaces
- Minimum-impact street or parking lot design
- Cluster structures/pavement
- Disconnected downspouts
- Pervious pavement
- Green roof
- Microdetention in landscape
- Other self-treating area
- Self-retaining area
- Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains)¹
- Preserved open space:
_____ ac. or sq. ft
(circle one)
- Protected riparian and wetland areas/buffers (Setback from top of bank: _____ft.)
- Other _____

Source Control Measures

- Alternative building materials
- Wash area/racks, drain to sanitary sewer²
- Covered dumpster area, drain to sanitary sewer²
- Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain²
- Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- Outdoor material storage protection
- Covers, drains for loading docks, maintenance bays, fueling areas
- Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- Storm drain labeling
- Other _____

Treatment Systems

- None (all impervious surface drains to self-retaining areas)

LID Treatment

- Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment)
- Infiltration basin
- Infiltration trench
- Exfiltration trench
- Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter conduit)

*Biotreatment*³

- Bioretention area
- Flow-through planter
- Tree box with bioretention soils
- Other _____

Other Treatment Methods

- Proprietary tree box filter⁴
- Media filter (sand, compost, or proprietary media)⁴
- Vegetated filter strip⁵
- Dry detention basin⁵
- Other _____

Flow Duration Controls for Hydromodification Management (HM)

- Detention basin
- Underground tank or vault
- Bioretention with outlet control
- Other _____

¹ Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.

² Subject to sanitary sewer authority requirements.

³ Biotreatment measures are allowed only with completed feasibility analysis showing that infiltration and rainwater harvest and use are infeasible.

⁴ These treatment measures are only allowed if the project qualifies as a "Special Project".

⁵ These treatment measures are only allowed as part of a multi-step treatment process.

7. Treatment System Sizing for Projects with Treatment Requirements

Indicate the hydraulic sizing criteria used and provide the calculated design flow or volume:

Treatment System Component	Hydraulic Sizing Criteria Used ³	Design Flow or Volume (cfs or cu.ft.)
Bio-treatment Pond	4% Rule	

- ³Key: 1a: Volume – WEF Method
 1b: Volume – CASQA BMP Handbook Method
 2a: Flow – Factored Flood Flow Method
 2b: Flow – CASQA BMP Handbook Method
 2c: Flow – Uniform Intensity Method
 3: Combination Flow and Volume Design Basis

8. Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

Yes No Name of Reviewer: _____

9. Operation & Maintenance Information

- A. Property Owner's Name: Hudson Pacific Properties
 B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:
 a. Name: Dan Wright, AIA
 b. Address: 1455 Market Street, Suite 1050, SF, CA
 c. Phone/E-mail: (323)806-2966

This section to be completed by City of Milpitas staff.

O&M Responsibility Mechanism

Indicate how responsibility for O&M is assured. Check all that apply:

- O&M Agreement
 Other mechanism that assigns responsibility (describe below):

Reviewed:

Planning Department

Planning Division: _____

Other (Specify): _____

Public Works Department

Land Development: _____

Other (Specify): _____

Infiltration/Harvesting and Use Feasibility Worksheet



Infiltration/Harvesting and Use Feasibility Screening Worksheet

Apply these screening criteria for **C.3 Regulated Projects*** required to implement Provision C.3 stormwater treatment requirements. See the Glossary (Attachment 1) for definitions of terms marked with an asterisk (*). Contact municipal staff to determine whether the project meets **Special Project*** criteria. If the project meets Special Project criteria, it may receive LID treatment reduction credits.

1. Applicant Info

Site Address: 115-135 N. McCarthy Blvd., CA APN: 022-56-005 & 022-56-006 & 022-56-007 & 022-56-009
 Applicant Name: Ware Malcomb Phone No.: (925) 224-9620
 Mailing Address: 4683 Chabot Dr #300, Pleasanton, CA 94588

2. Feasibility Screening for Infiltration

Do site soils either (a) have a **saturated hydraulic conductivity*** (Ksat) that will NOT allow infiltration of 80% of the annual runoff (that is, the Ksat is LESS than 1.6 inches/hour), or, if the Ksat rate is not available, (b) consist of Type C or D soils?¹

- Yes (continue) No – complete the Infiltration Feasibility Worksheet. If infiltration of the C.3.d amount of runoff is found to be feasible, there is no need to complete the rest of this screening worksheet.

3. Recycled Water Use

Check the box if the project is installing and using a recycled water plumbing system for non-potable water use.

- The project is installing a recycled water plumbing system, and installation of a second non-potable water system for harvested rainwater is impractical, and considered infeasible due to cost considerations. Skip to Section 6.

4. Calculate the Potential Rainwater Capture Area* for Screening of Harvesting and Use

Complete this section for the entire project area. If rainwater harvesting and use is infeasible for the entire site, and the project includes one or more buildings that each have an individual roof area of 10,000 sq. ft. or more, then complete Sections 4 and 5 of this form for each of these buildings.

- 4.1 Table 1 for (check one): The whole project Area of 1 building roof (10,000 sq.ft. min.)

Table 1: Calculation of the Potential Rainwater Capture Area*				
<i>The Potential Rainwater Capture Area may consist of either the entire project area or one building with a roof area of 10,000 sq. ft. or more.</i>				
	1	2	3	4
	Pre-Project Impervious surface ² (sq.ft.), if applicable	Proposed Impervious Surface ² (IS), in sq. ft.		Post-project landscaping (sq.ft.), if applicable
		Replaced ³ IS	Created ⁴ IS	
a. Enter the totals for the area to be evaluated:				
b. Sum of replaced and created impervious surface:	N/A			N/A
c. Area of existing impervious surface that will NOT be replaced by the project.		N/A		N/A

¹ Base this response on the site-specific soil report, if available. If this is not available, consult soil hydraulic conductivity maps in Attachment 3.

² Enter the total of all impervious surfaces, including the building footprint, driveway(s), patio(s), impervious deck(s), unroofed porch(es), uncovered parking lot (including top deck of parking structure), impervious trails, miscellaneous paving or structures, and off-lot impervious surface (new, contiguous impervious surface created from road projects, including sidewalks and/or bike lanes built as part of new street). Impervious surfaces do NOT include vegetated roofs or pervious pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding, unpaved landscaped areas, or that stores and infiltrates the **C.3.d amount of runoff***.

³ "Replaced" means that the project will install impervious surface where existing impervious surface is removed.

⁴ "Created" means the project will install new impervious surface where there is currently no impervious surface.

* For definitions, see Glossary (Attachment 1).

4.2 Answer this question ONLY if you are completing this section for the entire project area. If existing impervious surface will be replaced by the project, does the area to be replaced equal 50% or more of the existing area of impervious surface? (Refer to Table 1, Row "a". Is the area in Column 2 > 50% of Column 1?)

- Yes, C.3. stormwater treatment requirements apply to areas of impervious surface that will remain in place as well as the area created and/or replaced. This is known as the 50% rule.
- No, C.3. requirements apply only to the impervious area created and/or replaced.

4.3 Enter the square footage of the **Potential Rainwater Capture Area***. If you are evaluating only the roof area of a building, or you answered "no" to Question 4.2, this amount is from Row "b" in Table 1. If you answered "yes" to Question 4.2, this amount is the sum of Rows "b" and "c" in Table 1.:

_____ square feet.

4.4 Convert the measurement of the **Potential Rainwater Capture Area*** from square feet to acres (divide the amount in Item 4.3 by 43,560):

_____ acres.

5. Feasibility Screening for Rainwater Harvesting and Use

5.1 Use of harvested rainwater for landscape irrigation:

Is the onsite landscaping LESS than 2.5 times the size of the **Potential Rainwater Capture Area*** (Item 4.3)? (Note that the landscape area(s) would have to be contiguous and within the same Drainage Management Area to use harvested rainwater for irrigation via gravity flow.)

- Yes (continue) No – Direct runoff from impervious areas to **self-retaining areas*** OR refer to Table 11 and the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for irrigation.

5.2 Use of harvested rainwater for toilet flushing or non-potable industrial use:

a. **Residential Projects:** Proposed number of dwelling units: _____
Calculate the dwelling units per impervious acre by dividing the number of dwelling units by the acres of the **Potential Rainwater Capture Area*** in Item 4.4. Enter the result here:

_____)

Is the number of dwelling units per impervious acre LESS than 100 (assuming 2.7 occupants/unit)?

- Yes (continue) No – complete the Harvest/Use Feasibility Worksheet.

b. **Commercial/Industrial Projects:** Proposed interior floor area: _____ (sq. ft.)

Calculate the proposed interior floor area (sq.ft.) per acre of impervious surface by *dividing the interior floor area (sq.ft.) by the acres of the **Potential Rainwater Capture Area*** in Item 4.4. Enter the result here:*

Is the square footage of the interior floor space per impervious acre LESS than 70,000 sq. ft.?

- Yes (continue) No – complete the Harvest/Use Feasibility Worksheet

c. **School Projects:** Proposed interior floor area: _____ (sq. ft.)

Calculate the proposed interior floor area per acre of impervious surface by *dividing the interior floor area (sq.ft.) by the acres of the **Potential Rainwater Capture Area*** in Item 4.4. Enter the result here:*

_____.

Is the square footage of the interior floor space per impervious acre LESS than 21,000 sq. ft.?

- Yes (continue) No – complete the Harvest/Use Feasibility Worksheet

* For definitions, see Glossary (Attachment 1).

d. Mixed Commercial and Residential Use Projects

- Evaluate the residential toilet flushing demand based on the dwelling units per impervious acre for the residential portion of the project, following the instructions in Item 5.2.a, except you will use a prorated acreage of impervious surface, based on the percentage of the project dedicated to residential use.
- Evaluate the commercial toilet flushing demand per impervious acre for the commercial portion of the project, following the instructions in Item 5.2.a, except you will use a prorated acreage of impervious surface, based on the percentage of the project dedicated to commercial use.

e. Industrial Projects: Estimated non-potable water demand (gal/day): _____

Is the non-potable demand LESS than 2,400 gal/day per acre of the Potential Rainwater Capture Area?

- Yes (continue) No – refer to the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for industrial use.

6. **Use of Biotreatment**

If only the “Yes” boxes were checked for all questions in Sections 2 and 5, or the project will have a recycled water system for non-potable use (Section 3), then the applicant may use appropriately designed bioretention facilities for compliance with C.3 treatment requirements. The applicant is encouraged to maximize infiltration of stormwater if site conditions allow.

7. **Results of Screening Analysis**

Based on this screening analysis, the following steps will be taken for the project (check all that apply):

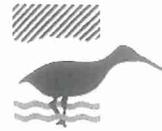
- Implement biotreatment measures (such as an appropriately designed bioretention area).
- Conduct further analysis of infiltration feasibility by completing the Infiltration Feasibility Worksheet.
- Conduct further analysis of rainwater harvesting and use (check one):
 - Complete the Rainwater Harvesting and Use Feasibility Worksheet for:
 - The entire project
 - Individual building(s), if applicable, describe: _____
 - Evaluate the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report
 - Evaluate the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report.

* For definitions, see Glossary (Attachment 1).

Special Project Worksheet

ATTACHMENT C

Special Projects Worksheet



Project Name:
Project Address:
Applicant/Developer Name:

1. "Special Project" Determination:

Special Project Category "A"

Does the project have ALL of the following characteristics?

- Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district¹;
- Creates and/or replaces 0.5 acres or less of impervious surface;
- Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones;
- Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping and stormwater treatment.

No (continue) Yes – complete Section 2 of the Special Project Worksheet

Special Project Category "B"

Does the project have ALL of the following characteristics?

- Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district¹;
- Creates and/or replaces an area of impervious surface that is greater than 0.5 acres, and no more than 2.0 acres;
- Includes no surface parking, except for incidental parking for emergency access, ADA access, and passenger or freight loading zones;
- Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping and stormwater treatment;
- Minimum density of either 50 dwelling units per acre (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

No (continue) Yes – complete Section 2 of the Special Project Worksheet

Special Project Category "C"

Does the project have ALL of the following characteristics?

- At least 50% of the project area is within 1/2 mile of an existing or planned transit hub² or 100% within a planned Priority Development Area³;
- The project is characterized as a non-auto-related use⁴; and
- Minimum density of either 25 dwelling units per acre (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

No Yes – complete Section 2 of the Special Project Worksheet

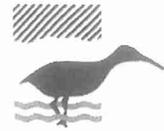
¹ And built as part of a municipality's stated objective to preserve/enhance a pedestrian-oriented type of urban design.

² "Transit hub" is defined as a rail, light rail, or commuter rail station, ferry terminal, or bus transfer station served by three or more bus routes. (A bus stop with no supporting services does not qualify.)

³ A "planned Priority Development Area" is an infill development area formally designated by the Association of Bay Area Government's / Metropolitan Transportation Commission's FOCUS regional planning program.

⁴ Category C specifically excludes stand-alone surface parking lots; car dealerships; auto and truck rental facilities with onsite surface storage; fast-food restaurants, banks or pharmacies with drive-through lanes; gas stations; car washes; auto repair and service facilities; or other auto-related project unrelated to the concept of transit oriented development.

Special Projects Worksheet



2. LID Treatment Reduction Credit Calculation:

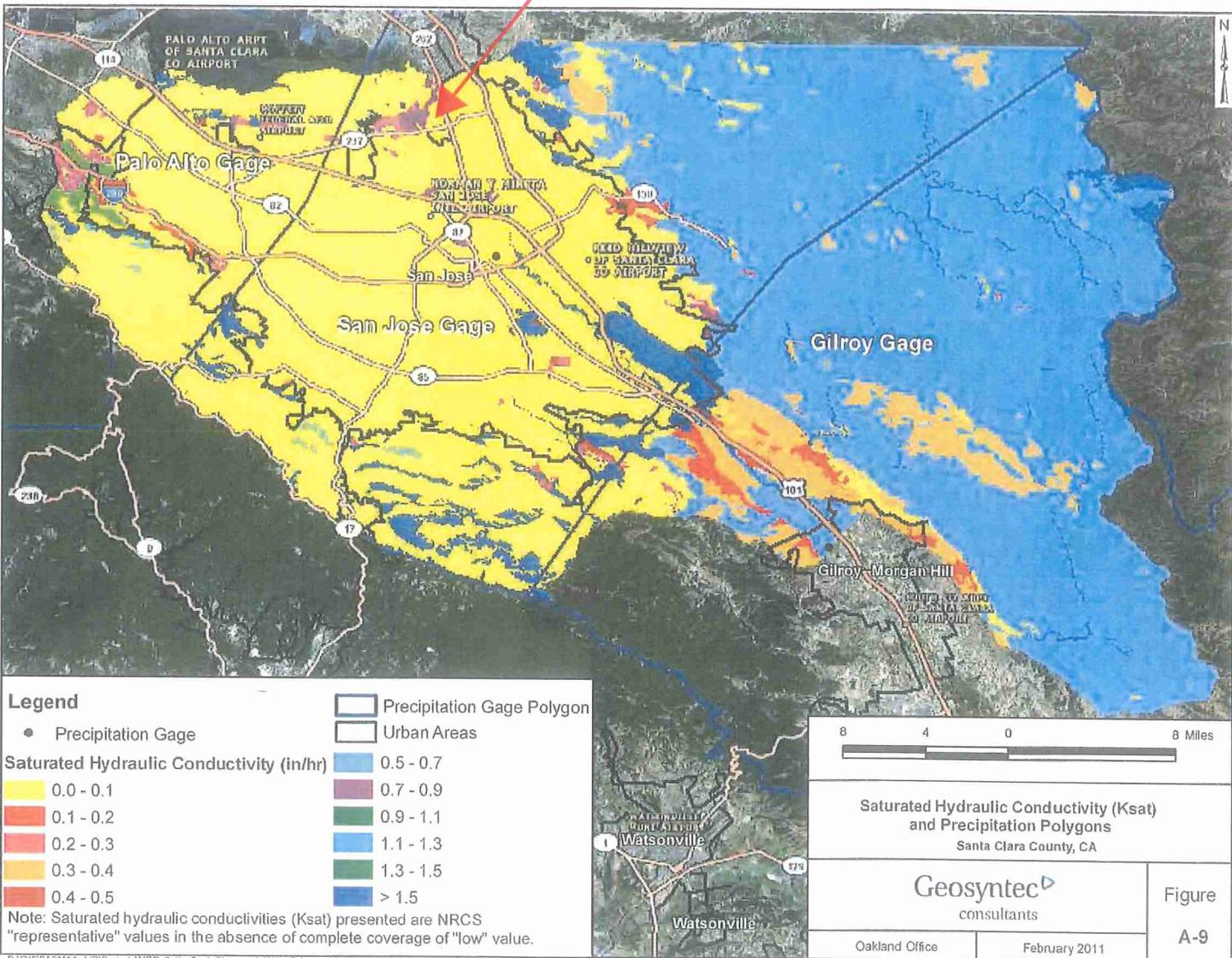
Category	Impervious Area Created/Replaced (acres)	Site Coverage (%)	Project Density or FAR	Density/Criteria	Allowable Credit (%)	Applied Credit (%)
A			N.A.	N.A.	100%	
B				Res ≥ 50 DU/ac or FAR ≥ 2:1	50%	
				Res ≥ 75 DU/ac or FAR ≥ 3:1	75%	
				Res ≥ 100 DU/ac or FAR ≥ 4:1	100%	
C				Location credit (select one)⁵:		
				Within ¼ mile of transit hub	50%	
				Within ½ mile of transit hub	25%	
				Within a planned PDA	25%	
				Density credit (select one):		
				Res ≥ 30 DU/ac or FAR ≥ 2:1	10%	
				Res ≥ 60 DU/ac or FAR ≥ 4:1	20%	
				Res ≥ 100 DU/ac or FAR ≥ 6:1	30%	
				Parking credit (select one):		
				≥ 10% at-grade surface parking ⁶	10%	
No surface parking	20%					
TOTAL TOD CREDIT =						

⁵ To qualify for the location credit, at least 50% of the project's site must be located within the ¼ mile or ½ mile radius of an existing or planned transit hub, as defined on page 1, footnote 2. A planned transit hub is a station on the MTC's Regional Transit Expansion Program list, per MTC's Resolution 3434 (revised April 2006), which is a regional priority funding plan for future transit stations in the San Francisco Bay Area. To qualify for the PDA location credit, 100% of the project site must be located within a PDA, as defined on page 1, footnote 3.

⁶ The at-grade surface parking must be treated with LID treatment measures.

Soil Properties

Site Location



P:\GIS\BAS\MAA_LID\Projects\MRP_Soils_SantaClara.mxd, WHL, February 28, 2011

MRP Calculation Worksheet

ATTACHMENT E

Section III. Sizing for Flow-Based Treatment Measures, continued

Section III.C.—Sizing Flow-Based Treatment Measures based on the Uniform Intensity Approach

This method uses the Rational Method equation:

$$Q=CIA$$

Where:

Q is the design flow in cubic feet per second (cfs),
 C is the drainage area runoff coefficient,
 I is the design intensity (in/hr), and
 A is the drainage area for the BMP (acres)

Step 1. Determine the drainage area for the BMP, A = 3.92 acres

Step 2. Determine the runoff coefficient, C = 0.7 from Table B-3 or B-4.

It is more accurate to compute an area-weighted "C-factor" based on the surfaces in the drainage area (Table B-3), if possible, than to assume a composite "C-factor" such as those in Table B-4, especially for small drainage areas.

Step 3. Use a design intensity of 0.2 in/hr for "I" in the Q=CIA equation.

$$I = \underline{0.2 \text{ in/hr}}$$

Step 4. Determine the design flow (Q) using Q = CIA

$$Q = C \times I \times A$$

$$Q = (\text{Step 2}) \times (0.2 \text{ in/hr}) \times (\text{Step 1})$$

$$Q = \underline{0.004} \text{ acres-in/hr}$$

$$\text{Design Flow, } Q = \underline{0.549} \text{ cfs}^{10}$$

¹⁰ No conversion factor for correct units is needed for the rational formula because (1 acre-in/hr) X (43,560 sq.ft/acre) X (1ft/12 in) X (1hr/3600 sec) ≈ 1 ft³/sec or cfs.

BMP Sizing Calculations

SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

TREATMENT MEASURE DIMENSIONS AND SIZING

- The bioretention area may be sized to be 4% of the impervious surface area on the project site. The area of tributary impervious surface multiplied by the 0.04 sizing factor will equal the required surface area of the bioretention area. This sizing factor is derived from the flow-based treatment standard (runoff from 0.2 in/hr intensity rainfall) and a desired surface loading rate of 5 in/hr through the biotreatment soil mix. Alternatively, bioretention sizing may be calculated using a volume-based sizing method or a combination flow- and volume-based sizing method described in Section 5.1 of the C.3 Handbook.
- The surface of the bioretention area should be primarily flat, but elevations may vary as needed to distribute stormwater flows throughout the surface area. Edges may slope up to meet surrounding grade. Side slopes should not exceed 3:1.
- Bioretention areas, including linear treatment measures, should not be constructed on slopes greater than 4%, unless constructed as a series of relatively horizontal bioretention cells. Separate bioretention cells by check dams up to 24 inches high and at least 25 feet apart. The slope within cells should not exceed 2%. Bioretention cells are not recommended if overall slope exceeds 8%.
- Surface ponding depths may vary, with a recommended 6-inch depth, and a maximum 12-inch depth if allowed by the municipality. If ponding depths exceed 6 inches, the landscape architect should approve the planting palette for desired depth.
- The inlet to the overflow pipe or catch basin should be at least 6 inches above the low point of the bioretention planting area and at least 2 inches above the high point of the bioretention area (i.e., the top of planting mounds). Additional freeboard requirements may apply to protect nearby structures from flooding; check with the local jurisdiction.

INLETS TO TREATMENT MEASURE

Flow may enter the treatment measure in the following way(s):

- As overland flow from landscaping (no special requirements)
- As overland flow from pavement (cutoff wall required)
- Through a curb opening (minimum 18 inches)
- Through a curb drain
- With drop structure through a stepped manhole
- Through a pop-up or bubble-up emitter
- Through roof leader or other conveyance from building roof
- Where flows enter the bioretention area, allow a change in elevation of 4 to 6 inches between the paved surface and biotreatment soil elevation, so that vegetation or mulch build-up does not obstruct flow.
- Install cobbles or rocks, underlain by geotextile fabric, to dissipate flow energy and avoid erosion at the point where runoff enters the bioretention area.

See Section 5.2 of the SCVURPPP C.3 Handbook for example inlets and additional guidance.

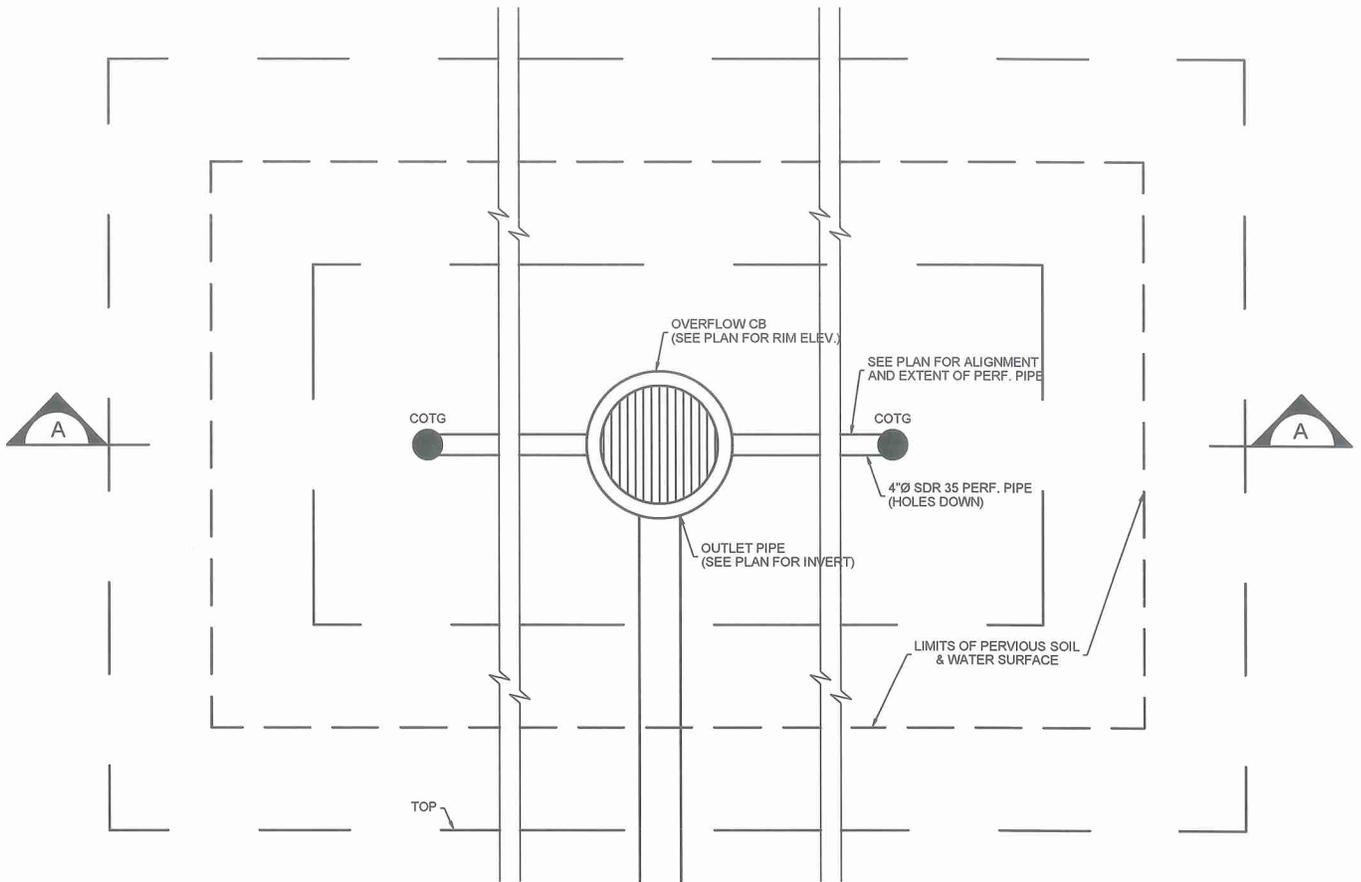
UNDERDRAIN AND OVERFLOW STRUCTURES

- An underdrain system is generally required for installations in slow-draining native soils. If the water quality design volume will infiltrate into native soils in 72 hours or less, based on local percolation tests, and the local jurisdiction allows, then no underdrain is required.
- The underdrain should consist of a minimum 4-inch diameter perforated pipe with cleanouts and connection to a storm drain or discharge point. To help prevent clogging, two rows of perforation may be used.
- The underdrain trench should include a minimum 12-inch thick layer of drain rock, such as Caltrans Standard Section 68-1.025 Class 2 permeable material or equivalent. At least two inches of drain rock should cover the underdrain. The underdrain should be placed with perforations facing downward, at a minimum 0.5% slope to the storm drain or

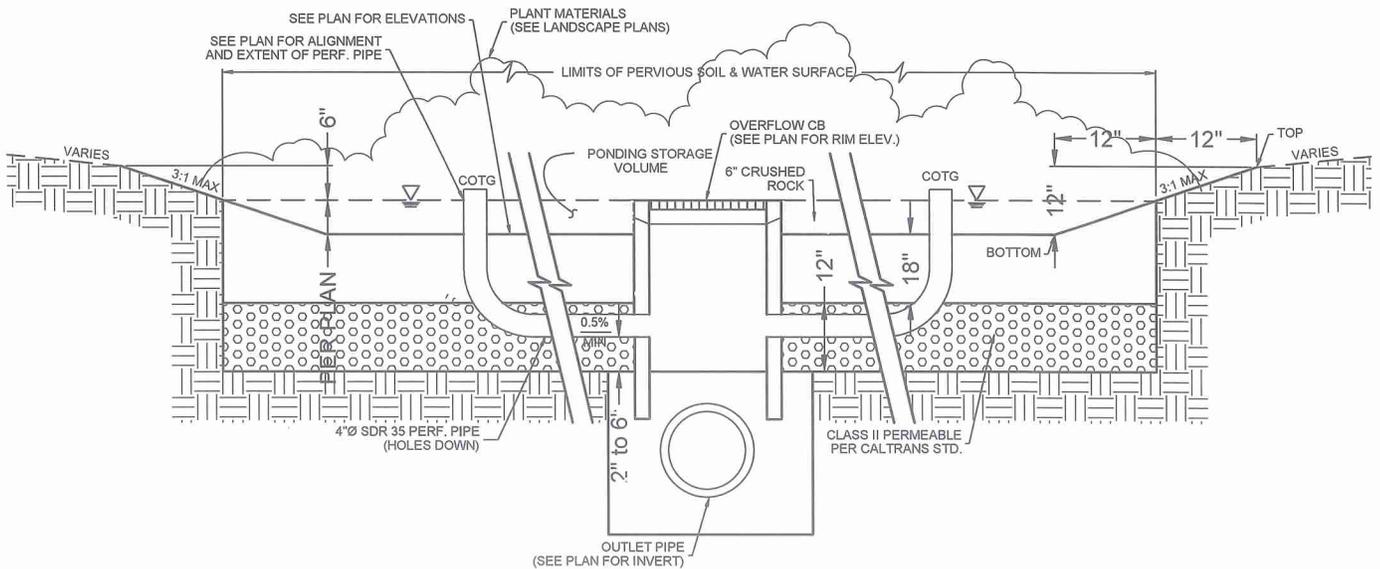
**32,520 sf x 0.04 = 1,301 sf
of REQUIRED
BIOTREATMENT AREA**

Site Plan – Drainage Areas, Treatment Areas, and Flow Lines

Details for Each Treatment Measure



1. BIORETENTION BASINS SHALL BE CONSTRUCTED UNDER THE OBSERVATION OF THE SOILS ENGINEER.
2. REFERENCE THE BASMAA REGIONAL BIOTREATMENT SOIL SPECIFICATION FOUND IN APPENDIX C OF THE SCVURPPP C.3 STORMWATER HANDBOOK.
3. 3" OF NO-FLOAT MULCH SHALL BE PLACED IN THE BIORETENTION AREA.
4. SEE "PLAN" FOR LAYOUT OF BIORETENTION BASIN AND PERF PIPE(S) ALIGNMENT.



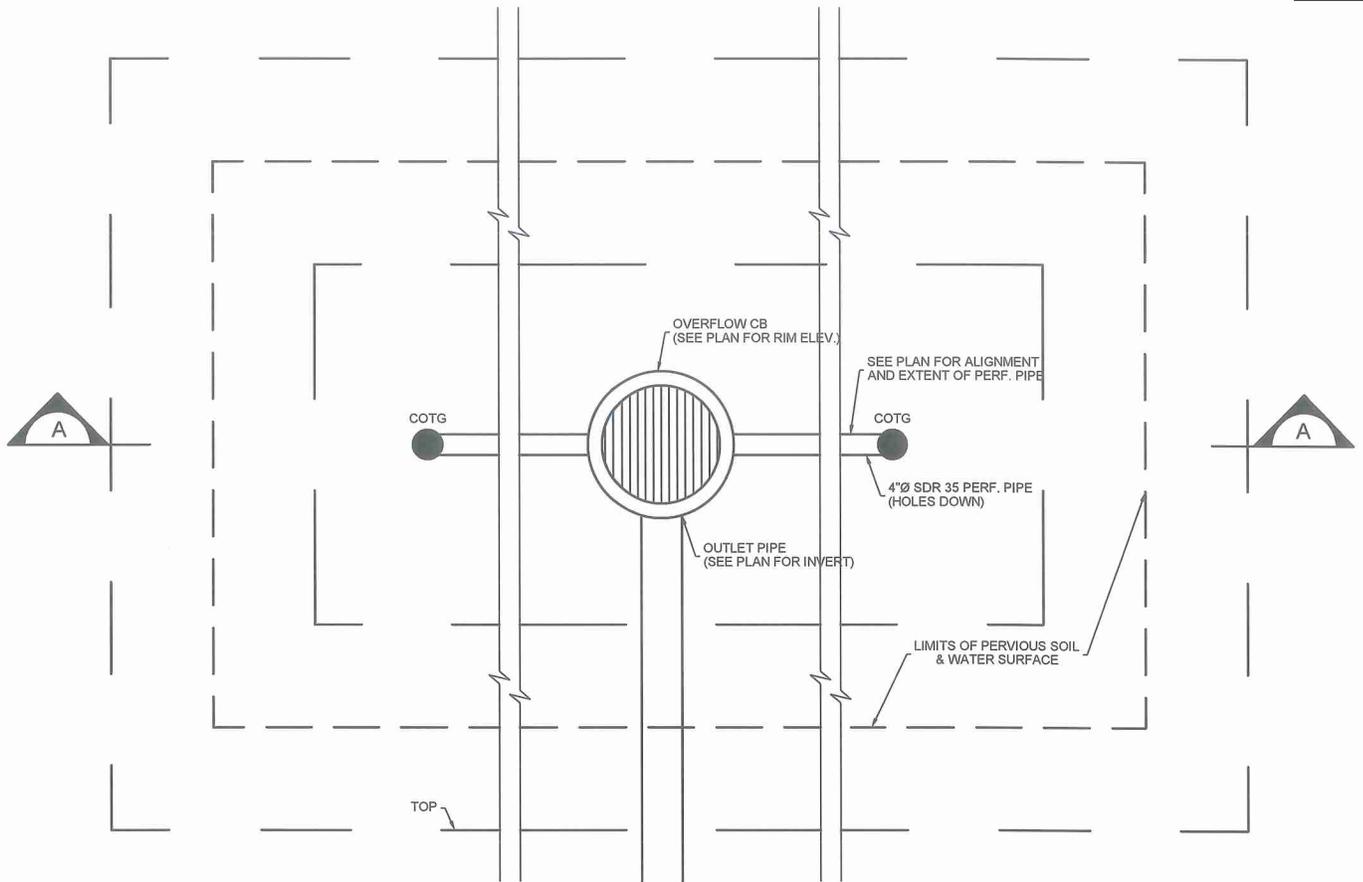
SECTION A

BIORETENTION AREA

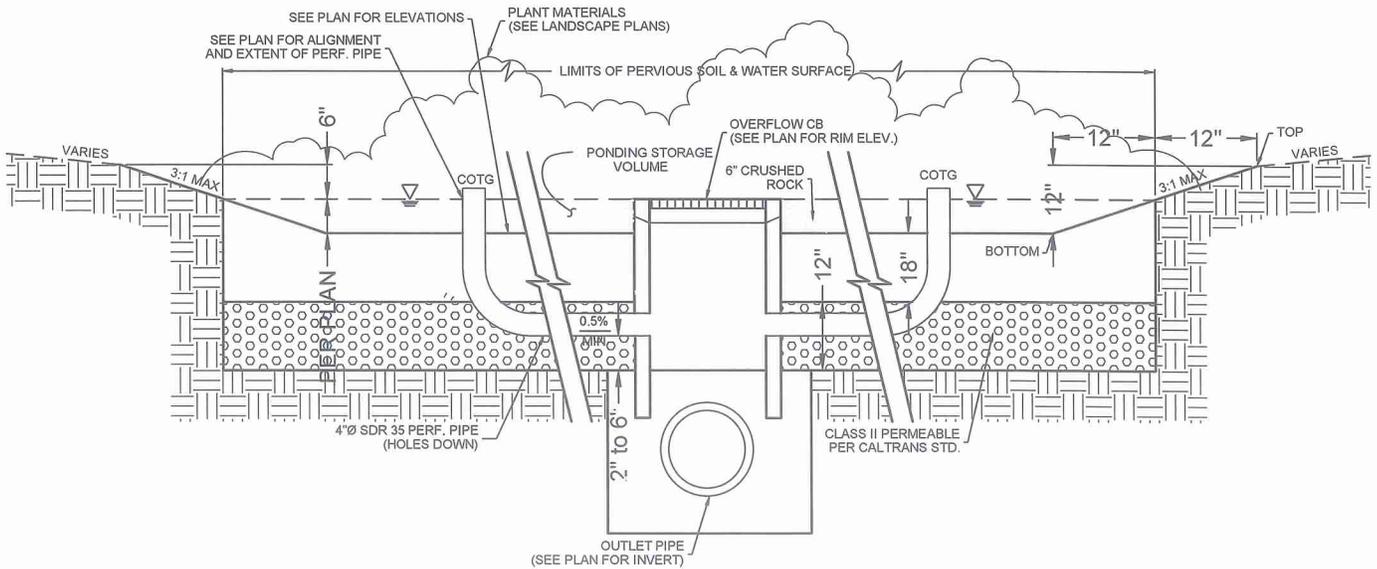
SCALE: N.T.S.

Operations and Maintenance Plan

ATTACHMENT I



1. BIORETENTION BASINS SHALL BE CONSTRUCTED UNDER THE OBSERVATION OF THE SOILS ENGINEER.
2. REFERENCE THE BASMAA REGIONAL BIOTREATMENT SOIL SPECIFICATION FOUND IN APPENDIX C OF THE SCVURPPP C.3 STORMWATER HANDBOOK.
3. 3" OF NO-FLOAT MULCH SHALL BE PLACED IN THE BIORETENTION AREA.
4. SEE "PLAN" FOR LAYOUT OF BIORETENTION BASIN AND PERF PIPE(S) ALIGNMENT.



SECTION A

BIORETENTION AREA

SCALE: N.T.S.

1

Bioretention Area Maintenance Plan for McCarthy Center

[08/25/2017]

Project Address and Cross Streets 115-135 N McCarthy Blvd, Milpitas, CA

Assessor's Parcel No.: 022-56-005 & 022-56-006 & 022-56-007 & 022-56-009

Property Owner: Hudson Pacific Properties Phone No.: (415)777-4100

Designated Contact: Dan Wright, AIA Phone No.: (323)806-2966

Mailing Address: 1455 Market Street, Suite 1050, SF, CA

The property contains three bioretention area(s), located as described below and as shown in the attached site plan¹.

- Bioretention Area No. 1 is located at south east of existing building 135
- Bioretention Area No. 2 is located at south west of existing building 125
- Bioretention Area No. 3 is located at south east of existing building 115

I. Routine Maintenance Activities

The principal maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may lead to bioretention area failure. Routine maintenance activities, and the frequency at which they will be conducted, are shown in Table 1.

Table 1 Routine Maintenance Activities for Bioretention Areas		
No.	Maintenance Task	Frequency of Task
1	Remove obstructions, weeds, debris and trash from bioretention area and its inlets and outlets; and dispose of properly.	Quarterly, or as needed after storm events
2	Inspect bioretention area for standing water. If standing water does not drain within 2-3 days, till and replace the surface biotreatment soil with the approved soil mix and replant.	Quarterly, or as needed after storm events
3	Check underdrains for clogging. Use the cleanout riser to clean any clogged underdrains.	Quarterly, or as needed after storm events
4	Maintain the irrigation system and ensure that plants are receiving the correct amount of water (if applicable).	Quarterly
5	Ensure that the vegetation is healthy and dense enough to provide filtering and protect soils from erosion. Prune and weed the bioretention area. Remove and/or replace any dead plants.	Annually, before the wet season begins
6	Use compost and other natural soil amendments and fertilizers instead of synthetic fertilizers, especially if the system uses an underdrain.	Annually, before the wet season begins
7	Check that mulch is at appropriate depth (2 - 3 inches per soil specifications) and replenish as necessary before wet season begins. It is recommended that 2" - 3" of arbor mulch be reapplied every year.	Annually, before the wet season begins
8	Inspect the energy dissipation at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch. Remove accumulated sediment.	Annually, before the wet season begins

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

Bioretention Area Maintenance Plan

Date of Inspection: _____

Property Address: 115-135 N McCarthy Blvd, Milpitas, CA

Treatment Measure No.: _____

9	Inspect overflow pipe to ensure that it can safely convey excess flows to a storm drain. Repair or replace damaged piping.	Annually, before the wet season begins
10	Replace biotreatment soil and mulch, if needed. Check for standing water, structural failure and clogged overflows. Remove trash and debris. Replace dead plants.	Annually at the end of the rainy season, and/or after large storm events
11	Inspect bioretention area using the attached inspection checklist.	Annually, before the wet season

II. Use of Pesticides

Do not use pesticides or other chemical applications to treat diseased plants, control weeds or removed unwanted growth. Employ non-chemical controls (biological, physical and cultural controls) to treat a pest problem. Prune plants properly and at the appropriate time of year. Provide adequate irrigation for landscape plants. Do not over water.

III. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District
 1580 Berger Dr.
 San José, California 95112
 Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356
www.sccgov.org/portal/site/vector

IV. Inspections

The attached Bioretention Area Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

**Bioretention Area
Inspection and Maintenance Checklist**

Property Address: 115-135 N McCarthy Blvd, Milpitas, CA Property Owner: Hudson Pacific Properties

Treatment Measure No.: _____ Date of Inspection: _____ Type of Inspection: Quarterly Pre-Wet Season
 After heavy runoff End of Wet Season
 Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area, inlet, or outlet.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 – 3 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

115-135 N. McCarthy Blvd., Milpitas, CA 95035

**Stormwater Treatment Measure Operation and Maintenance
Inspection Report to the City of Milpitas, California**

This report and attached Inspection and Maintenance Checklists document the inspection and maintenance conducted for the identified stormwater treatment measure(s) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

I. Property Information:

Property Address or APN: 022-56-005 & 022-56-006 & 022-56-007 & 022-56-009

Property Owner: Hudson Pacific Properties

II. Contact Information:

Name of person to contact regarding this report: _____

Phone number of contact person: _____ Email: _____

Address to which correspondence regarding this report should be directed:

III. Reporting Period:

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from _____ to _____.

IV. Stormwater Treatment Measure Information:

The following stormwater treatment measures (identified treatment measures) are located on the property identified above and are subject to the Maintenance Agreement:

Identifying Number of Treatment Measure	Type of Treatment Measure	Location of Treatment Measure on the Property

115-135 N. McCarthy Blvd., Milpitas, CA 95035

V. Summary of Inspections and Maintenance:

Summarize the following information using the attached Inspection and Maintenance Checklists:

Identifying Number of Treatment Measure	Date of Inspection	Operation and Maintenance Activities Performed and Date(s) Conducted	Additional Comments

VI. Sediment Removal:

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period: _____ cubic yards.

How was sediment disposed?

- landfill
- other location on-site as described in and allowed by the maintenance plan
- other, explain _____

115-135 N. McCarthy Blvd., Milpitas, CA 95035

VII. Inspector Information:

The inspections documented in the attached Inspection and Maintenance Checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

VIII. Certification:

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

Signature of Property Owner or Other Responsible Party

Date

Type or Print Name

Company Name

Address

Phone number: _____ Email: _____

Please submit the Operation and Maintenance Inspection reports, Maintenance Plan, and Inspection and Maintenance checklist for each BMP to the following address:

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
Attn: Utility Engineer

3rd Party Certification

ATTACHMENT J

Vicinity Map



SITE LOCATION
115-135 N. MCCARTHY BLVD.
MILPITAS, CA

architecture
 planning
 interiors
 graphics
 civil engineering

4683 chabot drive, suite 300
 pleasanton, california 94588
 p 925.244.9620
 f 925.244.9621

WARE MALCOMB
 Leading Design for Commercial Real Estate



PROJECT:
CAMPUS CENTER

JOB NO. :
SRN17-0024-00

DATE :
08-25-2017

SCALE:
NTS

SHEET

MAP



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve the 5-Year Agreement with McCampbell Analytical, Inc. for Water Quality Laboratory Testing Services
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/21/2019
Staff Contact:	Chris Schroeder, 408- 586-3161 and Tony Ndah, 408-586-2602
Recommendation:	Authorize the City Manager to execute the Professional Service Agreement with McCampbell Analytical, Inc. for Water Quality Laboratory Testing Services for a Five-Year Agreement amount not-to-exceed of \$230,140.

Background:

Water quality laboratory services are required pursuant to the permit conditions and rules administered by State and Federal regulatory agencies to protect the public health regarding the City’s potable water. The City’s water supply permit is administered by the California State Water Resources Control Board Division of Drinking Water. Testing and monitoring is required for routine weekly bacteriological, monthly general physical samples, and any required special and emergency samples collected from water distribution system.

The City’s current agreement for water quality laboratory is with Alpha Analytical Laboratories, Inc. Since their five year agreement term is due to expire on June 30, 2019, it was necessary to issue an Invitation for Bids (IFB) to invite other firms to compete for a new agreement in order to continue performing these services in the upcoming fiscal year.

The City’s Purchasing Agent worked with Public Works staff to develop specifications for IFB 2325 soliciting Water Quality Laboratory Testing Services for the City’s water system.

On April 12, 2019, IFB 2325 was released on the City’s website and through Public Purchase. The Bid was sent to 106 vendors on the Public Purchase database, 29 vendors downloaded the bid and on April 26, 2019, two bidders McCampbell Analytical Inc., and Alpha Analytical Laboratories submitted responses.

The total of all bids is summarized below:

Bidder	Base Bid Amount (Initial Term)	Total Five (5) Year Not-to-Exceed Amount
Alpha Analytical Laboratories, Inc.		Disqualified
McCampbell Analytical, Inc.	\$46,028.00	\$230,140.00

Analysis:

The Purchasing Agent reviewed the apparent low bid from Alpha Analytical Labs, Inc. and determined it was non-responsive having submitted only one of the seven required bid documents. McCampbell Analytical Labs, Inc. submitted all the required documentation. Staff therefore recommends that City Council award an agreement to McCampbell Analytical Labs, Inc. for the term commencing July 1, 2019 to June 30, 2024 in the amount of \$46,028.00 annually for a total 5-year agreement amount not-to-exceed \$230,140.00. There was no protest filed.

Policy Alternative:

Alternative 1: The alternative is to not adopt the resolution and award the agreement.

Pros: The City does not spend funds on water quality laboratory services.

Cons: Water quality testing laboratory services are required pursuant to the City's water supply and wastewater permits administered by the State.

Fiscal Impact:

The initial cost of \$46,028.00 will be funded from the 2019-2020 operating budget for the Utility Maintenance Division of the Public Works Department. Funds for the remaining years of this agreement will be budgeted as part of the City's annual budget process.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation:

Award an agreement to McCampbell Analytical, Inc. for Water Quality Laboratory Services for the term of July 1, 2019 to June 30, 2024, in the annual amount of \$46,028.00 for a total five-year agreement amount not-to-exceed of \$230,140.00; subject to appropriation of funds and without further City Council action.

Attachment:

Professional Services Agreement with McCampbell

**CITY OF MILPITAS
PROFESSIONAL SERVICES AGREEMENT
AND
MCCAMPBELL ANALYTICAL, INC.**

This Agreement is made and entered into as of [REDACTED], 20 [REDACTED] (“Effective Date”) by and between the City of Milpitas, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 (“City”), and **McC Campbell Analytical, Inc.**, a California Corporation with its principal place of business at **1534 Willow Pass Rd., Pittsburg, CA 94565-1701** (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

WATER QUALITY LABORATORY TESTING SERVICES (hereinafter referred to as “the Project”).

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

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

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

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

2. Compensation.

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

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Two Hundred Thirty Thousand One hundred Forty Dollars and Zero Cents (\$230,140.00)**. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within thirty (30) days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes

in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement term and for four (4) years from the date of final payment under the Agreement for inspection by City.

5. 5-Year Term.

The term of this Agreement shall be from **July 1, 2019**, to **June 30, 2024**, unless earlier terminated as provided herein. The City reserves the right to review the Consultant's performance at the end of each year and cancel all or part of the Agreement.

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

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

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

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant

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

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit D (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City’s choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant’s services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney’s fees and other related costs and expenses. Consultant’s obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant’s obligation to defend, indemnify, and/or hold harmless arises out of Consultant’s performance of “design professional” services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant’s indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant’s liability for such claim, including the cost to defend, shall not exceed the Consultant’s proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects (“Prevailing Wage Laws”). If the services are being performed as part of an applicable “public works” or “maintenance” project, as defined

by the Prevailing Wage Laws, and if the total compensation is One Thousand Dollars and Zero Cents (\$1,000.00) or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.

16. Termination or Abandonment.

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written

reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

c. The Consultant understands and accepts that at all times; the Agreement is subject to appropriation of funds by the Milpitas City Council. The Agreement may terminate without penalty, liability or expense of any kind to the City at the end of Agreement term. The City has no obligation to make appropriations for the Agreement in lieu of appropriations for new or other contracts. City budget decisions are subject to the discretion of the Mayor and City Council. Consultant's assumption of risk of possible non-appropriation is a part of the consideration for the Agreement. This section controls against any and all other provisions of the Agreement.

17. Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

18. Organization

Consultant shall assign **Rosa Venegas** as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

19. Limitation of Agreement.

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

20. Notice

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

CITY:	CONSULTANT:
City of Milpitas	McC Campbell Analytical, Inc,
455 E. Calaveras Boulevard	1534 Willow Pass Road
Milpitas, California 95035	Pittsburg, CA 94565-1701
Attn: Kathy Shaw, Procurement	ATTN: Rosa Venegas

and shall be effective upon receipt thereof.

22. Third Party Rights

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

23. Equal Opportunity Employment.

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

24. Entire Agreement

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

25. Severability

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

26. Successors and Assigns

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

27. Non-Waiver

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

28. Time of Essence

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

29. City's Right to Employ Other Consultants

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

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

31. Wage Theft Prevention

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

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

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

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

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

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

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND MCCAMPBELL ANALYTICAL, INC.**

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

CITY OF MILPITAS

MCCAMPBELL ANALYTICAL, INC.

Approved By:

Signature

Julie Edmonds-Mares
City Manager

Name

Date

Title

Approved As To Form:

Date

Christopher J. Diaz
City Attorney

DIR Registration Number (If Applicable)

Approved As To Scope:

Jane Corpus
Interim Director of Financial Services

Approved As To Content:

Tony Ndah
Public Works Director

EXHIBIT A

SCOPE OF SERVICES AND TECHNICAL SPECIFICATIONS

1.01 Overview

The Consultant will provide the City Bacteriological and General Physical Laboratory Analysis Services. The Consultant is a certified Laboratory to conduct analysis and report of routine weekly bacteriological, monthly general physical samples, and any required special and emergency samples collected from the City’s water distribution system. As such, some of the work will be rescheduled and some unscheduled.

The Consultant’s laboratory proximity to the City of Milpitas is a key factor in meeting the turnaround requirements. The maximum turnaround time for the results of the analysis for bacteriological samples is thirty (30) hours from the time of pick-up. The laboratory must also be able to pick-up and analyze emergency samples during off-hours (nights and weekends) as necessary.

1.02 Background

The City of Milpitas purchases drinking water from two wholesalers: two thirds from the San Francisco Public Utilities Commission (SFPUC) and one-third from the Santa Clara Valley Water District (SCVWD). SFPUC water is primarily from the Hetch Hetchy watershed located in the Sierra Nevada Mountains and is supplemented by water from the Alameda watershed. SCVWD water is primarily from the Sacramento-San Joaquin Delta watershed and is supplemented by local water sources such as Anderson and Calero Reservoirs.

The City of Milpitas is committed to providing its customers with a safe and reliable supply of high-quality drinking water that meets Federal and State standards. Each year, the City provides a summary of the water quality sampling results and other information through a Consumer Confidence Report. The report is prepared in accordance with the Federal Safe Drinking Water Act and California Department of Public Health (CDPH) requirements.

1.03 General Description of Services to Be Provided

- A. The Consultant’s Laboratory will conduct analysis and report of scheduled water samples collected by City staff. The following chart generally illustrates the City’s water sampling Activity.

Bacteriological Samples		General Physical Samples	
Frequency & Number	# in 12-Month Period	Frequency & Number	# in 12-Month Period
34 Weekly	1,768	27 monthly	324

B. There may be additional unforeseen samples, including:

- Confirmation coliform and *E. coli* after a positive coliform result;
- Heterotrophic plate count after a no chlorine residual result;
- Special and emergency samples as necessary.

Consultant's Laboratory required services must be performed within 24 hours.

1.04 TESTING METHOD

A. The Consultant's Laboratory will comply with all federal, state, and local laws, rules, regulations, ordinances, and statutes and use current, approved EPA methodologies and Title 22 of the California Code of Regulations for all drinking water standards that are regulated by the State Water Board – Division of Drinking Water (unless instructed otherwise).

1.05 ANALYSIS

- A. The expected types and number of chemical analyses must be performed over the life of the contract, though the actual number may vary,
- B. The Consultant's Laboratory work must be performed in a manner that is both prompt and in compliance with all drinking water regulations as noted in the California Code of Regulations Title 22 and the Federal Safe Drinking Water Act and amendments. All Laboratory analysis work must be performed at the lab location specified.
- C. It is expected that the selected laboratory will perform the following minimum tasks:
1. Retrieve samples from City Hall or Corporation Yard (as may be selected by City). Samples shall be retrieved on Monday or Tuesday of every week, unless otherwise notified. Regular weekly samples will be ready for pick-up by 4:00 p.m.
 2. Provide sample containers and preservatives. Provide blue ice for sample preservation and ice chests for various sizes as needed.
 3. Immediately notify designated City staff during normal business hours via telephone or e-mail as soon as there is presence (even though it is an early positive) of any drinking water sample results that are positive for coliform or *E.coli*, or have heterotrophic plate counts greater than 500.
 4. All results are required within 24 hours of testing.
 5. Acknowledge receipt of samples by correctly completing the chain-of-custody form for each set of samples.
 6. Submit monthly analysis results reports to the City (via e-mail), with corresponding invoices for services rendered.
 7. Be available to pick-up any unscheduled samples and analyze unforeseen special samples within 24-hour notice, as required before or after 4:00 p.m.

1.06 REPORTING

- A. A copy of the completed chain-of-custody must be returned along with the corresponding analysis reports.
- B. Prepare analysis reports to include the following information (See Exhibit XX: Sample Monitoring Forms):
 - 1. Sample identification and sample type
 - 2. Sample preservation and container type
 - 3. Analysis methodology used
 - 4. Analysis results and corresponding method detection limits or practical quantification limits
 - 5. Name of individual(s) collecting or submitting the sample
 - 6. Date and time of sample collection
 - 7. Laboratory performing the analysis of each parameter

1.07 SUBMISSION REQUIREMENTS

Consultant possesses EPA Central Data Exchange (CDX) system capability.
NELAP Certification # 4033 Expiration Date: January 29, 2020
ELAP Certification # 1644 Expiration Date: October 31, 2019

EXHIBIT B

Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a Five-Year agreement in the not-to-exceed amount of \$230,140.00.

YEAR 1

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF LABORATORY ANALYSIS	METHOD	UNIT PRICE	EXTENDED AMOUNT
1.	1,768	Bacteriological- Coliform (Presence/Absence) (weekly scheduled pick-ups by 4:00 p.m.)	SM 9223B	\$17.00	\$30,056.00
2.	12	Bacteriological-Total Coliform (Most Probable Number) (as needed and unscheduled pick-ups)	SM 9221	\$32.00	\$384.00
3.	12	Bacteriological- <i>E.coli</i> /Fecal Coliform (as needed and unscheduled pick-ups)	SM 9221	\$46.00	\$552.00
4.	12	Bacteriological- Heterotrophic Plate Count (as needed and unscheduled pick-ups)	SM 9215	\$17.00	\$204.00
5.	324	General Physical (includes pH, color, odor, and turbidity) (monthly scheduled by 4:00 p.m.)	Various Standard Examinations	\$38.00	\$12,302.00
6.	1	Pricing for late <u>batch of</u> Bacteriological-Coliform (Presence/Absence) approximately 34 samples to be picked-up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$2,448.00 (\$72.00x34)
7.	1	Pricing for each non-scheduled Bacteriological-Coliform (Presence/Absence) sample picked up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$72.00
			TOTAL		\$46,028.00

YEAR 2

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF LABORATORY ANALYSIS	METHOD	UNIT PRICE	EXTENDED AMOUNT
1.	1,768	Bacteriological- Coliform (Presence/Absence) (weekly scheduled pick-ups by 4:00 p.m.)	SM 9223B	\$17.00	\$30,056.00
2.	12	Bacteriological-Total Coliform (Most Probable Number) (as needed and unscheduled pick-ups)	SM 9221	\$32.00	\$384.00
3.	12	Bacteriological- <i>E.coli</i> /Fecal Coliform (as needed and unscheduled pick-ups)	SM 9221	\$46.00	\$552.00
4.	12	Bacteriological- Heterotrophic Plate Count (as needed and unscheduled pick-ups)	SM 9215	\$17.00	\$204.00
5.	324	General Physical (includes pH, color, odor, and turbidity) (monthly scheduled by 4:00 p.m.)	Various Standard Examinations	\$38.00	\$12,302.00
6.	1	Pricing for late <u>batch of</u> Bacteriological-Coliform (Presence/Absence) approximately 34 samples to be picked-up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$2,448.00 (\$72.00x34)
7.	1	Pricing for each non-scheduled Bacteriological-Coliform (Presence/Absence) sample picked up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$72.00
			TOTAL		\$46,028.00

YEAR 3

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF LABORATORY ANALYSIS	METHOD	UNIT PRICE	EXTENDED AMOUNT
1.	1,768	Bacteriological- Coliform (Presence/Absence) (weekly scheduled pick-ups by 4:00 p.m.)	SM 9223B	\$17.00	\$30,056.00
2.	12	Bacteriological-Total Coliform (Most Probable Number) (as needed and unscheduled pick-ups)	SM 9221	\$32.00	\$384.00
3.	12	Bacteriological- <i>E.coli</i> /Fecal Coliform (as needed and unscheduled pick-ups)	SM 9221	\$46.00	\$552.00
4.	12	Bacteriological- Heterotrophic Plate Count (as needed and unscheduled pick-ups)	SM 9215	\$17.00	\$204.00
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6.	1	Pricing for late <u>batch of</u> Bacteriological-Coliform (Presence/Absence) approximately 34 samples to be picked-up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$2,448.00 (\$72.00x34)
7.	1	Pricing for each non-scheduled Bacteriological-Coliform (Presence/Absence) sample picked up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$72.00
			TOTAL		\$46,028.00

YEAR 4

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF LABORATORY ANALYSIS	METHOD	UNIT PRICE	EXTENDED AMOUNT
1.	1,768	Bacteriological- Coliform (Presence/Absence) (weekly scheduled pick-ups by 4:00 p.m.)	SM 9223B	\$17.00	\$30,056.00
2.	12	Bacteriological-Total Coliform (Most Probable Number) (as needed and unscheduled pick-ups)	SM 9221	\$32.00	\$384.00
3.	12	Bacteriological- <i>E.coli</i> /Fecal Coliform (as needed and unscheduled pick-ups)	SM 9221	\$46.00	\$552.00
4.	12	Bacteriological- Heterotrophic Plate Count (as needed and unscheduled pick-ups)	SM 9215	\$17.00	\$204.00
5.	324	General Physical (includes pH, color, odor, and turbidity) (monthly scheduled by 4:00 p.m.)	Various Standard Examinations	\$38.00	\$12,302.00
6.	1	Pricing for late <u>batch of</u> Bacteriological-Coliform (Presence/Absence) approximately 34 samples to be picked-up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$2,448.00 (\$72.00x34)
7.	1	Pricing for each non-scheduled Bacteriological-Coliform (Presence/Absence) sample picked up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$72.00
			TOTAL		\$46,028.00

YEAR 5

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF LABORATORY ANALYSIS	METHOD	UNIT PRICE	EXTENDED AMOUNT
1.	1,768	Bacteriological- Coliform (Presence/Absence) (weekly scheduled pick-ups by 4:00 p.m.)	SM 9223B	\$17.00	\$30,056.00
2.	12	Bacteriological-Total Coliform (Most Probable Number) (as needed and unscheduled pick-ups)	SM 9221	\$32.00	\$384.00
3.	12	Bacteriological- <i>E.coli</i> /Fecal Coliform (as needed and unscheduled pick-ups)	SM 9221	\$46.00	\$552.00
4.	12	Bacteriological- Heterotrophic Plate Count (as needed and unscheduled pick-ups)	SM 9215	\$17.00	\$204.00
5.	324	General Physical (includes pH, color, odor, and turbidity) (monthly scheduled by 4:00 p.m.)	Various Standard Examinations	\$38.00	\$12,302.00
6.	1	Pricing for late <u>batch of</u> Bacteriological-Coliform (Presence/Absence) approximately 34 samples to be picked-up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$2,448.00 (\$72.00x34)
7.	1	Pricing for each non-scheduled Bacteriological-Coliform (Presence/Absence) sample picked up and analyzed unscheduled and including after 4:00 p.m.	SM 9223/SM9221	\$72.00	\$72.00
			TOTAL		\$46,028.00

EXHIBIT C
Activity Schedule

[RESERVED]

EXHIBIT D

Insurance Requirements

Please refer to the insurance requirements listed below. Those that have an “X” indicated in the space before the requirement apply to Contractor’s or Consultant’s Agreement.

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor’s or Consultant’s insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

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

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

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

Automobile Liability:

X Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 per accident for bodily injury and property damage.

___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 per accident for bodily injury and property damage.

___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

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

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

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

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

Workers' Compensation Insurance:

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

The Contractor or Consultant makes the following certification, required by section 1861 of the California Labor Code:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

Contractor/Consultant Signature

Builder’s Risk (Course of Construction):

___ Insurance utilizing an “All Risk” (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

Surety Bonds:

___ Contractor shall provide the following Surety Bonds:

- 1. Bid Bond
- 2. Performance Bond
- 3. Payment Bond

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

Contractor’s or Consultant’s Pollution Legal Liability:

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

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

Other Insurance Provisions:

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

X Additional Insured Status:

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

The City, its elected and appointed officials, officers, attorneys, agents, and employees are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor or Consultant or any subcontractors including materials, parts, or equipment furnished in connection with such work or operations, including completed operations. General liability coverage can be provided in the form of an endorsement to the Contractor’s or Consultant’s insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).

The Additional Insured coverage under the Contractor’s policy shall be “primary and non-contributory” and will not seek contribution from the City’s insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

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

X Primary Coverage:

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

For any claims related to this contract, the Contractor's or Consultant's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees. Any insurance or self-insurance maintained by the City, its elected and appointed officials, officers, attorneys, agents, and employees shall be in excess of the Contractor's or Consultant's insurance and shall not contribute with it.

Builder's Risk (Course of Construction Insurance) (applicable to Construction Contracts only)

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

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Notice of Cancellation, Suspension or Otherwise Voiding Policies:

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

X Waiver of Subrogation:

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

City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

Completed Operations

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

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

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

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

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

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

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

Acceptability of Insurers:

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

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

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

Subcontractors:

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

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

Verification of Coverage:

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

Special Risks or Circumstances

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

Failure to Comply:

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

Applicability of Coverage:

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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve Amendment No. 1 to the Contract with West Coast Arborist, Inc. for City Owned Tree Maintenance Services
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	5/21/2019
Staff Contact:	Tony Ndah, 408-586-2602
Recommendation:	Authorize the City Manager to approve Amendment No. 1 to the Contract with West Coast Arborist, Inc. in the amount of \$150,000 for citywide tree removal services.

Background:

As part of the FY2018-19 Mid-year budget, Council approved the addition of \$150,000 to prioritize the removal of trees that posed a high risk of failure. This agenda item is a request for Council to authorize the City Manager to approve Amendment No. 1 to the agreement with West Coast Arborist in the amount of \$150,000 for removal of these high priority trees.

On April 13, 2018, the City of Milpitas issued a Request for Proposal for City-Owned Tree Maintenance services (RFP No. 2233). The scope of work in the RFP included a variety of pruning types for all City-owned trees that would provide pruning on a five-year schedule. This schedule would enable all City-owned trees to be maintained properly and data collected on the health and vitality of the trees and uploaded to the City's tree survey database. Additional on-call services were also listed in the RFP such as tree stump removal, tree planting services and emergency crew assistance.

On July 1, 2018, the City executed the agreement with West Coast Arborist, Inc. for a five-year term ending June 30, 2023, for City-Owned Tree Maintenance Services. The annual cost for the contract is \$477,510.00 and the total five year not-to-exceed amount is \$2,387,550.

Analysis:

The Public Works Department completed an inventory and assessment of all City owned trees. The arborist report provided recommendations for trees that needed to be removed as a priority due to their risk of failure. There are approximately 380 trees that need to be removed as a high priority.

The trees identified for removal in the arborist report are compromised and pose a potential hazard to public health and safety or property. The Public Works Department intends to work with West Coast Arborist, Inc. to remove the compromised trees in order to reduce potential liability to the City.

Policy Alternative:

Alternative 1: Not authorize the City Manager to approve Amendment No. 1 for tree removal services to be performed by West Coast Arborist, Inc.

Pros: None

Cons: Up to 380 trees at risk of failure may not be removed, resulting in potential liability for hazards to public safety and property and claims against the City.

Reason not recommended: This alternative may result in potential liability to the City.

Fiscal Impact:

A request for an additional \$150,000 was approved for contractual services under function 425 - Trees & Landscape as part of the FY 2018-19 Mid-Year budget process as approved by City Council on February 19, 2019 as agenda item No. 14.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

Recommendation:

Authorize the City Manager to approve Amendment No. 1 to the contract with West Coast Arborist, Inc. in the amount of \$150,000 for citywide tree removal services.

Attachments:

- a) Amendment No. 1 to contract with West Coast Arborist
- b) City-Owned Tree Maintenance Contract with West Coast Arborist Inc.



AMENDMENT NO. 1 TO THE AGREEMENT
WITH
WEST COAST ARBORIST, INC.
FOR
CITY-OWNED TREE MAINTENANCE SERVICES

This Amendment No. 1 is entered into this ____day of_____, 2019, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **West Coast Arborist, Inc.**, a California corporation (hereafter referred to as "CONTRACTOR").

RECITALS

WHEREAS, on July 1, 2018, the City executed an agreement with West Coast Arborist, Inc. for a five-year term ending June 30, 2023, for City-Owned Tree Maintenance Services (the "Agreement"); and

WHEREAS, the Public Works Department recently completed an inventory and assessment of all City trees. The report provided recommendations for trees that should be removed as a priority due to their risk of failure. There are approximately 380 trees that need to be removed as a high priority and the City does not have a dedicated tree crew to address these tree issues throughout the City; and

WHEREAS, the parties desire to amend the Agreement to provide additional funding of \$150,000.00 to be used to increase the agreement services with West Cost Arborist, Inc. to assist staff with the removal of these trees through June 30, 2020.

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

1. The total value of the Agreement shall be increased from Four Hundred Seventy Seven Thousand Five Hundred Ten Dollars and Zero Cents (\$477,510.00) by One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for a new not-to-exceed total of Six Hundred Twenty Seven Thousand Five Hundred Ten Dollars and Zero Cents (\$627,510.00).
2. The additional funding is only for additional on call services during the current term ending June 30, 2020, as described and priced on page 28 of the Agreement, under "ON-CALL SERVICES-Section B Removals" on the Proposal Offer Form - Costs sheet.
3. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

This Amendment is executed as of the date written on page one above.

APPROVED BY:

CITY OF MILPITAS

Approved By:

Julie Edmonds-Mares
City Manager

Effective Date

Approved As To Form:

Christopher J. Diaz
City Attorney

Approved As To Scope:

Jane Corpus
Interim Director of Financial Services

Approved As To Content:

Tony Ndah
Public Works Director

WEST COAST ARBORIST, INC.

Signature

Name

Title

Date



**CITY OF MILPITAS
CITY-OWNED TREE MAINTENANCE CONTRACT**

**Project: City-Owned Tree Maintenance
RFP No. 2233**

Amount of Contract: Total not-to-exceed annual contract amount: \$477,510.00

THIS CONTRACT, made this 19th day of June, 2018, by and between the City of Milpitas, hereinafter referred to as the "City of Milpitas", a municipal corporation and **West Coast Arborist, Inc.**, a California corporation hereinafter referred to as "Contractor,"

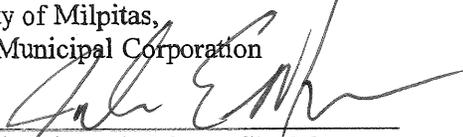
WITNESSETH:

- A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications," to be prepared for certain work on the referenced project; and
- B. WHEREAS, The term of the contract shall be for five (5) years from July 1, 2018, through and including June 30, 2023, and
- C. WHEREAS, said Specifications include: Proposal No. 2233 for City-owned Tree Maintenance, in its entirety, all Addenda, and the following documents by this reference are hereby offered as a part of the contract to be awarded:
1. Terms And Conditions
 2. Special Provisions For Services
 3. Narrative Proposal - Part 1
 4. Proposal Offer Form - Part 2
 5. Subcontractors List (if applicable)
 6. Subcontractors References (if applicable)
 7. Subcontractors Acceptance Of Solicitation Requirements (if applicable)
 8. Certificate Of Compliance Insurance Of Subcontractors (if applicable)
 9. Non-Collusion Affidavit
 10. Proposer's Statement Regarding Insurance Coverage
 11. Worker's Compensation Insurance Certificate
 12. Nondiscriminatory Employment Certificate
 13. Apprenticeship Standards Certificate
 14. References
 15. Exhibit A - Scope Of Work
 16. Exhibit C - Insurance Requirements
 17. Exhibit D - Tree Zone Map
 18. Exhibit E - New Tree Planting Standard
 19. Attachment A - Integrated Pest Management Summary
 20. Public Purchase Addenda And Questions
 21. Exhibit F – West Coast Arborist, Inc. Proposal
- D. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation



Julie Edmonds-Mares, City Manager

CONTRACTOR



Contractor's Authorized Signature

Patrick Mahoney
Name of Authorized Representative

President
Title of Authorized Representative

City of Milpitas Business Tax
Compliance: Certificate No. 35850

Approved As
To Form:



Christopher J. Diaz, City Attorney

Approved as
To Content:



Will Fuentes, Director of Financial Services

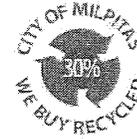
Approved As
To Scope:



Robert Hill, Project Manager



City of Milpitas



**NOTICE OF
REQUEST FOR PROPOSALS
No. 2233
City-Owned Tree Maintenance**

REVISED

Notice is hereby given that proposals will be received at the Purchasing Office, until **May 10, 2018 at 2:00 p.m.** local time for furnishing all labor, materials, and equipment, and performing all work necessary and incidental to furnishing:

**To Perform and Provide
City-Owned Tree Maintenance**

in accordance with the City of Milpitas' specifications, scope of services and contract documents contained herein.

SUBMITTING THE PROPOSAL: The City of Milpitas requires that proposals be submitted electronically. Electronic proposals are to be submitted through a secure mailbox at Public Purchase (www.publicpurchase.com) until the date and time indicated above. It is the sole responsibility of the supplier to ensure their proposal reaches Public Purchase before the closing date and time. There is no cost to the proposer for submitting City of Milpitas proposals electronically via Public Purchase. Electronic proposals require the uploading of electronic attachments. All documents must be attached as separate Microsoft Word, Excel, or Adobe PDF documents only. The submission of attachments containing embedded documents is prohibited.

Registration. All Proposers must register on Public Purchase. To receive registration instructions call the Buyer at 408-586-3163 or email a request for registration instructions to zdevine@ci.milpitas.ca.gov.

Mandatory Pre-Proposal Meeting. A mandatory pre-proposal meeting will be held at the City of Milpitas City Hall located at 455 E. Calaveras Blvd. in the First Floor Committee Meeting Room on April 20, 2018 at 10:00 a.m. local time.

License and Bonding. All Proposers shall be licensed and bonded in accordance with industry practices, laws, rules and regulations governing the performance of work required in this solicitation. Proposers shall have no less than one certified arborist on staff and supervise all aspects of the work performed under this solicitation. In addition to any and all relevant City, State and Federal permits and licenses required for the performance of the work required by this contract, prior to award of contract and without additional expense to the City, the Contractor shall hold a valid and current California C-27 and a C-61/D49 Contractor License, and a City of Milpitas Business License, and provide a copy thereof

Prevailing Wages. Pursuant to provisions of Section 1770, et seq., of the Labor Code of the State of California, it shall be mandatory upon the Contractor to pay its employees the general prevailing rate of wages as determined by the Director of the Department of Industrial Relations. In addition, the Contractor shall be responsible for compliance with the requirements of Section 1777.5 of the California Labor Code relating to apprentices on public works contracts.

Chris Schroeder
Purchasing Agent



City of Milpitas

REQUEST FOR PROPOSALS

No. 2233

For

City-Owned Tree Maintenance

REVISED

Date Issued: April 13, 2018

DATE REVISED APRIL 25, 2018

Bid Deadline: May 10, 2018 at 2:00 p.m. Local Time

Issued By: City of Milpitas
Purchasing Division
455 E. Calaveras Blvd.
Milpitas, CA 95035-5479

TABLE OF CONTENTS
RFP No. 2233 - City-Owned Tree Maintenance

PROJECT DESCRIPTION	4
MINIMUM QUALIFICATIONS	5
INSTRUCTIONS TO PROPOSER	6
TERMS AND CONDITIONS	13
SPECIAL PROVISIONS FOR SERVICES	19
LIST OF DOCUMENTS TO BE RETURNED WITH PROPOSAL	23
NARRATIVE PROPOSAL - PART 1	24
PROPOSAL OFFER FORM - PART 2	27
SUBCONTRACTORS LIST	32
SUBCONTRACTORS REFERENCES	33
SUBCONTRACTORS ACCEPTANCE OF SOLICITATION REQUIREMENTS	34
CERTIFICATE OF COMPLIANCE INSURANCE OF SUBCONTRACTORS	35
NON-COLLUSION AFFIDAVIT	36
PROPOSER'S STATEMENT REGARDING INSURANCE COVERAGE	37
WORKER'S COMPENSATION INSURANCE CERTIFICATE	38
NONDISCRIMINATORY EMPLOYMENT CERTIFICATE	39
APPRENTICESHIP STANDARDS CERTIFICATE	42
CONTRACTOR REFERENCES	43
EXHIBIT A - SCOPE OF WORK	44
EXHIBIT B - SAMPLE CONTRACT	57
EXHIBIT C - INSURANCE REQUIREMENTS - GENERAL	59
EXHIBIT D - TREE ZONE MAP	62
EXHIBIT E - NEW TREE PLANTING STANDARD	63
ATTACHMENT A - INTEGRATED PEST MANAGEMENT SUMMARY	

Schedule of Activities. The City reserves the right to amend the schedule below as necessary. All times referenced are in Pacific Time.

<u>Activity</u>	<u>Tentative Dates</u>
RFP released	April 13, 2018
Mandatory Pre-Proposal Meeting (10:00 a.m.)	April 20, 2018
Deadline for Submitting Questions (2:00 p.m.)	May 2, 2018
Proposal Submission Deadline (2:00 p.m.)	May 10, 2018
Evaluation Committee Review	Week of May 14, 2018
Interview/Presentations (If necessary)	May 21, 2018
Contract Award (Tentative City Council Date)	June 19, 2018

PROJECT DESCRIPTION

115

The City of Milpitas (City) is seeking proposals from experienced and qualified firms to perform a comprehensive and complete maintenance of City-owned trees. Selected firm shall also provide updated data and reports to maintain the electronic inventory of the street, median and park trees as well as trees within the City's urban forest.

The intent of this project is to provide full and complete contract tree maintenance services for City owned facilities, parks, parkways, right of ways, and median trees throughout the City herein described, and that such trees be kept in a safe, vigorous, and aesthetically attractive condition at all times. The Successful Proposer shall furnish all labor, equipment, materials, and supervision to perform tree maintenance as described in this solicitation.

In addition to any and all relevant City, State and Federal permits and licenses required for the performance of the work required by this contract, prior to award of contract and without additional expense to the City, the Contractor shall hold a valid and current California C-27 and a C-61/D49 Contractor License, and a City of Milpitas Business License, and provide a copy thereof. Contractor shall also provide a copy of the coversheet of their firm's safety plan with its proposal.

Please note that the City will soon undergo an update to its City-owned tree database and the current tree count listed in this RFP may increase by up to twenty percent (20%).

MINIMUM QUALIFICATIONS

116

Interested Proposers must comply with public bidding requirements applicable to the work to be performed and as otherwise set forth in the Instructions to Proposers. Furthermore, Proposers must be deemed responsible and responsive to the RFP in order for their proposals to be considered. To be deemed responsive, all submittal requirements included on the **List of Documents to Be Returned with Proposal** must be included in the proposal submission. In order to be considered responsible, interested proposers must meet the following minimum qualifications:

Licensing

Required State Contractors License: Class C-27 and a C-61/D49
(Include a copies of your license(s) with your proposal.)

DIR Prevailing Wage Determination:

Craft/Classification:	Tree Maintenance (Laborer)
Determination NC-102-X-21-2014-1	Issue Date: 02/22/2018

This classification is only suggested and may not be the only applicable classification. The contractor is responsible for determining what is appropriate for their company and is solely responsible for whatever classifications are submitted with this bid.

WHERE APPLICABLE, ALL BIDDERS ARE REQUIRED TO INCLUDE THE DEPARTMENT OF INDUSTRIAL LABOR CLASSIFICATION PRINTOUT FOR EACH CLASSIFICATION USED IN THE BID

INSTRUCTIONS TO PROPOSERS

ADDENDA. Addenda issued pursuant to this RFP, if any, will be posted on the Public Purchase website. However, it is the sole responsibility of the proposer to check the website and/or contact the Purchasing Agent directly to determine that they have included all addenda in their proposal before submitting it to the City.

Any proposal submitted that does not acknowledge each and every addenda issued will be considered non-responsive. Addenda, if any, must be acknowledged on the RFP Proposal Form in the space provided on page 30 of this Solicitation.

AUTHORIZED SIGNATURES. Every proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work. Upon request of the City of Milpitas, any agent submitting a proposal on behalf of a Proposer shall provide a current power of attorney certifying the agent's authority to bind the Proposer. If an individual makes the proposal, their signature, and post office address must be listed in the proposal. If a firm or partnership makes the proposal, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be listed in the proposal. If a corporation makes the proposal, the proposal shall show the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation. Upon request of the City of Milpitas, the corporation shall provide a certified copy of the bylaws or resolution of the board of directors showing the authority of the officer signing the proposal to execute contracts on behalf of the corporation.

AWARD OF CONTRACT. Award, if made, will be made to the Proposer offering the most advantageous proposal after consideration of all evaluation criteria ("Evaluation Criteria") set forth below. An Evaluation Committee will be established by the City of Milpitas. **Proposer not meeting the minimum qualifications and not submitting the required documents may be deemed non-responsive to the RFP and thus may not be considered by the Evaluation Committee.** The Evaluation Committee will evaluate all proposals received in accordance with the Evaluation Criteria. The City of Milpitas shall not be obligated to accept the lowest priced proposal but will make an award in the best interests of the City of Milpitas after all factors have been evaluated.

EVALUATION CRITERIA	Weighted %
Cover Letter	5%
Qualifications of Business and Key Personnel	20%
Information Management	10%
Approach to Providing Requested Services (Execution Plan)	20%
References	5%
Proposed Compensation – Part A	30%
Proposed Compensation – Part B	10%

The Evaluation Committee may also contact and evaluate the Proposer's and subcontractor's references; contact any Proposer to clarify any response; contact any current users of a Proposer's services; solicit information from

any available source concerning any aspect of a proposal; and seek and review any other information deemed pertinent to the evaluation process.

Discussions may, at the City's sole option, be conducted with a short-list of responsive and responsible Proposers. Discussions may be for the purpose of clarification to assure full understanding of, and responsiveness to, the RFP requirements. Each Proposer shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of proposals. Revisions may be permitted after submissions and before award for obtaining best and final proposals. In conducting discussions, the City will not disclose information derived from proposals submitted by competing Proposers. A notification of intent to award may be sent to any Proposer selected. The award is contingent upon the successful negotiation of final contract terms. Negotiations shall be confidential and not subject to disclosure to competing Proposers unless an agreement is reached. If contract negotiations cannot be concluded successfully, the City may negotiate a contract with the next highest scoring Proposer or withdraw the RFP. The City reserves the right to contract for services in the manner that most benefits the City including awarding more than one contract if desired. Once negotiations are successful, the Proposer will be recommended to the City Council for contract approval and the City Council has the final authority to approve or reject the contract award.

AWARD SELECTION PROCESS. Selection of qualified Proposers will be based on the following: quality and completeness of submitted proposal; understanding of project objectives; project approach; experience and expertise with public agencies and similar types of efforts; and references. Additional questions may be asked of Proposers and interviews may be conducted. Proposers will be notified of any additional required information or interviews after the written proposals have been evaluated. See EVALUATION CRITERIA for description of the RFP Item Proposed and Weighted Rankings. Interviews may be held with the most qualified proposers based upon score rankings. The most qualified proposer will be recommended to the Milpitas City Council for contract approval. The Successful Proposer selected will enter into a contract with the City of Milpitas.

BID PROTEST. Should any interested party question or protest the award to the Proposer offering the most advantageous proposal after consideration of all Evaluation Criteria, such question or protest must be made in writing to the Purchasing Agent. All questions or protests must be filed and will be adjudicated in compliance with the City of Milpitas Municipal Code Section "I-2-3.19 –Bid Protest".

COMMUNICATION. Each Proposer to this RFP must comply with the specified communication requirements. Any Proposer who communicates concerning this RFP with parties or via methods not provided for in this RFP, may be subject to disqualification. Such communication includes contact with City of Milpitas elected officials, staff, or any member of the Evaluation Committee regarding this RFP.

The City of Milpitas is not responsible for any explanation, clarification, interpretation, or approval made or given in any manner, except by written addendum.

COMPENSATION/FEES. All Proposals shall include the compensation proposed, both in writing and in figures, shall give all other information requested herein, and shall be signed by the Proposer's authorized representative. Fee proposals shall include everything necessary for the completion of work or otherwise fulfillment of the contract including but not limited to furnishing all labor, materials, equipment, tools, facilities and all management; overhead expenses and profit required to complete the work in accordance with the contract documents, except as may be provided otherwise in the contract documents. Fee proposals must contain the information as outlined in the RFP Proposal Offer Form.

COMPLIANCE WITH OR DEVIATION FROM RFP AND CONTRACT. Proposer hereby agrees that the Services provided will meet all the requirements of the RFP including, without limitation, all Exhibits and in particular the Energy Services Contract ("Contract") attached hereto as Exhibit B and incorporated herein by this

reference, unless deviations from them are clearly indicated in the Proposer's proposal. Proposer may submit an attachment entitled "Exceptions to RFP and Contract," which must be signed by Proposer's authorized representative. An explanation must be made for each item in which an exception is taken, giving in detail the extent of the exception, the reason for which it is taken, and the suggested change. Any such exception taken to the RFP or Contract may serve as a basis for rejection of the proposal as nonresponsive. Failure to comply with the requirements of this provision shall serve as a waiver of the Proposer's right to challenge or otherwise take exception to any terms of the RFP or the Contract. Submittal of a brochure, general list of terms and conditions, or other manufacturer literature is desirable but may not be a substitution for this requirement.

CONFLICT OF INTEREST. Pursuant to Government Code section 1090 and any other laws, rules and regulations that may apply, the Proposer covenants that neither it, its subcontractors nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this RFP. Proposer certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFP is an officer or employee of the City of Milpitas. Through its submittal of a proposal, Proposer acknowledges that it is familiar with Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California and will immediately notify the City if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

CONTRACT DOCUMENTS, EXAMINATION OF. It is the responsibility of the Proposer to carefully and thoroughly examine and be familiar with the RFP, all attached exhibits including the Contract, responses to questions, and addenda (if any), hereinafter referred to as Contract Documents. Proposer shall satisfy themselves as to the character, quantity, and quality of work to be performed and materials, labor, supervision, equipment, and appurtenances necessary to perform the work as specified by the Contract Documents. The failure or neglect of the Proposer to examine the Contract Documents shall in no way relieve them from any obligations with respect to the RFP or Contract. The submission of a proposal shall constitute an acknowledgment upon which the City of Milpitas may rely that the Proposer has thoroughly examined and is familiar with the Contract Documents. The failure or neglect of a Proposer to receive or examine any of the Contract Documents shall in no way relieve them from any obligations with respect to the proposal. No claim will be allowed for additional compensation that is based upon a lack of knowledge of Contract Documents.

DEFINITION OF TERMS. For the purposes of this RFP, the following definitions will be used:

- a. **Contractor.** The term "Contractor" refers to the party entering into a contract with the City of Milpitas as a result of this RFP. Same as Successful Proposer.
- b. **Evaluation Committee.** An independent committee established by the City of Milpitas to review, evaluate, and score the proposals, and to recommend award to the Proposer that submitted the proposal determined by the committee to be in the best interest of the City of Milpitas.
- c. **May.** Indicates something that is not mandatory but permissible.
- d. **Must/Should.** Indicates a mandatory requirement. A proposal that fails to meet a mandatory requirement may be deemed non-responsive and not be considered for award.
- e. **Proposer.** The person or firm making a legally binding offer.
- f. **Proposal.** The offer submitted by the Proposer.
- g. **RFP.** Acronym for Request for Proposal; same as Solicitation and Contract Documents.
- h. **Should.** Indicates something that is recommended but not mandatory. Failure to do what "should" be done will not result in rejection of your proposal.
- i. **Submittal Deadline.** The date and time on or before all proposals must be submitted.
- j. **Successful Proposer.** The person, contractor, or firm to whom the award is made.

DISQUALIFICATION OF PROPOSER. If there is reason to believe that collusion exists among the Proposers, the City of Milpitas may refuse to consider proposals from participants in such collusion. No person, firm, or corporation

under the same or different name, shall make, file, or be interested in more than one proposal for the same unless alternate proposals are called for. A person, firm, or corporation who has submitted a sub-proposal to a Proposer, or who has quoted prices on materials to a Proposer, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Proposers. Reasonable ground for believing that any Proposer is interested in more than one proposal for the same work will cause the rejection of all proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the City of Milpitas may refuse to consider proposals from participants in such collusion. Proposers shall submit as part of their proposal documents the completed Non-Collusion Declaration provided herein.

DOCUMENTS TO BE RETURNED WITH PROPOSAL. Failure to completely execute and submit the required documents before the Submittal Deadline may render a proposal nonresponsive. **The documents that must be returned by the Submittal Deadline are listed on the form entitled "List of Documents to be Returned with Proposal" and attached hereto on page 23.**

EXECUTION OF CONTRACT. The Contractor shall execute the Contract in substantially the form provided in this RFP. A copy of the Contract is attached hereto as **Exhibit B – Sample Contract** and incorporated herein by this reference. The Contract shall include, among other things, this RFP, any addenda, and the relevant scope and pricing terms under the Contractor's proposal. Contractor shall sign all necessary documents and submit all required bonds (if applicable) and evidences of insurance within ten (10) days after personal delivery of the Notice to Proceed or within fifteen (15) days after such Notice of Proceed has been deposited in the United States mail. One copy of the Contract will be returned to the Contractor after the City executes the Contract. In case of failure of the Contractor to execute and return the Contract and all required documents within the time allowed, the City may, at its option, consider that the Proposer has abandoned the Contract. After the Contract has been executed, including the insurance documents, certificates, and bonds, if applicable, Contractor agrees to commence work within ten (10) working days after the date of the Notice to Proceed.

EXPERIENCE AND COMPETENCE. The Successful Proposer shall be skilled and regularly engaged in the general class or type of work called for under the Contract and shall also have no less than **five (5)** years of experience in the magnitude and character of the work proposed. It is the intention of the City of Milpitas to award a contract to a Proposer who furnishes satisfactory evidence that he or she has the requisite experience, ability, sufficient capital, and facilities to enable them to prosecute the work successfully and properly and to complete it within the time specified in the Contract. To determine the degree of responsibility to be credited to the Proposer, the City of Milpitas will weigh any evidence that the Proposer has performed satisfactorily other contracts of like nature, magnitude, and comparable difficulty. In selecting the proposal most advantageous to the City, consideration will be given to the general competency of the Proposer for the performance of the work specified in the RFP. To this end, each Proposal shall be supported by a statement of the Proposer's experience on the form entitled "References," which is a part of the RFP.

Contractor's personnel assigned to the contract awarded from this RFP shall each have a minimum of **five (5)** years of training and experience related to services of similar scope to this RFP. Contractor will ensure that a full-time employee is assigned to the job as project manager for the duration of the contract and that he or she speaks English and has **three (3)** years of supervision experience in work of similar scope to this RFP. These minimum qualifications shall be maintained throughout the contract duration.

FORCE MAJEURE. If execution of the Contract shall be delayed or suspended and if such failure arises out of causes beyond the control of and without fault or negligence of the Contractor, the Contractor shall notify the City, in writing, within twenty-four (24) hours, after the delay. Such causes may include but are not limited to acts of God, war, acts of a public enemy, and acts of any governmental entity in its sovereign or contractual capacity, fires, floods, epidemics, strikes and unusually severe weather.

INFORMED PROPOSER. Each Proposer is expected to fully inform themselves as to the conditions, requirements, and specifications of the RFP before submitting proposals. Failure to do so will be at Proposer's own risk, and they cannot secure relief on the plea of error.

INTERPRETATION OF CONTRACT DOCUMENTS. If any person is in doubt as to the true meaning of any part of the RFP or finds discrepancies or omissions in the RFP, they may submit a written request for an interpretation or correction through the Public Purchase website no later than the deadline for questions.

When the City of Milpitas considers interpretations necessary, interpretations will be in the form of an addendum to the RFP, and when issued, will be posted on the Public Purchase website. All such addenda shall become a part of the Contract. Oral and other interpretations or clarifications shall be without legal or contractual effect. It is the responsibility of each Proposer, including any Proposer who obtained a RFP from anyone other than the Public Purchase, to check the website for addenda prior to submitting any proposal.

To submit questions: 1) Log into the Public Purchase website; 2) click on the title of the solicitation and the solicitation page will open up; 3) find on the right-hand side of the page under "Questions", then click on [View/Ask questions] and 4) type in your question or request for clarification. **Responses to questions/requests for clarification will be sent via e-mail notification to all registered Proposers.**

**The deadline for asking questions related to this RFP is:
2:00 p.m. PDT on May 2, 2018**

Questions answered on Public Purchase are considered to be a part of or clarification to the RFP and are considered to be addenda to be acknowledged by Proposers on the Proposal Form. The City may also issue a separate addendum document in response to questions/requests for clarification. It is the responsibility of each Proposer to ensure that they have registered on Public Purchase to receive all notifications. To register, contact the Purchasing Division at 408-586-3163.

Any Proposer obtaining a RFP from any source other than the City of Milpitas is responsible for contacting the City of Milpitas Purchasing Agent at the above reference telephone number and registering on Public Purchase.

LICENSES. The following license classifications are required for this Project: a valid and current California C-27 and a C-61/D49 Contractor License. Proposer represents that it is duly licensed and experienced in providing services similar to those being performed under this RFP and that it and its employees or subcontractors have all necessary licenses and permits to perform the Services in the State of California, and that it is familiar with the plans of City.

NOMENCLATURES. The terms Successful Proposer, Successful Contractor, and Contractor may be used interchangeably in this RFP and shall refer exclusively to the Proposer with whom the City of Milpitas enters into a contract because of this RFP.

NON-COLLUSION DECLARATION. Each Proposer is required to submit a signed copy of the Non-Collusion Declaration with its proposal.

OFFERS OF MORE THAN ONE PRICE. Proposer is NOT allowed to submit more than one proposal.

PRICE DISCREPANCIES. In the event that there are unit price items in a proposal schedule and the "amount" indicated for a unit price of an item does not equal the product of the unit price and quantity listed, the unit price shall govern, and the amount will be corrected accordingly. If there is more than one item in a proposal schedule, and the total indicated for the schedule does not agree with the sum of prices of the individual items, the prices given

for the individual items shall govern, and the total for the schedule will be corrected accordingly. The Proposer shall be bound by said corrections.

PROPOSAL CONTENT. (See Narrative Proposal) Proposer must describe in detail how they will meet the requirements of this RFP, and may provide additional related information with its proposal. **The proposal shall be presented in a format that numerically corresponds to the numbered sections outlined in the Narrative Proposal – Part 1. Responses to each section should be labeled to indicate which item is being addressed.** Proposals shall be straightforward and concise and provide "layman" explanations of technical terms that are used. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. If a complete response cannot be provided without referencing supporting documentation, you must provide such documentation with the proposal indicating where the supplemental information can be found.

The City is not liable for any costs incurred by Proposers before entering into a formal contract. The costs of developing the proposals or any other such expenses, including but not limited to a preliminary IGA, incurred by any Proposer in responding to the RFP are entirely the responsibility of the Proposer and shall not be reimbursed in any manner by the City.

PROPOSAL MODIFICATIONS. Any Proposer who wishes to make modifications to a proposal already received by the City must withdraw its proposal in order to make the modifications. Withdrawals must be made in accordance with the terms and conditions of this RFP (see Withdrawal of Proposal). All modifications must be made in ink, properly initialed by Proposer's authorized representative, executed, and submitted in accordance with the terms and conditions of this RFP. It is the responsibility of the Proposer to ensure that modified or withdrawn proposals are resubmitted before the Submittal Deadline.

PROPOSAL PRICES AND NOTATIONS. All prices and notations must be in ink or typewritten. Prices shall be stated in units and offers made separately on each item. In case of conflict between unit prices and extended prices, unit prices will govern. Where there is a conflict between words and figures, words will govern.

PROPOSAL RESULTS. Proposals are downloaded from the Public Purchase website. A Proposal results tabulation with the names of Proposers will be posted on the Purchasing page of the City website after contract award, if any. The City of Milpitas reserves the right to postpone the Submittal Deadline and opening of proposals any time before the date and time announced in the RFP or subsequent addenda.

PUBLIC AGENCY ("Piggyback Clause"). It is intended that any other public agency is permitted to purchase under the terms submitted in response to this procurement. Any participating public agency shall accept sole responsibility for the placing of orders, arranging for delivery and/or services, and making payments to the Contractor. The City of Milpitas will not be liable or responsible for any obligations, including but not limited to financial responsibility, in connection with participation by other public agencies.

RECYCLED PRODUCT PROCUREMENT. The City is committed to the conservation and protection of state and local resources, therefore:

- a. For all paper materials of any kind delivered to the City, by a contractor, supplier, or consultant, whether in the form of a product such as a cup or a deliverable such as a report, shall use recycled paper that bears an imprint identifying the recycled content of the paper as not less than the 30% post-consumer fiber as specified in Section 12209 of the Public Contract Code. A product such as a cup may have the identifying logo and/or language on the packaging, while a deliverable such as a report shall have the identifying logo on the first page. This shall apply to all paper materials delivered to the city whenever practicable.

b. Contractors and consultants shall use both sides of paper sheets whenever practicable.

REJECTION OF PROPOSALS AND WAIVER OF INFORMALITIES. Issuance of this RFP and receipt of proposals does not commit the City to award a contract. The City reserves the right to waive any irregularities and to reject any proposals, all proposals, or any part of any proposal presented and re-advertise for proposals. The City reserves the right to cancel the RFP and make no award. The City reserves the right to reject the proposal of any Proposer who previously failed to perform adequately for the City or any other governmental agency. The City expressly reserves the right to reject the proposal of any Proposer who is in default on the payment of taxes, licenses, or other monies due to the City.

RULES FOR SUBMITTING PROPOSALS.

- a. **Submittal Deadline.** Proposals must be uploaded to the Public Purchase website by the Submittal Deadline shown in this solicitation and any subsequent addenda to this RFP.
- b. **Responsibility.** Proposers are solely responsible for ensuring their proposal is successfully uploaded onto the Public Purchase website in accordance with the solicitation requirements, before the Submittal Deadline. The City of Milpitas shall not be responsible for any delays in transmission errors or delays. Proposals must be uploaded in Microsoft Word, Excel or Adobe PDF format as specified in the RFP, using as few files as possible. Do not wait until the last minute to upload files as delays can occur. In the event that there is a problem uploading documents, contact Public Purchase at 1-800-591-5546.
- c. **Extension of Submittal Deadline.** The City of Milpitas reserves the right to extend the Submittal Deadline when it is in the best interest of the City of Milpitas.
- d. **Forms.** To be considered for award, each proposal shall be made on forms furnished by the City of Milpitas in this RFP.
- e. **Late Proposals.** The Submittal Deadline it is firm. Proposals will not be accepted after the Submittal Deadline.
- f. **Signature.** To be considered for award, each proposal shall be signed by an authorized representative of the Proposer.

SUBMITTAL METHOD. Proposals must be submitted electronically through the Public Purchase website at www.publicpurchase.com.

TAXES. Successful Proposer shall pay all federal, state and local taxes, levies, duties, and assessments of every nature due in connection with any work under the contract and shall indemnify and hold harmless the City from any liability on account of any and all such taxes, levies, duties, assessments, and deductions. Proposal prices shall include said taxes.

TERMS OF THE OFFER. The City reserves the right to negotiate final contract terms with any Proposer selected. Specific exceptions to this general rule may be noted in the final executed contract. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in the evaluation of the proposal. Proposer misrepresentation shall be treated as fraudulent concealment from the City of the facts relating to the proposal.

WITHDRAWAL OF PROPOSAL. Following the Submittal Deadline, Proposer may not withdraw its proposal for a period of ninety (90) calendar days from the date of opening, and the proposal must remain open and firm. At no time may the Successful Proposer(s) withdraw their proposal. Proposer's authorized representative may withdraw proposals through the Public Purchase website prior to the Submittal Deadline.

TERMS AND CONDITIONS

ACCEPTANCE PERIOD. Unless otherwise specified herein, proposals remain open and are firm for a period of not less than ninety (90) calendar days from the proposal submission deadline.

ANTI-DISCRIMINATION. It is the policy of the City of Milpitas that in connection with all work performed under contract; there will be no discrimination against any prospective or active employee engaged in the work because of race, color, ancestry, national origin, religious creed, sex, age, or marital status. The contractor agrees to comply with applicable Federal and California laws including, but not limited to, the California Fair Employment Practice Act, beginning with Labor Code Section 1735. In addition, the contractor agrees to require like compliance by any subcontractor employed on the work.

ASSIGNMENT OF RIGHTS OR OBLIGATIONS. Except as noted hereunder, Successful Proposer may not assign, transfer or sell any rights or obligations resulting from this solicitation without first obtaining the specific written consent of the City of Milpitas.

AUTHORITY OF THE CITY OF MILPITAS. Subject to the power and authority of the City of Milpitas as provided by law in this contract, the City of Milpitas shall in all cases determine the quantity, quality, and acceptability of the work, materials, and supplies for which payment is to be made under this contract. The City of Milpitas shall decide the questions that may arise relative to the fulfillment of the contract or the obligations of the contractor hereunder.

BUSINESS LICENSE. If the scope of work under this bid includes performing services or installation on City of Milpitas property, the Successful Proposer must have a current City of Milpitas Business License. Inquiries regarding Business License may be directed to the Finance Department at 408-586-3100. Business Licenses are not required for materials or equipment shipped by U.S. mail or common carrier.

CANCELLATION OF THE CONTRACT. **Without** CAUSE, the City of Milpitas may cancel this contract at any time with thirty (30) days written notice to the supplier/contractor. **With cause**, the City of Milpitas may cancel this contract at any time with ten (10) days written notice to the Proposer. Cancellation for cause shall be at the discretion of the City of Milpitas and shall be, but is not limited to, failure to supply the materials, equipment or service specified within the time allowed or within the terms, conditions or provisions of this contract. The Successful Proposer may not cancel this contract without prior written consent of the City of Milpitas Purchasing Agent.

If the agreement is terminated, for any reason, the Contractor shall turn over any and all records to the City within fifteen (15) working days after completion of duties contained in the agreement.

In the event of cancellation, The City shall only be liable for payment of services performed or goods delivered and accepted or approved by the City prior to the effective date of the termination.

CHANGES IN WORK. The City of Milpitas may, at any time work is in progress, by written order and without notice to the sureties, make alterations in the terms of work as shown in the specifications, require the performance of extra work, decrease the quantity of work, or make such other changes as the City of Milpitas may find necessary or desirable. The Contractor shall not claim forfeiture of contract by reasons of such changes by the City of Milpitas. Changes in work and the amount of compensation to be paid to the Contractor for any extra work as so ordered shall be determined in accordance with the item prices of contractor's proposal.

CITY REPRESENTATIVE. **Robert Hill, Public Works Manager** shall represent the City in all matters pertaining to the services to be rendered under this Solicitation; all requirements of City pertaining to the services and materials to be rendered under this Solicitation shall be coordinated through the City Representative.

CLEAN-UP It is the Contractor's responsibility to properly dispose of all rubbish and waste materials according to applicable federal, state and local health, safety, and environmental laws, ordinances, rules and regulations. Should the Contractor neglect or refuse to remove such unsatisfactory work or materials within forty-eight (48) hours after the receipt of the above mentioned notice, or if they fail to make satisfactory progress in doing so, the City may cause said work or materials to be removed and charges to the Contractor. Such expense shall be deducted from any monies due or to become due the Contractor under the agreement.

CLEAN-UP COST. Proposer shall include in the proposal, all costs for cleanup during performance and upon completion of work on this project. Successful Proposer will remove all unused equipment and instruments of service, all excess or unsuitable material, trash, rubbish and debris, and legally dispose of same, unless otherwise directed by these specifications. Successful Proposer shall leave entire area in a neat, clean, and acceptable condition as approved by **Robert Hill, Public Works Manager**.

COMPENSATION ADJUSTMENT. The stated rates are fixed for the first twelve (12) months. After twelve (12) months from the date this Agreement is entered into by both parties ("anniversary date"), and each twelve (12) months thereafter, these rates may be negotiated by the Contractor and the City, provided Contractor submits written notice to City of Contractor's request to revise the rates ninety (90) calendar days prior to the anniversary date of this Agreement. Both parties will use as a benchmark for negotiations the percent change for the previous twelve (12) months of the "Consumer Price Index – All Urban Consumers. Consumer Price Index Series ID: CUURS49BSAO Not Seasonally Adjusted Series. Title: All items in San Francisco-Oakland-Hayward, CA all urban consumers, not seasonally adjusted. Area: San Francisco-Oakland-Hayward. CA Item: All Items. Base Period: 1982-84+100. April 2018 over April 2019)" as published by the U.S. Department of Labor, Bureau of Labor Statistics, to a maximum of 5%, whichever is less. A negative index will result in rates remaining the same.

CONFIDENTIAL OR PROPRIETARY INFORMATION OF THE CITY OF MILPITAS. Contractor understands and agrees that, in the performance of the contracted work or services or in contemplation thereof, Contractor may have access to private or confidential information which may be owned or controlled by the City of Milpitas and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to the City of Milpitas. Contractor agrees that all information disclosed by the City of Milpitas to Contractor shall be held in confidence and used only in the performance of contracted work or services. Contractor shall exercise the same standard of care to protect such information as a reasonably prudent contractor would use to protect its own proprietary data.

CONTRACT INCORPORATION. The contract embodies the entire contract between the City of Milpitas and the Contractor. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein. No changes, amendments, or modifications of any of the terms or conditions of the contract shall be valid unless reduced to writing and signed by both parties. The complete contract shall include the entire contents of the RFP solicitation, all addenda, all of Proposer's successful submittal, supplemental agreements, change orders, applicable bond(s), and any and all written agreements which alter, amend or extend the contract.

CONTRACT SUBJECT TO APPROPRIATION OF FUNDS. The Successful Bidder understands and accepts that at all times; the contract awarded from this solicitation is subject to appropriation of funds by the Milpitas City Council. The contract awarded from this solicitation may terminate without penalty, liability or expense of any kind to the City at the end of any fiscal year if funds are not appropriated for the next succeeding fiscal year. If funds are appropriated for a portion of the fiscal year, the contract will terminate, without penalty, liability or

expense of any kind at the end of the term for which funds are appropriated. The City has no obligation to make appropriations for the contract in lieu of appropriations for new or other contracts. City budget decisions are subject to the discretion of the Mayor and City Council. Contractor's assumption of risk of possible non-appropriation is a part of the consideration for the contract. This section controls against any and all other provisions of the contract.

CONTRACT TERM. The contract term will be from July 1, 2018, through June 30, 2023. The City reserves the right to review the Contractor's performance at the end of each year and cancel all or part of the contract.

CONTRACTOR RESPONSIBILITY. Any work completed by the contractor that does not meet the quality standards as determined by the City of Milpitas' project manager, shall be re-done by the contractor at no cost to the City. In the event contractor's work repeatedly does not meet the quality standards, the City reserves the right to terminate contract without any cost to the City.

DAMAGE. The contractor shall be held responsible for any breakage, loss of the City of Milpitas' equipment or supplies through negligence of the contractor or their employee while working on the City of Milpitas' premises. The contractor shall be responsible for restoring or replacing any equipment, facilities, etc. so damaged. The contractor shall immediately report to the City of Milpitas project manager any damages to the premises resulting from services performed under this contract. Failure or refusal to restore or replace such damaged property will be a breach of this contract.

FORCE MAJEURE. If execution of this contract shall be delayed or suspended and if such failure arises out of causes beyond the control of and without fault or negligence of the Contractor, the Contractor shall notify the City of Milpitas, in writing, within twenty-four (24) hours, after the delay. Such causes may include but are not limited to acts of God, war, acts of a public enemy, and acts of any governmental entity in its sovereign or contractual capacity, fires, floods, epidemics, strikes and unusually severe weather.

FORMATION OF CONTRACT. Proposer's signed Proposal and City of Milpitas' fully executed contract shall constitute a binding contract.

INDEMNIFICATION. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor's Services, the Project or this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys' fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Contractor's Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor. Contractor shall defend, with Counsel of City's choosing and at Contractor's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by this Section that may be brought or instituted against City or its officials, officers, employees, volunteers and agents. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, officers, employees, volunteers and agents as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse City for the cost of any settlement paid by City or its officials, officers, employees, agents or volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorneys' fees and costs, including expert witness fees. Contractor shall reimburse City and its officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall

survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if received by the City, its officials, officers, employees, agents, or volunteers.

INDEPENDENT CONTRACTOR. Contractor or any agent or employee of Contractor shall be deemed at all times to be an independent contractor and is wholly responsible for the manner in which it performs the services and work requested by the City of Milpitas under contract. Contractor or any agent or employee of Contractor shall not have employee status with the City of Milpitas, nor be entitled to participate in any plans, arrangements, or distributions by the City of Milpitas pertaining to or in connection with any retirement, health or other benefits that the City of Milpitas may offer its employees. Contractor or any agent or employee of Contractor is liable for the acts and omissions of itself, its employees and its agents. Contractor shall be responsible for all obligations and payments, whether imposed by federal, state or local law, including, but not limited to: FICA, income tax withholdings, unemployment compensation, insurance, and other similar responsibilities related to Contractor's performing services and work, or any agent or employee of Contractor provided same. Nothing in this solicitation nor the contract awarded thereof shall be construed as creating an employment or agency relationship between the City of Milpitas and Contractor or any agent or employee of Contractor. Any terms in the contract awarded from this solicitation referring to direction from the City of Milpitas shall be construed as providing direction as to policy and the result of Contractor's work only, and not as to the means by which such a result is obtained. The City of Milpitas does not retain the right to control the means or the method by which Contractor performs work under the contract. It is expressly agreed by Contractor that in the performance of the services required under this contract, Contractor, and any of its subcontractors or employees, shall at all times be considered independent contractors and not agents of the City of Milpitas.

INSURANCE REQUIREMENTS. Within ten (10) consecutive calendar days of award of contract, Successful Proposer must furnish the City of Milpitas with the Certificates of Insurance proving coverage as specified in **Exhibit C – Insurance Requirements - General**. Failure to furnish the required certificates within the time allowed will result in forfeiture of the contract.

LAWS GOVERNING CONTRACT. This contract shall be in accordance with the laws of the state of California. The parties stipulate that this contract was entered into in Santa Clara County, in the State of California. The parties further stipulate that Santa Clara County, California, is the only appropriate forum for any litigation resulting from a breach hereof or any questions risen here from.

PROPRIETARY INFORMATION. The master copy of each proposal shall be retained for official files and will become public record after the award of a contract unless the proposal or specific parts of the proposal can be shown to be exempt by law. Each Proposer may clearly label part of a proposal as "CONFIDENTIAL" if the Proposer thereby agrees to indemnify and defend the City of Milpitas for honoring such a designation. The failure to so label any information that is released by the City of Milpitas shall constitute a complete waiver of all claims for damages caused by any release of the information. If a public records request for labeled information is received by the City of Milpitas, the City of Milpitas will notify the Proposer of the request and delay access to the material until seven working days after notification to the Proposer. Within that time delay, it will be the duty of the Proposer to act in protection of its labeled information. Failure to so act shall constitute a complete waiver.

RIGHTS RESERVED. (a) Rejection of Work. Contractor agrees that the City of Milpitas has the right to make all final determinations as to whether the work has been satisfactorily completed. (b) Completion of Work. If Contractor fails to comply with the conditions of the contract, or fails to complete the required work or furnish the required materials within the time stipulated, the City of Milpitas reserves the right to purchase in the open market, or to complete the required work, at the expense of the Contractor.

RECORDS CREATED AS PART OF CONTRACTOR'S PERFORMANCE. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other

documents or materials, in electronic or any other form, that Contractor prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Contractor hereby agrees to deliver those documents to the City at any time upon demand of the City. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. Failure by Contractor to deliver these documents to the City within the time period specified by the City shall be a material breach of this Agreement.

SEVERABILITY. If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

SPECIFICATIONS, CHANGES TO. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein or by written amendment. No changes, amendments, or modifications of any of the terms or conditions of the specification shall be valid unless reduced to writing and signed by both parties.

SPECIFICATIONS, DEFINITION. The term "specification" as used in this solicitation shall be interpreted to mean all the pages that make up this specification, including all Appendices, Exhibits, or Attachments.

WARRANTY. The Contractor shall guarantee that work performed under this contract shall meet or exceed all applicable requirements of the latest revisions of all applicable Building Codes, OSHA, Mechanical, National Electrical, Unified, and International Building and Plumbing codes and the City of Milpitas' Municipal Code, federal, and state rules and regulations, as applicable.

- a) **Workmanship:** The Contractor shall guarantee all work against any defects in workmanship to the extent the resulting work product shall remain functional and in good order for the warranty period. If any defects or signs of deterioration are noted within the warranty period which in the City's opinion are due to faulty workmanship or materials, the Contractor, upon notification and at his/her expense, shall make the necessary repairs to satisfactory correct any system deficiency. The Contractor shall automatically make such repairs upon call-back for servicing to correct the same malfunction.
- b) **Warranty period:** Shall be for a period of one year after completion of the installation and date of acceptance which is defined as the date of final payment for the work. The warranty period includes the manufacturer's warranty and the Contractor's, whichever is the later period. Contractor shall unconditionally guarantee the materials used in performance of this contract are within the specified guidelines and recommendations of the manufacturer's warranty.
- c) **Completion of warranty work:** All warranty work shall be completed within five (5) working days from notice of defect. The Contractor shall bear all costs of correcting rejected or defective work and perform such work within the timeline otherwise agreed to in writing between the City and the Contractor.
- d) **Cover Clause.** If the Contractor fails to deliver or perform as ordered, or within the time specified, or within reasonable time as interpreted by the City, or fails to make replacement of rejected or defective items or services, whether so requested immediately or as directed by the City, the City may purchase goods or services from other sources to take the place of the goods or services rejected found defective or not delivered. The City reserves the right to authorize immediate purchase (within 24 hours) from other sources against rejections on any contract when necessary. On all such purchases, the Contractor agrees to reimburse the City promptly for excess costs occasioned by such purchases. Should the cost be less, the Contractor shall have no claim to the difference. Such purchases may be deducted from the outstanding

invoices or claims, or charged back against future invoices. **The City may also require a Performance Bond for the remaining contract duration.**

SPECIAL PROVISIONS FOR SERVICES

APPRENTICES USE OF. Use of Apprentices: CONTRACTOR agrees to comply with Chapter 1, Part 7, Division 2, §1777.5 et seq. of the California Labor Code. These sections require contractors and subcontractors to employ apprentices in apprentice-eligible occupations in a ratio of not less than one hours of apprentice work for each five hours of journeyman work (unless an exception is granted in accordance with §1777.5), and the contractors and subcontractors shall not discriminate among otherwise qualified employees as apprentices solely on the ground of sex, race, religion, creed, national origin, ancestry, or color. Only apprentices as defined in §3077, who are in training under apprenticeship standards and who have written apprentice agreements will be employed on public works in apprentice-eligible occupations. The responsibility for compliance with these provisions is fixed with the prime contractor for all apprentice-eligible occupations.

COMPLIANCE WITH FAIR EMPLOYMENT PRACTICE ACT. CONTRACTOR agrees in accordance with Section 1735 and 1777.6 of California Labor Code, and the California Fair Employment Practice Act (Sections 1410-1433) that in the hiring of common or skilled labor for the performance of any work under this contract or any subcontract hereunder, no contractor, material supplier or vendor shall, by reason of race, color, national origin or ancestry, or religion, discriminate against any person who is qualified and available to perform the work to which such employment relates.

LIQUIDATED DAMAGES. Time is of the essence of this contract. Failure to start and complete all work specified within the time allowed shall constitute material breach of contract. The time allowed will be calculated from the date of the Award through the Maximum Completion/Delivery Time indicated by the Successful Bidder/CONTRACTOR on their Bid Form or approved Work Order for the completed work or delivery of the goods specified. Failure of Successful Bidder to complete the work or deliver the goods within the time allowed will result in damages, and for each consecutive day in excess, the contractor shall pay to the of Milpitas the sum equal to actual damages or Two Hundred Fifty Dollars and Zero Cents (**\$250.00**) per calendar day. Such amount shall not be construed as a penalty but as a minimum value of liquidated damages that may be deducted from payment due to the contractor if such delay occurs.

PERMITS. Unless otherwise specified herein, CONTRACTOR shall at their expense, obtain all permits and licenses and pay all charges and fees necessary for the performance of the contract, and shall give all public notices necessary for the lawful performance of the contract. CONTRACTOR shall pay all taxes, levies, duties and assessments of every nature due in connection with any work under the contract, shall make any and all payroll deductions required by law, and shall indemnify and hold harmless the City of Milpitas from any liability on account of any and all such taxes, levies, fees, duties, assessments and deductions.

PRE-START UP MEETING. The contractor shall not commence work until a meeting between representatives of the contractor and the City of Milpitas is held. The meeting will be held at Public Works Department, 1265 N. Milpitas Blvd, Milpitas, CA 95035, at a time and date later to be established by CITY Representative.

PREVAILING WAGES. Proposers shall comply with all applicable laws and regulations of the federal, state and local government. Proposers are hereby notified of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Scope of Services is being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000.00 or more, Proposers shall agree to fully comply with such Prevailing Wage Laws, if applicable. The successful Proposer shall defend, indemnify and hold CITY, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon

the successful Proposer and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Section 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Sections 1777.1).

Pursuant to Labor Code Sections 1725.5 and 1771.1, the Proposers and any subcontractors must be registered with the Department of Industrial Relations. The successful Proposer shall maintain registration for the term of the agreement and require the same of any subcontractors, as applicable. This Scope of Services may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be the Proposers' sole responsibility to comply with all applicable registration and labor compliance requirements.

The CONTRACTOR and all subcontractors on this project shall provide copies of all certified payrolls electronically to the CITY and the California Department of Industrial Relations at the end of each month or more frequently as directed.

SAFETY. The CONTRACTOR and their respective employees are required and shall comply with all Occupational Safety and Health Administration (OSHA), State and CITY Safety and Occupational Health Standards and any other applicable federal, state, and local health, safety, and environmental laws, ordinances, rules and regulations in the performance of the services. CONTRACTOR and Subcontractor (s) shall be held responsible for the safety of their employees and any unsafe acts or conditions that may cause injury or damage to any persons or property within and around the work site area under this contract. In case of conflict, the most stringent safety requirement shall govern. The CONTRACTOR shall indemnify and hold the CITY harmless from and against all claims, demands, suits, actions, judgments, fines, penalties and liability of every kind arising from the breach of the CONTRACTOR's obligations under this paragraph.

1. **Material Safety Data Sheets:** The CONTRACTOR shall be required to have in their possession at the location of each project and available upon request, material safety data sheets applicable to hazardous substances.
2. The CONTRACTOR shall provide all necessary safety cones, barriers and equipment at the job site during the execution of work, and alert building occupants of potential hazards.
3. The CONTRACTOR's employees are to report any safety hazards, evidence of misuses or damages to the equipment or environmental problems directly to CITY's Representative
4. CONTRACTOR shall be solely responsible for the safety of CONTRACTOR's employees and others relative to CONTRACTOR's work, work procedures, materials, equipment, transportation, signage and related activities and equipment.

SAFETY, FIRST AID REQUIREMENTS. Successful Bidder shall comply with the provisions of California Code of Regulations Section 1502 & 1512, et. seq. regarding safety and first aid kits on site. The Successful Bidder shall also comply with the requirements of the California Manual of Temporary Traffic Controls, 2007 Edition, Section 6D.03 Worker Safety Considerations. **A copy of the Cover page and Table of Contents of the Proposer's safety plan shall also be included in their proposal.**

SUBCONTRACTOR AGREEMENT TO TERMS OF THIS SOLICITATION. A proposal submitted in response to this RFP must identify all subcontractors, and outline the contractual relationship between the awarded Bidder and each subcontractor. **It is the Proposer's responsibility to ensure that an official of each proposed subcontractor has read and signs the SUBCONTRACTOR'S ACCEPTANCE OF SOLICITATION REQUIREMENTS and will agree to the specification requirements of any contract resulting from this solicitation.**

SUBCONTRACTOR COMPETENCY. The Successful Bidder will be required to establish to the satisfaction of the City of Milpitas the competency, reliability, and responsibility of the subcontractors proposed to furnish or perform the work described in the contract documents. Before the award of the contract, the City of Milpitas will notify the Proposer in writing if, after due investigation, the City of Milpitas has reasonable objection to any proposed subcontractor. If the City of Milpitas has reasonable objection to any subcontractor, the Proposer shall submit an acceptable substitute to the City of Milpitas.

Entities proposed by the Proposer to be used as subcontractors, and to whom the City of Milpitas has made no reasonable objection, must be used on the work for which they were proposed and shall not be changed except with the written consent of the City of Milpitas.

SUBCONTRACTOR INFORMATION. If the proposal offer includes the use of subcontractors, the Proposer must identify specific subcontractors and the specific requirements of this RFP for which each proposed subcontractor would perform services. Contractor's license numbers must be provided, for work where a Contractor's license is required. In compliance with the provisions of Section 4100 thru 4109 of the Public Contract Code of the State of California and any amendments thereto, the undersigned Bidder shall list on the **SUBCONTRACTORS LIST FORM** the name, business address, and portion of the work of each subcontractor who will perform work, labor, or render services to the Bidder under this bid in excess of one-half (1/2) of one percent (1%) of the total bid, or in the case of streets or highways including bridges, in excess of one-half (1/2) of one percent (1%) of the total bid or Ten Thousand Dollars and Zero Cents (\$10,000.00), whichever is greater.

The Proposer agrees that any portions of the work in excess of one-half (1/2) of one percent (1%) of the total amount of this bid; or Ten Thousand Dollars and Zero Cents (\$10,000.00), if applicable; and for which no subcontractor is designated herein, will be performed by the Proposer.

It is the intention that not more than ten (10) percent of work shall be subcontracted. The listing for subcontracted work of more than ten (10) percent may cause a rejection of the proposal, if in the opinion of the CITY, such extensive contracting is undesirable.

After the proposal submittal deadline, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of work to be performed with the words "and/or" will not be permitted. Errors in the completion of the form or a failure to comply with this requirement may render the bid non-responsive and may cause its rejection. The CONTRACTOR is prohibited from performing work with a subcontractor who is debarred pursuant to Labor Code Sections 1777.1 or 1777.7.

SUBCONTRACTOR REFERENCES. For all subcontractors that will be used on this project, Proposers must provide a minimum of two (2) references from similar projects performed for any local government clients within the last three (3) years. Information provided shall include:

- a. Client name;
- b. Project description and dates (starting and ending);
- c. Technical environment;
- d. Staff assigned to reference engagement that will be designated for work per this RFP;
- e. Client project manager's name and telephone number.

SUBCONTRACTOR SUBSTITUTION. The provisions of the California Subletting and Subcontracting Fair Practices Act (California Public Contract Code §§4100-4113) are incorporated herein by this reference.

SUBCONTRACTOR CERTIFICATE OF COMPLIANCE. Insurance of subcontractors. See, **EXHIBIT C – Insurance Requirements – General** page 61, clause, "Subcontractors".

WORKFORCE. The CONTRACTOR and all employees shall perform the services in a timely, professional and efficient manner. The CITY reserves the right to remove any employee from CITY property for violation of federal, state, and local health, safety and environmental laws, ordinances, rules and regulations.

1. The CONTRACTOR shall employ all personnel for work in accordance with the requirements set forth by the United States Department of Labor. The CITY reserves the right to verify citizenship or right to work in the United States.
 - a. **The CONTRACTOR shall process background checks on all employees assigned to a project prior to commencement of work and deliver a copy to the CITY Representative.**
2. The CONTRACTOR's service personnel shall be equipped with the appropriate equipment and tools for testing and servicing. In addition, The CONTRACTOR's service personnel shall operate out of an adequately stocked service vehicle.

LIST OF DOCUMENTS TO BE RETURNED WITH PROPOSAL - REVISED

REQUIRED PROPOSAL DOCUMENTS TO BE RETURNED	RFP page number (or reference)	INCLUDED <i>(Indicate Yes or No for items 1 through 8)</i>	IF NOT, EXPLAIN
1. This form	23	YES	
2. Narrative Proposal – Part 1 (Including Company profile and Execution Plan)	24	YES	
3. Proposal Offer Form – Part 2	27	YES	
4. Financial Responsibility (Capacity) Audit or Proof of Line of Credit	26	YES	
5. Non-Collusion Affidavit	36	YES	
6. Proposer's Statement Regarding Insurance Coverage	37	YES	
7. Worker's Compensation Insurance Certificate	38	YES	
8. Nondiscriminatory Employment Certificate	39	YES	
9. Apprenticeship Standards Certificate	42	YES	
10. Contractor References	43	YES	
11. Copy of C-27 and a C-61/D-49 Contractor License	5	YES	
12. Copies of Professional Certifications and/or Licenses	26	YES	
13. Copy of Coversheet and Table of Contents of Proposer's Safety Plan	20	YES	

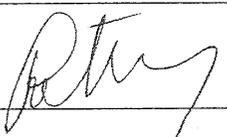
Failure to complete, sign (where required), and return the above documents with your proposal may render it non-responsive and thus be rejected by the City of Milpitas.

ACKNOWLEDGEMENT

PROPOSER NAME (Company Name): West Coast Arborists, Inc.

PRINT NAME AND TITLE OF AUTHORIZED OFFICIAL OFFERING THE PROPOSAL:

Patrick Mahoney, President

AUTHORIZED SIGNATURE:  Date: 5/10/18

MAXIMUM LENGTH SHALL NOT EXCEED 20 PAGES

NARRATIVE PROPOSAL FORMAT – Use this as a guide to write your proposal.

In order to be fully compliant with the requirements of the RFP please follow this format exactly citing each heading (Cover Letter, General Description of the Firm, etc.). You may include any information you feel is relevant to your proposal, but at a minimum include each and every numbered item below in your written narrative proposal.

1. **Cover Letter** – The cover letter shall answer questions A through H:
 - a. The cover letter is to introduce the Proposer and should contain the names, title, address, and telephone numbers of the individual(s) with the authority to bind the Proposer during the period that the proposals are being evaluated.
 - b. The cover letter shall identify the legal form of the firm, and if a corporation, shall identify in which state the firm was incorporated.
 - c. The cover letter shall be signed by a principal of the firm or other person authorized to act on behalf of the firm.
 - d. The proposal shall identify the location of the firm’s home office, and whether or not the firm has management staff in the San Jose/Oakland/San Francisco area.
 - e. Number of employees.
 - f. Name, address, and telephone number of the Proposer’s point of contact for a contract resulting from this RFP.
 - g. Length of time Proposer has been providing services described in this RFP. Please provide a brief description.

h. Proposer should include in their proposal a complete disclosure of any alleged significant **prior or ongoing** contract failures, any civil or criminal litigation or investigation **pending** which involves the Proposer or in which the Proposer has been judged guilty or liable. If “None” proposer shall state as follows:

“Proposer has no prior or ongoing contract failures, civil or criminal litigation or pending investigation.”

Failure to comply with this provision may disqualify any proposal.

2. **Company Profile** – The Proposer shall provide a general description of the firm, including a brief history and its experience in providing similar services as those requested in this RFP which shall include:
 - a. Documentation of the technical ability and experience similar in scope to the project.
 - b. A description of previous experience, including urban forestry management Project of similar nature and scope.

- c. A written description of the proposed software program to be used to manage the City's Inventory and firm's ability to provide accurate inventory updates for all trees serviced.
- d. A statement describing the firm's ability to provide tree inventory data for the City's Geographic Information System (GIS). Data shall be compatible with the City's GIS program.

3. **Execution Plan** – The plan represents the Proposer's offer of services to the City. The proposed execution plan must include a detailed work plan describing how the proposer will meet the project objective in the most cost effective manner. This section is to provide a detailed explanation of the proposer's approach in performing the services described in the RFP section, Scope of Work.

The Execution Plan shall also including the following:

- a. The methodology in which the firm will handle complaints from the public and damage to public and private property.
- b. A description of the Proposer's plan to report green waste generated and the method for its disposal.
- c. All equipment to be used to fulfill this contract must meet state and federal safety requirements, and have appropriate, up-to-date safety certifications as required.
- d. A statement describing the Proposer's ability to acquire and purchase trees for the City's planting program. Include a description of the facility where the trees are to be stored.
- e. A statement specifying the Proposer's guaranteed response time.
- f. A description of work activities that includes but not limited to the following activities:
 - Grid Pruning
 - Service Request Response
 - Planting
 - Removal
 - Emergency Response Protocol

4. **Personnel Assigned** – Include all of the following:

- a. A project manager authorized to act on behalf of the Proposer must be designated and must be the principal contact for the City for all work performed under this solicitation.
- b. Identify any individuals expected to have backup responsibilities.
- c. Provide a brief resume/background of the specific individuals assigned to this project, resumes should not exceed one paragraph per person.
- d. The proposal shall state that no changes in key personnel are to be made without written consent of the City.
- e. The proposal shall identify at least two (2) ISA Certified Arborists who have at least five (5) years' experience in the field of urban forest management that will be responsible for providing project management throughout the life of the contracts as well as a full-time English speaking Project Supervisor who is an ISA Certified Arborist, capable of communicating with any City representative and be authorized to act on behalf of the Proposer
- f. Complete list of staff assigned to the project (with relevant qualifications) including but not limited to:
 - i. Certified Arborists

- ii. Certified Tree Workers
- iii. Certified Utility Arborists
- iv. Utility Line Clearance Specialist
- v. Certified Wildlife Protectors
- vi. California State Licensed Pest Control Advisor
- vii. California State Licensed Pest Control Applicator
- viii. Consulting Arborist employed by the Proposer to consult on tree health issues.

For any of the work classifications listed above that you use in your proposal, Provide a copy of their Professional Certification, License, etc. with your proposal

If, and when the City interviews prospective Proposers, such persons shall be in attendance and materially contribute to the discussion.

5. **References** – This section shall consist of a list of three references for work of a similar nature as that required by the City, performed within the last three years. See “**Contractor References**” page 43.
6. **Proposed Compensation** – (See: Proposal Offer Form, page 27)
7. **Financial Responsibility (Capacity)**: Proposer shall submit its most recent audited financial statement, evidencing proposer's financial capacity to fully perform the required services, including provision of equipment and personnel expenses over a ninety (90) - day period. If said financial statement does not reflect full ninety (90) day operational capacity, proposer may include a letter of credit as evidence of supplemental capacity.

PART 2 - PROPOSAL OFFER FORM - REVISED

RFP No. 2233 – City-Owned Tree Maintenance

To: City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA, 95035-5411

From: West Coast Arborists, Inc.
Name of Proposer
2200 E. Via Burton
Mailing Address
Anaheim, CA 92806
City, State and ZIP

CONTRACTOR'S PROPOSAL

The undersigned Proposer agrees that they will contract with the City of Milpitas to provide all necessary labor, supervision, machinery, tools, apparatus and other means of construction to do all the work and furnish all the materials specified in the contract in the manner and time therein prescribed, and that Proposer will take in full payment the amount set forth hereon.

RFP No. 2233 – City-Owned Tree Maintenance, in its entirety, all Addenda, and the following documents by this reference are hereby offered as a part of the contract to be awarded:

1. Terms And Conditions
2. Special Provisions For Services
3. Narrative Proposal - Part 1
4. Proposal Offer Form - Part 2
5. Subcontractors List (if applicable)
6. Subcontractors References (if applicable)
7. Subcontractors Acceptance Of Solicitation Requirements (if applicable)
8. Certificate Of Compliance Insurance Of Subcontractors (if applicable)
9. Non-Collusion Affidavit
10. Proposer's Statement Regarding Insurance Coverage
11. Worker's Compensation Insurance Certificate
12. Nondiscriminatory Employment Certificate
13. Apprenticeship Standards Certificate
14. References
15. Exhibit A - Scope Of Work
16. Exhibit C - Insurance Requirements
17. Exhibit D - Tree Zone Map
18. Exhibit E - New Tree Planting Standard
19. Attachment A - Integrated Pest Management Summary
20. Public Purchase Addenda And Questions

The cost of all labor and materials necessary for the completion of the work itemized, even though not shown specified, shall be included in the unit price for the various items shown hereon. The contract requires printing and related services on an as-needed basis.

**Proposal Offer Form – Costs
City-Owned Tree Maintenance**

KEY SERVICES

Key Services (Section A)	Unit	Unit Price	Estimated Annual Units*	Extended Price
Light Pruning	Each	\$ 59.00	700	\$ 41,300.00
Grid Pruning	Each	\$ 99.00	2100	\$ 207,900.00
Large Scale Prune	Each	\$ 325.00	700	\$ 227,500.00
Service Request Prune	Each	\$ 450.00	As Needed	\$ 450.00
Emergency Crew (Three crew members, minimum 3 hours)	Per Hour	\$ 360.00	N/A	\$ 360.00
			Section A Total	\$ 477,510.00

* Please note that the figures provided in Estimated Annual Units is not an engineer's estimate of expected work but provided only as a uniform example to assist with the mathematical computation of pricing.

ON-CALL SERVICES (Sections B – F)

Removals (Section B)	Unit	Unit Price
Tree and Stump Removal	Each	\$ 1,700.00
Tree Only Removal	Each	\$ 1,400.00
Stump Only Removal	Each	\$ 300.00
Section B Total		\$ 3,400.00
Inspections (Section C)		
Inspections Report (Including Risk Assessment)	Per Tree	\$ 450.00
Consultant Arborist Inspection (Level 1, 2, or 3)	Per Hour	\$ 140.00
Section C Total		\$ 590.00
Planting Designated Species (Section D)		
Plant 15 Gallon with Root Barrier	Each	\$ 249.00
Plant 24-inch Box with Root Barrier	Each	\$ 379.00
Plant 36-inch Box with Root Barrier	Each	\$ 949.00
Plant 48-inch Box with Root Barrier	Each	\$1,749.00
Plant 60-inch Box with Root Barrier	Each	\$4,889.00
Section D Total		\$7,873.00
Planting Special Variety Trees (Section E)		
Plant 15 Gallon with Root Barrier	Each	\$ 299.00
Plant 24-inch Box with Root Barrier	Each	\$ 449.00
Plant 36-inch Box with Root Barrier	Each	\$ 1,139.00
Plant 48-inch Box with Root Barrier	Each	\$ 1,999.00
Plant 60-inch Box with Root Barrier	Each	\$ 5,889.00
Section E Total		\$ 9,775.00
Specialty Services (Section F)		Unit
Root Pruning with 12-inch Barrier	Per Foot	\$ 20.00
Root Pruning with 18-inch Barrier	Per Foot	\$ 30.00
Watering of young trees, water truck and operator	Per Day	\$ 850.00
Section F Total		\$ 900.00
Crew Rental (M-F, Reg Business Hours)	Per Man Hour	\$ 90.00
Specialty Equipment Rental (Crane, 95ft Aerial Tower)	Per Man Hour	\$ 90.00

Total Cost of Key Services – Section A (Written in Figures)

\$ 477,510.00

Total Cost of Key Services – Section A (Written in Words)

\$ Four hundred seventy-seven thousand five hundred ten.

Total Cost of On-Call Services (Section B+C+D+E+F) (Written in Figures)

\$ 45,418.00

Total Cost of On-Call Services (Section B+C+D+E+F) (Written in Words)

\$ Forty-five thousand four hundred eighteen.

Where there is a discrepancy between words and figures, WORDS WILL GOVERN.

The CONTRACTOR shall furnish materials, supplies and parts, as required to perform on-call, emergency and other related services. However, if equipment failure is covered under warranty, the CONTRACTOR shall not charge the CITY for service calls.

WHERE APPLICABLE ALL BIDDERS ARE REQUIRED TO INCLUDE THE DEPARTMENT OF INDUSTRIAL LABOR CLASSIFICATION PRINTOUT FOR EACH CLASSIFICATION USED IN THE BID.

Landscape Maintenance Services Crew Costs: Craft: Tree Maintenance Laborer

Journeyman Level: Area #1	Classification: <u>Sr. Tree Trimmer</u>	Number: <u>NC.102.X.21.2018.1</u>
	Classification: <u>Tree Trimmer</u>	Number: <u>NC.102.X.21.2018.1</u>
Other: _____:	Classification: <u>Groundsperson</u>	Number: <u>NC.102.X.21.2018.1</u>
	Classification: _____	Number: _____
Apprentice Level:	Classification: _____	Number: _____
	Classification: _____	Number: _____

Regular working hours shall be Monday through Friday, 8:00 a.m. to 5:00 p.m., local time. Some locations may require an accommodation for uninterruptable operations in the event that the circumstances impact operations. Otherwise, only emergency work shall be performed on Saturdays and Sundays.

Labor costs for all classifications applicable to providing on-call, emergency and other related services shall be provided on the form provided in this section of the proposal offer form.

Hourly labor rates shall be provided in actual wage rates paid to workers under the contract pursuant to prevailing wages, plus a mark-up that will account for all other costs associated with the work to be performed. The labor mark-up shall include all profits, administrative overhead, and cost including but not limited to: equipment if not specified otherwise, travel, vehicles, small tools, materials, supplies and other expendables required to complete the specified work. **Labor costs will be evaluated based upon forty (40) hours of service.**

ITEM NO.	DESCRIPTION – If your title for Positions 1, 2, 3, and/or 4 is different than ours please fill in the blank	REGULAR HOURLY RATE	OVERTIME WEEKDAY HOURLY RATE	OVERTIME WEEKEND HOURLY RATE	OVERTIME HOLIDAY HOURLY RATE
1	Crew Supervisor (Area/Supervisor/Mgr)	\$99.00	\$ 129.00	\$ 129.00	\$ 129.00
2	Crew Forman (St. Tree Trimmer)	\$89.00	\$ 119.00	\$ 119.00	\$ 119.00
3	Irrigation Tech. (_____)	\$89.00	\$ 119.00	\$ 119.00	\$ 119.00
4	Landscape Maintenance Laborer (Groudserson)	\$89.00	\$ 119.00	\$ 119.00	\$ 119.00
5	Other Labor Rate: Specify Type of Labor Certified Arborist	\$ 140.00	\$ 140.00	\$ 170.00	\$ 170.00
6	Other Labor Rate: Specify Type of Labor Tree Trimmer	\$ 89.00	\$ 119.00	\$ 119.00	\$ 119.00
7	Other Labor Rate: Specify Type of Labor _____	\$	\$	\$	\$
8	Other Labor Rate: Specify Type of Labor _____	\$	\$	\$	\$
9	Labor Markup percentage _____ %				
10	Minimum Hours (if any) 2.0				
11	Mark-up percentage (%), if any, off Contractors verified invoice cost for materials will be 10%. (Max 10%)				
12	Markup percentage (%) for rented Equipment: 10%. (Max 10%)				

Total Minimum Service Call: \$ 500.00 Hours: 1

Maximum response time to Emergency Calls (normal business hours): 1 Hour

Maximum response time to Emergency Calls (non-business hours): 2 Hour

CERTIFICATION OF PROPOSER

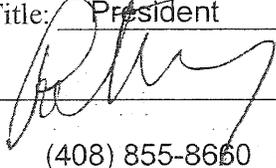
By listing the Addenda Numbers below and checking the box next to “ADDENDA” below, Proposer acknowledges receipt of Addenda Number (s) 1, __, __, __, from the Public Purchase website pertaining to this Solicitation (if any). ADDENDA:

By checking the box next to “QUESTIONS” below, Proposer acknowledges receipt of Questions and Answers from the Public Purchase website pertaining to this Solicitation (if any): QUESTIONS:

I/We (Insert Company Name) West Coast Arborists, Inc. agree to provide any/all City-Owned Tree Maintenance specifications as stipulated in this Request for Proposal (RFP) and pricing as indicated on the Price Proposal Forms. I/We further agree that the below; undersigned is authorized by the (Insert Company Name) West Coast Arborists, Inc. to bind the company in contract for the specified contract term. All exceptions (if applicable) are attached as an addendum to this pricing proposal. I understand that the City of Milpitas may not accept exceptions to the RFP. I further agree that if awarded the contract, to abide the terms and conditions of the contract and not to materially modify such terms without expressed written consent of the City of Milpitas Purchasing Agent.

Company Name: West Coast Arborists, Inc. Legal Entity Type: Corporation

Authorized Contact Title: President Print Contact Name: Patrick Mahoney

Contact Signature:  Contact Email Address: vgonzalez@wcainc.com
Victor Gonzalez, Vice President

Contact Telephone: (408) 855-8660 Contact Fax: (408) 844-8606

Proposer's Address: 390 Martin Avenue City, State and ZIP Code: Santa Clara, CA 95050

Taxpayer I.D. No.: 236-4207-6 Business License No.: 35850

DIR Registration # 1000000956

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE
 PUBLIC PURCHASE SYSTEM**

*****IF APPLICABLE*****

RFP No. 2233 – City-Owned Tree Maintenance

The following is a list of the subcontractors that will be used in the work if the Bidder is awarded the contract, and no subcontractor doing work in excess of the amount specified in the bid documents, List of Subcontractors, who is not listed will be used without the written approval of the City of Milpitas. Additional numbered pages outlining this portion of the bid may be attached to this page. **NOTE: Subcontractors' address, telephone number, license numbers, class, and expiration date information may be omitted from this form but must then be submitted within two (2) working days following the opening of bids. Subcontractor name, address, and item of work must be stated at the time of the bid.**

West Coast Arborists, Inc.
 Proposer's Name

SUBCONTRACTORS LIST, Page 1 <i>All Subcontractors in excess of 1/2 of 1% of total bid must be listed.</i>		
SUBCONTRACTOR: NONE TO BE USED.		ITEM OF WORK:
LOCATION/ADDRESS:		
LICENSE NO. CLASS:	EXPIRATION DATE:	PHONE:
SUBCONTRACTOR:		ITEM OF WORK:
LOCATION/ADDRESS:		
LICENSE NO. CLASS:	EXPIRATION DATE:	PHONE:

Exhibit E - New Tree Planting Standard
SUBCONTRACTOR REFERENCES

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE
PUBLIC PURCHASE SYSTEM ***IF APPLICABLE*****

RFP No. 2233 – City-Owned Tree Maintenance

Proposer: West Coast Arborists, Inc.
(Legal Name of Entity Submitting Bid)

1. NONE TO BE USED.
Name of Agency _____ Agency Address _____
Contact Name _____ Contact Title _____
Contact Telephone # _____ Contact E-mail Address _____
Contract Term and Dollar Amount _____ Type of Services Rendered _____

2. _____
Name of Agency _____ Agency Address _____
Contact Name _____ Contact Title _____
Contact Telephone # _____ Contact E-mail Address _____
Contract Term and Dollar Amount _____ Type of Services Rendered _____

3. _____
Name of Agency _____ Agency Address _____
Contact Name _____ Contact Title _____
Contact Telephone # _____ Contact E-mail Address _____
Contract Term and Dollar Amount _____ Type of Services Rendered _____

I hereby certify that I/we have performed the work listed above.

Signature of Proposer (Individual with Authorization to Bind the Firm in Contract)

Exhibit E - New Tree Planting Standard
SUBCONTRACTOR'S ACCEPTANCE OF
SOLICITATION REQUIREMENTS

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE
PUBLIC PURCHASE SYSTEM**

******IF APPLICABLE******

RFP No. 2233 – City-Owned Tree Maintenance

Pursuant to the Special Provisions for Services requirements of this solicitation, (Subcontractor Firm Name) _____ has offered to provide (Item of Work) _____ subcontract services as part of the proposal submitted by (Proposer Name) _____.

SUBCONTRACTOR HEREBY CERTIFIES that the Subcontractor has reviewed and understands the solicitation requirements as defined in the IFB No. 2216 On-Call Pavement Striping and Marking. Should the Bidder be awarded the contract for the work, Subcontractor further certifies that the Subcontractor can meet the solicitation requirements for insurance and agrees to name the City of Milpitas as Additional Insured for its applicable work.

NONE TO BE USED.

Name of Subcontractor (Person, Firm, or Corporation)

Signature of Subcontractor's Authorized Representative

Name of Authorized Representative

Title of Authorized Representative

Date of Signing

THIS FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE PUBLIC PURCHASE SYSTEM

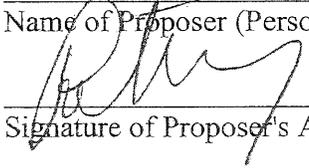
PROPOSER'S STATEMENT REGARDING INSURANCE COVERAGE

RFP No. 2233 – City-Owned Tree Maintenance

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the **Request for Proposals No. 2233, for City-Owned Tree Maintenance**. Should the Proposer be awarded the contract for the work, Proposer further certifies that the Proposer can meet the specified requirements for insurance, including insurance coverage of the subcontractors, and agrees to name the City of Milpitas as Additional Insured for the work specified.

West Coast Arborists, Inc.

Name of Proposer (Person, Firm, or Corporation)


Signature of Proposer's Authorized Representative

Patrick Mahoney, President

Name & Title of Authorized Representative

5/9/18

Date of Signing

WORKER'S COMPENSATION INSURANCE CERTIFICATE

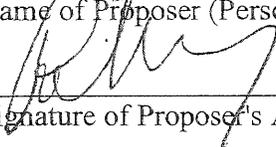
THIS FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE PUBLIC PURCHASE SYSTEM

RFP No. 2233 – City-Owned Tree Maintenance

The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code, which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

West Coast Arborists, Inc.
Name of Proposer (Person, Firm, or Corporation)


Signature of Proposer's Authorized Representative

Patrick Mahoney, President
Name and Title of Authorized Representative

5/9/18
Date of Signing

NONDISCRIMINATORY EMPLOYMENT CERTIFICATE

150

FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE PUBLIC PURCHASE SYSTEM

RFP No. 2233 – City-Owned Tree Maintenance

Certificate Generally

Consistent with a policy of nondiscrimination in employment on contracts of the City of Milpitas and in furtherance of the provisions of Section 1735 and 1777.6 of the California Labor Code a "contractor's obligation for nondiscriminatory employment certificate" as hereinafter set forth shall be attached and incorporated by reference as an indispensable and integral term of all RFQ specifications and contracts of the City of Milpitas for the construction, repair, or improvement of public works.

Contents of Certificate

The Contractor's obligation for nondiscriminatory employment is as follows:

In performing the work of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Section 12900-12996), except where such discrimination is based on a bona fide occupational qualification.

2. The Contractor will take positive action or ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Section 12900-12996), except where such discrimination is based on a bona fide occupational qualification. Such action shall include but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City of Milpitas setting forth the provisions of this nondiscrimination clause.

3. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Section 12900-12996), except where such discrimination is based on a bona fide occupational qualification.

4. The Contractor will send to each labor union or representative of workers, with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice to be provided by the City of Milpitas advising the said labor union or workers' representative of the Contractor's commitments under this provision, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. The Contractor will permit access to the Contractor's records of employment, employment advertisements, application forms, and other pertinent data and records by the City of Milpitas, the Fair Employment Practices Commission, or any other appropriate Agency of the State designated by the City of Milpitas for the purposes of investigation to ascertain compliance with the Contractor's Obligation for Nondiscriminatory Employment provisions of this contract, or Fair Employment Practices statute.

6. A finding of willful violation of the nondiscriminatory employment practices article of this contract or of the Fair Employment Practices Act shall be regarded by the City of Milpitas as a basis for determining that as to future contracts for which the Contractor may submit quotes, the Contractor is a "disqualified bidder" for being "non-responsible".

7. The City of Milpitas shall deem a finding of willful violation of the Fair Employment Practices Act to have occurred upon receipt of written notice from the Fair Employment Practices Commission that it has investigated and determined that the Contractor has violated the Fair Employment Practices Act and has issued an order under Labor Code Section 1426 or obtained an injunction under Labor Code Section 1429.

8. Upon receipt of any such written notice, the City of Milpitas shall notify the Contractor that unless he or she demonstrates to the satisfaction of the City of Milpitas within a stated period that the violation has been corrected, he or she shall be declared a "disqualified bidder" until such time as the Contractor can demonstrate that he or she has implemented remedial measures, satisfactory to the City of Milpitas, to eliminate the discriminatory employment practices which constituted the violation found by the Fair Employment Practices Commission.

9. Upon receipt from any person of a complaint of alleged discrimination under any City of Milpitas contract, the City of Milpitas Administrator shall ascertain whether probable cause for such complaint exists. If probable cause for the complaint is found, the Administrator shall request the City Council to hold a public hearing to determine the existence of a discriminatory practice in violation of this contract.

10. In addition to any other remedy or action provided by law or the terms of this contract, the Contractor agrees that, should the Council determine after a public hearing duly noticed to the Contractor that the Contractor has not complied with the nondiscriminatory employment practices provisions of this contract or has willfully violated such provisions, the City of Milpitas may, without liability of any kind, terminate, cancel, or suspend this contract, in whole or in part. In addition, upon such determination the Contractor shall, as a penalty to the City of Milpitas, forfeit a penalty of \$25.00 for each calendar day, or portion thereof, for each person who was denied employment as a result of such noncompliance. Such monies shall be recovered from the Contractor. The City of Milpitas may deduct any such penalties from any monies due the Contractor from the City of Milpitas.

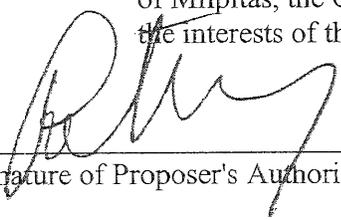
11. The Contractor certifies to the City of Milpitas that he or she has met or will meet the following standards for positive compliance, which shall be evaluated in each case by the City of Milpitas:

- a. The Contractor shall notify all supervisors and other personnel officers in writing of the content of the nondiscrimination provision and their responsibilities under it.
- b. The Contractor shall notify all sources of employee referrals (including unions, employment agencies, advertisements, Department of Employment) of the content of the nondiscrimination provision.
- c. The Contractor shall file a basic compliance report as required by the City of Milpitas. Willfully false statements made in such reports shall be punishable as provided by law. The compliance report shall also specify the sources of the work force and who has the responsibility for determining whom to hire, or whether or not to hire.
- d. The Contractor shall notify the City of Milpitas of opposition to the nondiscrimination provision by individuals, firms or organizations during the period of this contract.

12. Nothing contained in this Contractor's Obligation for Nondiscriminatory Employment Certificate shall be construed in any manner to prevent the City of Milpitas from pursuing any other remedies that may be available at law.

13. The Contractor certifies to the City of Milpitas that the Contractor will comply with the following requirements with regard to all subcontractors and suppliers:

- a. In the performance of the work under this contract, the Contractor will include the provisions of the foregoing paragraphs (1) through (8) in all subcontracts and in any supply contract to be performed within the State of California, so that such provisions will be equally binding upon each subcontractor and each supplier.
- b. The Contractor will take such action with respect to any subcontract or purchase order as the City of Milpitas may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigations with a subcontractor or supplier as a result of such direction by the City of Milpitas, the Contractor may request the City of Milpitas to enter into such litigation to protect the interests of the City of Milpitas.



Signature of Proposer's Authorized Representative

Patrick Mahoney, President
Name and Title of Authorized Representative

5/10/18
Date of Signing

APPRENTICESHIP STANDARDS CERTIFICATE

RFP No. 2233 City-Owned Tree Maintenance

Information relative to apprenticeship standards and administration of the apprenticeship program may be obtained from the Director of Industrial Relations, San Francisco, California, or from the Division of Apprenticeship Standards and its branch office.

Each Bidder shall sign the following certification:

"I am aware of the provisions of Sections 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the contractor or any subcontractor under him or her. I will comply with the requirements of said sections in the employment of apprentices, as evidenced by my signature below."

West Coast Arborists, Inc.
Name of Bidder (Person, Firm, or Corporation)

[Handwritten Signature]
Signature of Bidder's Authorized Representative

Patrick Mahoney
Name of Authorized Representative

President
Title of Authorized Representative

5/10/18
Date of Signing

THIS FORM MUST BE PRINTED OUT, COMPLETED AND UPLOADED BACK INTO THE PUBLIC PURCHASE SYSTEM

RFP No. 2233 – City-Owned Tree Maintenance

Proposer: West Coast Arborists, Inc.
 (Legal Name of Entity Submitting Proposal)

List three references for work of a similar nature performed within the last three years.

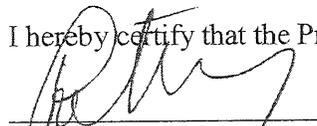
4. City of Palo Alto 3201 E. Bayshore Rd, Palo Alto, CA 94303
 Name of Agency Agency Address
Walter Passmore Public Services Division
 Contact Name Contact Title
(650) 496-5986 walter.passmore@cityofpaloalto.org
 Contact Telephone # Contact E-mail Address
2010-Current \$1,400,000.00
 Contract Period Contract \$ Amount
WCA provides maintenance services including tree pruning, removals and planting etc.
Description of Work Performed

5. City of Newark 37440 Filbert St., Newark, CA 94560
 Name of Agency Agency Address
Dan Cianciarulo Inspector
 Contact Name Contact Title
(510) 578-4821 dan.cianciarulo@newark.org
 Contact Telephone # Contact E-mail Address
2000- Current \$300,000.00
 Contract Period Contract \$ Amount
WCA has assisted the City with program pruning and removing many of their dead and diseased trees.
Description of Work Performed

6. City of Monterey 23 Ryan Ranch Road, Monterey, CA 93940
 Name of Agency Agency Address
Stephen Morton Urban Forester
 Contact Name Contact Title
(831) 646-3863 Morton@monterey.org
 Contact Telephone # Contact E-mail Address
2001- Current \$950,000.00
 Contract Period Contract \$ Amount

The City of Monterey is an active user of the ArborAccess inventory management system.
Description of Work Performed

I hereby certify that the Proposer performed the work listed above.


 Signature of Proposer

Patrick Mahoney, President
 Name

5/10/18
 Date

EXHIBIT A – SCOPE OF WORK

RFP No. 2233 – City-Owned Tree Maintenance

Proposer must provide costs for each of the service categories described in the specifications outlined in Exhibit A – Scope of Work. Proposers must also list all deviations from the specifications, if any. The routine maintenance locations will serve as the basis for the RFP. At the discretion of the City's Project Manager or designee, one or more optional add-on locations and specialized services may or may not be included in the agreement with contractor. In addition, the City at the discretion of its Project Manager or designee, reserves the right to decrease the scope of work during the duration of the agreement.

I. FUNCTIONS AND RESPONSIBILITIES

A. CITY PROJECT MANAGER

The City's Project Manager, Robert Hill, or designee shall have the authority to accept/reject materials and workmanship and to make minor changes in the work or schedules. When the performance of the work or completion per schedule is determined to be sub-standard, he/she may (1) recommend that all or a portion of a regular monthly payment be withheld, and/or forfeiture for delay to be assessed; or (2) direct the work be accomplished by either City forces or separate contractor, to complete the necessary work as close to the schedule as possible, and withhold the resulting costs. Payment to be withheld shall be deducted from the next monthly payment due the Contractor, or if the amount is insufficient to cover payment, the Contractor shall be liable and will be billed accordingly.

The City's Project Manager or designee shall decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the contract by the Contractor, interpretation of the specifications, and compensation to include completion of work by alternate sources.

B. CONTRACTOR

CONTRACTOR'S OFFICE

Contractor is required to maintain an office/yard within a sixty (60) minute response time of the job site and provide the office with phone service during normal working hours. During all other times, a telephone answering service shall be utilized and the answering service shall be capable of contacting the Contractor by radio or cell phone. Contractor shall have a maximum response time of sixty (60) minutes to all emergencies. There will be no on-site storage of equipment or materials without written permission from the City's Project Manager.

SUBMITTALS

The selected proposer shall submit to the City's Project Manager or designee at the beginning of work, 1) a detailed job schedule, 2) time sheet, 3) names and titles of all persons working under the contract, and 4) materials and/or chemicals to be used during the course of the contract, for approval. All submittals shall be periodically updated as necessary. The City's Project Manager or designee shall be immediately notified of any deviation from schedule or material usage.

Contractor shall provide sufficient personnel to accomplish the work within the allotted time frames as indicated in this specification.

UNIFORMS/IDENTIFICATION

The Contractor shall provide to all field personnel a standard uniform with company identification. All vehicles and equipment on the project site shall also be properly marked with company identification.

EQUIPMENT

1. The Contractor's vehicles and equipment shall be neat in appearance and easily identified. Identification on the Contractor's vehicles shall consist of, at a minimum, company name, local telephone number and "Contract Services provided for City of Milpitas" in print, no less than eight (8) inches tall.
2. The Contractor shall maintain its vehicles and equipment in a safe and mechanically sound condition. The Contractor shall provide all personnel, vehicles, supplies and equipment necessary to perform services.
3. Contractor shall perform all requirements under and in strict observance of and compliance with all applicable laws, regulations, ordinances, codes and any other legislative or statutory requirements.
4. Contractor warrants the performance of services under this contract shall be compliant with the current requirements of the Occupational Safety and Health Act (OSHA) and as it may be amended or updated throughout the term of this contract.

BILLING

Billing shall be once monthly in arrears for actual services provided. The bills will itemize costs by the type of work and number of trees (as applicable). All non-scheduled or on-call work requested by the City's Project Manager will be show on a separate line item so City staff can discriminate between routine and unscheduled work. Each invoice will include the City's purchase order number. The City reserves the right to audit all contractor records (including payroll) related to its billings. Such audits may take place without prior notice during the contractor's regular business hours at the contractor's office where the records are maintained.

II. SCOPE OF WORK

DUTIES AND RESPONSIBILITIES

A. INTENT

To provide full and complete contract tree maintenance services for City owned facilities, parks, parkways, right of ways, and median trees throughout the City herein described, and that such trees be kept in a safe, vigorous, and aesthetically attractive condition at all times.

B. DESCRIPTION OF CONTRACTED SERVICES

1. Furnish all labor, equipment, materials, and supervision to perform tree maintenance as described herein including, but not limited to, the following:
 - a. tree trimming;
 - b. tree removal;
 - c. tree planting;
 - d. root barrier and installation;
 - e. root pruning;
 - f. pesticide application;
 - g. disposal, clean up, and recycling of green waste;

- h. emergency services;
- i. electronic management of all work records, tree inventory and software updating

C. MINIMUM REQUIREMENTS

1. Contractor must have been in the business of providing full service tree maintenance programs to governmental agencies and/or municipalities that includes, but is not limited to the pruning, removal and replacement of trees for at least five (5) years. In addition, Contractor must provide five (5) references with contact information for the main agency manager.
2. Contractor must show, through documentation by records of past performance and references, a corporate capability that includes the ability to perform the following work, both consistently and concurrent with other required services:
 - a. Annually trim approximately Three thousand Five hundred (3500) trees ranging in size from three (3) inches to more than forty-five (45) inches in diameter and with heights up to one hundred (100) feet.
 - b. Annually remove and grind stumps ranging in size from three (3) inches to over forty-five (45) inches in diameter, with work occurring during regular business hours. The Contractor must show documentable experience in the safe removal of mature trees using methods of rigging, including the use of cranes. Residual tree stumps left in place due to emergency tree removal shall be ground within one month or less of original tree removal date, as determined by the City.
 - i. At the discretion of the City and based on funding availability Annually, supply and plant as many as five hundred (500) trees ranging in size from a fifteen (15) gallon, to twenty-four (24) inch box to thirty-six (36) inch box-size nursery stock. The Proposer shall exhibit, by portfolio and references, experience with planting project of the scope and quantity described herein.
 - ii. At the discretion of the City and based on funding availability. Annually water and maintain approximately five hundred (500) young trees with a regularly scheduled work plan.
3. The Contractor shall exhibit, by portfolio and references, the capacity to respond to emergency tree incidents, ranging from limb failures on single trees to storm related damages affecting many trees, in a manner that meets the needs of the City.

D. WORKING HOURS

1. Normal working hours shall be within a ten (10) hour day between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. No Saturday or Sunday work is to be scheduled without prior written permission from the City, unless it is an emergency situation.

E. LEVEL OF MAINTENANCE

1. All work shall be performed in accordance with the HIGHEST INDUSTRY STANDARDS, as stated in the enclosed maintenance specification description. Standards and frequencies may be modified from time to time as deemed necessary by the City for the proper maintenance of the sites.
2. If, in the judgment of the City, the level of maintenance is less than that specified herein, the City shall, at its option, in addition to or in lieu of other remedies provided herein, withhold appropriate payment from the Contractor until services are rendered in accordance with specifications set forth within this document and providing no other arrangements have been made between the Contractor and the City. Failure to notify of a change and/or failure to perform an item or work on a scheduled day may, at the City's sole discretion, result in deduction of payment for that date, week, or month. Payment will be retained for work not performed until such time as the work is performed to City

standard. Deductions will be made based on the unit costs shown on the Proposal Offer Form.

3. The Contractor is required to correct deficiencies within the time specified by the City. If noted deficient work has not been completed, payment for subject deficiency shall be withheld for current billing period and shall continue to be withheld until deficiency is corrected, without right to retroactive payments.

F. QUALITY OF WORK AND MATERIALS

All material and equipment furnished by the Contractor shall be high grade, and free from defects and imperfections. Workmanship shall be in accord with the best standard practices. Both materials and workmanship shall be subject to the approval of the Project Manager or designee. All materials used shall be approved in advance by the Project Manager or designee.

G. WORKMANSHIP AND SUPERVISION

1. The work force shall include a thoroughly skilled, experienced, and competent supervisor who shall be responsible for adherence to the specifications expressed within the Scope of Work. All supervisory personnel must be able to communicate effectively in English (both orally and in writing). Any order given to supervisory personnel shall be delivered to the Contractor. The supervisor assigned must be identified by name to ensure coordination and continuity.
2. At a minimum, Contractor shall provide, in addition to one (1) full time supervisor, and up to three (3) pruning crews. Each Pruning Crew shall consist of, at minimum:
 - a. Three (3) employees - 1 foreman and 2 tree trimmers'
 - b. One (1) boom truck
 - c. One (1) chipper truck
 - d. One (1) chipper and pruning equipment including, but not limited to, chain saws, pole pruners, and pole saws.
3. In addition the contractor must be able to provide removal and planting crews on as needed.
4. Foreman and tree trimmers shall be qualified line clearance workers or certified arborists.

H. SUPERVISION OF CONTRACT

1. All work shall meet with the approval of the City's Project Manager or designee. There shall be, at a minimum, a monthly meeting with the Contractor and the City's representative to determine progress and to establish areas needing attention. A daily maintenance schedule will be submitted electronically to the City every morning. The supervisor of this contract shall be available to meet with the City's representative daily during working hours, as necessary.
2. Any specific problem area which does not meet the conditions of the specifications set forth herein shall be called to the attention of the Contractor and if not corrected, payment to the Contractor will not be made until condition is corrected in a satisfactory manner as set forth in the specifications.

I. SPECIFICATIONS

1. All work shall conform to the pruning standards as noted in the American National Standard Institute, ANSI A300 (Part 1) (latest edition) Pruning Standard and the companion publication Best Management Practices, Tree Pruning. In all cases the City's Project Manager shall have complete and sole discretion in determining conformance and acceptability of trees trimmed by the Contractor.

Trimmed trees rejected by the City's Project Manager shall be excluded from payment.

2. Contractor shall comply with Standards of the Division of Occupational Safety and Health (CAL OSHA) and the American National Standard Institute (ANSI), Z133.1- (latest edition), Safety Requirements.
3. These specifications are intended to cover all labor, material and standards of architectural, landscaping, and mechanical workmanship to be employed in the work called for in these specifications or reasonably implied by terms of same. Work or materials of a minor nature which may not be specifically mentioned, but which may be reasonably assumed as necessary for the completion of this work, shall be performed by the Contractor as if described in the specifications.

K. PROVISIONS FOR EXTRAS

1. No new work of any kind shall be considered an extra unless a separate estimate is given for said work and the estimate is approved in writing by the City's Project Manager before the work is commenced. The Contractor will be required to provide before and after photographs of safety items or emergency repairs which were made without prior City approval. Documentation of contract compliance may be required on some occasions.
2. Should a change or extra work be found necessary by the City, all changes and extra work shall be performed at the same unit price of any proposal item listed. If the work is not listed as a proposal item, the Contractor shall submit a fair cost for the work to be performed. A change order authorization, in writing, will be issued by the City.
3. The City reserves the right to increase or decrease the quantity of any item(s) or portion(s) of the work described in the specifications or the proposal form or to omit portions of the work so described as may be deemed necessary or expedient by the City's Project Manager or designated representative. The Contractor shall agree not to claim or bring suit for damages, whether for loss of profits or otherwise, on account of any decrease or omission of any kind of work to be done. The City shall reduce the price accordingly. Alterations, modifications or deviations from the work described in the scope of services by Contractor shall be subject to the prior written approval of the City. Any price adjustments shall be made by mutual consent of the parties in that case.

L. STREET CLOSURES, DETOURS, BARRICADES

1. Warning signs, lights, and devices shall be installed and displayed in conformity with "The California Manual on Uniform Traffic Devices" for use in performance of work upon highways issued by the State of California, Department of Transportation and as directed by City staff.
2. If the Contractor fails to provide and install any of the signs or traffic control devices required hereby or ordered by the City staff, staff may cause such signs or traffic control devices to be placed by others, charge the costs therefore against the Contractor, and deduct the same from the next progress payment.
3. Traffic control plans shall conform to the current Standards and Guidance of the CA-MUTCD.

M. DISPOSAL

1. All debris generated by the Contractor in the performance of work shall become the property of the Contractor from and after the time of site clean-up. The Contractor shall dispose of all generated debris at no additional cost to City and shall dispose of debris as is consistent with the requirements of AB 939.
 - a) Provide disposal reports.
 - b) As requested, City may request Contractor to dump tree mulch at City owned sites at no extra cost to City.
 - c) All green waste produced as a result of the Contractor's operations under this

Agreement shall be reduced, reused, and/or recycled, by Contractor. Weight shall be required as proof of final disposal and must be submitted by Contractor with each demand for payment. All brush generated from tree trimming operations shall be recycled where practical.

- d) Wood chips:
- i. Reducing shall include but not be limited to chipping, grinding, and/or shredding operations. Disposal is to be at a recycling yard for use in a mulching program, and Contractor shall provide proof of such with each monthly invoice.
 - ii. At the direction of the City's Project Manager, wood waste generated from tree removals shall be chipped into pure wood chips with an even uniform size. These chips may be dumped in specific locations in the City.
 - iii. If the Contractor has a location outside the City where such mulch may be applied, Contractor must provide the City with documentation (included in each demand for payment) from the property owner including indicating location and amount of material to be used at that location.

N. RECORDS

1. Contractor shall provide and operate, at no cost to the City, a computerized tree inventory system that is capable of uploading historic data and that is compatible with the current tree inventory provided by current contractor (Arbor Access) inventory system (web-based SQL Server 2008).
 - a) This system shall be password accessible twenty four (24) hours each day of the year via the internet.
 - b) Historic tree inventory and work history data, to be provided by the City, shall be uploaded and operational within Contractor's tree inventory system prior to the commencement of any tree service work under the terms of an awarded contract.
 - c) Thereafter, the Contractor shall update and maintain the tree site specific, internet accessible, computerized tree inventory system to reflect changes in baseline data (e.g. species, height, DBH) and to record the date, cost and crew identity for any trimming, removal, planting or emergency response work that occurs at any tree site at which tree work is performed. The system shall be upgraded to reflect the removal and replacement of trees, as well as the addition of trees to the inventory.
 - d) The system shall be capable of maintaining and displaying all past work histories for any and all tree sites in the inventory, both individually and collectively by query, as well as future scheduling to the extent known.
 - e) All aspects of the system including, but not limited to, data entry, system maintenance, system hardware and/or software upgrades and server security and stability shall be the responsibility of the Contractor and shall be provided at no cost to the City. The system shall not be proprietary in the nature of its function and shall operate and interface with common computer software and web based applications, including the ability to export data into common spreadsheet applications. The records created for the City shall be the property of the City.
2. Contractor will provide on a monthly basis to the Project Manager or designee a report of any changes noted or performed by the Contractor to the City's existing tree inventory.

O. EMERGENCY SERVICES

The Contractor will provide the City a 24- hour emergency phone number and name of at least two qualified persons who can be called by City representatives when emergency maintenance conditions occurs. These Contractor representatives shall respond to said emergency within thirty (30) minutes of receiving notification and mobilize field staff to respond to the emergency within two (2) hours.

P. SCHEDULES

The City operates on a five (5) year prune cycle, trimming approximately 25,000 trees. This results in the need to prune approximately Three Thousand Five Hundred (3,500) trees by grid prune per year.

Annual Schedule

Upon contract award, the successful Proposer shall be required to submit a work schedule based on the City's annual pruning requirements, removal and placement program, and planting Project. The proposal shall include a recommended annual work program, daily work schedules, personnel and vehicles that would be required to complete the annual maintenance program. Depending on the City's current and future needs, the scheduled work may require multiple crews to perform concurrently within the same time constraints.

1. The Contractor shall provide an annual maintenance schedule indicating the time frames when items of work shall be accomplished per the performance requirements.
2. The Contractor shall submit revised schedules when actual performance differs substantially from planned performance.
3. The Annual Schedule shall predict the five year prune cycle for all trees in the City's inventory.

Monthly Schedule

1. Contractor shall meet with the City at least once a month to discuss work performance, special instructions, any problems encountered and upcoming schedules.
2. The contractor shall send changes to the schedule to the City's Project Manager or designee at least twenty-four (24) hours before the scheduled time for the work.
3. Failure to notify of a change and/or failure to perform an item of work on a scheduled day may, at the City's sole discretion, result in deduction of payment for that date, week or month.

Daily Schedule

The Contractor shall meet with the City's representative daily for the purpose of reviewing the week's work, receiving special instructions, and to discuss any problems encountered on the job. Changes to daily schedules can be made verbally or by email to the City's Project Manager or designee.

Performance on Schedule

The Contractor will be provided the maximum latitude in establishing work schedules which correspond to its manpower and equipment resources. The Contractor will also be provided the opportunity and procedure for adjusting those schedules to meet special circumstances. Therefore, all work shall be completed on the day scheduled, as shown on the daily schedule.

Q. PERFORMANCE DURING INCLEMENT WEATHER

1. During periods when inclement weather hinders normal operations, the Contractor shall adjust its work force to accomplish those activities that are not affected by weather.

2. The Contractor shall immediately notify the City's Project Manager or designee prior to removing work force from the job site for agreement on degree of inclement weather or other reasons. If the Project Manager or designee cannot be reached, the Contractor shall notify the Landscape Maintenance Services Supervisor.

R. PUBLIC NOTICING

The Contractor shall supply and post standard signage on the trunk of the tree at the site work at which work is to be performed, **at least seventy-two (72) hours in advance** of work with the signage clearly stating what type of work is to be done and what affect the work will have on parking availability at that particular site. Posting shall be affixed to the tree trunk using materials that do not cause permanent damage to the tree such as twine. In the event that a tree trunk is not available for posting, the Contractor shall affix the posting to a standard size safety cone or a three foot stake and place that cone in the center of the parkway where a tree is to be planted or atop a stump that is scheduled for grinding.

S. TOOL SANITATION

On all trees, including palms, known or suspected to be diseased, pruning tools and cut surfaces shall be disinfected with a twenty-five percent (25%) chlorine bleach solution or one hundred percent (100%) Lysol, after each cut and between trees where there is danger of transmitting the disease on tools. Fresh solution shall be mixed daily. Old solutions shall be disposed of through proper disposal methods. Dumping used or old bleach solutions on the ground or down the storm drain and will result in severe penalties to the Contractor.

T. WILDLIFE PROTECTION

1. The Contractor shall have a wildlife protection program that outlines employee protocol when discovering wildlife in trees scheduled for pruning. A copy of the program material shall be made available to the Project Manager or designee. Prior to the commencement of any work in the vicinity of any tree, each tree shall be visually surveyed, from all sides, for the sole purpose of detecting the presence of bird nests or wildlife of any type. If a nest is found and is determined to be active, there shall be no work of any type in the tree in which the nest is found without the verbal or written permission of the City Arborist or designated representative. At no time shall any nest or wildlife be removed from its location.
2. In the event that wildlife is accidentally displaced and needs assistance, the contractor shall notify the City's Animal Control service and/or the nearest appropriate animal rescue facility, as identified in the Contractor's submittal required herein regarding "Protection of Wildlife", shall be contacted for assistance.

U. UNDERGROUND EXCAVATIONS

The Contractor shall be responsible for locating all underground utility lines to insure the safety of his/her work crew and to protect, in place, existing utility equipment before commencing any excavation. Contractor shall contact Underground Service Alert (1 -800- 227-2600) forty-eight (48) hours before commencing any excavation, to locate underground service lines. Contractor shall be responsible for removal of underground markings on completion of scheduled removal and stump grind.

V. GENERAL MAINTENANCE REQUIREMENTS

All maintenance functions shall be performed in accordance with the following specifications. The City shall have the right to determine schedule days and the extent and frequency of additional "as needed" services. Standards and frequencies may be modified from time to time as deemed necessary by the City for the proper maintenance of the listed trees.

All operations will be conducted so as to provide maximum safety for the public and minimize disruption of public use of City streets.

W. HAZARDOUS EVALUATION OF TREES AT TIME OF TRIMMING AND REPORTED THROUGH WORK ORDER SYSTEM

While performing work of any type, the tree worker should inspect for any obvious hazards related to trees, including uplifted sidewalk segments (lifted over three quarters (3/4")), all hazardous situations should be corrected or promptly reported to the City. Any structural defect or weakened tree shall be reported to the City's Project Manager. This information will be updated, at a minimum, on a weekly basis.

Remove leaves, weeds, trash, and other debris from landscaped areas and disposed of off-site.

Clean sidewalks, roadways, and any other areas littered or soiled by Contractor maintenance operations.

Maintain the premises free of debris at all times. Upon completion of any work project, the Contractor shall remove remaining excess materials, waste, rubbish, debris, and his/her construction and installation equipment from the premises. Any dirt or stains caused by the work shall be removed. Existing City trash containers shall not be used for the disposal of debris collected by the Contractor.

Prune trees adjacent to roadway intersections to provide adequate sight distance for vehicles entering the intersection.

Prune trees materials so that all traffic control signs are clearly visible to approaching drivers. Notify the City immediately of any unusual and hazardous conditions at the work site.

X. TREE PRUNING

Any tree work performed on a City tree must be done according to the City's specifications. The criterion for pruning varies based on the type or purpose of pruning.

General Specifications for tree pruning

1. Contractor shall consult with the City Arborist before making any cuts that could result in permanent disfigurement of the structure of any tree.
2. Trees shall be pruned so as to prevent branch and foliage interference with safe public passage. Street clearance shall be kept to a minimum of seventeen feet (17') above the paved surface of the street and fourteen (14') feet above the curb and surface of a public sidewalk or pedestrian way. Exceptions are allowed for young trees, which would be irreparably damaged by such pruning action. If pruning to these standards would result in permanent disfiguration of a tree, the Contractor shall not prune the tree until such time as direction is obtained from the City Arborist.
3. When removing a live branch, pruning cuts should be made in branch tissue just outside the branch bark ridge and collar, which are trunk tissue. If no collar is visible, the angle of the cut should approximate the angle formed by the branch bark ridge and the trunk.
4. When removing a dead branch, the final cut should be made outside the collar of live callus tissue. If the collar has grown out along the branch stub, only the dead stub should be removed, the live collar should remain intact and uninjured.
5. Whenever pruning involves the removal of limbs that are too large to hold securely in one hand during the cutting operation, the limb shall be cut off first at a point several feet beyond the intended final cut. The final cut shall be made in a manner to prevent unnecessary tearing back of the bark and

- wood. Cuts that result in tearing of tissue on limbs below cuts shall be corrected.
6. All final tree pruning cuts shall be made in such a manner so as to favor the earliest possible covering of the wound by natural callus growth. Excessively deep flush cuts, which produce large wounds or weaken the tree at the cut, shall not be made. The branch collar should not be removed.
 7. All dead and dying branches and branch stubs shall be removed.
 8. All broken or loose branches shall be removed.
 9. Branches that are developing in such a manner as to become larger than the limbs they originate from shall be removed or reduced to half the diameter of the parent branch.
 10. When encountering limbs that are weighted with more foliage than the limb is likely to support, selectively prune branches toward the end of the limb in order to reduce end weight (including end weight over structures) and thus decrease the likelihood of limb failure.
 11. Selectively reduce and/or remove branches that create sight line conflicts with traffic control signs and/or devices.
 12. Selectively reduce and/or remove branches that are within five (5) feet of a structure.
 13. Clear trees of sprout or sucker growth to a minimum height of ten (10) feet above ground level. Exceptions are allowed for young trees, which would be irreparably damaged by such pruning action.
 14. Prune so as to maintain a balanced appearance when viewed from the opposite side of the street immediately opposite the tree, unless authorized by the City Arborist to do otherwise.
 15. Remove all vines entwined in trees and on tree trunks. Vine tendrils shall be removed without injury to trees.
 16. Tree limbs shall be removed and controlled in such a manner as to cause no damage to other parts of the tree, or to other plants or property.
 17. All tools used on a tree known to contain an infectious tree disease shall be properly disinfected immediately before and after completing work on such tree. All major pest problems shall be promptly reported to the City.
 18. All cutting tools and saws used in tree pruning shall be kept sharpened to result in final cuts with an un-abrasive wood surface and secure bark remaining intact.
 19. All trees six (6) inches in diameter or less shall be pruned with hand tools only.
 20. Chain saws will not be permitted to remove any branches two (2) inches or less in diameter. This is to prevent any unnecessary abrasions to cambial tissue that may predispose a tree to insect and/or future disease/decay problems.
 21. Any extraneous metal, wire, rubber or other material interfering with tree growth shall be removed when possible.
 22. The use of climbing spurs or spike shoes in the act of pruning trees is prohibited, unless specifically directed by the City to aid in the safety of climbers performing the removal of a tree.
 23. Conifers shall typically be pruned in late winter or early spring.
 24. Contractor shall avoid damaging the central leader on all conifers.
 25. To control the growth of large, mature conifers contractor shall be required to prune the new growth of lateral limbs.

Prune Classifications for Trees

1. A Light Prune is performed when conditions within the crown of a tree are such that only target pruning is needed. Trees that are identified and mutually agreed upon as a candidate for a Light Prune shall have no more than 15% of the live foliage removed. A Light Prune typically consisting of trees in a condition requiring a minimized removal of dead, diseased, detached, and broken branches. Additional minimized crown raising for vertical clearance and removal of sucker growth may be required. This classification could apply to younger trees needing minimal attention to more mature specimens with slowed growth rate.
2. A Grid Prune is performed when conditions within the crown of a tree are such that the entire tree needs to be fully pruned. Complete pruning is recommended when the primary objective is to maintain

or improve tree health and structure, and includes pruning to reduce overall canopy mass and excessive wood weight. Trees that are identified for a Grid Prune shall have no more than 25% of the live foliage removed.

3. A Large Scale Prune is performed when conditions within the crown of a tree are such that the entire tree needs to be fully pruned. Complete pruning is recommended when the primary objective is to maintain or improve tree health and structure, and includes pruning to reduce overall canopy mass and excessive wood weight. Trees that are identified for a Large Scale Prune shall have more than 25% of the live foliage removed, have a diameter breast height above 29", and/or a 50' spread. All Large scale pruning shall be pre-authorized by the City Arborist or designee.
4. A Service Request Prune shall require Contractor to provide tree maintenance services on designated tree(s) as ordered by the City Arborist or designee. Duration of tree maintenance services could be less than one full work day, requiring Contractor to mobilize to another work area. Most assignments will require several job site set ups to perform the work dependent on field conditions.
 - a. Structural Prune is the removal of live branches and stems to influence the orientation, spacing, growth rate, strength of attachment, and ultimate size of branches and stems. Structural pruning is used on young and medium-aged trees to help engineer a sustainable trunk and branch arrangement. This pruning type can be summed up in the phrase: subordinate or remove codominant stems. Small-maturing trees and shrubs are structurally pruned to properly space codominant stems, reduce or remove rubbing limbs, and provide desirable crown configuration. All branches are to be kept less than half the trunk diameter. Spacing scaffold limbs allows for the trunk and leader to develop properly, gives the canopy a more balanced form, and reduces wind resistance. Suppress growth on branches with included bark to minimize the chance of breakage.
 - b. Crown Cleaning: or cleaning out is the removal of dead, diseased, crowded, weakly attached and low-vigor branches and water sprouts from the entirety of the tree crown. Cleaning is the selective removal of dead, diseased, detached, and broken branches. This type of pruning is done to reduce the risk of branches falling from the tree and to reduce the movement of decay, insects, and diseases from dead or dying branches into the rest of the tree. Cleaning is the preferred pruning type for mature trees because it does not remove live branches unnecessarily. Cleaning removes branches with cracks that may fail when the interior wood dries.
 - c. Crown Thinning: includes the selective removal of branches to increase light penetration and air movement into and through the crown. Increased light and air stimulates and maintains interior foliage, which in turn improves branch taper and strength. Care must be used to avoid stripping branches of all foliage at the interior of the tree crown. This practice, disrupts the structural integrity of the tree, making it subject to limb and branch failure, especially during high winds.
 - d. Crown Reduction: is used to reduce the height and/or spread of a tree. Crown reduction varies from topping, a destructive practice, in that cuts are not made indiscriminately, resulting in large stubbed off limbs that are subject to decay. Reduction is the selective removal of branches and stems to decrease the height and/or spread of a tree or shrub. This type of pruning is done to minimize the risk of failure, to reduce height or spread, for utility line clearance, to clear vegetation from buildings or other structures, or to improve the appearance of the tree. While reducing a crown, tree workers must adhere to basic tree trimming practices involving limb/branch size relationships and use of the branch bark collar in avoiding the onset of decay at cut sites.
 - e. Crown Restoration: is corrective pruning used as a means to restore the form of crowns that have been previously damaged by extenuating circumstances. Restoration is the selective removal of branches, sprouts, and stubs from trees that have been topped, severely headed, vandalized, lion tailed, broken in a storm, or otherwise damaged. The goal of restoration is to

improve a tree structure, form, or appearance

- f. Crown Raising: consists of removing the lower branches of a tree in order to provide clearance for buildings, vehicles and pedestrians. It is important that a tree have at least one-half of its foliage on branches that originate in the lower two-thirds of its crown to ensure a well-formed, tapered structure and to uniformly distribute stress within the tree.

Y. TREE REMOVAL

Tree removal consists of the removal of the entirety of a tree and the removal of its root system.

1. The Contractor shall comply with all general specifications standards described herein.
2. The diameter price given by the Contractor for tree removals shall be inclusive of all staff, materials and equipment necessary to remove trees as described herein.
3. All diameter measurements for tree and stump removals shall be at diameter at trunk flare.
4. All diameter measurements for tree only removals shall be at diameter at breast height.
5. As stated previously herein, the Contractor shall identify the location of all utilities and private property landscape irrigation components prior to the removal of a tree and its root system. The Contractor shall notify the City Arborist or designated representative, in writing, of any condition that prevents the removal of a tree and/or the grinding of its root system. The Contractor shall take all responsibility for any damage that occurs once the process of removing a tree and/or associated root grinding begins.
6. The Contractor shall comply with wildlife protection standards described herein whenever removing a tree.
7. The Contractor shall not remove any tree without first confirming that the tree being considered is indeed the tree to be removed. Any confusion should be resolved by contacting the City Arborist for assistance.
8. During a tree removal, the Contractor shall maintain control of the tree and its parts at all times, which shall include the selection and use of proper techniques and equipment. At no time shall branches, limbs or tree trunks be allowed to freefall and create damage of any type. Loss of control incidents shall be penalized.
9. While loading and handling debris, the Contractor shall maintain control at all times so as not to result in damage to the public rights or way or private property. In addition, the Contractor shall not drop logs or trunks so as to create undue noise or impact shock related damages to public and/or private property.
10. Stumps, including the root flare shall be ground to a depth of no less than twenty four (24) inches. Surface roots shall be traced and ground to a depth of no less than twelve (12) inches. Debris generated by stump grinding and root removal shall be removed from the site and replaced with native soil. Chips and stump grindings shall not be used as a backfill material.
11. The Contractor shall be responsible for the repair of any private property irrigation system components damaged during a tree removal or stump grinding. Repairs shall be made using new components matching those that were damaged.

Z. TREE PLANTING AND YOUNG TREE CARE

1. Tree planting consists of the installation of nursery stock container or palm trees supplied by either the Contractor or the City.
2. As stated previously herein, the Contractor shall identify the location of all utilities and private property landscape irrigation components prior to the planting of any tree. The Contractor shall assume full responsibility for any damage that occurs during the planting of any tree.
3. The Contractor shall supply quality nursery stock which is fully rooted and representative of recognized standards for size and quality of the material being planted.

4. Planting stock shall be well watered prior to shipping and covered for the duration of transport. Trees that are delivered uncovered, with a dry or fractured root ball or with broken scaffold limbs will be rejected. Root bound material will be rejected. In excavating planting pits, the Contractor shall not excavate deeper than the depth of the root ball of the tree being installed. The bottom of the planting pit shall be undisturbed so that the planted tree will not settle below top of root ball grade standards defined herein. As the width of the parkway allows, the Contractor shall excavate the planting pit to be two (2) times the width of the root ball of the nursery stock being planted.
5. All nursery containers and box sides shall be removed from tree root balls prior to planting. The Contractor shall not install trees with box bottoms left on. All container debris (e.g. strapping, box fragments, and nails) shall be removed from the planting pit prior to backfilling.
6. The Contractor shall install the tree so that the top of root ball is at grade with top of curb so that the trunk flare is completely exposed. In the event that there is no curb (i.e. park site), the Contractor shall install the tree or palm so that the top of root ball is two (2) inches above surrounding finish grade. The Contractor shall not resort to cutting or trimming the root ball as a means of meeting grade standards.
7. The Contractor shall backfill tree plantings with excavated native soil.
8. While backfilling, the Contractor shall cease backfilling when the planting pit is one half (1/2) full and apply water to remove air pockets from the backfill. Once the water has drained, the Contractor shall resume backfilling the planting pit. A watering basin shall be constructed in a uniform circle and shall extend from the center of the tree trunk to six (6) inches beyond the edge of the root ball. The top of the watering basin shall be graded and maintained uniformly with the upper edge of the basin maintained at a grade of four (4) inches above the root flare of the tree.
9. The Contractor shall be responsible for the stability of planted trees. The new tree shall be planted in accordance with Exhibit D - "New Tree Planting Standard". The root ball shall not be damaged by the installation of stakes.

AA. NEW TREE CARE

1. New Tree Care consists of the irrigation of young trees which have been installed by the Contractor and the cultivation of new canopy coverage.
2. The Contractor shall not use hoses, equipment or water from private properties when watering parkway trees.
3. While performing tree watering, the Contractor shall maintain the tree watering basin to include the removal of weeds and debris and the maintenance of the watering basin to size and grade standards defined herein.
4. Trees shall be watered in such a manner that does not result in erosion of the tree watering basin, splashing of parked vehicles or damage to any of the tree's surroundings. Haphazard riggings and/or watering out of the window from the cab of watering equipment is not permitted.
5. The Contractor shall maintain a daily log of trees watered. The log shall list the tree watered by site. A printed copy of the log, which shall be maintained in digital format, must accompany invoicing for tree watering services by the Contractor.

BB. CONSULTANT ARBORIST

The contractor will provide the service of a consultant arborist. When requested, the consultant arborist will perform tree health assessment which should include 360 degree, ground-based visual inspections of the tree crown, trunk, trunk flare, above ground roots and branch and stem defects, drilling evaluation of target risk increment, boring, probing, sounding, sub-surface root and soil assessment and site conditions around the tree in relation to target



EXHIBIT C

INSURANCE REQUIREMENTS - GENERAL

Definition:

For purposes of this contract, the following definition applies: City of Milpitas includes the duly elected or appointed officers, agents, employees and volunteers of the City of Milpitas, individually or collectively.

Insurance Required:

No work shall be done under this Contract unless there is in effect insurance required by the Contract and under this section, and such insurance has been approved by the City, nor shall the Contractor allow any subcontractor to commence work on their subcontract until all insurance required of the subcontractor has been so obtained and approved. The Contractor shall maintain or cause to be maintained adequate workers' compensation insurance as required under the laws of the State of California, for all labor employed by Contractor or by any subcontractor under them who may come within the protection of such worker's compensation laws of the State of California and shall provide or cause to be provided employer's general liability insurance for the benefit of their employees and the employees of any subcontractor under them not protected by such compensation laws.

Minimum Scope of Insurance: (Check Mark Indicates Required)

Coverage must be *at least as broad as*:

- Insurance Services Office Commercial General Liability coverage (occurrence Form CG0001).
- Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
- Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
- Professional Liability or Errors & Omissions Liability insurance appropriate to the consultant's profession.
- Architects' and Engineers' coverage is to be endorsed to include contractual liability.

Minimum Limits of Insurance:

Contractor must maintain limits no less than:

1. **General Liability:** **\$1,000,000** per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance with a general aggregate limit is used, either the general aggregate limit must apply separately to this project/location or the general aggregate limit must be twice the required occurrence limit.
(Including operations, products and completed operations, as applicable.)
2. **Automobile Liability:** **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** Statutory
Employer's Liability: **\$1,000,000** each accident
\$1,000,000 disease-policy limit
\$1,000,000 disease-each employee
4. **Professional Liability or** **\$1,000,000** each occurrence
Errors & Omissions **\$1,000,000** policy aggregate
Liability:

Deductibles and Self-Insured Retentions:

Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Contractor to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Other Insurance Provisions:

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. **The City of Milpitas, its officers, officials, employees, and volunteers** are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85), or as a separate owner's policy.
2. For any claims related to this project, the **Contractor's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the **Contractor's insurance and shall not contribute with it.**
3. The Insurance Company agrees to **waive all rights of subrogation** against the City, its elected or appointed officers, officials, agents and employees for losses paid under the terms of any policy which arise from work performed by the Named Insured for the City. This provision also applies to the Contractor's Workers' Compensation policy.
4. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after **thirty (30) days' prior written notice (10 days for non-payment)** by certified mail, return receipt requested, has been given to the City. If Contractor's insurer refuses to provide this endorsement, Contractor shall be responsible for providing written notice to the City that coverage will be canceled thirty (30) days after the date of the notice or ten (10) days for non-payment.

Acceptability of Insurers:

Insurance is to be placed with licensed insurers admitted to transact business in the State of California with a current A.M. Best's rating of no less than A-VII. If insurance is placed with a surplus lines insurer, insurer must be listed on the State of California List of Eligible Surplus Lines Insurers (LESLI) with a current A.M. Best's rating of no less than A-X. Exception may be made for the State Compensation Fund when not specifically rated.

Verification of Coverage:

Contractor shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on insurance industry forms, provided those endorsements or policies conform to the contract requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require, at any time, complete, certified copies of all required insurance policies, including endorsements evidencing the coverage required by these specifications.

The Certificate with endorsements and notices shall be emailed to the City Purchasing Agent, Chris Schroeder at cschroeder@ci.milpitas.ca.gov.

Subcontractors:

Contractors must include all subcontractors as insureds under its policies or furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors is subject to all of the requirements included in these specifications.

Absence of Insurance:

If the Contractor allows the insurance to lapse, be cancelled, or be reduced below the limits specified in this article, the Contractor shall cause all work in the Project to cease and any delays or expenses caused due to stopping of work and change of insurance shall be considered Contractor's delay and shall not be considered to increase cost to the City or increase time in which the Project shall be completed.

Contractor agrees that if it does not keep the aforesaid insurance in full force and effect, City may immediately terminate this Agreement.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Directing Staff to Fly the Eritrea Independence Day Flag at Cesar Chavez Plaza
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	5/21/2019
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Adopt a Resolution directing staff to fly the Eritrea Independence Day Flag on May 24, 2019 at the Cesar Chavez Plaza.

Background:

Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center:

- (1) City Hall Rotunda
- (2) Area adjacent to pond at City Hall
- (3) Cesar Chavez Plaza
- (4) City Council Chambers

Councilmember Bob Nuñez is requesting that City Council adopt a Resolution directing staff to fly the Eritrea Independence Day Flag in honor of their celebrated Independence Day on May 24, 2019. In accordance with the Municipal Code, the Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

Recommendation:

Adopt a Resolution directing staff to fly the Eritrea Independence Day Flag on May 24, 2019 at the Cesar Chavez Plaza.

Attachments:

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DIRECTING STAFF TO FLY THE ERITREA INDEPENDENCE DAY FLAG AT CESAR CHAVEZ PLAZA ON MAY 24, 2019

WHEREAS, on August 1, 2017, the City Council (the “City Council”) of the City of Milpitas Adopted Ordinance No. 260.2 relating to the display of flags on City-owned property; and

WHEREAS, pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City’s official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center:

- (1) City Hall Rotunda
- (2) Area adjacent to pond at City Hall
- (3) Cesar Chavez Plaza
- (4) City Council Chambers; and

WHEREAS, Eritrea Independence Day is on May 24, 2019, and as part of honoring that day the City intends to fly the Eritrea Independence Day Flag on May 24, 2019 in Cesar Chavez Plaza.

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. Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council hereby directs staff to fly the Eritrea Independence Day Flag in lieu of the flag of the State of California at Cesar Chavez Plaza on May 24, 2019, after which staff shall resume flying the flag of the State of California unless the City Council directs otherwise by further resolution.

PASSED AND ADOPTED this _____ day of _____ 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney



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

Item Title:	Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2019-20
Category:	Public Hearings-Community Development
Meeting Date:	5/21/2019
Staff Contact:	Steve Erickson 408-586-3301
Recommendation:	<ol style="list-style-type: none"> 1. Open the public hearing, receive any comments, and move to close the hearing following any testimony. 2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2019-20.

Background:

Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (LLMD 95-1) provides for the maintenance and improvement of public landscaping, irrigation systems, pedestrian lighting, gateway columns and entry signs along portions of North McCarthy Boulevard and the Ranch Drive gateway between State Route 237 and Dixon Landing Road in the areas as shown on the attached location map.

Analysis:

On May 7, 2019, the City Council adopted Resolution No. 8865 approving the Annual Engineer’s Report, and adopted Resolution No. 8866 declaring its intention to levy and collect assessment for Fiscal Year 2019-20 for the Landscaping and Lighting Maintenance Assessment District No. 95-1.

An annual public hearing is necessary to adopt the Annual Engineer’s Report to provide funds for the district. The total assessment for fiscal year 2019-20 is \$360,135.96, with an assessment rate not exceeding the maximum rate per square foot.

Policy Alternatives:

Alternative 1:

Not approve resolution confirming the assessment and ordering the levy for LLMD 95-1.

Pros: None

Cons: The Landscaping and Lighting Act of 1972 requires the legislative body to adopt a resolution confirming the diagram and assessment, not adopting a resolution of confirmation would jeopardize the City’s ability to collect assessments for the maintenance and upkeep of LLMD 95-1.

Reason not recommended: To allow for the continued maintenance of LLMD 95-1, staff recommends approving the resolution confirming the assessment and ordering the levy for fiscal year 2019-20.

Fiscal Impact:

The levy and collection of assessments provides a funding resource for the City to improve and maintain public landscaping, irrigation systems, pedestrian lighting, gateway columns and entry signs within LLMD 95-1.

California Environmental Quality Act:

Levy and collection of assessment is not considered a project under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Recommendation:

1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.
2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2019-20.

Attachments:

- a) Resolution
- b) Annual Engineer's Report
- c) Location Map

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1 FOR FISCAL YEAR 2019/20

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the Landscaping and Lighting Maintenance Assessment District (the “Assessment District”); and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the City Council has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Act; and

WHEREAS, at the time and place specified in the Resolution of Intention the City Council conducted such hearing and considered all objections to the assessment.

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

1. Confirmation of Assessment and Diagram: The City Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the City Clerk.
2. Levy of Assessment: Pursuant to Section 22631 of the Act, the adoption of this Resolution shall constitute the levy of an assessment for the fiscal year commencing July 1, 2019, and ending June 30, 2020.
3. Ordering of the Levy: The City Council hereby orders NBS to prepare and submit the levy of assessments to Santa Clara County for placement on the Fiscal Year 2019/20 secured property tax roll.

PASSED AND ADOPTED this ____ day of _____, 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS

Landscaping and Lighting Maintenance Assessment District No. 95-1

Fiscal Year 2019/20 Annual Report

April 2019

OFFICE LOCATIONS:

Temecula – Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592

San Francisco – Regional Office
870 Market Street, Suite 1223
San Francisco, CA 94102

California Satellite Offices
Atascadero, Davis,
Huntington Beach,
Joshua Tree, Riverside,
Sacramento, San Jose

www.nbsgov.com

Prepared by:



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

CITY COUNCIL

Rich Tran, Mayor

Karina R. Dominguez, Vice-Mayor

Carmen Montano, Council Member

Bob Nunez, Council Member

Anthony Phan, Council Member

CITY STAFF

Steve Erickson, PE, Director of Engineering/City Engineer

Jane Corpus, Interim Director of Financial Services

Tony Ndah, Director of Public Works

NBS

Tim Seufert, Client Services Director

Tiffany Ellis, Senior Consultant

Manuel Kauss, Financial Analyst

TABLE OF CONTENTS

1. Engineer’s Letter.....	1
2. Plans and Specifications.....	3
2.1 Location of Improvements	3
2.2 Landscaping Improvements	3
2.3 Overhead	4
3. Estimate of Costs	5
3.1 District Budget.....	5
4. Special and General Benefit	7
4.1 Introduction.....	7
4.2 Special Benefits Identified	7
4.3 General Benefits Identified	8
4.4 Quantification of Benefit.....	9
4.5 Special Benefit Trips	12
5. Method of Assessment	14
5.1 Introduction.....	14
5.2 Method of Assessment Spread	14
5.3 Maximum Assessment Rates	15
5.4 Appeals	15
6. Assessment Diagram.....	16
7. Assessment Roll.....	17

1. ENGINEER'S LETTER

WHEREAS, in 1995 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 Landscaping and Lighting Maintenance Assessment District No. 95-1 (the "District") in order to provide for the continued maintenance, operation, and administration of various improvements within the boundaries of the District; and

WHEREAS, the City Council has directed NBS to prepare and file a report for Fiscal Year 2019/20 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 calculated 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	2019/20 Maximum Assessment Rate per Lot Sq. Ft. ⁽¹⁾	2019/20 Actual Assessment Rate per Lot Sq. Ft.	2019/20 Net Amount to be Assessed ⁽²⁾⁽³⁾
LLMAD 95-1	44	\$0.0462	\$0.03054	\$360,135.96

(1) The April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated using the February 2019/20 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:

- 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;
- 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
- 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.

Steven Erickson, PE
Engineering Director/City 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

The District is located on the west side of the City of Milpitas, bounded on the east by State Route 880, on the west by Coyote Creek, on the south by State Route 237, and on the north by Dixon Landing Road. The improvements maintained include public landscaping and irrigation improvements, including jogging paths, pedestrian lighting, gateway improvements, and entry signage, which are primarily situated within the public right-of-way and dedicated public easements within the District.

2.2 Landscaping Improvements

Landscaping, pedestrian lighting, gateway, and signage improvements were installed along the roadways and sidewalks within the District to enhance the overall visual appearance for adjacent parcels.

The improvements within the District consist of the maintenance and installation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, pedestrian lighting and appurtenant irrigation systems, ornamental planting including lawns, shrubs, and trees; installation and maintenance of gateway columns and entry signs. Such maintenance includes all necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for property maintenance and operation thereof. The landscaping, irrigation, pedestrian lighting, gateway, and signage improvements are collectively referred to as “landscaping improvements”. All such work will be performed in the following areas:

2.2.1 N. McCarthy Boulevard

1. A strip of land including an earth berm approximately 50 feet in width from face of each curb line, from the southerly connection with Ranch Drive northerly 2,400 feet, more or less, to the northerly connection with Ranch Drive. A strip of land including a grass berm approximately 35 feet in width, west of the face of westerly curb, along the West Side of N. McCarthy Boulevard, from the southerly connection with Ranch Drive, northerly 2,400 feet, more or less. The initial phase includes a strip of land 6 feet wide on the west side of McCarthy Boulevard.
2. Commencing at a location approximately 2,400 feet north of State Route 237 thence proceeding north to the northern boundary of Lands of N. McCarthy, 7,800 feet more or less, a strip of land approximately 27 to 34 feet in width on each side along the east and west sides of McCarthy Boulevard between the northerly connection with Ranch Drive and Dixon Landing Road.
3. A median island from the southerly intersection with Ranch Drive northerly to the intersection with Dixon Landing Road.

4. Gateway Improvements, at the southerly intersection of N. McCarthy Boulevard and Ranch Drive and southerly of Bridge No. 1 along N. McCarthy Boulevard, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans.
5. Lighting costs in the District are limited to the supplemental pedestrian lights installed between each of the 2 street lights on the section of curved walkway located on the East Side of N. McCarthy Boulevard. The conventional lighting along McCarthy Boulevard is not included.

2.2.2 Milpitas Entry Sign

1. City of Milpitas Entry Identification Sign along N. McCarthy Blvd., including walls, columns, lighting and other appurtenances.

2.2.3 Ranch Drive

1. Commencing at a Northerly location where the right-of-way of Ranch Drive is contiguous with the right-of-way of Interstate 880, thence southerly, a strip of land approximately 10 feet in width measured from the east face of curb of Ranch Drive, from the northerly connection with Interstate 880 and Ranch Drive, southerly 630 feet, more or less, thence 405 feet south to the southerly end of Gateway location, varying in width from 10 feet to 132 feet, more or less.
2. Gateway Improvements, at the southerly connection of Ranch Drive and Interstate 880, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans (Part A), except the Shopping Center's Monument Sign.

2.3 Overhead

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.

3.1 District Budget

The Fiscal Year 2019/20 estimated cost budget for the maintenance and servicing of the improvements is as follows:

Description	Budget 2019/20
Maintenance Staff and Contract Services ⁽¹⁾	\$245,740
Capital Equipment	0
Supplies	2,000
Utilities (Water, Electricity)	41,180
Reserve Fund	0
<u>Capital Improvement Program</u>	<u>85,000</u>
Maintenance Costs	\$373,920
NBS	\$4,350
City Staff District Admin	700
<u>County Auditor-Controller Fee⁽²⁾</u>	<u>3,601</u>
District Specific Costs	\$8,651
Total District Costs	\$382,571
General Benefit Contribution ⁽³⁾	(22,435)
<u>Operating Reserve Contribution</u>	<u>0</u>
Net Amount to be Assessed	\$360,136
Total District Square Footage⁽⁴⁾	11,792,520
Rate per Square Foot⁽⁵⁾⁽⁶⁾	\$0.03054
Maximum Rate Per Square Foot – 2019/20⁽⁷⁾	\$0.04620

(1) For 2019/20 Landscape Maintenance Contract Services includes Terracare and Irvine Company.

(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) Total District Square Footage includes the 50% reduction for Parcel 5-7 (Sewer Main Pump Station) and Parcel 5-3C (Storm Pump Station).

(5) The Rate per Square Foot equals the Net Amount to be Assessed / Total District Square Footage.

(6) The assessed rate cannot exceed the maximum rate.

(7) The April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated by using the February 2019/20 CPI.

3.1.1 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 from the County, whichever is later. The operating reserve balance information for the District is as follows:

Estimated Fiscal Year Ending 6/30/2019 Operating Reserve Cash Balance	\$185,496
Operating Reserve Collection – Fiscal Year 2019/20	0
Estimated Fiscal Year Ending 6/30/2020 Operating Reserve Cash Balance	\$185,496

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

Pursuant to Article XIID, all parcels that receive a special benefit conferred upon them because 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

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 three primary benefit categories: aesthetic benefit, safety benefit, and economic benefit. The three district benefit categories are further expanded upon below.

- J **Improved Aesthetics:** The aesthetic benefit relates to the increase in the overall aesthetics because of the ongoing maintenance, servicing, and operation of the improvements within the District. The landscaping improvements enhance the overall image and desirability of the properties 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 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.¹ 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.²
- J **Increased Safety:** Well-maintained areas mitigate crime, especially vandalism, and enhance pedestrian safety. A recent study found that after landscape improvements were installed, there

¹ Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tm/tm97.htm>.

² *Ibid.*

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.³ The Victoria Transport Policy Institute has found that streetscapes reduce traffic speeds and when combined with improved pedestrian crossing conditions can significantly reduce collisions.⁴

) **Economic Activity:** Well-maintained street landscape improvements not only make adjacent properties appear more stable and prosperous but can spur investment in the property. The National Complete Streets Coalition notes that street design that is inclusive of all modes of transportation, where appropriate, not only improves conditions for existing businesses, but also is a proven method for revitalizing an area and attracting new development.⁵ Landscaped sidewalks create an inviting place for customers to shop and do business.⁶ Well-maintained and safe District areas will encourage an increase in the overall pedestrian activity. The area will become more pedestrian friendly, thus improving the retail environment by encouraging individuals to shop, dine, and stay within the District boundaries. The District will provide a cleaner more inviting environment to businesses and consumers which will attract, retain and expand the retail and business climate throughout. The effort will reduce vacancy rates and increase lease rates and utilization of property within the District.

4.3 General Benefits Identified

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, safety, and economic activity benefits to the property within the District. However, it is recognized that the ongoing 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 because of the District maintenance activities has been considered.

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

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

⁵ Pugliese, Philip. (2008). *Complete Streets provide all the elements of multi-modal transportation*. Retrieved from <http://www.americantrails.org/resources/trans/completestreets08.html>

⁶ U.S Department of Transportation. Federal Highway Administration. (2001). *Designing Sidewalks and Trails for Access, Part II of II: Best Practices Design Guide*. Retrieved from http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2

4.4 Quantification of Benefit

As a result of the maintenance and operation of the improvements, there will be a level of general benefit to people that do not work 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.

Based upon the City's General Plan, the streets within the City are classified into one of the following categories: freeway, expressway, arterial, collector, or local streets. The landscaping improvements are primarily located along N McCarthy Boulevard and Ranch Drive, and situated within the public right-of-way. The portion of the maintained landscaping that is located along N McCarthy Boulevard (classified as an arterial street) provides some general benefit to pass-through traffic. Arterial streets are intended to provide a higher degree of mobility and generally serve longer vehicle trips. The landscape improvements within the District boundaries not only serve the parcels in the immediate vicinity, but persons who live outside of the District and are passing by. The City's Traffic Volumes Map⁷ does not identify the percentage of traffic, which is pass-through traffic. The City's Traffic Volumes Map does provide an estimated number of daily trips for N McCarthy Boulevard at the entrance of the District.

Street Name	Average Number of Vehicles per Day ⁽¹⁾
N McCarthy Boulevard – between SR 237 and Ranch Drive	35,050

(1) Average Number of Vehicles per Day is from the City of Milpitas Traffic Volumes Map⁸

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 for a portion of their trips, but not working, shopping, or conducting business in the District or benefiting from the landscaping improvements in place. In lieu of having a study that identifies the pass-through traffic, the estimated number of special benefit trips for each parcel based upon its land use has been used. Each parcel within the District was assigned an average daily number of special benefit trips according to the ITE Trip Generation report using the parcel's land use, building size, or number of units. Further, to make sure the number of trips generated by the parcels has not been overstated, the percentage of total trips that are made internally within the development so that both the original and end destination are within the District has been considered. The total special benefit trips have been reduced by approximately 29% (13,810 trips) to account for internal trips between the various businesses within the District. The total number of special benefit trips is therefore 33,708.

⁷ City of Milpitas. (2007). *Traffic Volume Map*. Retrieved from <http://www.ci.milpitas.ca.gov>

⁸ *Ibid.*

Property Type	Combined Trip Generations
Hotel (ITE Land Use 310)	2,328
Office (ITE Land Uses 710, 714, 750)	15,809
Restaurant (ITE Land Uses 931, 932, 934)	6,965
Retail (ITE Land Uses 815, 820, 863, 869)	22,416
Total Trips	47,518
Internal Trip Reduction ⁽¹⁾	(13,810)
Total Special Benefit Trips	33,708

(1) The internal trip rate percentage was calculated by using the NCHRP 684 Internal Rate Capture Estimation Tool.⁹

The total of all special benefit trips was removed from the average number of vehicles per day traveling within the District to estimate the number of pass-through trips daily.

Street Name	Average Number of Vehicles per Day	Less: Estimated Special Benefit Trips	Estimated Number of Pass Through Trips	Estimated % General Benefit
McCarthy Boulevard	35,050	33,708	1,342	3.83%

Based on the above calculations, the general benefit portion of the improved aesthetics, increased safety, and economic activity benefits resulting from the landscaping improvements is estimated to be 3.83%, rounded up to 4.00%.

Pass-thru Vehicle General Benefit	4.00%
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The commonly accepted distance people will walk for public transportation, goods, and services is one-quarter mile.¹⁰ However, based on the location of the District, and given that it is bounded by State Route 880 and 237, and Coyote Creek, there is not an efficient or practical means of walking into the District. Although unlikely, a person may decide to use the paths within the District, and as such the general benefit portion of the improved aesthetics, increased safety, and economic activity benefits resulting from the landscaping improvements is estimated to be 1.00%.

Pass-thru Walking General Benefit	1.00%
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An estimated 1% of all US trips were made by bicycle.¹¹ Although the District is bounded by State Route 880 and 237, and Coyote Creek, there is a bike lane on N McCarthy Boulevard and a bike path along Coyote Creek.¹² According to the National Household Travel Surveys, 49% of bike trips are for recreation, exercise, and sports.¹³ As result of the District maintenance activities, there will be a level of general benefit to bicycle traffic that is not associated with property in the District. As such the general benefit portion of the improved

⁹ Bochner, Brian S., Hooper, Kevin, Sperry, Benjamin and Dunphy, Robert. National Cooperative Highway Research Program, Transportation Research Board of National Academies (2011). *NCHRP Report 684 Enhancing Trip Capture Estimation for Mixed-use Developments*. Retrieved from onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_684.pdf

¹⁰ Walkscore. (2014). Walk Score Methodology. Retrieved from <http://www.walkscore.com/methodology.shtml>

¹¹ 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.ornl.gov>

¹² City of Milpitas. (2002). *General Plan*. Retrieved from <http://www.ci.milpitas.ca.gov>

¹³ Pucher, J., Buehler R., Meron, F., and Bauman, A. American Journals of Public Health, Supplement 1, Vol 101, No S1 (2011). *Walking and Cycling in the United States, 2001-2009: Evidence from the National Household Travel Surveys*. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/21551387>

aesthetics, increased safety, and economic activity benefits resulting from the landscaping improvements estimated to be .50%, rounded up to 1.00%.

Pass-thru Biking General Benefit	1.00%
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4.4.1 Collective District-Wide General Benefit

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

Pass-thru Vehicle General Benefit	4.00%
Pass-thru Walking General Benefit	1.00%
Pass-thru Biking General Benefit	1.00%
Total General Benefit	6.00%

The general benefit, which is the percentage of the total budget that must be funded through sources other than assessments, is 6.00%. The special benefit then, which is the percentage of the budget that may be funded by assessments, is 94.00%.

4.5 Special Benefit Trips

The detailed breakdown of the estimated special benefit trips for each parcel in the District is shown in the following table:

Assmt ID	Assessor's Parcel No.	Land Use Description	Acreage	Gross Leasable Area	Average Trip Rate ⁽¹⁾	Estimated # of Daily Special Benefit Trips ⁽²⁾
1-1A-1	022-54-016	710 - General office	1.06	4,046	11.03	44.63
1-1A-2	022-54-017 ⁽³⁾	310 – Hotel	3.29	161	8.17	1,315.37
1-1A-3	022-54-018 ⁽³⁾	310 – Hotel	2.31	124	8.17	1,013.08
1-1A-4	022-54-019	934 - Fast Food	0.19	-	496.12	-
1-1B	022-54-008	934 - Fast Food	0.78	2,912	496.12	1,444.70
1-2	022-54-002 ⁽⁴⁾	820 - Shopping Center	0.58	5,400	42.70	230.58
1-3	022-54-003	932 - High Vol. Restaurant	1.02	5,465	127.15	694.87
1-4A	022-54-009 ⁽⁴⁾	869 - Home Superstore	8.47	100,000	20.00	2,000.00
1-4B	022-54-012 ⁽⁴⁾	820 - Shopping Center	3.02	20,000	42.70	854.00
1-4C	022-54-013	820 - Shopping Center	0.23	10,000	42.70	427.00
1-4D	022-54-015	931 - Quality Restaurant	1.78	7,846	89.95	705.75
1-4E	022-54-014 ⁽⁴⁾	932 - High Vol. Restaurant	0.64	3,000	127.15	381.45
1-4F	022-54-011 ⁽⁴⁾	820 - Shopping Center	1.31	8,000	42.70	341.60
1-4G	022-54-010	931 - Quality Restaurant	1.03	7,476	89.95	672.47
2-1	022-53-001	931 - Quality Restaurant	0.75	6,500	89.95	584.68
2-2	022-53-002 ⁽⁴⁾	820 - Shopping Center	1.23	10,000	42.70	427.00
2-3	022-53-003 ⁽⁴⁾	820 - Shopping Center	0.76	8,000	42.70	341.60
2-4	022-53-004	934 - Fast Food	0.60	2,000	496.12	992.24
2-5	022-53-005	934 - Fast Food	0.74	3,000	496.12	1,488.36
2-6	022-53-006	863 – Elect. Superstore	1.19	51,250	45.04	2,308.30
2-7	022-53-007	820 - Shopping Center	21.92	214,094	42.70	9,141.81
3	022-29-016	815 - Discount Superstore	14.56	125,000	50.75	6,343.75
4-1A-1	022-56-005	714 - Corp Headquarters	2.03	115,753	7.98	923.71
4-1A-2	022-56-006	714 - Corp Headquarters	2.06	174,483	7.98	1,392.37
4-1A-3	022-56-007	714 - Corp Headquarters	2.07	177,483	7.98	1,416.31
4-1A-4	022-56-008	Undeveloped	34.52	-	-	-
4-1A-5	022-56-009	Parking Lot	24.32	-	-	-
4-1B	022-29-037	Open Space	6.00	-	-	-
5-1A-1	022-29-034	750 - Office Park	36.66	572,660	11.42	6,539.78
5-2A-1	022-29-035	750 - Office Park	31.14	480,772	11.42	5,490.42
5-3A-1	022-29-040	Undeveloped	15.55	-	-	-
5-3A-2	022-29-041	Undeveloped	1.00	-	-	-
5-3A-3	022-29-042	Undeveloped	6.94	-	-	-
5-3A-4	022-29-043	Undeveloped	7.36	-	-	-
5-3A-5	022-29-044	Undeveloped	7.73	-	-	-
5-3B-1A	022-30-054	Undeveloped	5.63	-	-	-
5-3B-2	022-30-038	Undeveloped	10.00	-	-	-
5-3B-3	022-30-039	Undeveloped	5.22	-	-	-
5-3C	022-30-035 ⁽⁵⁾	Pump Station	0.19	-	-	1.00
5-5A-1	022-30-055	Undeveloped	5.60	-	-	-
5-5A-2	022-30-056	Undeveloped	0.59	-	-	-
5-5A-3	022-30-057	Undeveloped	3.15	-	-	-
5-6	022-30-041	Open Space	1.43	-	-	-
5-7	022-30-049 ⁽⁵⁾	Sewer Pump Station	9.12	-	-	1.00
Total Estimated Daily Special Benefit Trips						47,517.83
Internal Trip Reduction ⁽⁶⁾						(13,810.00)
Total Special Benefit Trips						33,707.83

- (1) *Average Trip Rate per Day is from the Institute of Traffic Engineer's, Trip Generation Report.¹⁴*
- (2) *Average Number of Special Benefit Trips per Day is the Average Trip Rate times each 1,000 square feet of gross leasable area.*
- (3) *Average Number of Special Benefit Trips per Day is the Average Trip Rate times number of hotel rooms for this parcel.*
- (4) *Building Square Feet for this parcel is unavailable at this time. Estimate of square feet was used based on similar building in center.*
- (5) *Pump Station trips are an estimate.*
- (6) *The internal trip rate percentage was calculated by using the NCHRP 684 Internal Rate Capture Estimation Tool.*

¹⁴ *Trip Generation, 9th Edition: An Informational Report of the Institute of Transportation Engineers.* (2012). Washington, DC: Institute of Transportation Engineers.

5. METHOD OF ASSESSMENT

5.1 Introduction

The special benefits that accrue to the properties in the District are limited to those properties that abut an improved public street or which have been obligated by issuance of bonds for necessary public improvements (the “Benefited Parcels”). Other properties in the District receive only a general benefit from the work of the improvements, and there is also some general benefit that accrues to the community as a whole. As outlined in Section 4, the total amount of general benefit from the improvements is determined to be 6.00%.

The Benefited Parcels receive a special benefit proportionate to their net acreage and thus they are assessed on the basis of total net acreage for all costs associated with the maintenance and installation of the District’s improvements, with the following exceptions:

- J Of the 9.12 acres of parcel 022-30-049 (sewer pump station), 5.51 acres is the pump station and is not assessable. The remaining 3.61 acres does not benefit from landscaping as much as other Benefited Parcels because it is dedicated to municipal sanitary sewer and storm facilities use and will not otherwise be developed. Therefore, it is assigned a special benefit equal to 50% of other Benefited Parcels.
- J Parcel 022-30-035 (storm pump station) does not benefit from landscaping as much as other Benefited Parcels because it is dedicated to municipal sanitary sewer and storm facilities use and will not otherwise be developed. Therefore, it is assigned a special benefit equal to 50% of other Benefited Parcels.
- J Parcel 022-29-037 and parcel 022-30-041 are dedicated to open space and therefore do not receive special benefit from the maintenance and improvements.

5.2 Method of Assessment Spread

The amount of assessment levied on each Benefited Parcel in the District, for Fiscal Year 2019/20, is \$0.03054 per square foot. The assessment rate was determined by taking the Fiscal Year 2019/20 Net Amount to be assessed divided by the total net square footage of the District.

The maximum assessment rate for Fiscal Year 2019/20 is approximately \$0.0462, which is a preliminary number. Each year the maximum assessment rate per square foot is increased by the percentage change from April 1st of the prior year to April 1st of the current year in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-Hayward. For Fiscal Year 2019/20, the April 1, 2019 CPI was not available at the time of writing of this Report. For Fiscal Year 2019/20, the CPI increase was estimated by using the February 2019/20 CPI.

5.3 Maximum Assessment Rates

The following table provides the maximum assessment rate for Fiscal Year 2001/02 through the current fiscal year:

Historical Maximum Rates					
Fiscal Year	CPI		% Increase ⁽¹⁾	Range	
2001/02	189.1		N/A	\$0.0120	\$0.0300
2002/03	193.0		2.06%	0.0122	0.0306
2003/04	197.3		2.23%	0.0125	0.0313
2004/05	198.3		0.51%	0.0126	0.0315
2005/06	202.5		2.12%	0.0129	0.0321
2006/07	208.9		3.16%	0.0133	0.0331
2007/08	215.842		3.32%	0.0137	0.0342
2008/09	222.074		2.89%	0.0141	0.0352
2009/10	223.854		0.80%	0.0142	0.0355
2010/11	227.697		1.72%	0.0144	0.0361
2011/12	234.121		2.82%	0.0149	0.0371
2012/13	238.985		2.08%	0.0152	0.0379
2013/14	244.675		2.38%	0.0155	0.0388
2014/15	251.495		2.79%	0.0160	0.0399
2015/16	257.622		2.44%	0.0163	0.0409
2016/17	264.565		2.70%	0.0168	0.0420
2017/18	274.589		3.79%	0.0174	0.0436
2018/19	283.422		3.22%	0.0180	0.0450
2019/20 ⁽²⁾	291.227		2.75%	0.0185	0.0462

(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-Hayward.

(2) The April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated using the February 2019/20 CPI.

5.4 Appeals

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.

Figure 1

Filed in the Office of the City Clerk of the City of Milpitas, County of Santa Clara, State of California this 20th day of May, 2014

Mary Lavelle
 City Clerk of the City of Milpitas

Recorded in the Office of the Superintendent of Streets of the City of Milpitas, County of Santa Clara, State of California, this 3rd day of June 2014.

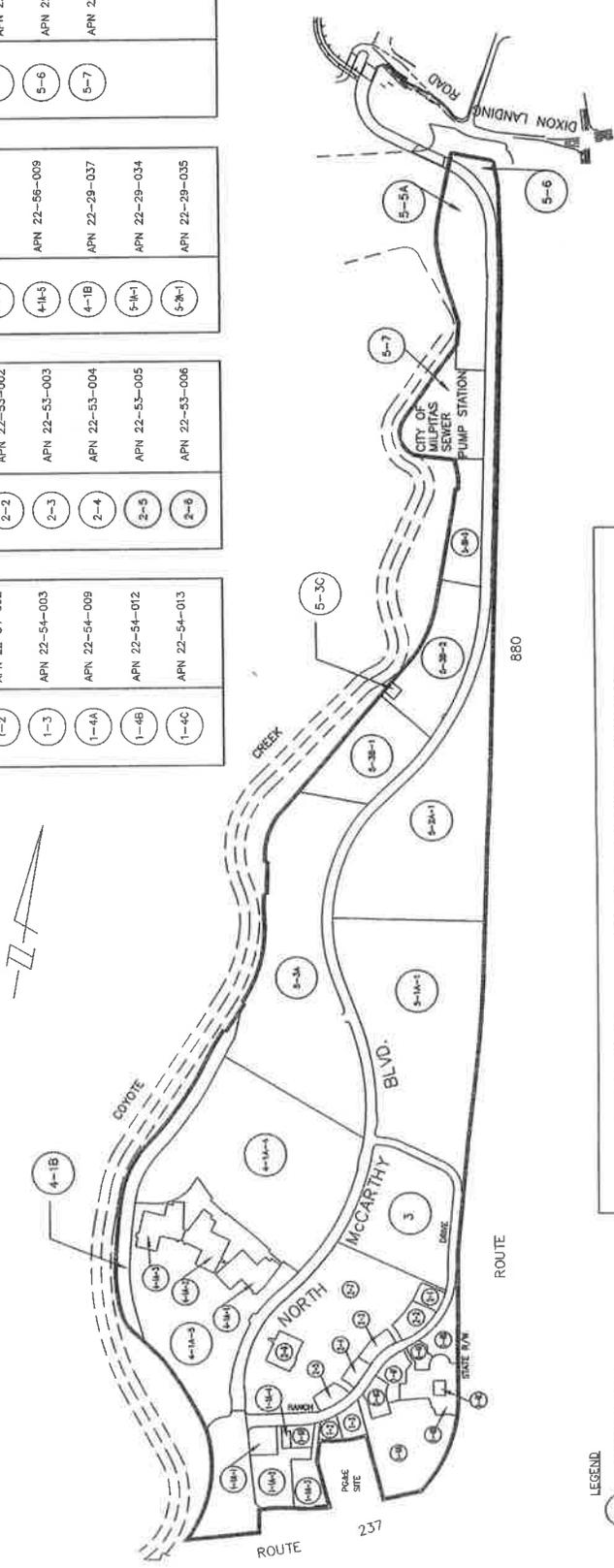
Mary Lavelle
 Superintendent of Streets
 City of Milpitas

An assessment was levied by the City Council of the City of Milpitas, County of Santa Clara, State of California on the lots, pieces and parcels of land shown on this assessment diagram. Said assessment was levied on the 3rd day of June 2014; said assessment diagram and the assessment roll were recorded in the Office of the Superintendent of Streets of said City on the 3rd day of June 2014.

Reference is made to the assessment roll recorded in the Office of the Superintendent of Streets for the exact amount of such assessment levied against each parcel of land shown on this assessment diagram.

Mary Lavelle
 City Clerk of the City of Milpitas

ASSESSMENT NO.	ASSESSOR'S PARCEL NO.						
1-1A-1	APN 22-54-016	1-40	APN 22-54-015	2-7	APN 22-53-007	5-3A	APN 22-29-036
1-1A-2	APN 22-54-017	1-4E	APN 22-54-014	3	APN 22-29-016	5-3B-1	APN 22-30-037
1-1A-3	APN 22-54-018	1-4F	APN 22-54-011	4-1A-1	APN 22-56-005	5-3B-2	APN 22-30-038
1-1A-4	APN 22-54-019	1-4G	APN 22-54-010	4-1A-2	APN 22-56-006	5-3B-3	APN 22-30-039
1-1B	APN 22-54-008	2-1	APN 22-53-001	4-1A-3	APN 22-56-007	5-3C	APN 22-30-035
1-2	APN 22-54-002	2-2	APN 22-53-002	4-1A-4	APN 22-56-008	5-5A	APN 22-30-048
1-3	APN 22-54-003	2-3	APN 22-53-003	4-1A-5	APN 22-56-009	5-6	APN 22-30-041
1-4A	APN 22-54-009	2-4	APN 22-53-004	4-1B	APN 22-29-037	5-7	APN 22-30-049
1-4B	APN 22-54-012	2-5	APN 22-53-005	5-1A-1	APN 22-29-034		
1-4C	APN 22-54-013	2-6	APN 22-53-006	5-1A-1	APN 22-29-035		



LEGEND
 (6) ASSESSMENT NO.
 BOUNDARY DISTRICT
 ASSESSMENT LIMIT

PART I - ASSESSMENT DIAGRAM
 LANDSCAPING & LIGHTING & MAINTENANCE
 ASSESSMENT DISTRICT NO. 95-1
 OF
 CITY OF MILPITAS
 COUNTY OF SANTA CLARA - STATE OF CALIFORNIA

Note:
 Reference is hereby made to the maps and deeds of record in the Office of the Assessor of the County of Santa Clara for a detailed description of the lines and dimensions of any parcels shown hereon. These maps shall govern for all details concerning the lines and dimensions of such parcels. Each parcel is identified in said maps by its distinctive Assessor's Parcel Number.

7. ASSESSMENT ROLL

The assessment roll is a listing of the proposed assessment for Fiscal Year 2019/20 apporioned 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 2019/20.

City of Milpitas
Landscaping and Lighting Maintenance Assessment District
Fiscal Year 2019/20 Assessment Roll

APN	Owner	Net Sq. Ft.	19/20 Levy	Rounding	
				Adj.	19/20 Total
022-29-016	WAL-MART REAL ESTATE	634,233.60	\$19,369.10	\$0.00	\$19,369.10
022-29-034	MCCARTHY CENTER HOLDINGS LLC	1,589,504.40	48,542.47	(0.01)	48,542.46
022-29-035	MCCARTHY CENTER HOLDINGS LLC	1,363,863.60	41,651.54	0.00	41,651.54
022-29-037	CITY OF SAN JOSE	0	0.00	0.00	0.00
022-29-040	CREEKSIDE MILPITAS LLC	677,532.24	20,691.41	(0.01)	20,691.40
022-29-041	CREEKSIDE MILPITAS LLC	43,690.68	1,334.29	(0.01)	1,334.28
022-29-042	CREEKSIDE MILPITAS LLC	302,349.96	9,233.58	0.00	9,233.58
022-29-043	CREEKSIDE MILPITAS 2 LLC	320,732.28	9,794.96	0.00	9,794.96
022-29-044	CREEKSIDE MILPITAS 2 LLC	336,544.56	10,277.86	0.00	10,277.86
022-30-035	MILPITAS CITY OF	4,138.20	126.38	0.00	126.38
022-30-038	NEW TREND TECH INC	435,600.00	13,302.95	(0.01)	13,302.94
022-30-039	MCCARTHY RANCH LP	217,800.00	6,651.48	0.00	6,651.48
022-30-041	CITY OF MILPITAS	0	0.00	0.00	0.00
022-30-049	MILPITAS SANITARY DIST	78,625.80	2,401.18	0.00	2,401.18
022-30-054	CREEKSIDE MILPITAS 2 LLC	245,329.92	7,492.22	0.00	7,492.22
022-30-055	SPRIG CENTER LLC	243,936.00	7,449.65	(0.01)	7,449.64
022-30-056	SPRIG CENTER LLC	25,874.64	790.20	0.00	790.20
022-30-057	SPRIG CENTER LLC	137,039.76	4,185.11	(0.01)	4,185.10
022-53-001	HAM JAYNE Y	32,670.00	997.72	0.00	997.72
022-53-002	TMS MCCARTHY LP	53,578.80	1,636.26	0.00	1,636.26
022-53-003	TMS MCCARTHY LP	33,105.60	1,011.02	0.00	1,011.02
022-53-004	HSC ASSOCIATES LP	26,136.00	798.18	0.00	798.18
022-53-005	HSC ASSOCIATES LP	32,234.40	984.42	0.00	984.42
022-53-006	TMS MCCARTHY LP	51,836.40	1,583.05	(0.01)	1,583.04
022-53-007	TMS MCCARTHY LP	954,835.20	29,160.07	(0.01)	29,160.06
022-54-002	FIRST CREEKSIDE ASSOC	25,264.80	771.57	(0.01)	771.56
022-54-003	LOO YUK LUN TRUSTEE & ET AL & LOO MEI FONG TRUSTEE	44,431.20	1,356.90	0.00	1,356.90
022-54-008	IN N OUT BURGERS	33,976.80	1,037.63	(0.01)	1,037.62
022-54-009	MCCARTHY SHOPPING CTR LP	368,953.20	11,267.60	0.00	11,267.60
022-54-010	H & Y NORTHERN CALIFORNIA LLC	44,866.80	1,370.20	0.00	1,370.20
022-54-011	FIRST CREEKSIDE ASSOC	57,063.60	1,742.69	(0.01)	1,742.68
022-54-012	F&M SORCI LAND COMPANY INC	131,551.20	4,017.49	(0.01)	4,017.48
022-54-013	F&M SORCI LAND COMPANY INC	10,018.80	305.97	(0.01)	305.96
022-54-014	J N C INTERNATIONAL ENTPRS LLC	27,878.40	851.39	(0.01)	851.38
022-54-015	PACIFIC MERITAGE LLC	77,536.80	2,367.93	(0.01)	2,367.92
022-54-016	HOURET FAM LP	46,173.60	1,410.11	(0.01)	1,410.10
022-54-017	BRE SELECT HOTELS PROPERTIES LLC	143,312.40	4,376.67	(0.01)	4,376.66
022-54-018	LL MILPITAS, L P	100,623.60	3,072.98	0.00	3,072.98
022-54-019	IN N OUT BURGERS	8,276.40	252.76	0.00	252.76
022-56-005	HUDSON CAMPUS CENTER LLC	88,426.80	2,700.50	0.00	2,700.50
022-56-006	HUDSON CAMPUS CENTER LLC	89,733.60	2,740.41	(0.01)	2,740.40
022-56-007	HUDSON CAMPUS CENTER LLC	90,169.20	2,753.71	(0.01)	2,753.70
022-56-008	HUDSON CAMPUS CENTER LLC	1,503,691.20	45,921.79	(0.01)	45,921.78
022-56-009	HUDSON CAMPUS CENTER LLC	1,059,379.20	32,352.78	0.00	32,352.78
Total: 44 Parcels		11,792,519.64	\$360,136.16	(0.20)	\$360,135.96

CITY OF MILPITAS
LANDSCAPING MAINTENANCE DISTRICT (LMD) 95-1
(N.T.S.)



2019-2020 FISCAL YEAR LANDSCAPE AREA FUNDED FOR MAINTENANCE



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2019-20
Category:	Public Hearings-Community Development
Meeting Date:	5/21/2019
Staff Contact:	Steve Erickson 408-586-3301
Recommendation:	<ol style="list-style-type: none">1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2019-20.

Background:

Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (LLMD 98-1) provides for the maintenance and improvement of public landscaping, irrigation systems, and pedestrian walking path adjacent to Sinclair Frontage Road, and Los Coches Creek abutting the Sinclair Horizon residential subdivision in the areas as shown on the attached location map.

Analysis:

On May 7, 2019, the City Council adopted Resolution No. 8867 approving the Annual Engineer's Report, and adopted Resolution No. 8868 declaring its intention to levy and collect assessment for Fiscal Year 2019-20 for the Landscaping and Lighting Maintenance Assessment District No. 98-1.

An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the district. The total assessment for fiscal year 2019-20 is \$44,063.74, with an assessment rate not exceeding the maximum rate per lot.

Policy Alternatives:

Alternative 1:

Not approve resolution confirming the assessment and ordering the levy for LLMD 98-1.

Pros: None

Cons: The Landscaping and Lighting Act of 1972 requires the legislative body to adopt a resolution confirming the diagram and assessment, not adopting a resolution of confirmation would jeopardize the City's ability to collect assessments for the maintenance and upkeep of LLMD 98-1.

Reason not recommended: To allow for the continued maintenance of LLMD 98-1, staff recommends approving the resolution confirming the assessment and ordering the levy for fiscal year 2019-20.

Fiscal Impact:

The levy and collection of assessments provides a funding resource for the City to improve and maintain public landscaping, irrigation systems, and pedestrian walking path within LLMD 98-1.

California Environmental Quality Act:

Levy and collection of assessment is not considered a project under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Recommendation:

1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.
2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2019-20.

Attachments:

- a) Resolution
- b) Annual Engineer's Report
- c) Location Map

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1 FOR FISCAL YEAR 2019/20

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the Landscaping and Lighting Maintenance Assessment District (the “Assessment District”); and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the City Council has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Act; and

WHEREAS, at the time and place specified in the Resolution of Intention the City Council conducted such hearing and considered all objections to the assessment.

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

1. Confirmation of Assessment and Diagram: The City Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the City Clerk.
2. Levy of Assessment: Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for the fiscal year commencing July 1, 2019, and ending June 30, 2020.
3. Ordering of the Levy: The City Council hereby orders NBS to prepare and submit the levy of assessments to Santa Clara County for placement on the Fiscal Year 2019/20 secured property tax roll.

PASSED AND ADOPTED this ____ day of _____, 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS

Fiscal Year 2019/20 Annual Report For:

Landscaping and Lighting Maintenance Assessment District No. 98-1

April 2019

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF MILPITAS
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1
455 East Calaveras Boulevard
Milpitas, California 95035
Phone (408) 586-3000

CITY COUNCIL

Rich Tran, Mayor

Karina R. Dominguez, Vice-Mayor

Carmen Montano, Council Member

Bob Nunez, Council Member

Anthony Phan, Council Member

CITY STAFF

Steve Erickson, PE, Director of Engineering/City Engineer

Jane Corpus, Interim Director of Financial Services

Tony Ndah, Director of Public Works

NBS

Tim Seufert, Client Services Director

Tiffany Ellis, Senior Consultant

Manuel Kauss, Financial Analyst

TABLE OF CONTENTS

1. Engineer’s Letter.....	1
2. Plans and Specifications.....	3
2.1 Location of Improvements	3
2.2 Landscaping Improvements	3
2.3 Overhead.....	4
3. Estimate of Costs	5
3.1 District Budget.....	5
4. Special and General Benefit	6
4.1 Introduction.....	6
4.2 Special Benefits Identified.....	6
4.3 General Benefits Identified	7
4.4 Quantification of Benefit.....	7
4.5 Special Benefit Trips	12
5. Method of Assessment	14
5.1 Method of Assessment Spread	14
5.2 Maximum Assessment Rates	15
5.3 Appeals.....	15
6. Assessment Diagram.....	16
7. Assessment Roll.....	17

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 Landscaping and Lighting Maintenance Assessment District No. 98-1 (the "District") to provide for the continued maintenance, operation, and administration of various improvements within the boundaries of the District; and

WHEREAS, the City Council has directed NBS to prepare and file a report for Fiscal Year 2019/20 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 calculated 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	2019/20 Maximum Assessment Rate per Lot ⁽¹⁾	2019/20 Actual Assessment Rate per Lot	2019/20 Net Amount to be Assessed ⁽²⁾⁽³⁾
LLMAD 98-1	98	\$477.18	\$449.63	\$44,063.74

(1) The April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated using the February 2019/20 CPI.

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

(3) This amount is only an estimate and does not reflect the final billed amount with rounding adjustments.

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.

Steven Erickson, PE
Engineering Director/City 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

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

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:

2.2.1 BERRYESSA CREEK

Due to the widening of the creek, improvements in Berryessa Creek were removed. Any improvements that existed in this reach (asphalt concrete jogging path, exercise equipment, planting, and irrigation) will no longer be maintained or improved.

2.2.2 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

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.

3.1 District Budget

The Fiscal Year 2019/20 estimated cost budget for the maintenance and servicing of the improvements is as follows:

Description	Budget 2019/20
Maintenance Staff and Contract Services ⁽¹⁾	\$16,383
Capital Equipment	0
Supplies	1,000
Utilities (Water, Electricity)	17,495
Reserve Fund	0
<u>Capital Improvement Program</u>	<u>23,000</u>
Maintenance Costs	\$57,878
NBS	\$3,450
City Staff District Admin	700
<u>County Auditor-Controller Fee⁽²⁾</u>	<u>441</u>
District Specific Costs	\$4,591
Total District Costs	\$62,469
General Benefit Contribution ⁽³⁾	(18,405)
<u>Operating Reserve Contribution</u>	<u>0</u>
Net Amount to be Assessed	\$44,064
Total District Lots	98
Rate per Lot⁽⁴⁾⁽⁵⁾	\$449.63
Maximum Rate Per Lot – 2019/20⁽⁶⁾	\$477.18

(1) For 2019/20 Landscape Maintenance Contract Services includes Terracare and Irvine Company.

(2) County Auditor-Controller Fee is provided by the LLMAD.

(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 assessed rate cannot exceed the maximum rate.

(6) The April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated by using the February 2019/20 CPI.

3.1.1 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 from the County, whichever is later. The operating reserve balance information for the District is as follows:

Estimated Fiscal Year Ending 6/30/2019 Operating Reserve Cash Balance	\$37,652
Operating Reserve Collection – Fiscal Year 2019/20	0
Estimated Fiscal Year Ending 6/30/2020 Operating Reserve Cash Balance	\$37,652

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

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

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.

- J **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 community¹. 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 community².
- J **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

¹ Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tm/tm97.htm>.

² *Ibid.*

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 spaces³. The Victoria Transport Policy Institute has found that streetscapes reduce traffic speeds and when combined with improved pedestrian crossing conditions can significantly reduce collisions⁴.

4.3 General Benefits Identified

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

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 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

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

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

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 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 bicycling⁵.

According to the U.S. Census Bureau (2010), the average household size in the City is 3.34 persons⁶. 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.

Community	Estimated Number of Residential Units	Estimated Number of Persons ⁽¹⁾
District	98	327
Sundrop subdivision	83	277
Sinclair Renaissance	80	267
Total Residential Population	261	871

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

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

⁵ 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.ornl.gov>

⁶ 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>

⁷ Ibid.

proximity the landscaping improvements, that uses walking or bicycling as their primary mode of transportation is estimated to be 70 people.

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

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.

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:

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

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.

Community	Number of Residential Units ⁽¹⁾	Estimated Number of Daily Vehicle Trips ⁽²⁾	% of Total Daily Vehicle Trips ⁽³⁾
District	98	933.0	44.34%
Sundrop subdivision	83	790.2	37.56%
Sinclair Renaissance subdivision	80	380.8	18.10%
Total	261	2,104.0	100.00%

(1) Number of Residential Units is from the City's Approved Projects map.⁸

(2) Per the ITE Trip Generation Report a single family residence generates an average of 9.52 trips per dwelling unit.⁹

(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).

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.

Street Name	Total Square Footage	General Benefit Percentage	General Benefit Square Footage
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
Totals:	52,912		15,768
Landscaping General Benefit			29.80%

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%.

⁸ City of Milpitas. (2013). Approved Development Projects. Retrieved from http://www.ci.milpitas.ca.gov/government/planning/proj_approved.asp

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

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

4.4.1 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%
Total General Benefit	31.80%

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%.

4.5 Special Benefit Trips

The detailed breakdown of the estimated special benefit trips for each parcel in the District is shown in the following table:

Assmt ID	Assessor's Parcel No.	Land Use Description	Acreage	Gross Leasable Area	Average Trip Rate ⁽¹⁾	Estimated # of Daily Special Benefit Trips ⁽²⁾
1-1A-1	022-54-016	710 - General office	1.06	4,046	11.03	44.63
1-1A-2	022-54-017 ⁽³⁾	310 – Hotel	3.29	161	8.17	1,315.37
1-1A-3	022-54-018 ⁽³⁾	310 – Hotel	2.31	124	8.17	1,013.08
1-1A-4	022-54-019	934 - Fast Food	0.19	-	496.12	-
1-1B	022-54-008	934 - Fast Food	0.78	2,912	496.12	1,444.70
1-2	022-54-002 ⁽⁴⁾	820 - Shopping Center	0.58	5,400	42.70	230.58
1-3	022-54-003	932 - High Vol. Restaurant	1.02	5,465	127.15	694.87
1-4A	022-54-009 ⁽⁴⁾	869 - Home Superstore	8.47	100,000	20.00	2,000.00
1-4B	022-54-012 ⁽⁴⁾	820 - Shopping Center	3.02	20,000	42.70	854.00
1-4C	022-54-013	820 - Shopping Center	0.23	10,000	42.70	427.00
1-4D	022-54-015	931 - Quality Restaurant	1.78	7,846	89.95	705.75
1-4E	022-54-014 ⁽⁴⁾	932 - High Vol. Restaurant	0.64	3,000	127.15	381.45
1-4F	022-54-011 ⁽⁴⁾	820 - Shopping Center	1.31	8,000	42.70	341.60
1-4G	022-54-010	931 - Quality Restaurant	1.03	7,476	89.95	672.47
2-1	022-53-001	931 - Quality Restaurant	0.75	6,500	89.95	584.68
2-2	022-53-002 ⁽⁴⁾	820 - Shopping Center	1.23	10,000	42.70	427.00
2-3	022-53-003 ⁽⁴⁾	820 - Shopping Center	0.76	8,000	42.70	341.60
2-4	022-53-004	934 - Fast Food	0.60	2,000	496.12	992.24
2-5	022-53-005	934 - Fast Food	0.74	3,000	496.12	1,488.36
2-6	022-53-006	863 – Elect. Superstore	1.19	51,250	45.04	2,308.30
2-7	022-53-007	820 - Shopping Center	21.92	214,094	42.70	9,141.81
3	022-29-016	815 - Discount Superstore	14.56	125,000	50.75	6,343.75
4-1A-1	022-56-005	714 - Corp Headquarters	2.03	115,753	7.98	923.71
4-1A-2	022-56-006	714 - Corp Headquarters	2.06	174,483	7.98	1,392.37
4-1A-3	022-56-007	714 - Corp Headquarters	2.07	177,483	7.98	1,416.31
4-1A-4	022-56-008	Undeveloped	34.52	-	-	-
4-1A-5	022-56-009	Parking Lot	24.32	-	-	-
4-1B	022-29-037	Open Space	6.00	-	-	-
5-1A-1	022-29-034	750 - Office Park	36.66	572,660	11.42	6,539.78
5-2A-1	022-29-035	750 - Office Park	31.14	480,772	11.42	5,490.42
5-3A-1	022-29-040	Undeveloped	15.55	-	-	-
5-3A-2	022-29-041	Undeveloped	1.00	-	-	-
5-3A-3	022-29-042	Undeveloped	6.94	-	-	-
5-3A-4	022-29-043	Undeveloped	7.36	-	-	-
5-3A-5	022-29-044	Undeveloped	7.73	-	-	-
5-3B-1A	022-30-054	Undeveloped	5.63	-	-	-
5-3B-2	022-30-038	Undeveloped	10.00	-	-	-
5-3B-3	022-30-039	Undeveloped	5.22	-	-	-
5-3C	022-30-035 ⁽⁵⁾	Pump Station	0.19	-	-	1.00
5-5A-1	022-30-055	Undeveloped	5.60	-	-	-
5-5A-2	022-30-056	Undeveloped	0.59	-	-	-
5-5A-3	022-30-057	Undeveloped	3.15	-	-	-
5-6	022-30-041	Open Space	1.43	-	-	-
5-7	022-30-049 ⁽⁵⁾	Sewer Pump Station	9.12	-	-	1.00
Total Estimated Daily Special Benefit Trips						47,517.83
Internal Trip Reduction ⁽⁶⁾						(13,810.00)
Total Special Benefit Trips						33,707.83

- (1) *Average Trip Rate per Day is from the Institute of Traffic Engineer's, Trip Generation Report.¹⁰*
- (2) *Average Number of Special Benefit Trips per Day is the Average Trip Rate times each 1,000 square feet of gross leasable area.*
- (3) *Average Number of Special Benefit Trips per Day is the Average Trip Rate times number of hotel rooms for this parcel.*
- (4) *Building Square Feet for this parcel is unavailable at this time. Estimate of square feet was used based on similar building in center.*
- (5) *Pump Station trips are an estimate.*
- (6) *The internal trip rate percentage was calculated by using the NCHRP 684 Internal Rate Capture Estimation Tool.*

¹⁰ *Trip Generation, 9th Edition: An Informational Report of the Institute of Transportation Engineers.* (2012). Washington, DC: Institute of Transportation Engineers.

5. METHOD OF ASSESSMENT

5.1 Method of Assessment Spread

All parcels in the District on which residential dwellings 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 2019/20 is \$477.18, which is a preliminary number. The actual assessment rate levied on each taxable parcel for Fiscal Year 2019/20 is \$449.63.

Each year the maximum assessment rate shall be increased by the percentage change from April 1st of the prior year to April 1st 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-Hayward. For Fiscal Year 2019/20 the April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated by using the February 2019/20 CPI.

5.2 Maximum Assessment Rates

The following table provides the maximum assessment rate for Fiscal Year 2000/01 through the current fiscal year:

<i>Historical Maximum Rates</i>			
Fiscal Year	CPI	% Increase⁽¹⁾	Maximum Rate
2000/01	178.7	NA	\$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	257.622	2.44%	422.118
2016/17	264.565	2.70%	433.494
2017/18	274.589	3.79%	449.919
2018/19	283.422	3.22%	464.392
2019/20 ⁽²⁾	291.227	2.75%	477.181

(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-Hayward.

(2) The April 1, 2019 CPI was not available at the time of writing of this Report. The Fiscal Year 2019/20 CPI increase was estimated using the February 2019/20 CPI.

5.3 Appeals

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.

7. ASSESSMENT ROLL

The assessment roll is a listing of the proposed assessment for Fiscal Year 2019/20 apporportioned 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 2019/20.

City of Milpitas
Landscaping and Lighting Maintenance Assessment District
Fiscal Year 2019/20 Assessment Roll

APN	Assessment ID	Owner	Amount
086-48-001	1	HUYNH CONNIE C AND NGUYEN HUNG	\$449.63
086-48-002	2	BHAT BALASUBRAMANYA AND RAMANANDA RAMYA N	449.63
086-48-003	3	SANTIAGO SIMON AND RACHEL	449.63
086-48-004	4	GDK ENTERPRISE LLC	449.63
086-48-005	5	NOGUERA ALEX D AND GUTIERREZ-NOGUERA MARLI	449.63
086-48-006	6	KEMPIS BENJAMIN S AND EVANGELINE Q TRUSTEE	449.63
086-48-007	7	SHILEDAR ADITYA AND BADHE PRIYA P	449.63
086-48-008	8	XU JIANZHONG AND WANG XIAOMIN ET AL & XU XIAO	449.63
086-48-009	9	LAM TUAN AND NGUYEN YEN N	449.63
086-48-010	10	VU JOSEPH ANH AND TRAN YENLINH T	449.63
086-48-011	11	GUTIERREZ ALEJANDRO J AND SOLITA A TRUSTEE	449.63
086-48-012	12	ECAL ERLINDA E AND GEORGE E	449.63
086-48-013	13	DELA CRUZ DALE E AND JEANETTE M	449.63
086-48-014	14	TRINH DANH XUAN AND TRAN NGOC-CHAU THI	449.63
086-48-015	15	NGUYEN TUNG K AND LAC V	449.63
086-48-016	16	LADLE GORDON B AND MARICAR C	449.63
086-48-017	17	JACKSON PAUL K AND BRITTON-JACKSON VIVIAN	449.63
086-48-018	18	CAO MICHAEL T AND TAM VUONG	449.63
086-48-019	19	MIGUELINO OSCAR T JR AND JUDY Y	449.63
086-48-020	20	BUI THUAN AND NGUYEN HA TRUSTEE	449.63
086-48-021	21	TRAN KENNETH L AND LENA L TRUSTEE	449.63
086-48-022	22	AGBUYA ALBERT P AND AMORFINA G TRUSTEE	449.63
086-48-023	23	PATEL BHUSHAN AND AARTI M	449.63
086-48-024	24	KOH CHENG-CHEE ET AL & KOH KEWSEK	449.63
086-48-025	25	GADIGE BHASKAR V AND HIMABINDU	449.63
086-48-026	26	AGARWAL SHIV TRUSTEE & TAYAL MANISHA TRUSTEE	449.63
086-48-027	27	NARVAEZ HOWARD M TRUSTEE & ET AL & CHU FONDA W TRUSTEE	449.63
086-48-028	28	LEUNG PAUL K AND NANCY M	449.63
086-48-029	29	TRAN MICHAEL AND TIFFANY	449.63
086-48-030	30	WU XILONG AND YU ZHEBIN TRUSTEE	449.63
086-48-031	31	WONG IRENE TRUSTEE	449.63
086-48-032	32	BAKHUR SUDHIR & MULLASSERY DIVYA	449.63
086-48-033	33	RAGHUNATHA SWAROOP AND PADUBIDRI LALITHA TR	449.63
086-48-034	34	GUDURI VINOD AND LAKMA SHAILAJA	449.63
086-48-035	35	YAU TIMOTHEUS AND PEGGY	449.63
086-48-036	36	VOLADRI RAMA K AND GURJAL MANI R	449.63
086-48-037	37	CHU WEI MUN	449.63
086-48-038	38	AGRAWAL RAKESH AND KANSAL ESHA	449.63
086-48-039	39	DUNN ERIC J AND BUI TRANG THI THUY	449.63
086-48-040	40	MUNE DEREK AND LEE TERRI L	449.63
086-48-041	41	AGGARWAL RAHUL AND SHELLY	449.63
086-48-042	42	RAO QIZHOU AND SHAN MENGWEN	449.63
086-48-043	43	LOW NEE-LOONG AND OH BEE-BEE	449.63
086-48-044	44	VOGETY RAMANAGOPAL V AND VEDANTAM KANYALAKS	449.63
086-48-045	45	MAI KENNY CHI AND PAULINE	449.63
086-48-046	46	DO KHAN AND NGUYEN THU K TRUSTEE	449.63
086-48-047	47	TSAI JULIE Y ET AL & TSAI CHRISTINE P	449.63
086-48-048	48	GDK ENTERPRISES LLC	449.63
086-48-049	49	PEI NICHOLAS	449.63
086-48-050	50	WANG YUN AND TONG MIN	449.63

City of Milpitas
Landscaping and Lighting Maintenance Assessment District
Fiscal Year 2019/20 Assessment Roll

APN	Assessment ID	Owner	Amount
086-48-051	51	LY PETER T	449.63
086-48-052	52	WONG JAMES	449.63
086-48-053	53	FANG XIONG AND WANG QING	449.63
086-48-054	54	LAN DI AND CAO RONG	449.63
086-48-055	55	LAM RONNY TRUSTEE & LAM JULIE TRAN TRUSTEE	449.63
086-48-056	56	ZHOU GUO QUAN AND LIU XIN	449.63
086-48-057	57	LI HONG AND TU MINGHU	449.63
086-48-058	58	DUGYALA ANURADHA	449.63
086-48-059	59	AU JONSON C AND OR SOPHIA YUK YU	449.63
086-48-060	60	TRUONG MAI C ET AL	449.63
086-48-061	61	BASANI SHAILESH KUMAR AND SUPRIYA TRUSTEE	449.63
086-48-062	62	LEE ANDREW AND LIU LISA	449.63
086-48-063	63	AZALI ALBERTUS H AND TUNGGAL WENDA TRUSTEE	449.63
086-48-064	64	NIGAM AJAY AND ANJULA TRUSTEE	449.63
086-48-065	65	KOMATSU HIROYUKI AND MIKA	449.63
086-48-066	66	NAIR SEEMA	449.63
086-48-067	67	BIALA CHARITO M TRUSTEE & ET AL & BIALA FE T TRUSTEE	449.63
086-48-068	68	NITAFAN DEMETRIO B AND CECILIA C	449.63
086-48-069	69	NGUYEN TANYA VINH ET AL & NGUYEN STEVEN D	449.63
086-48-070	70	HUYNH QUANG AND VO JASMINE TRUSTEE	449.63
086-48-071	71	PATEL GITA V TRUSTEE	449.63
086-48-072	72	FENG HAIJUN AND ZHONG WEIHONG	449.63
086-48-073	73	XUE WEI AND SUN LI	449.63
086-48-074	74	GANGAIAH MAHENDRA	449.63
086-48-075	75	PRABHU VIVEK R AND SUNITA TEJWANI TRUSTEE	449.63
086-48-076	76	HSIAO JEFF C AND NGUYEN ANGELA TRUSTEE & ET	449.63
086-48-077	77	CHIN MICHAEL AND MARY TRUSTEE	449.63
086-48-078	78	TRUONG PHILLIP TRUSTEE	449.63
086-48-079	79	XIONG XIANG D AND YEE VICKY TRUSTEE & ET AL	449.63
086-48-080	80	REDDY SAMINA AGUTHU ET AL	449.63
086-48-081	81	ARUNACHALAM SARAVANAN AND KRISHNAMOORTHY SA	449.63
086-48-082	82	MA NAN	449.63
086-48-083	83	BUKIN KONSTANTIN V AND HSIEH PING	449.63
086-48-084	84	DESAI RAJENDRA J AND PRATIMA R	449.63
086-48-085	85	ZHAO QIANG JIMMY AND YUO JENNY BIN	449.63
086-48-086	86	TAN ALICIA SHUFANG	449.63
086-48-087	87	PIERCE BRAD A AND KOH CHENG-CHEE TRUSTEE	449.63
086-48-088	88	AHUJA SUMEET AND RUCHI	449.63
086-48-089	89	DEVADAS MANJUNATH AND KARVETI HEMALATHA	449.63
086-48-090	90	LIEU TONY AND TIFFANY	449.63
086-48-091	91	KRISHNAN ANANTA AND KUMAR MAYA	449.63
086-48-092	92	LIM PERRY F AND DIXIE M TRUSTEE	449.63
086-48-093	93	LU COURTNIIE TU TRINH	449.63
086-48-094	94	QUANG TONY D	449.63
086-48-095	95	SINGLA SANJEEV K AND ANITA	449.63
086-48-096	96	PAL SHIRISH C AND DAS SUJATA S	449.63
086-48-097	97	ANNADATA ANIL K AND VEEPURI SRAVANTHI	449.63
086-48-098	98	ONG PHILIP J JR TRUSTEE & ONG UYEN T TRUSTEE	449.63
Total: 98 Parcels			\$44,063.74

CITY OF MILPITAS
LANDSCAPING MAINTENANCE DISTRICT (LMD) 98-1
(N.T.S.)



2019-2020 FISCAL YEAR LANDSCAPE AREA FUNDED FOR MAINTENANCE



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Recommendation from Council member Nuñez for One Appointment to the Planning Commission (Contact: Council member Nuñez, 408-586-3023)
Category:	Reports of Mayor and Councilmembers
Meeting Date:	5/21/2019
Contact:	Councilmember Nuñez, 408-586-3023
Recommendation:	Receive Council member Nuñez’s recommendation and consider confirming one additional appointment by Mayor Tran to a term on the City of Milpitas Planning Commission

Background:

This agenda item was originally scheduled to be heard during the May 7, 2019 City Council meeting. However, this item had been moved to be heard on the May 21, 2019 City Council meeting. The Agenda Report (AR) has been revised to reflect the new meeting date.

Any member of the City Council may recommend to the Mayor a candidate for appointment to the Planning Commission. All appointees to the Planning Commission must be residents and registered voters in Milpitas and may not hold any other public office or employment in the government of the City of Milpitas. The Mayor will consider all nominations and present recommendations to the entire Council for review and approval.

The term of office for each member of the Milpitas Planning Commission is three years, commencing on the first day of January and concluding on the 31st day of December of the third year thereafter. In accordance with the Planning Commission bylaws, a Planning Commissioner whose term has expired may continue to serve an “extended” term until a successor is appointed. New appointees then complete the unexpired portion of the normal term of the appointed seat. Members of the Milpitas Planning Commission may serve up to three consecutive three-year terms.

The following table shows the status and expiration date of each current Commissioner’s term of service.

Member	Term Expiration	Status
Timothy Alcorn	Dec. 2021	Current
Bill Chuan	Dec. 2020	Current
Sudhir Mandal	Dec. 2019	Current
Demetress Morris	Dec. 2019	Current
Evelyn Chua	Dec. 2021	Current
Steve Tao	Dec. 2021	Current
Larry Ciardella	Dec. 2017	Extended

Analysis:

Any resident interested in serving on the Planning Commission must submit an application to the City. The Clerk confirms each applicant's current voter registration and provides a list of qualified applicants to the Planning Director. The Planning Director reviews the list and provides input to the Mayor. The Mayor may ask for additional input from the Council and/or invite additional members of the community to submit applications.

The following 12 Milpitas residents submitted applications for consideration by the Mayor and Council for appointment to the Planning Commission.

Applicant's Name	Background Notes	Registered Voter
Ricardo Ablaza	Real Estate Broker; REO Agent for B of A; First Pacific Real Estate; Econ Dev Commission	Yes
Manpreet Badesha	Omniceil – Management Background in math/engineering	Yes
Russell Bargstadt	Director of Operations, DeVry Institute B.S., Electronics; Pines HOA; Zanker PTA	Yes
Spencer Hsu	Sales Manager; Optibus Real Estate investment; business development	Yes
Nagaraj Koranthota	Cisco	No
Michael Lee	Sr. Privacy Mgr. – global compliance, Intuit Current Member, Citizens Advisory Commission	Yes
Ernesto Martinez	Realtor, Century 21 Alliance; US History teacher at Ohlone College; former social worker	Yes
Sean Pan	System Engineer, Northrup Grumman; Toastmasters	Yes
Andrew Ridley	Transportation Demand Analyst; Consultant, ALTRANS Mgmt. Assoc.	Yes
Doug Sueoka	Auditor, Costco Wholesale 20+ yrs. retail management experience	Yes
Ken Wang	Mechanical Engineer; Thinfilim Electronics; Fluent in Cantonese and Mandarin	Yes
Thomas Valore	Retired CFO Active member of Milpitas Chamber of Commerce	Yes
Suraj Viswanathan	U.S. Cricket Board of Directors	Yes

Council member Nuñez has recommended Ricardo Ablaza to complete the remainder of the Planning Commission term currently filled by Larry Ciardella. This term will expire at the end of December 2020. Mr. Ablaza served previously on the Economic Development Commission, and his term of service ended in April 2019 with the appointment of new members to serve on the recently organized Economic Development and Trade Commission.

Fiscal Impact: Appointments to City Commissions will result in no new fiscal impacts.

Recommendation:

Receive Council member Nuñez's recommendations and move to approve Ricardo Ablaza for appointment by Mayor Tran to the Milpitas Planning Commission in a term of service that will expire on December 31, 2020.

Attachment:

List of current applications for Milpitas Planning Commission

✓ registered voter

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

228

~~Arts Commission~~ PLANNING COMMISSION

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR

Mr. Mrs. Miss

City Clerk's Office

JUN 15 2018

Ricardo Palmer Ablaza
Name: First Middle Last

RECEIVED

603 Carlsbad Street Milpitas CA 95035
Address: Number Street (apt. # if needed) City & Zip Code

408-316-0793 rpablaza@comcast.net
Telephone Number(s) e-mail address

First Pacific Real Estate 408-316-0793
Present Employer Business Telephone

603 Carlsbad Street Milpitas CA 95035 Real Estate Broker
Business Address Occupation

Education: If Youth Advisory Commission applicant, indicate your grade/school: _____

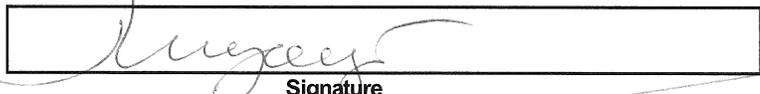
College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree
Ateneo de Manila University	Pre Med		
University of the East	Economics		AB Economics

List community organizations to which you belong or have belonged (additional information may be attached). If application is for **Veterans Commission**, indicate branch and service in any U.S. military organization (retired or active duty).

Date	Name of Organization or Branch of Military	Officer / Member
2007-2011	ResRac Commission	Commissioner
2009-Present	Economic Development Commission	Commission

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I AM AN EXPERIENCED REAL ESTATE BROKER. I AM ALSO AN REO AGENT FOR BANK OF AMERICA WHERE I NOT ONLY LIST THEIR FORECLOSED PROPERTIES BUT ALSO HANDLE PROPERTY VALUATION, ANALYSIS, PROPERTY PRESERVATION, REHAB & EVICTION. AS A CONSEQUENCE I USE MY LEARNED SKILL TO ASSIST MY INVESTOR CLIENTS IN FLIPPING & REHABbing HOMES & REAL ESTATE DEVELOPMENT. I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.


Signature

06/14/2018
Date

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.**

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mlavelle@ci.milpitas.ca.gov

I FEEL MY EXPERIENCE & EXPERTISE IN THIS FIELD MAKE ME A GOOD CANDIDATE FOR THE POSITION OF COMMISSIONER IN THE PLANNING COMMISSION.

JUN 27 2018

Ricardo P. Ablaza
603 Carlsbad Street
Milpitas, CA 95035

**CITY OF MILPITAS PLANNING
COMMISSION SUPPLEMENTAL QUESTIONNAIRE**

Please type or print responses to the following questions. Additional sheets may be attached. Submit responses with Application form to: City Clerk, Milpitas City Hall, 455 E Calaveras Blvd., Milpitas CA 95035.

1. Why are you interested in serving on the Planning Commission?

Please see my response in the following attached pages

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and planning procedures affecting the development of the community.

Please see my response in the following attached pages

3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?

Please see my response in the following attached pages

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should best be resolved?

Please see my response in the following attached pages

5. Do you have a long-term vision of how you think the City should develop?

Please see my response in the following attached pages

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

Please see my response in the following attached pages

7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?

Please see my response in the following attached pages

Response to Question #1:

I want to help the City (in an advisory capacity) in developing and maintaining a comprehensive, integrated land use plan, not only for the majority of our community, but for all demographics and stakeholders. Coming from the Economic Development Commission, I know the importance for the City to develop more income streams so it can provide the residents and all stakeholders with exceptional and cost effective services.

Response to Question #2:

The General Plan, Zoning Ordinance and planning procedure is the vision, goals and objectives of the City of Milpitas in planning and developing land use, housing, circulation, conservation, noise, safety, open space and the fair treatment and meaningful involvement of all residents and stakeholders, regardless of race, color, origin and income.

Response to Question #3:

I am an experienced real estate broker. I am also an REO agent for Bank of America and several other asset management companies where I not only list their foreclosed properties but also handle property valuation, analysis, property preservation, rehab and eviction. As a consequence, I use my learned skills to assist my homebuyers, homesellers and investors in buying, selling, flipping and rehabbing homes as well as real estate development. I feel my experience and expertise in this field make me a good candidate for the position of Commissioner with the Planning Commission.

Response to Question #4:

Too much of our commercial / industrial spaces have been converted to housing. We do not want the City to be a bedroom community. Vallejo is a classic example of a bedroom community gone bankrupt. We need to provide more mixed use development as was the original concept of the midtown specific plan and the transit plan. Retail and commercial operations bring income to the city. We need to know the type of retail / commercial mix and size which the City can absorb and still allow its operations to be profitable. We also need to develop areas for businesses which also contribute to the City's Income. To attract businesses to the City, we need to increase the Floor Area Ratio (FAR) to allow vertical development and maximum usage of the little land we have left. The City also needs to reduce traffic which is becoming a problem. Road bypasses need to be built so that the traffic coming to and fro areas outside the Bay Area to Silicon Valley can be diverted from entering the City proper. Also, the various retail / commercial centers need to be connected with point to point public transportation. This way residents will not have to bring their cars when commuting to these centers thereby alleviating traffic congestion.

Response to Question #5:

The City needs to develop bypass roadways to minimize traffic congestion. As our population grows we need to invest in more schools, specially a second High School. We need to start developing vertically to maximize the little land we have left. We also need to develop public transportation in and around the City. We need to strengthen and improve / update our infrastructure to accommodate all the development in the City.

Response to Question #6:

The average price of sold homes in Milpitas is \$1M. To purchase a \$1M home one will need a minimum 20% downpayment (\$200,000) which leaves a debt of \$800,000. To be approved for a loan, one would need a gross annual income of \$144,000 / annum. This leaves the question, what about the marginal and low income earners? How will they fulfill their American Dream of home ownership? How can the City of Milpitas provide housing to this segment of our residents and stakeholders – affordable housing. A low income earner who earns \$5000 / month, who has \$90000 for downpayment can purchase a home worth \$450K. Providing homes in this price range will house marginal and low income earners, assuming they have \$90K tucked away for downpayment. However, not all marginal and low income earners have this kind of money tucked away. The answer is socialized housing. Provide rental units whose rents are affordable to this demographic. This will allow this demographic housing while they grow their financial capacity. When they can afford moving up and purchasing a home, they move out of socialized housing allowing the next low income earner to move in. This will be the continuous cycle of the socialized housing units.

I am very passionate about providing affordable housing to the marginal and low income earner segment of our city. Then, of course, there is the homeless segment which needs to be addressed as well. There are cities in the USA that have successfully developed housing for the homeless. We need to research and study the success of these cities so we can adapt a winning strategy and implement the same in our City.

Response to Question #7:

City Council – legislates city ordinances, resolutions and regulations; and, is the policy making body for the City's direction, goals, projects and infrastructure development.

City Staff – implements the legal and policy decisions made by the City Council

Planning Commission – advisory body, promote economic development, assist in writing specific or community plans, holds public hearings on such plans.

✓ registered
232
ck

COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Manpreet S Badesha

Address Type Residence

Address 2378 Edsel Drive

City Milpitas

Postal/Zip Code 95035

Mobile Number (408) 205-1663

E-Mail Address badesha@me.com

City Clerk's Office
NOV 27 2018
RECEIVED

Present Employer Omnciell

Other Phone (408) 205-1663

Occupation Management

Education: If Youth Advisory Commission applicant, indicate your grade/school: AA Degree

College, Professional, Vocational, or other schools attended AA Degree

Major Subject Math, Eng

Degree yes

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Sikh Temple

Member Manager

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date Nov 27, 2018

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

registered voter

233

COMMISSION APPLYING FOR: Planning Commission
 Title Mr.
 Name Russel C Bargstadt
 Address Type Residence
 Address 1307 Stardust Way
 City Milpitas
 Postal/Zip Code 95035
 Mobile Number (408) 910-9655
 E-Mail Address russel.c.bargstadt@raytheon.com

City Clerk's Office
 MAR 11 2019
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Present Employer Raytheon
 Other Phone (408) 522-3484
 City Sunnyvale
 Postal / Zip code 94086

Occupation Director of Operations
 College, Professional, Vocational, or other schools attended DeVRY Institute
 Major Subject Electronics
 Degree Bachelor of Science

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Pines HOA
 Name of Organization PTA (Zanker Elem)

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Long term Milpitas resident (1991). Served on Pine HOA in many capacities including President, VP and board member from 1992 until 2014. Thorough understanding of project management, budgets, requirement definition, contracts and negotiation. My job includes interfacing and working with contractors, trades, and real estate brokers so I have a familiarity those processes and areas of expertise. I am pro responsible growth and believe we must encourage and support economic growth with in the city. Common sense and thoughtfulness will be my trademark. I have no conflicts of interest with the position

Date Mar 08, 2019

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Fax (586-3030), e-mail (mlavelle@ci.milpitas.ca.gov), mail or drop off your completed application and supplemental questionnaire to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

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PLANNING COMMISSION SUPPLEMENTAL QUESTIONNAIRE



(Please type or print responses on a separate paper[s] to the following questions)

1. Why are you interested in serving on the Planning Commission?

In the past I have been very active in my microcosm community (Starlite Pines), representing our views/needs to the Planning Commission and City Council and in the school district as my kids moved through it. My work and kids extra-curricular activities made it impossible to commit for a few years but circumstances have changed and I am able to re-engage. Community service is a responsibility to me and I am seeking opportunity to serve my community in an area I have interest in and believe I can provide value to

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

The General Plan is just that, it is a frame work created to provide long term guidance and facilitate cohesive consistent decisions to meet a vision of the future. Zoning Ordinances control the type of activity and population density of specific areas, this impacts quality of life. Planning ensures compliance to zoning, fairness to petitioners and fit to the plan and community. Planning should weigh community impact, preferences and best interest against development desires. All three should work together to provide guidance to the City Council for the benefit of the community at large and the future

3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?

My job requires interface with contractors, space planning for the company, oversight of construction projects as required, working with architects, contractors, and the trades (construction, electricians, plumbers, HVAC etc), EHSS requirements and basic awareness of codes. I am well versed in proposal analysis and contract negotiations. I have excellent people and collaborative skills and a desire to see my community thrive. I am objective and analytical with solid common sense. I listen.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

Sane and reasonable growth vs traffic/infrastructure capacity. We have to balance desire to build high density near public transportation with the reality that not everyone who has access uses it. The growth will and should happen, we should levy requirements on Builders to help offset the cost of the infrastructure improvements and need to think creatively about solutions. One thought that comes to mind, could we use round-a-bouts instead of stop signals in intersections like Abel and Great Mall Drive or Calaveras and Abbott or Park Victoria and Landess or near any of the schools to alleviate drop off pressure

Affordable housing – we should preferentially target people that provide services to our community, i.e. teachers, fire/police, retail/hospitality workers, and etc who cannot afford to live in the community they serve, with creative and mutually beneficial alternatives

5. Do you have a long-term vision of how you think the City should develop?

I think we need to have our eyes open to the need for infrastructure improvement as population and inevitably traffic increases. We must also be open to and encourage business growth to increase our tax base so we can afford the population growth. Milpitas has some great advantages in terms of cost and location we should be exploiting that

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

We need to ensure we are getting any available and applicable County, State and Federal money that may be able to be used to help

We should seek community involvement to insure that all good and diverse ideas are being explored. I would be willing to create and chair a planning commission subcommittee to facilitate this or participate if something similar already exists

A program of below market housing with City right of first refusal to buy back at a controlled price increase relative to the market should owner choose to sell. This would keep a growing inventory of affordable housing, remove the risk of people buying and flipping in a few years and potentially reduce the pressure to continually have to find new alternatives. It would require the City to manage and monitor that inventory. We successfully did this on a small scale at a company I previously worked at in the late 80's. It allowed new college grads the ability to buy, build some equity and trade up with minimal effort on the part of the company

Another alternative would be to require that rental projects that have mixed use, retail under living space, maintain units that are specifically for the people that will be employed in the project when complete (retail, service employees) Giving occupancy and rent preference to those residents

7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?

Staff are the experts, front line contact for petitioners and advisors to the commission and council

Commission reviews plans for relevance and fit in the community and the general plan, works with petitioners, staff and the community to create an acceptable project plan if possible and makes recommendation of approval or denial to council

Council has final word and approves or denies

City Clerk's Office

236

SEP 20 2018

RECEIVED

COMMISSION APPLYING FOR: Planning Commission
 Title: Mr.
 Name: spencer hsu
 Address Type: Residence
 Address: 59 meadowland drive
 City: Milpitas
 Postal/Zip Code: 95035
 Mobile Number: (408) 223-5493
 E-Mail Address: sphsu2016@gmail.com

Present Employer: Optibus

Occupation: Sales Manager

College, Professional, Vocational, or other schools attended: Santa Clara University

Major Subject: Marketing

Degree: MBA

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization: VNARP

Member: Yes

Name of Organization: AREA A

Member: Yes

Name of Organization: CoreNet

Member: Technology SIG

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have been investing in real estate for over 2.5 years
 10+ years in technology business development
 Born and raised in San Jose and Milpitas
 Lived in Milpitas for over 23 years so I am very familiar with the changes and the businesses that came in and out.
 I'd like to help out with the community and be more involved in my city.

Date: Sep 18, 2018

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

Mary Lavelle

From: Michael Lee <privacymike@gmail.com>
Sent: Friday, August 10, 2018 4:03 PM
To: Rich Tran; Marsha Grilli; Bob Nuñez
Cc: Mary Lavelle
Subject: [BULK] Planning Commission Application
Attachments: 20180810155641.pdf

Importance: Low

Dear Mayor Tran, Vice Mayor Girilli, and Councilman Nunez,
(cc: Mary Lavelle)

Attached is my City of Milpitas Commission Application. I am submitting an application for the vacant seat on the Milpitas Planning commission. Tim Wong, Housing & Neighborhood Services Manager, suggested I apply for the appointment.

A lifelong bay area resident and a resident of Milpitas for the past 12 years, I have been a part of the tremendous growth and opportunities our area has been seen over the past few decades. I believe that that Planning Commission plays a critical role helping to ensure that the city of Milpitas continues to prosper while balancing the needs and desires of its residents. In while balancing business opportunities. In recent years I have been an alternate member of the Community Advisory Commission and am looking for an opportunity to further expand the scope of service I provide the community and to help improve the community as a whole. An appointment of to the Planning Commission I believe is a means to accomplish these goals.

By way of background, I have a degree in Accounting and Management Information Systems. I have experience as an auditor at a big 4 accounting firm and have spent the last 15 years in the legal profession as a global privacy compliance subject matter expert. My profession requires me to have a thorough understanding of laws and regulations and apply those to the business while taking into consideration risks and opportunities to both the business and its customers. I feel that this experience would apply directly to the Planning Commission.

Sincerely,
Michael Lee
privacymike@gmail.com

=====
This is an **EXTERNAL EMAIL**.

Please do not open unexpected attachments or those sent by unknown senders.
=====

from M. Lee

City Clerk's Office

SEP 13 2018

239

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1. Why are you interested in serving on the Planning Commission?

I am interested in serving on the Planning Commission to help oversee and help ensure the appropriate growth of the city that I call home both now and for the foreseeable future. In today's environment there has been a significant increase in redevelopment and the replacement of commercial or industrial zoned areas for residential use. I want to help ensure that this trade off is well understood and that it does not undermine the future growth and opportunity for the city of Milpitas.

Furthermore, I believe I could be of service to the Planning Commission to help ensure that conversations and discussion are useful and beneficial to the City of Milpitas and reflects a professional demeanor. A case in point I raise is in a recent Planning Commission meeting, there was a lengthy conversation about including the name of Milpitas in a hotel name. I find this to be misdirected and unnecessary in a professional environment that wastes not only the time of the City as well as the public.

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and planning procedures affecting the development of the community.

A City's General Plan serves as the city's guideline for future development goals and provides broad directions on how to achieve them. The General Plan is composed of multiple elements encompassing a variety of topics that meet state law. The Milpitas General Plan is currently undergoing revision.

A zoning ordinance defines how property in a specific geographic location may be used. Zoning ordinances are a useful tool for urban planning, whereby it divides city land into residential, commercial and industrial areas.

City planning procedures, General Plan and Zoning Ordinances, work in concert to perform long term planning and decision making about various land use projects.

3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?

I believe my work as a Senior Privacy Manager and former career as an Auditor contribute greatly to the role as a Planning Commissioner. As a Sr. Privacy Manager, I am tasked with interpreting international laws and regulations to determine how these may impact my company. This involves understand risks both financial and legal, determining the appropriate path forward based on industry best practices and advising our Senior Leadership Team on the proposed path forward. In that regard, I see the role of a Planning Commissioner to understand the General Plan, Zoning Ordinances, and Public Opinion to help guide the decisions of the Planning Commission and City Council.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should best be resolved?

I believe the most pressing planning issues with Milpitas is the need for low income housing, the loss of industrial and commercial business, and the lack of infrastructure for increased residential housing and the transit hub. While there are no easy solutions to these issues, a couple of thought I have would be to alter the ability for developers to pay into the city's affordable housing fund in-lieu of building affordable housing. I also believe that new high density housing projects should also be accompanied with commercial/retail space to ease the overcrowding of grocery stores and other fundamental services. This is not to be taken as a call for Trader Joe's to come to Milpitas. Rather, my intention is that by having commercial space available and the appropriate incentives, retailers should want to establish a presence in Milpitas.

5. Do you have a long-term vision of how you think the City should develop?

I believe the city needs to take a tempered approach to development. In the recent years it appears that the city is beginning to lose commercial and industrial businesses and replaced those with residential units. While increasing the city population at the cost of lost tax revenue we have seen a massive overpopulation of existing infrastructure. The City must take all these factors into account to ensure an appropriate balance of housing, commercial and infrastructure. This responsible approach should lead to an overall increase in all these factors. Increased housing provides a place to live for workers at new businesses. While new businesses and more residents drives the need for additional infrastructure. If we can achieve the right balance, it should be a win-win for all.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

While there are no silver bullets for this issue, one possible solution is to look at the Facebook and Google models for residential development. Large companies have now taken up the fight for their own employees to help combat the ever growing issue. By drawing in large companies, this may be one solution. Another possibility is one address in question 4. Developers must incorporate affordable house into developments of a certain size.

7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?

The groups have different roles that are dependent upon one another. The Planning Commission serves in an advisory role to the City Council on land use, zoning and development issues within the city. The City Council takes into consideration the advice and recommendations presented by the Commission. City Staff is fundamental to both the City Council and Planning Commission by providing a needed resource and subject matter expertise in these matters.

AUG 16 2018

RECEIVED

✓ registered voter

CITY OF MILPITAS COMMISSION/COMMITTEE APPLICATION

Veterans Commission
 Youth Advisory Commission

COMMISSION APPLYING FOR

Planning or Parks, Recreation & Cultural

PROVIDE COMPLETE INFORMATION (in black ink)

Mr. Mrs. Miss

Ernesto Martinez
Name: First Middle Last

70 Michalakos Dr 202 Milpitas, CA 95035
Address: Number Street (apt. # if needed) City & Zip Code

408-661-5304 ernestomartinez38@gmail.com
Telephone Number(s) e-mail address

Century 21 Alliance
Present Employer Business Telephone

2090 Concourse Dr #98 San Jose, CA 95131 Realtor
Business Address Occupation

Education: If Youth Advisory Commission applicant, indicate your grade/school:

College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree
SSSU	History	5/1997	B.A
SSSU	Ethnic Studies	5/2002	M.A

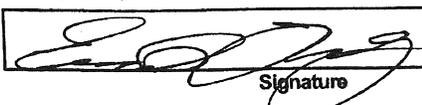
List community organizations to which you belong or have belonged (additional information may be attached). If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date	Name of Organization or Branch of Military	Officer / Member
	N/A	

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I was a social worker & currently teach U.S History at chlore College. Also, work in Real Estate. I have a long history of working in non-profit & on board of school of arts & culture in San Jose.

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.


Signature

8/16/18
Date

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

Mail, email or drop off your completed application to:
City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: mlavelle@ci.milpitas.ca.gov

✓ received
242

COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name Sean Pan
Address Type Residence
Address 261 n Abbott Ave
City Milpitas
Postal/Zip Code 95035
Mobile Number (408) 393-8448
E-Mail Address Seanjahaupan@gmail.com

City Clerk's Office
JAN 29 2019
RECEIVED

Present Employer Northrop Grumman

Occupation System engineer

College, Professional, Vocational, or other schools attended Ucla

Major Subject Electrical engineering

Degree Masters

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Toastmasters international

Member Area director

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date Jan 29, 2019

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

City Clerk's Office

DEC 04 2018

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CITY OF MILPITAS PLANNING COMMISSION APPLICATION

✓ registered voter

NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas." Also, all applicants are required to complete a SUPPLEMENTAL QUESTIONNAIRE in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

Name: Andrew Steven Ridley
 First Middle Last

Address: 2316 Mattos Dr Apt. #
 Number Street

408-202-7838 RidleyAS@gmail.com
 Telephone Number(s) e-mail address

Are you a registered voter in the City of Milpitas? yes How long have you lived in Milpitas? 1 year

ALTRANS Transportation Management Association, Inc. 408-258-7267
 Present Employer Business Telephone

2055 Junction Ave Ste 208 San Jose CA 95131 Director, TDM
 Address Occupation

Education:

College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree
San Jose State University	Social Science	Grad. 2011	Global Studies

List community organizations to which you belong or have belonged (additional information may be attached):

Date	Name of Organization	Officer / Member

Briefly describe your personal qualifications that you believe would be an asset (additional information may be attached):

I have been working in the Transportation Demand Management field in the bay area for over seven years. This experience has provided opportunities to work extensively on the municipal level in Mountain View, Palo Alto and South SF on a wide variety of public facing transportation initiatives. A normal part of my work is engaging in the planning process on our clients' behalf, dealing with EIRs, conditions of approval, and entitlements, ensuring an equitable outcome. I hope to add to the Commission a perspective on the impacts of transportation as it regards planning.

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

[Signature]
Signature

12-04-2018
Date

Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD
Mail or drop off your completed application to the City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035



PLANNING COMMISSION

SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses on a separate paper[s] to the following questions)

1. Why are you interested in serving on the Planning Commission?
I believe it's important to participate in civic organizations, as we all share in the responsibility of guiding and shaping our communities. The Milpitas Planning Commission is a natural fit as I have been an active member of Milpitas life for 32 years, and now have the vocational experience to responsibly and effectively assist in its planning.
2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.
The documentation listed above are guides for how different elements of any city are to interact and relate with one another regarding their: location, grouping, volume/magnitude, environmental impacts, and many other implications involved in the development and planning process. Without these documents, provision for future needs of the community is left up to chance as development would be occurring ad hoc.
3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?
As mentioned above, I have been working in the Transportation Demand Management field in the bay area for over seven years. This experience has provided opportunities to work extensively on the municipal level in Mountain View, Palo Alto and South SF on a wide variety of public facing transportation initiatives. A normal part of my work is engaging in the planning process on our clients' behalf, dealing with EIRs, conditions of approval, and entitlements, ensuring an equitable outcome. I hope to add to the Commission a perspective on the impacts of transportation as it regards planning.
4. What do you feel are the most pressing planning problems or issues in Milpitas?
How do you think they should best be resolved?
Housing development and its impact on transportation is the most salient. One step towards resolving housing's impact on transportation is the formation of transportation management associations (TMAs). These can be publicly or privately funded, and in either case consist of a grouping of similar entities with a shared transportation pattern or need. In Mountain View, the MVGo TMA is notable as a coalition of a dozen or so corporate participants who share a peak commute hour shuttle program. With their combined resources, they can achieve at scale what otherwise wouldn't be possible.
5. Do you have a long-term vision of how you think the City should develop?
Not at the moment. I am looking forward to being a student-Commissioner for now, learning about the past and present planning initiatives so I can, in time, and in collaboration, help craft that vision for the future.
6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?
I am looking forward to learning more about successful strategies other cities have adopted regarding affordable housing.
7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?
Each role supports the other. The Planning Commission and the City Council both work on behalf of the residents of Milpitas, relying on City staff to provide input and support on the matters at hand. Staff then execute operationally based on the outcome of Commission and Council decisions.
8. What do you believe should be the focus of the Milpitas Redevelopment Agency and program?
I'm uncertain as to the purview of the MRA since its transition to the Successor Agency (City Manager's Office). After reading through the Oversight Board Rules And Regulations, I cannot prescribe a focus since I cannot ascertain if the Agency indeed has a focus beyond being a trustee for city real estate and property.

✓
received
voter
245

COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name Doug Sueoka
Address 501 Greathouse Drive
City Milpitas
Postal/Zip Code 95035
Mobile Number (408) 707-0808
E-Mail Address dougsueoka@comcast.net

City Clerk's Office
NOV 28 2018
RECEIVED

Present Employer Costco Wholesale
City San Jose
Postal / Zip code 95123

Occupation Auditor

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Cub Scouts

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have been a resident of Milpitas since 2004, so I am familiar with the city, its layout and its surroundings. I also have 20 years of retail management with responsibilities that included annual fiscal budgeting, facilities management, hazardous waste management, compliance with HIPAA rules and regulations, among others. While it's not an exact comparison, there are some parallels between managing a business and a city. I feel my professional experience will enable me to be an active participant in this commission.

Date Nov 28, 2018

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

City Clerk's Office

FEB 04 2019

RECEIVED

COMMISSION APPLYING FOR: Planning Commission
 Title Mr.
 Name KEN WANG
 Address 77 DUTTONWOOD LN
 City MILPITAS
 Postal/Zip Code 95035
 Mobile Number (415) 516-8046
 E-Mail Address ken_wang@yahoo.com

Present Employer Thinfilm Electronic Inc
 City San Jose
 Postal / Zip code 95134

Occupation Principal Assembly Engineer
 Education: If Youth Advisory Commission applicant, indicate your grade/school: Mechanical Engineering, BS
 College, Professional, Vocational, or other schools attended San Francisco State University
 Major Subject Mechanical Engineering
 Degree BS

List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have about 20 years of engineering back ground in micro electronic field in various roll.
 I am multilingual, fluent in Cantonese and Mandarin, both in reading, and some non-technical writing.
 I strongly believe in planning, planning, planning then executing.
 Any action w/o a plan is a plan to failure.

I am open to planning commission and other technical related commission.
 I am also current in the DELAC program for the school district representing Joseph Weller.

Please feel free to check my linkedin profile at:
<https://www.linkedin.com/in/kenjwang/>

Date Feb 01, 2019

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.



PLANNING COMMISSION SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses on a separate paper[s] to the following questions)

1. Why are you interested in serving on the Planning Commission?

I lived in Milpitas for more than 15 years. It is a great city from every aspect. Great location, weather, and utmost, we have great leadership ever!!! I want to join the commission team to make our city even better. Hopefully the best in the bay area!

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

My understanding is the planning commission based on current and future growth projection, to come up with visionary plan for the city. Planning on zoning, and developmental sites, which on the path of city growth. Plan which can maximize benefit based on tax dollar and enable city growth.

3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?

I am working in the technical field for more than 20 yrs. I heavily focus on planning and able to look at things in every angle. My track record is to bring project on time and taking high risk program back on track.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

With the new communities that are upcoming by the BART station. We need to consider parking spaces. It could be potential a big challenge that comes along with new homes and residents. One Consideration is creating parking structure underground. Or Stack-able parking structures.

5. Do you have a long-term vision of how you think the City should develop?

Yes, I can see Milpitas as one of the best cities in the bay area for all, same level as Cupertino, and more. We have all the ingredients to be the best!

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

Yes, I do. We need to figure out what is the root for the issue. What is the real issue attached to the problem? If the root is jobless ness, let's figure a way to get more job, provide more training etc.

7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?

Planning commission and city council should work together as a whole team. There should be seamless and transparent info flow between the group.



CITY OF MILPITAS PLANNING COMMISSION APPLICATION

NOTE: Milpitas Municipal Code, Title I Chapter 500, requires "at all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas." Also, all applicants are required to complete a **SUPPLEMENTAL QUESTIONNAIRE** in addition to this application form.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

Mr.

Are you a registered City of Milpitas voter? YES

Mrs./Ms.

How long have you lived in Milpitas? 30 yrs

Name: THOMAS First JOHN Middle VALORE Last

Address: 670 Number CARDIFF PLACE Street (apt. # if needed) Milpitas, CA 95035

Telephone Number(s) 408-946-0703 408-892-3991 Cell tventerprise@comcast.net e-mail address

Present Employer RETIRED Business Telephone

Business Address Business Telephone FINANCIAL ADVISOR Occupation

Education:

College, Professional, Vocational, or other schools attended	Major Subject	Date	Degree
USC	Sys Mgmt	02/71	MS
NYU	AERO ENG	02/64	BS

List community organizations to which you belong or have belonged (additional information may be attached).

Date	Name of Organization	Officer / Member
	Milpitas Chamber of Commerce	CFO 17yrs
	MUSD Bond Oversight Committee	Member

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Over the past six or seven years I have attended virtually all City Council and School Board meetings in an effort to stay informed regarding the direction of the City

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true and that I am a registered voter and a resident of the City of Milpitas.

Thomas Valore
Signature

03/13/2019
Date

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year** from the date submitted unless renewed by the applicant.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

PLANNING COMMISSION

SUPPLEMENTAL QUESTIONNAIRE



(Please type or print responses on a separate paper[s] to the following questions)

1. Why are you interested in serving on the Planning Commission?

Such a position would afford me the opportunity to give back, in a significant manner, to my community which has served me well these past many years.

2. Describe your understanding of how the City's General Plan, Zoning Ordinance, and Planning procedures affect the development of the community.

The cities growth is guided by a hierarchy of plans the top most of which is the General Plan, currently in the process of being updated. Below the General are the specific plans which provide a greater degree of specificity for given areas of the city. Zoning ordinances should reflect the proscriptions of the plans or be changed accordingly so as not to be an impediment to developments in consonance with the plans. Planning entities such as the Planning Commission and the City planning staff should be guided by such document as they proceed through the decision-making process and in framing their recommendations to the City Council.

3. In what way will your personal or work experience contribute to your role as a Planning Commissioner?

I spent twenty years in the Air Force principally in System Acquisition Management. My last assignment was a Program Manager where I started and managed what became a roughly 1 billion-dollar acquisition known as TRIGS. Subsequently, I worked as a senior manager in the Aerospace Industry. And concluded my work career as a Certified Financial Planner for twenty years. Thus, I am comfortable with the decision-making process and not intimidated by either high powered people or large dollar projects. Just as important I recognize the importance of boundaries in keeping containment.

4. What do you feel are the most pressing planning problems or issues in Milpitas? How do you think they should be best resolved?

The traffic congestion in Milpitas has become progressively worse in recent years and related to this is parking. An alternative route must be constructed connecting I880 and I680 to eliminate the press of traffic clogging our major thorough fares every week day. Obviously, State and more likely Federal aid/support will be required to accomplish such an under taking.

The construction of some strategically located parking structures within the city may be the only answer to the parking problem doing a better job of assuring that new developments will no further add to the problem.

5. Do you have a long-term vision of how you think the City should develop?

Smart development must be an imperative in that land is scarce and at a premium and the impacts of new developments are in all likelihood complex and potentially far reaching and thus the decision-making process must recognize this situation. Growth for the sake of growth or mere income growth is not in the long-term interest of the City or its residents. Improvement/enhancement should be what guides future development. Beautification may be another way to state it. Destination centers which provide cultural activities as well as high quality restaurants would serve to keep residents within the city for entertainment.

6. A major planning problem facing the entire Bay Area is the shortage of affordable housing. Do you have any thoughts on how the City should address this issue?

This unquestionably is a major problem for which there is no easy answer and will require a complex response to achieve any amelioration. I believe we will need to work on a regional basis in attacking the issue since it is a regional issue. I also believe it will take major investments by the city, and hopefully with added county and state support, to increase the affordable housing stock

7. What do you see as the different roles of City staff, the Planning Commission, and the City Council?

City staff needs to provide appropriate research to enable the Planning Commission to make an informed decision regarding developments proposed by developers. The decisions of the Planning Commission then become recommendations to the City Council which is responsible for making the final decision to approve or not any development of consequence.

JAN 15 2019

RECEIVED

COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Suraj Karuppan Viswanathan

Address Type Residence

Address 1882 Snell pl

City Milpitas

Postal/Zip Code 95035

Mobile Number (408) 898-6537

E-Mail Address surajkviswanathan@gmail.com

Present Employer SMC Automotive Services

Other Phone (408) 898-6537

Business Address (Optional) 37600 Central Ct #261

City Newark

Postal / Zip code 94560

Occupation Business

College, Professional, Vocational, or other schools attended Madras University, Santhome High School

Major Subject Production Engineering

Degree BS

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization USA Cricket

Member Board Of Directors

Name of Organization Bay Area Cricket Alliance

Member Chairman

Name of Organization Parents Helping Parents

Member Volunteer

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I have been running several successful organizations since 2005, have experience in negotiations, market development, sales/growth management, etc. Always wanted to serve the city of Milpitas in any capacity I could, and this provides me with that opportunity.

Date Jan 15, 2019

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



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NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

City Clerk's Office
SEP 04 2018
RECEIVED

COMMISSION APPLYING FOR: Planning Commission

Title Mr.

Name Suraj K Viswanathan

Address Type Residence

Address 1882 Snell place

City Milpitas

Postal/Zip Code 95035

Mobile Number (408) 898-6537

E-Mail Address Surajkviswanathan@gmail.com

Present Employer Renegade Cricket LLc

Other Phone (408) 824-7220

Occupation COO

Major Subject Production Engineer

Degree Engineering

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Bay Area cricket Alliance

Member President

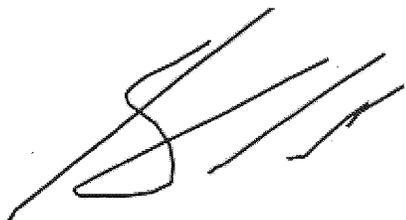
Name of Organization USA Cricket

Member Director

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date Aug 31, 2018

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



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COMMISSION APPLYING FOR: Planning Commission
Title Mr.
Name Suraj K Viswanathan
Address Type Residence
Address 1882 Snell place
City Milpitas
Postal/Zip Code 95035
Mobile Number (408) 898-6537
E-Mail Address Surajkviswanathan@gmail.com

Present Employer Renegade Cricket LLc

Other Phone (408) 824-7220

Occupation COO
Major Subject Production Engineer
Degree Engineering

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Member President

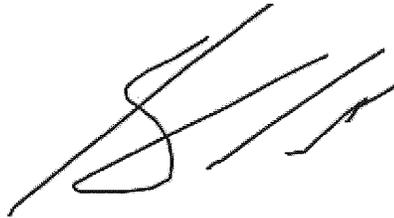
Name of Organization USA Cricket

Member Director

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date Aug 31, 2018

I have sufficient time to devote to this
 responsibility and will attend the required
 meetings if I am appointed to fill a future vacancy.
 I hereby certify that all statements contained in
 this application are true.



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City Clerk's Office

AUG 31 2018

RECEIVED

MILPITAS CITY COUNCIL & HOUSING AUTHORITY MEETING

PREVIEW OF AGENDA ITEMS

TUESDAY, JUNE 4, 2019

PRESENTATION

- Proclaim *Parks & Recreation Month* (Renee Lorentzen)

CONSENT CALENDAR

1. Accept City Council calendar for June 2019
2. Approve City Council meeting minutes of May 15 and 21, 2019
3. Adopt a Resolution approving Accounts Receivable write-offs for Fiscal Year Ending 6/30/19 (Jane Corpus)
4. Adopt a Resolution authorizing Agreement with Enterprise Fleet Management for City Vehicle Lease Program (Tony Ndah, Chris Schroeder)
5. Approve Amendment with York Insurance for Workers Comp Third Party Administrator Services (Liz Brown)
6. Approve Purchase of New Mobile Performing State (Renee Lorentzen)
7. Approve Concept Design for Carlo Park, Project No. 5112 (Steve Erickson)
8. Approve and Authorize City Manager to Execute Agreement with Swinerton Builders for \$219,983 for Construction Management Services for Fire Station No. 2 Replacement Project No. 3447 (Steve Erickson)
9. Delegation of Authority to City Manager (City Manager, City Attorney)

PUBLIC HEARINGS

10. Approve Community Development Block Grant Allocations for FY 2019-20 and Adopt Annual Action Plan (Sharon Goei, Robert Musallam)
11. **Council + Housing Authority** Adopt Resolutions Approving FY 2019-20 Budget, Capital Improvement Program, and Appropriations (Gann) Limit (Jane Corpus)

COMMUNITY DEVELOPMENT

12. Approve Staff Recommendation of Clear Channel Outdoors for Digital Billboard Project at Barber Ct. and Authorize City Manager to Negotiate and Execute a Lease Agreement (Alex Andrade)

PUBLIC SAFETY

13. 1st Reading/Intro of Ordinance No. 172.6 for Massage Regulations update (Police, City Attorney)

LEADERSHIP

14. 1st Reading/Intro of Ordinance for Municipal Code "clean up" (Ashwini Kantak, Chris Diaz)

PREVIEW NEXT AGENDA

15. Preview list of anticipated agenda items for June 18, 2019 Regular City Council meeting (Mary Lavelle)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive an update on the General Plan Update project and recommendations from the General Plan Advisory Committee (GPAC), discuss the Land Use Alternatives Report, and provide direction to staff regarding the Preferred Land Use Map
Category:	Community Development
Meeting Date:	5/21/2019
Staff Contact:	Ned Thomas, Planning Director, 408-586-3273 Jessica Garner, Planning Manager, 408-586-3284
Recommendations:	<ol style="list-style-type: none"> 1. Receive update on the General Plan Update project from the consultant team and staff. 2. Receive recommendations from the General Plan Advisory Committee (GPAC) and discuss the Draft Land Use Alternatives Report. 3. Provide direction to the consultant team and staff regarding the preferred General Plan Land Use Map.

BACKGROUND:

The Milpitas General Plan establishes a long-range vision for how the community will grow and a legal foundation for all land use and development decisions in the community. The General Plan should express community priorities and values and may be considered the City’s “constitution” or blueprint because it establishes goals and policies to guide growth, traffic patterns, housing, conservation, fiscal sustainability, economic development, and more over the next 20 years.

The current process of preparing a comprehensive update to the Milpitas General Plan began in 2016. To date, the consultant team and staff have completed the following tasks and milestones:

- Project Website – The General Plan Update website has been active since June 2016 and provides information regarding upcoming meetings, online surveys, contact forms, project documents, and other resource materials. The project website is <https://milpitas.generalplan.org/>.
- GPAC Meetings. – Since June 2016, the General Plan Advisory Committee (GPAC) has held 12 meetings. The GPAC provides receives data and analysis from the consultant team and provides input on key issues and trends facing the City. The GPAC also assists in the development of General Plan Goals, Policies, and Actions, as well as the Land Use Map. The GPAC met most recently in December 2019.
- Visioning Workshops – The consultant team and staff conducted a series of three public visioning workshops in the fall of 2016. These workshops provided an opportunity for the public to learn about the General Plan Update process, provide input on issues, opportunities, and challenges facing the community, and provide input on key topics such as land use and traffic. The City Council and the General Plan Advisory Council (GPAC) received summaries of the results of these workshops in a series of memos in 2017.
- Existing Conditions Report – This report, completed in May 2017 and updated in July 2018, establishes baseline conditions for the General Plan Update and documents the City’s development patterns, land uses, natural resources, utilities, infrastructure, public services, economic and fiscal conditions, environmental constraints, regulatory requirements, and recent City planning efforts. This Report is located at <https://milpitas.generalplan.org/content/documents-and-maps>.
- Community Profile Report – This short-format report provided the City Council and GPAC with a summary of key development patterns, natural resources, socioeconomic conditions, and environmental constraints

for consideration in charting the course for Milpitas' future. The report was completed in October 2018 and is located at: <https://milpitas.generalplan.org/content/documents-and-maps>.

- Issues and Opportunities Memos – This series of memos provided the GPAC with summaries of the public outreach efforts, identification of community values and concerns, descriptions of focus areas for goal and policy development, and the identification of key concerns and potential solutions.
- City Council Land Use Map Study Session – In March 2018, the City Council conducted a focused study session to review options and provide input regarding potential changes to the draft Land Use Map. Feedback provided by the Council was instrumental in preparing the draft Land Use Alternatives Report.
- Land Use Alternatives Report – This report identifies 14 Opportunity Areas within Milpitas, based on input from the community and City leadership, where changes to land use designations under the General Plan may be appropriate. The report provides quantitative and qualitative analysis for each Opportunity Area to forecast potential growth effects as well as consistency with the community's vision. This document will serve as the primary tool to aid the City Council in determining the appropriate growth and land use intensity for the General Plan Update. The Draft Land Use Alternatives Report was completed in September 2018 and is located at: <https://milpitas.generalplan.org/content/documents-and-maps>.
- GPAC Land Use Map Summary Memo – Over the course of two meetings held in September and October 2018, the GPAC reviewed and discussed the draft Land Use Alternatives Report and provided detailed feedback and direction on the Land Use Map. This memo summarizes recommendations from the GPAC.

The General Plan Update is now at a critical juncture where the consultant team and staff need direction from the City Council on the preferred Land Use Map in order for the project to move forward. As noted above, the Council-appointed GPAC and staff have provided recommendations to the Council to guide the decision-making process. Major steps to be completed in the General Plan Update process include drafting the Goals, Policies, and Actions that comprise each of the General Plan Elements (chapters) and commencing the environmental impact analysis required under the California Environmental Quality Act (CEQA).

ANALYSIS:

The General Plan Update consultants have developed the *Land Use Alternatives Report* to assist the Council in its discussion about the General Plan Land Use Map (see Attachment 1). Also attached is a summary memo with input and recommendations from the General Plan Advisory Committee (GPAC) (See Attachment 2). The *Alternatives Report* is based on direction received from the Council in a study session held March 2018, public comment gather during a series of Community Visioning Workshops held in late 2016, feedback from the General Plan Advisory Committee (GPAC), and additional input from staff and the consultant team. The *Report* identifies areas across the City where change may be appropriate and provides analysis of alternative scenarios for potential new development.

Below are detailed descriptions of the *Land Use Alternatives Report* and an accompanying *GPAC memo*:

Land Use Alternatives Report. The *Land Use Alternatives Report* is a tool for the City Council to identify and evaluate a diverse range of geographic locations within the city where changes to existing land uses and development patterns are likely to occur over the next 20 years. The Report refers to these various geographic locations as "Land Use Opportunity Areas" (Opportunity Areas) and provides analysis of the land use, circulation, fiscal sustainability, and economic development characteristics associated with the build-out of each Opportunity Area according to the existing and proposed land use designations. "Build-out" refers to future development potential as allowed by the density and permitted use types established by the General Plan and within the 20-year plan horizon. Build-out is not a prediction of what level of development will necessarily occur, but rather, an estimate of the level of development that could occur within the plan timeframe. The timing, intensity, and rate of future development are largely based on market conditions.

GPAC Recommendations Memo. Over the course on two sequential meetings (held September 20 and October 17, 2018), the General Plan Advisory Committee (GPAC) reviewed the *Land Use Alternatives Report* in detail and provided recommendations for land use and development intensity modifications within the Opportunity Areas identified in the Report. In some cases, GPAC members reached consensus regarding potential changes to the map, and in other cases, GPAC members had differing views. This memo provides a

summary of feedback from GPAC members with respect to all of the Opportunity Areas analyzed in the *Use Alternatives Report*.

In those instances where the GPAC did not reach consensus regarding land use changes within a given area, this memo summarizes the differing views presented by the GPAC members. The memo also provides professional recommendations from the consultant team and staff, accompanied by the rationale for each recommendation.

The *Land Use Alternatives Report* and the *GPAC Recommendations Memo* will be the primary tools used by the City Council in determining a Preferred Land Use Map. The Preferred Land Use Map will be the foundation for several subsequent tasks undertaken as part of the General Plan Update, including the drafting of Goals, Policies, and Actions that comprise each of the General Plan Elements (chapters) and commencing the environmental impact analysis required under the California Environmental Quality Act (CEQA).

POLICY ALTERNATIVES:

This is an information item for Council direction. No policy alternatives to consider.

FISCAL IMPACT:

This is an information item for Council direction. No fiscal impact.

CALIFORNIA ENVIRONMENTAL QUALITY ACT :

The City will prepare a full Environmental Impact Report (EIR) as part of the General Plan Update project. The current phase of the overall process is not a project under CEQA.

Recommendations:

- 1) Receive update on the General Plan Update project from the consultant team and staff.
- 2) Receive recommendations from the General Plan Advisory Committee (GPAC) and discuss the Draft Land Use Alternatives Report.
- 3) Provide direction to the consultant team and staff regarding the preferred General Plan Land Use Map.

Attachments:

- A: Draft Land Use Alternatives Report (binder)
- B: GPAC Land Use Alternatives Recommendations Memo
- C: Summary Maps



MILPITAS 259

General Plan Update

LAND USE ALTERNATIVES REPORT

SEPTEMBER 2018

(AMENDED 1/23/2019 TO INCLUDE OPPORTUNITY AREA 14)



DE NOVO PLANNING GROUP



A LAND USE PLANNING, DESIGN, AND ENVIRONMENTAL FIRM



TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION.....	1-1
1.1 PURPOSE OF THE LAND USE OPPORTUNITIES REPORT.....	1-1
1.2 ORGANIZATION.....	1-1
1.3 GENERAL PLAN UPDATE OVERVIEW.....	1-2
1.4 LAND USE ALTERNATIVES OUTREACH PROCESS.....	1-3
1.5 NEXT STEPS IN THE GENERAL PLAN LAND USE MAP UPDATE PROCESS.....	1-9
CHAPTER 2: LAND USE ALTERNATIVES.....	2-1
2.1 DEFINING THE LAND USE ALTERNATIVES	2-1
2.2 LAND USE DESIGNATIONS	2-2
2.3 ALTERNATIVE ANALYSIS – ECONOMIC AND CIRCULATION BACKGROUND	2-15
2.4 ALTERNATIVE ANALYSIS BY OPPORTUNITY AREA	2-17
2.5 CITY-WIDE GROWTH POTENTIAL	2-90
2.6 PLAN BAY AREA 2040 REGIONAL GROWTH PROJECTIONS	2-93

TABLES

2-1: Acreage by Land Use Designation	2-9
2-2: Opportunity Area #1: Existing and New Development Potential	2-18
2-3: Sunny Hills Neighborhood Node/Commercial Center Revenue Impacts	2-19
2-4: Opportunity Area 2: Existing and New Development Potential	2-23
2-5: California Circle Revenue Impacts	2-24
2-6: Opportunity Area 3 Existing and New Development Potential	2-28
2-7: McCarthy Ranch Industrial Area Revenue Impacts	2-29
2-8: Opportunity Area 4 Existing and New Development Potential	2-33
2-9: Southwestern Employment Area Revenue Impacts	2-34
2-10: Opportunity Area 5 Existing and New Development Potential	2-38
2-11: Midtown Specific Plan Area Revenue Impacts	2-39
2-12: Opportunity Area 6 Existing and New Development Potential	2-43
2-13: Central Manufacturing Area (South) Revenue Impacts	2-44
2-14: Opportunity Area 7 Existing and New Development Potential	2-48
2-15: Central Manufacturing Area (North) Revenue Impacts	2-49
2-16: Opportunity Area 8 Existing and New Development Potential	2-53
2-17: Landess Neighborhood Node/Commercial Center Revenue Impacts	2-54
2-18: Opportunity Area 9 Existing and New Development Potential	2-58
2-19: Calaveras & North Park Neighborhood Node/Commercial Center Revenue Impacts	2-59
2-20: Opportunity Area 10 Existing and New Development Potential	2-63
2-21: Jacklin & 680 Neighborhood Node/Commercial Center (East) Revenue Impacts	2-64
2-22: Opportunity Area 11 Existing and New Development Potential	2-68
2-23: Jacklin & 680 Neighborhood Node/Commercial Center (West) Revenue Impacts	2-69
2-24: Opportunity Area 12 Existing and New Development Potential	2-73

2-25: Milpitas Town Center Revenue Impacts 2-74
 2-26: Opportunity Area 13 Existing and New Development Potential 2-78
 2-27: Jacklin Neighborhood Node/Commercial Center Revenue Impacts 2-79
 2-28: Opportunity Area 14 Existing and New Development Potential 2-84
 2-29: Serra Center Commercial Gateway Revenue Impacts Revenue Impacts 2-85
 2-30: Growth Projections By Alternative 2-91
 2-31: Job Growth By Land Use 2-92
 2-32: Plan Bay Area 2040 Jurisdictional Household Forecast 2-94
 2-33: Plan Bay Area 2040 Jurisdictional Employment Forecast 2-94

FIGURES

1-1: Initial Conceptual Land Use Opportunity Area Map Results 1-7
 2-1: Existing General Plan Alternative Map 2-11
 2-2: Opportunity Area Alternatives Map 2-13
 2-3: Opportunity Area 1 Land Use Alternatives 2-21
 2-4: Opportunity Area 1 Existing Conditions 2-22
 2-5: Opportunity Area 2 Land Use Alternatives 2-26
 2-6: Opportunity Area 2 Existing Conditions 2-27
 2-7: Opportunity Area 3 Land Use Alternatives 2-31
 2-8: Opportunity Area 3 Existing Conditions 2-32
 2-9: Opportunity Area 4 Land Use Alternatives 2-36
 2-10 Opportunity Area 4 Existing Conditions 2-37
 2-11 Opportunity Area 5 Land Use Alternatives 2-41
 2-12 Opportunity Area 5 Existing Conditions 2-42
 2-13 Opportunity Area 6 Land Use Alternatives 2-46
 2-14 Opportunity Area 6 Existing Conditions 2-47
 2-15 Opportunity Area 7 Land Use Alternatives 2-51
 2-16 Opportunity Area 7 Existing Conditions 2-52
 2-17 Opportunity Area 8 Land Use Alternatives 2-57
 2-18 Opportunity Area 8 Existing Conditions 2-58
 2-19 Opportunity Area 9 Land Use Alternatives 2-61
 2-20 Opportunity Area 9 Existing Conditions 2-62
 2-21 Opportunity Area 10 Land Use Alternatives 2-66
 2-22 Opportunity Area 10 Existing Conditions 2-67
 2-23 Opportunity Area 11 Land Use Alternatives 2-71
 2-24 Opportunity Area 11 Existing Conditions 2-72
 2-25 Opportunity Area 12 Land Use Alternatives 2-76
 2-26 Opportunity Area 12 Existing Conditions 2-77
 2-27 Opportunity Area 13 Land Use Alternatives 2-81
 2-28 Opportunity Area 13 Existing Conditions 2-82
 2-29 Opportunity Area 14 Land Use Alternatives 2-88
 2-30 Opportunity Area 14 Existing Conditions 2-89

CHAPTER 1 : INTRODUCTION

In 2016, the City of Milpitas embarked on a multi-year process to comprehensively update its General Plan. Specifically, the General Plan provides policy guidance on land use, housing, transportation, infrastructure, community design, conservation, and other development-related topics. State law requires every city and county in California to prepare and maintain a general plan planning document.

As part of the General Plan Update process, the City will revise the General Plan Land Use Map (Land Use Map). The Land Use Map is one of the General Plan’s primary mechanisms for shaping the city’s future development pattern. The map assigns a land use designation to each parcel within the city and the city’s Sphere of Influence (SOI). The designations describe the range of uses allowed and the development intensity permitted on associated parcels.

1.1 PURPOSE OF THE LAND USE ALTERNATIVES REPORT

The purpose of the Land Use Alternatives Report is to provide the City with a tool to identify and evaluate a diverse range of geographic locations within the city where changes to existing land uses and development patterns may be appropriate. These various locations are referred to as “Land Use Opportunity Areas” (Opportunity Areas) in this report. These Opportunity Areas have been identified as potential locations to accommodate future growth, support economic development, maintain fiscal sustainability, and ensure adequate protection of natural resources and open space.

This report provides an analysis of the land use, circulation, fiscal sustainability, and economic development characteristics associated with the buildout¹ of each Opportunity Area according to the existing and proposed land use designations. The report purposely omits recommendations regarding how the City should proceed with modifications to the Land Use Map. Instead, it provides the necessary information to facilitate the community’s discussion on important land use issues, culminating with possible changes to the map.

The report will be used by the City County, the Planning Commission, the General Plan Advisory Committee (GPAC), and the community at-large to select the preferred Land Use Map. The City anticipates that the Land Use Alternatives Report will stimulate discussion and lead to confirmation and selection of courses of action to be reflected on the preferred Land Use Map and in the General Plan Policy Document.

1.2 ORGANIZATION

This Land Use Alternatives Report is organized into the following two chapters.

CHAPTER 1 : INTRODUCTION

Chapter 1 describes the principal documents associated with the General Plan Update process, how the Opportunity Areas were selected and the vision for the areas was derived, and the next steps in the General Plan Update process.

¹ “Buildout” refers to future development potential of an area, as allowed by the density and permitted use types established by the General Plan. Buildout is not an estimate of what level of development will necessarily occur, but rather, is an estimate of the level of development that COULD occur. The timing, intensity, and rate of future development is largely based on market conditions.

CHAPTER 2: LAND USE ALTERNATIVES

Chapter 2 describes and analyzes the land use Opportunity Areas. The report includes two alternatives, as summarized below, for each of the fourteen Opportunity Areas.

- **Existing General Plan Alternative:** The Existing General Plan Alternative pertains to buildout according to the existing General Plan Land Use Map, originally adopted in 1994 and amended through 2018. Figure 2-1 depicts the Existing General Plan Map.
- **Opportunity Areas Alternative:** The Opportunity Area Alternative identifies potential changes in land use and development intensity within 14 specific areas of Milpitas. This alternative focuses on the intensification of jobs-generating uses in employment centers, the expansion of transit-oriented mixed-use development, and the revitalization of neighborhood-serving commercial centers through the intensification of commercial uses and introduction of housing. Figure 2-2 depicts the Opportunity Areas Land Use Map.

The chapter provides an analysis of both alternatives, by Opportunity Area, and on a citywide basis. The analysis focuses on land use, built form, and circulation network characteristics and changes, residential and employment growth projections, and economic development/fiscal implications associated with each alternative.

The chapter also introduces three new land use designations that are proposed for locations within some of the Opportunity Areas, in order to help fulfill the community's desire to generate additional jobs and encourage residential development.

1.3 GENERAL PLAN UPDATE OVERVIEW

The Land Use Alternatives Report serves as one of the key deliverables that the City and the General Plan Update consultant team are preparing as part of the General Plan Update process. Other milestone documents prepared as part of the General Plan Update, listed in order of anticipated completion, are as follows.

EXISTING CONDITIONS REPORT

The Existing Conditions Report, published in June, 2018, establishes a baseline of existing conditions in the planning area for the General Plan Update process. Specifically, the report identifies development patterns, natural resources, socioeconomic conditions, and environmental constraints, and identifies the regulatory environment for each topic. The report serves as a resource for the City Council, the Planning Commission, the GPAC, members of the public, City staff, and the consultant team through the General Plan Update process. This facilitates all parties informed participation in the process, ensuring that the updated General Plan addresses Milpitas' unique circumstances at this particular point in time.

The Existing Conditions Report is principally a technical document that comprises a substantial amount of data. To make this information more accessible to lay readers, the report incorporates numerous maps and graphics.

The Existing Conditions Report is available on the project's website: milpitas.generalplan.org (Document Center) or through [this link](#).

LAND USE ALTERNATIVES REPORT

The Land Use Alternatives Report presents possible modifications to land use and development intensity in a manner that will support the community's vision for increased economic development opportunities, a range of housing options, preservation of established residential neighborhoods, and quality job growth. The potential changes to the land use map identified in this report are based upon public input gathered to date, information contained in the Existing Conditions and Issues and Opportunities Reports, input provided by the GPAC, direction received from the City Council, and Staff and consultant's team consideration of development opportunities.

GENERAL PLAN POLICY DOCUMENT

The Policy Document contains the goals, policies, and strategies related to various elements of the General Plan. The General Plan must address at least seven elements - or issue categories - to the extent that they are relevant locally. These state-mandated elements include land use, circulation, housing, open space, conservation, noise, and safety. The City may also address other topics of community interest in the General Plan, such as economic development, community health and wellness, utilities and community services, and sustainability. The General Plan sets out the goals, policies, and action items in each of these areas and serves as a policy guide for how the City will make key planning decisions in the future. It also identifies how the City will interact with Santa Clara County, adjacent and nearby cities, and other local, regional, State, and Federal agencies on shared development-related decisions and actions.

The Policy Document contains the goals and policies that will guide future decisions within the city. It also identifies action programs that will ensure the goals and policies in the General Plan are carried out.

ENVIRONMENTAL IMPACT REPORT

The Environmental Impact Report (EIR) responds to the requirements of the California Environmental Quality Act (CEQA) as set forth in Sections 15126, 15175, and 15176 of the CEQA Guidelines. The Planning Commission and City Council will use the EIR during the General Plan Update process in order to understand the potential environmental effects associated with implementing the General Plan. The EIR will be prepared concurrently with the Policy Document in order to facilitate the development of a General Plan that is largely self-mitigating. In other words, as environmental impacts associated with the new General Plan Land Use Map and Policy Document are identified, goals, policies, and action programs may be incorporated into the Policy Document in order to reduce or avoid potential environmental impacts.

1.4 LAND USE ALTERNATIVES OUTREACH PROCESS

The land use alternatives and Opportunity Areas identified and analyzed in this report were developed through an extensive outreach process that included public input received at community workshops, GPAC recommendations, and City Council direction. These three phases of the outreach approach are described below.

COMMUNITY VISIONING WORKSHOPS



In September, October, and November of 2016, the General Plan Update team held three public visioning workshops to help kick-off the General Plan Update process. City residents and stakeholders attended workshops at the Barbara Lee Senior Center Community Room at City Hall. The workshops provided an opportunity for the public to offer its thoughts on what it values about its community and the city, and what important issues should be addressed in updating the General Plan.



Each workshop included a presentation by the general plan update team that explained the role of the General Plan, an overview of the General Plan Update process, and an opportunity for the workshop participants to ask questions and seek clarification on the process and the role of the community. Workshop participants were asked to complete activities and exercises in order to provide information to the General Plan Update team. Each workshop focused on different themes and topics to be addressed in the General Plan. At each workshop, participants were provided an opportunity to identify where future land uses should be located within the community, ideas for community design, and transportation priorities. The maps prepared by the Visioning Workshop participants were reviewed and organized by theme, and major themes from the Visioning Workshop mapping activities were considered during the development of the land use Opportunity Areas.

A full summary of the input received during the Visioning Workshops is available online through [this link](#).

GENERAL PLAN ADVISORY COMMITTEE

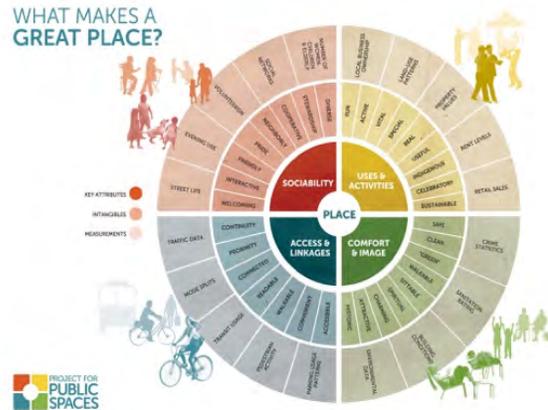
Potential changes to the Land Use Map have been discussed by the GPAC over the course of several meetings in the past year. For example, during the May 30th, 2018 GPAC meeting, the committee discussed the city’s land use character and opportunities to enhance the community’s identity through identification and further creation of community design elements. This included a collaborative experience where GPAC members identified possible Opportunity Areas for land use enhancements. Additionally, during the June 20th, 2018 GPAC meeting, the committee discussed opportunities for economic development, increased local employment opportunities, and locations throughout the city where new job growth opportunities should be targeted. Information, direction, and feedback provided by the GPAC has been incorporated in the Opportunity Areas discussed in this report.

CITY COUNCIL INPUT

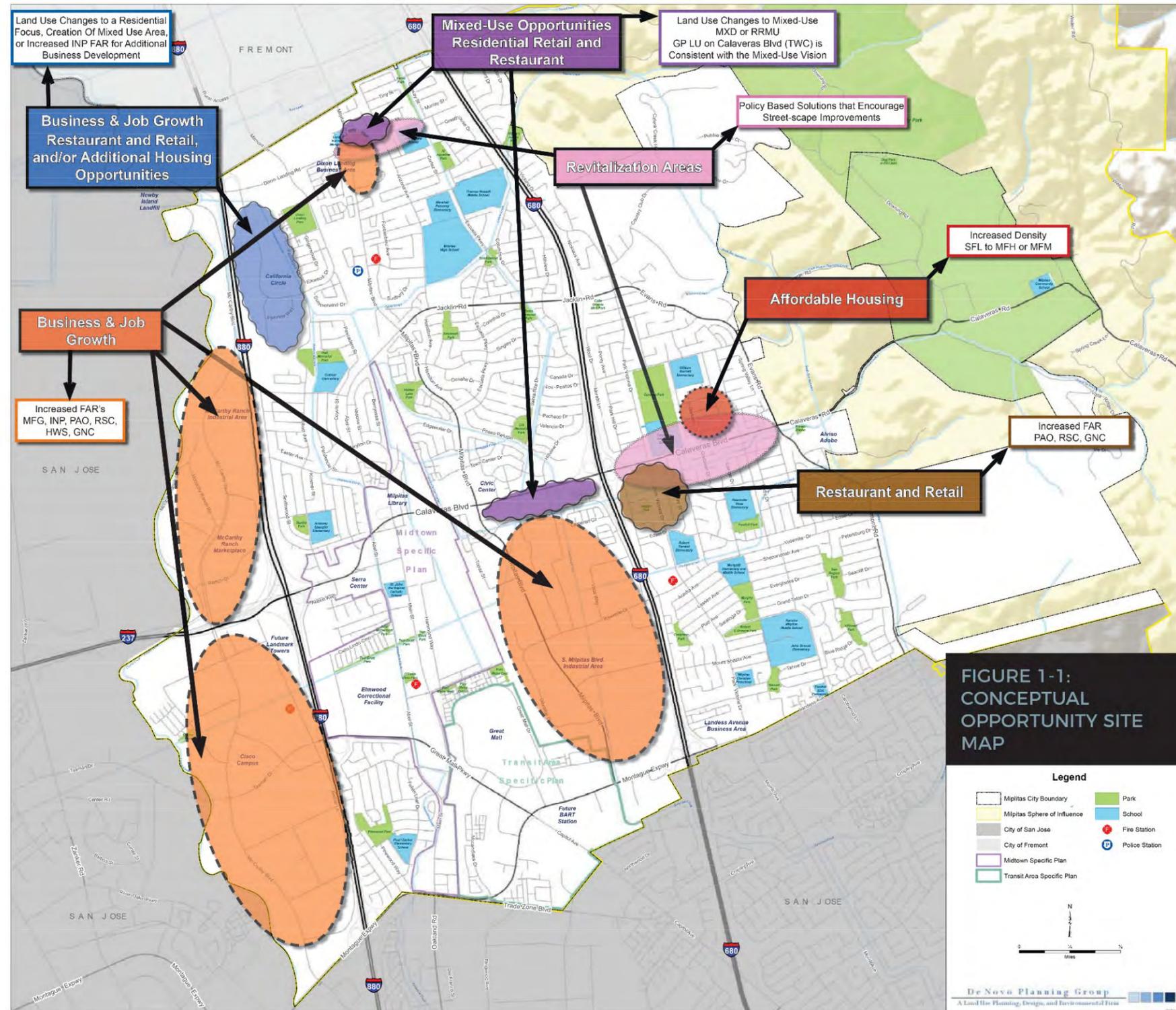
At the March 29th, 2018, City Council Study Session Meeting, the Council provided direction on land use mapping concepts to be included and analyzed in the Land Use Alternatives Report. Ideas presented during this workshop include focusing on the enhancement and reimagining of select locations within the city, encouraging additional mixed-use development, and supporting job generation. The Council also expressed support for enhancing development within the Midtown Specific Plan Area. The City is currently updating the Midtown Specific Plan and it is anticipated that this revised document will address key Council considerations for this area of the city.

PROJECT TEAM SYNTHESIS OF OUTREACH INPUT

Based upon the input received through the outreach process, City staff and the consultant team developed a conceptual Opportunity Sites map that identifies where and how land use and development intensity changes could occur, in order to realize the community’s land use priorities. This map is included as Figure 1-1. Subsequently, the map was refined by City staff and the consultant team into the Opportunity Areas Alternative. A citywide and Opportunity Area-specific version of the map appear in Chapter 2.



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1.5 NEXT STEPS IN THE GENERAL PLAN LAND USE MAP UPDATE PROCESS

The City Council, the Planning Commission, the GPAC, City staff, and the consultant team will use this report to prepare and refine the Preferred Land Use Map.

First, the GPAC will make recommendations for land use and development intensity modifications to the existing Land Use Map, ostensibly within the Opportunity Areas identified in this report. Next, the City Council will review the GPAC's input and recommendations, and direct City staff and the consultant team to prepare the preferred Land Use Map.

As the map evolves in the coming weeks and months, and the initial preferred land use map is developed, the final iteration of the map and an accompanying analysis of the proposed changes will be posted on the project's website, www.milpitas.generalplan.org. Please refer to the site for additional information on the project.

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CHAPTER 2 : LAND USE ALTERNATIVES

This chapter presents and analyzes two land use alternatives for future growth in the City of Milpitas. The first alternative, the Existing General Plan Alternative, describes buildout conditions associated with the General Plan's existing Land Use Map.

The second alternative, the Opportunity Areas Alternative, describes revised buildout conditions associated with land use designation changes within the fourteen Opportunity Areas. This chapter presents the alternatives on both a citywide and individual Opportunity Area-specific basis, and compares the citywide buildout information between alternatives. The chapter also introduces and defines three new land use designations that are intended to support the mixture of uses and development intensity envisioned within the Opportunity Areas.

The alternatives include broad analysis, including land use conditions, residential and employment growth potential, and economic and circulation network implications. This approach is intended to help foster meaningful discussions regarding the development and selection of the preferred Land Use Map.

2.1 DEFINING THE LAND USE ALTERNATIVES

EXISTING GENERAL PLAN ALTERNATIVE

The Existing General Plan Alternative (see Figure 2-1) comprises the current General Plan Land Map. The map was originally adopted as part of the City's 1994 General Plan Update and includes all subsequent amendments through 2018. The Existing General Plan Land Use Alternative is characterized by the following attributes:

- The residential and mixed-use designations accommodate a broad range of residential densities, spanning from 0.1 du/ac in hillside areas to 90 du/ac within close proximity to transit stations.
- Large areas of single family residential development is primarily located in the north and eastern portions of the city.
- Industrial park and manufacturing uses are consolidated into several large areas located along the city's western edge and in the center of the city south of Los Coches Street.
- Open space is concentrated along drainage areas, creek corridors, and beyond the city's eastern boundary in the hillside areas occupying the easternmost portion of the Planning Area.
- Two of the City's major growth areas are located within the Midtown and Transit Area Specific Plan areas. The associated plans implement the goals and policies of the General Plan through the regulation of use, density, height and other design standards. Many of the future residential uses are planned within close proximity to transit opportunities within the Transit Area Specific Plan TASP, and as mixed-use housing opportunities within the Midtown Specific Plan.

OPPORTUNITY AREA ALTERNATIVE

The Opportunity Area Alternative (see Figure 2-2) comprises focused land use changes and development intensification within fourteen Opportunity Areas. These changes are intended to accommodate additional housing and jobs, support economic development opportunities, and promote the redevelopment of aging and underutilized centers, while continuing to provide the services for Milpitas residents. The Opportunity Areas are intend to provide the City with options to accommodate additional growth that fulfills the City's vision for future development. Each of the fourteen Opportunity Areas are discussed in detail in Section 2.3.

2.2 LAND USE DESIGNATIONS

The existing Milpitas General Plan includes a range of land use designations that dictate where uses and what intensities of development can occur within the city and the Planning Area. The existing General Plan Land Use Map (see Figure 2-1) applies the designations to individual parcels. A brief description of each of the adopted General Plan land use designations is provided below.

EXISTING LAND USE DESIGNATIONS

VALLEY FLOOR

The Valley Floor portion of the Planning Area are the relatively flat portions of the city west of the eastern hillsides. The urbanized Valley Floor contains the majority of the developed area of the City. Approximately one-third of the developed land in the Valley Floor is devoted to Single Family Low-Density Residential use, with all designated residential areas accounting for about 46 percent of the Valley Floor. Approximately 25 percent of the Valley Floor is designated for industrial (Manufacturing and Industrial Park) uses, while approximately 15 percent of the total land in the Valley Floor is vacant and available for development. The following use descriptions apply to the Valley Floor portion of the Planning Area.

Residential Designations

Single-family Low Density

(3 to 5 units per gross acre) All housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Single-unit detached residences will be the typical housing type in this category.

Single-family Moderate Density

(6 to 15 units per gross acre) All housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Developments with densities ranging from 7 to 10 units per acre may be approved only if proposals are found to be consistent with policies and programs of the General Plan and compatible with the surrounding neighborhood. Single-unit attached residences will typically be built within this density range. Densities higher than 10 units per acre would be consistent only for sites of 5 acres or less, accompanied by specific findings relating to: appropriate relationship to surrounding land uses, and affordability [for Planned Unit Developments (PUDs) the acceptable floor area range is 600 to 1,100 sq. ft.]

Multifamily Medium Density

(7 to 11 units per gross acre) This density range would allow single-family attached and semi-detached houses and duplexes.

Multifamily High Density

(12 to 20 units per gross acre) This density range would accommodate a variety of housing types, ranging from row houses to triplexes and four-plexes, stacked townhouses and walk-up garden apartments. Densities up to 40 units per gross acre may be permitted for proposals designed as Planned Unit Developments (PUDs) provided that the following criteria are met: sewer and water service is sufficient to accommodate the proposal as well as other developments permitted by the General Plan. Any improvements to the sewer or water system that would be required to accommodate any such higher density proposals would be made conditions of project approval; cumulative traffic, from the increased density and other existing or future projects, must not cause any street intersection to operate below Level

of Service (LOS) E; and the design of such higher density projects will not have adverse shadow, view obstruction or loss of privacy impacts that are not mitigated to acceptable levels.

Multifamily Very High Density

(31 to 40 dwelling units per gross acre) This density range would accommodate a variety of housing types, ranging from row houses and townhouses to lofts and stacked flats with structured parking. Increased densities are permitted within the Transit Oriented Development overlay zone (TOD).

High Density Transit-Oriented Residential

A classification similar to the Midtown Plan's "Multifamily Very High Density" designation, these properties are intended for medium-density residential neighborhoods further from BART, at the interior of sub-district neighborhoods. A minimum average gross density of 21 units per acre is required, up to a maximum of 40 units per acre. Residential and related uses are allowed, but not commercial uses.

Very High Density Transit-Oriented Residential

Intended to create residential districts near BART and light rail stations, this designation requires housing to be built at an average density of at least 41 units per gross acre, up to a maximum of 60 and 90 units per gross acre. Small local-serving commercial uses are permitted at the ground floor level, including retail, restaurants, and personal services uses.

Mobile-home Park

This is an overlay category that may be combined with Single-family Low Density, Multifamily Medium Density and Multifamily High Density Residential, or Highway Service classifications.

Mobile home Park, along with accessory uses, is the permitted use. Maximum residential density would range from 6 to 7 units per gross acre when combined with the use classifications as follows: In addition to the above-stipulated densities, one additional housing unit per gross acre may be permitted upon a finding by the Planning Commission that the proposed project is of a superior functional and aesthetic design based upon it exceeding adopted mobile home park development standards.

Mixed Use Designations

Mixed Use

(Residential component: 21 to 30 units per gross acre; non-residential component: FAR of 0.75) This designation allows for commercial offices, retail and services, high density residential and public and quasi-public uses. Mixed-use buildings can contain a combination of residential and commercial uses. The intensity for the non-residential component is a maximum floor area ratio (FAR) of 0.75. The residential density is 21 to 30 units per gross acre and is calculated separately from the non-residential component. Increased residential densities are permitted within the Transit Overlay District (TOD).

Residential - Retail High Density Mixed Use

This district is intended to be a true mixed use area with retail, restaurants, and services on the ground floor, and residential or office uses on the floors above. The residential density is a minimum average gross density of 31 units per acre and a maximum of between 40 and 60 units per gross acre. In addition, 200 square feet of retail or restaurant space is required per unit, using the minimum density (i.e. the requirement is based on the number of units required to meet the minimum density). Sites may be developed for office and hotel uses without residential development, although ground floor retail or restaurant square footage will still be required. For nonresidential projects, the minimum FAR ranges from

1.5 to 2.25. However, there is no FAR limit for hotels. A FAR of 2.5 may be permitted on individual sites with approval of a conditional use permit by the Planning Commission.

Boulevard Very High Density Mixed Use

This classification is intended to provide high-density housing, retail, and employment along Montague Expressway with a landscaped boulevard character. Projects may include a wholly residential or non-residential concept or a project that integrates residential and non-residential uses vertically or horizontally.

Permitted uses include residential, office, commercial, and medical uses. Sites developed with a mix of uses, or non-residential uses, must adhere to the FAR maximum which ranges from 1.5 to 2.25. Residential projects shall have a minimum average gross density of 41 units per acre and can be built up to between 60 to 90 units per acre.

A FAR of 2.5 may be permitted on individual sites with approval of a conditional use permit by the Planning Commission. Special criteria would need to be met, including the following: (1) the proposed uses include a hotel or office uses that create substantial new jobs, and do not include residential uses; (2) the design of the project is extremely high quality and is compatible with the scale of surrounding buildings; (3) there are no adverse traffic impacts beyond those studied in the Transit Area Plan EIR or the project will be required to mitigate such impacts individually; and (4) buildings do not shade public parks or plazas more than 30% between 10 AM and 3 PM as measured on March 15th.

Institutional Designations

The Institutional classification is for parcels owned by public agencies and intended to be accessed by the public. There are three institutional classifications:

1. Schools
2. Correctional Facility
3. Public Facilities

Commercial Designations

Town Center

This designation provides for a variety of commercial, civic and residential uses appropriate to the Center's role as the functional and visual focus of Milpitas. The Town Center is a meeting place and a market place, the home of commercial and professional firms, an entertainment area and a place for restaurants and hotels. Because of this unique and relatively intensive mix of activities, very high density residential developments (i.e., up to 40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.

General Commercial

This classification provides for a wide range of retail sales, and personal and business services accessed primarily by the automobile. It includes commercial uses in which shopping may be conducted by people walking to several stores as in a center, and may include uses customarily of a single-purpose character served from an adjacently parked automobile.

Retail Sub-Center

This classification accommodates neighborhood shopping facilities that provide for convenience needs, such as groceries and minor hardgood purchases. The General Plan provides for nine sub-centers, between two and 20 acres in size, distributed throughout the city.

Professional and Administrative Office

This classification provides advantageous locations for medical, law, and similar services required to serve residents and businesses. While office uses can be located in all of the commercial districts, the Professional Administrative Office areas are solely for these uses.

Highway Service

This classification provides for motels, mobile home parks, and non-retail services such as car-rental offices. Eight highway service areas are designated on the General Plan Diagram, typically at the intersection of major streets and/or freeways.

Industrial Designations

Manufacturing

This classification encompasses a variety of light and heavy industrial activities, such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses.

Industrial Park

This classification accommodates research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

HILLSIDE AREA

The Hillside Area comprises approximately 6,000 acres generally east of Piedmont Road, Evans Road and the portion of North Park Victoria Drive north of Evans Road. The undeveloped portion of the Hillside Area is characterized by gentle to steep slopes, grassy terrain with some chaparral 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. These conditions warrant Plan proposals and use classifications that differ considerably from those for the Valley Floor Area. To ensure safety and to preserve its natural ambiance, all development in the Hillside Area is to be of low-density rural residential nature. Three categories of residential uses are provided. The Low and the Medium Density categories accommodate existing development; all new development is to be at a Very Low Density.

Residential Designations

Residential densities are per gross acre of developable land provided that at least one housing unit may be built on each existing parcel designated for residential use. Densities outlined in the classifications are maximums for the classifications; these decrease with increase in slope as outlined in the classifications and defined in detail in the City's Zoning Ordinance. The City may further reduce the permitted density on a site if such a reduction is necessary or appropriate for reasons of site conditions, access, views or geologic hazards. Second units permitted by local regulations and state access-mandated density bonuses for affordable housing are in addition to densities otherwise permitted.

Very Low Density

The maximum permitted density for this classification is one dwelling unit per ten gross acres. The maximum density decreases with increase in slope until 80 acres per housing unit is required for land with an average slope of 50 percent or greater. This designation includes most of the Hillside Area.

Low Density

The maximum density for this classification is 1.0 housing unit per gross acre. This density decreases with increase in slope until ten acres of land are required per housing unit for sites with an average slope of 27 percent or more. Three relatively small areas of the Hillside (representing prior developments) are shown on the General Plan Diagram with this designation.

Medium Density

The maximum density for this classification is approximately 3.0 units per gross acre on level land and decreases with increasing slope until ten acres of land are required per unit for sites with an average slope of approximately 27 percent or more. Areas designated as Medium Density (all existing) include: Development along the base of the hillside area; Summitpointe residential and golf course; Calaveras Ridge PUD; and The Country Club Estates.

NEW LAND USE DESIGNATIONS

The majority of the existing General Plan land use designations shown in the Opportunity Area map (Figure 2-2) are consistent with the adopted land use designations of the existing General Plan, as listed above. The exceptions, including three new land use designations applicable in several of the Opportunity Areas, are described below.

Neighborhood Center Mixed-Use

The parcels in Opportunity Areas 1, 8, and 9 are proposed to be redesignated to Neighborhood Center Mixed-Use (NCMU). The NCMU designation will support additional neighborhood commercial serving uses, while allowing for multifamily residential development in conjunction with a commercial development. The designation's development parameters include a maximum floor-to-area ratio (FAR) of 0.75, and up to 1 dwelling unit per 1,500 square feet of non-residential square footage (1DU/1500 Sq. Ft.), and the provision of vertical and/or horizontal mixed use development. The designation's draft description is as follows:

- Neighborhood Center Mixed-Use (NCMU) Proposed Land Use Description:

The Neighborhood Center Mixed-Use (NCMU) designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential uses, hotel, and office development allowed on a limited basis. This category includes retail activities, personal services, and professional and medical offices that primarily serve the adjacent neighborhoods. Residential development is subject to other policies to ensure that NCMU areas primarily serve surrounding neighborhoods. The purpose and vision of the NCMU designation is to provide for a varied mix of retail and commercial services, and other related uses in these areas to:

- Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services. The NCMU designation allows FARs up to 0.75.

- Encourage retention and establishment of a variety of new retail, entertainment, and personal service establishments, to meet the needs of the surrounding area's residents, workers, and visitors.
- Requires active uses at the ground level, including grocery stores, specialty retail, restaurants, plazas, or walk-in personal services such as banks and salons.
- Provide opportunities for vertical or horizontal mixed-use residential development to provide for area vibrancy, and encourage redevelopment of aging centers by allowing Multifamily dwelling units at a rate of 1 unit per 1,500 square feet of new neighborhood serving retail and commercial services.

Business Park Research and Development

The parcels in Opportunity Area 4 are proposed to be redesignated to Business Park Research and Development (BPR&D). The BPR&D designation will accommodate office, research and development, clean light industrial, supporting commercial, and similar uses at a Floor-Area-Ratio (FAR) of up to 2.5. The designation's draft description is as follows:

- Business Park Research and Development (BPR&D)

The Business Park Research and Development (BPR&D) is intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide for a variety of businesses that support employment opportunities and services for Milpitas and the region. The BPR&D designation would enable the integration of research and development, office, small warehouse and light manufacturing uses in one location, and allows existing firms to grow/expand operations onsite. Additionally, as manufacturing in the city shifts to more high tech products and services, the designation will support the consolidation of management, design, and manufacturing uses on a single, integrated site, which can be important for the overall efficiency of business operations, and potentially increase local business-to-business transactions. The BPR&D designation allows a maximum Floor-Area-Ratio of 2.5.

Additionally, uses that support businesses including, health and fitness centers, restaurants/cafés, convenience retail, and day care facilities would be conditionally allowed onsite as a minor use associated with a main employment generating use, hotel uses would also be allowed on a conditional basis when located in close proximity to transit facilities and major roadway intersections.

Neighborhood Commercial

The parcels in Opportunity Areas 10, 11, and 13 are proposed to be redesignated to Neighborhood Commercial (NC). The NC designation will allow for additional neighborhood commercial serving uses at a maximum FAR of 0.75. The designation's draft description is as follows:

- Neighborhood Commercial (NC) Proposed Land Use Description:

Neighborhood Commercial (NC) designation supports commercial uses that serve the surrounding neighborhoods at a Floor-Area-Ratio of up to 0.75. The Neighborhood Commercial designation supports a broad range of commercial uses such as neighborhood-serving retail stores and services, commercial and professional offices. New residential uses are not allowed within this land use designation.

INTENSIFICATION OF EXISTING LAND USE DESIGNATIONS

To fulfill the community’s vision for future development, the Opportunity Areas Alternative incorporates modified versions of existing designations that allow intensified development in the manner described for the following two Opportunity Areas.

- Opportunity Area 3 would retain the existing Industrial Park (INP) land use designation, but would increase the allowed Floor-Area-Ratio (FAR) from the existing 0.5 up to a maximum of 1.0.
- Opportunity Area 7 would retain the existing Manufacturing (MFG) land use designation, but would increase the allowed Floor-Area-Ratio (FAR) from the existing 0.4 up to a maximum of 1.0.

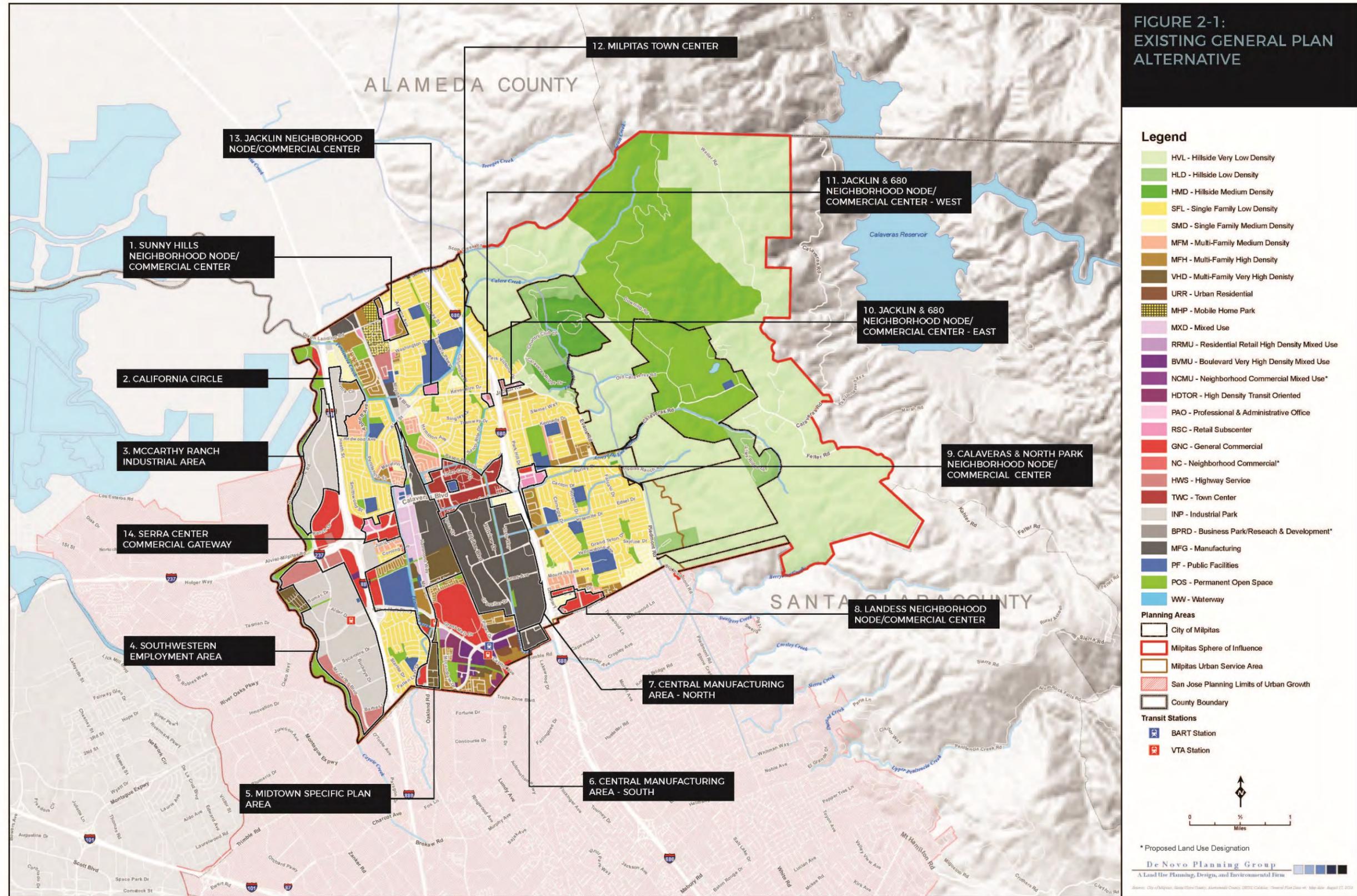
Table 2-1 summarizes existing and new land use designations’ acreages for the Existing General Plan and the Opportunity Area Alternatives, and the difference in acreage for each designation between the two alternatives.

Table 2-1: Acreage By Land Use Designation

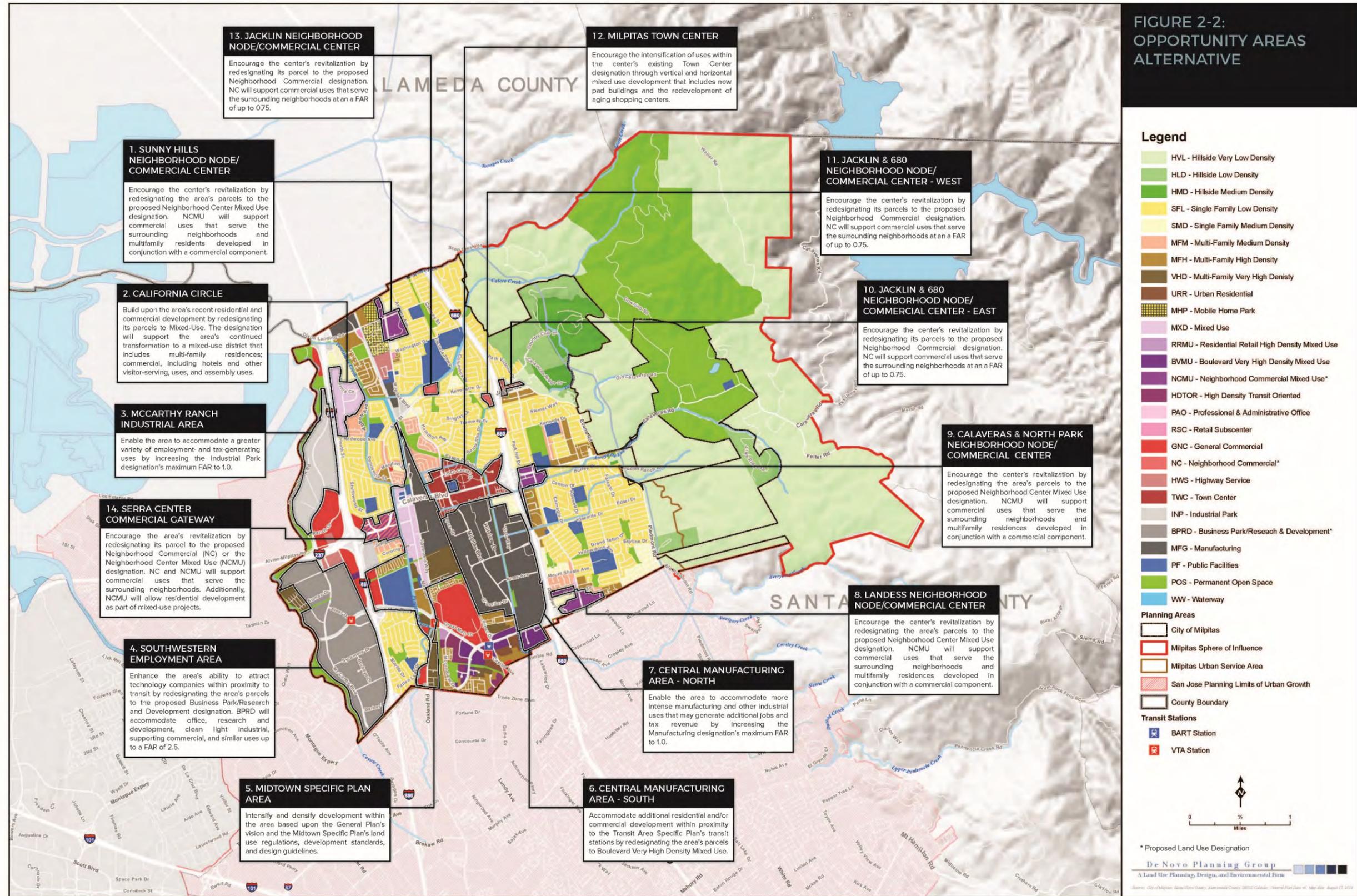
General Plan Land Use	Existing General Plan Alternative (Acres)	Opportunity Areas Alternative (Acres)	Difference (Acres)
Commercial, Office, and Industrial			
BPR&D – Business Park Research & Development	--	488.26	488.26
GNC - General Commercial	357.52	314.48	-43.04
HWS - Highway Service	138.56	37.21	-101.35
INP - Industrial Park	685.55	225.55	-460.00
MFG – Manufacturing	661.04	634.55	-26.49
NC – Neighborhood Commercial	--	24.17	24.17
PAO - Professional & Administrative Office	13.96	2.06	-11.90
RSC - Retail Subcenter	62.27	12.54	-49.73
TWC - Town Center	133.92	133.92	--
Residential			
HLD - Hillside Low Density	391.04	391.04	--
HMD - Hillside Medium Density	239.00	239.00	--
HVL - Hillside Very Low Density	4,297.81	4,297.81	--
MFH - Multi-Family High Density	328.40	301.54	-26.86
MFM - Multi-Family Medium Density	160.92	160.92	--
MHP - Mobile Home Park	53.11	53.11	--
SFL - Single Family Low Density	1,491.96	1,491.96	--
SMD - Single Family Medium Density	171.43	171.43	--
URR - Urban Residential	25.27	25.27	--
VHD - Multi-Family Very High Density	149.24	149.24	--
Mixed-Use			
BVMU - Boulevard Very High Density Mixed Use	54.09	80.58	26.49
HDTOR - High Density Transit Oriented	33.16	33.16	--
MXD - Mixed Use	65.23	142.01	76.78
NCMU – Neighborhood Center Mixed-Use	--	104.59	104.59
RRMU - Residential Retail High Density Mixed Use	5.01	5.01	--
Conservation			
Parks and Open Space (POS)	2,320.65	2,320.65	--
Public Facilities			
Public Facilities (PF)	302.68	301.76	-0.92
Other			
ROW - Right-of-Way	75.11	75.11	--
WW – Water Way	49.68	49.68	--
Total Acres	12,266.61	12,266.61	0

SOURCE: CITY MILPITAS GIS DATASET, DE NOVO PLANNING GROUP 2018.

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2.3 ALTERNATIVE ANALYSIS – ECONOMIC AND CIRCULATION BACKGROUND

This section describes the background, assumptions, and methods used to analyze the Opportunity Areas' economic development and fiscal/revenue implications, as well as the circulation/traffic implications.

Economic and Fiscal Implications – Background

The revenue analysis is intended to be preliminary and is not a full fiscal impact analysis since changes in expenditures are not estimated. Once the City has settled on a preferred General Plan land use alternative, a full fiscal impact analysis will be prepared to estimate all General Fund service costs and revenues.

New development under the General Plan update would generate additional General Fund revenues from a variety of sources. This analysis is focused on the General Fund revenue sources that are most directly affected by land use decisions, and which can thus be influenced to some degree by the General Plan update. The most important revenues in this regard are property tax, sales tax, and transient occupancy tax. The analysis is organized by Opportunity Area and is based on the potential new development that could occur in each area. The revenue implications for each Opportunity Area are driven by the value and intensity of new potential development, as well as the number of new residents and jobs generated in each area.

The City's property tax revenues would increase as property values rise and new development activity occurs. Property in California is subject to a base 1.0 percent property tax rate, which is shared among various local jurisdictions and special districts. Overall, the City receives approximately 16 percent of the base 1.0 percent property tax generated within the City limits. The property tax revenue estimates for each land use Opportunity Area depend on the projected mix of land uses and the value of new development that would occur in each area. Assessed property value assumptions were estimated by land use type and reflect the estimated development costs of new construction, excluding the cost of land. Because land within the City is currently generating property tax revenue, this analysis excludes the existing land value from assessed value calculations.

Sales tax revenues associated with the General Plan update would be expected to accrue from new taxable retail spending at Milpitas retailers by new residents and employees, as well as business-to-business taxable transactions resulting from new businesses that are accommodated through the General Plan update. New retail space developed under the new plan would also have the potential to increase the City's capture of retail sales. The sales tax revenue estimates for each Opportunity Area are based on the taxable spending in Milpitas that would be generated by new residents and employees. Although buildout of the General Plan would undoubtedly include a net increase in retail space in the City, any new retail space is expected to be supported at least in part by the net increase in residents and workers. The following analysis did not separately calculate revenues from new retail space to avoid double-counting these revenues. Overall, the estimates of new sales tax revenues in each Opportunity Area are conservative because they do not assume any changes in underlying spending patterns, incomes, or injections of sales. The estimates also do not include any business-to-business sales tax revenues that would be generated by new businesses that locate in Milpitas. This revenue could be significant if Milpitas is able to attract a company that sells computers, telecommunications hardware, or other equipment subject to sales tax.

The City currently receives General Fund revenue from 2,812 rooms in twenty hotels located in Milpitas. There are currently several planned and proposed hotels in the development pipeline, which could add an estimated 1,000 hotel rooms to the City's inventory. The new employment and business activity generated by the General Plan Update could significantly influence the amount of TOT revenue generated in these existing and future planned hotels. Should the General Plan update include plans for additional hotels, the City could see an even greater increase in revenues from this funding source. The TOT estimates for each land use Opportunity Area reflect the TOT revenue generated by new business-related lodging demand that would occur due to the increase in employment and business activity in each area. The estimates are based on the existing ratio of citywide jobs to hotel rooms (18 jobs per hotel room) and the existing average annual General Fund TOT revenue generated per room (approximately \$3,800 per room). The citywide jobs to hotel rooms ratio was multiplied by the projected new employment in each land use Opportunity Area to estimate the new corporate hotel room demand that would be supported by new business activity in each area. To translate this new corporate hotel room demand into TOT revenue, the new hotel room demand estimates were multiplied by the average existing General Fund TOT revenue generated per room.

Circulation and Traffic Implications - Background

Milpitas is part of the greater San Francisco Bay Area in Silicon Valley and is geographically divided by major regional freeways. Interstates I-880 and I-680 run parallel in the north-south direction through the city while State Route (SR) 237 connects the two Interstates through the center of the City. Milpitas is bounded by San Jose to the south and west, Fremont to the north, and unincorporated Santa Clara County to the east. The interstates and state highway that bisect Milpitas connect Silicon Valley to a majority of the San Francisco Bay Area and beyond into northern California. Given its central location, Milpitas is home to many major regional employers creating high levels of traffic congestion during peak commute hours. A majority of commute trips by residents are in single-occupancy vehicles, with a low percentage of residents using public transit. On-going improvement and investment in public transit infrastructure aims to shift commuters away from single-occupancy vehicles to public transit. Once complete, the Milpitas BART Station will provide connections to the entire BART network which includes stations in Contra Costa, Alameda, San Francisco, San Mateo, and Santa Clara counties, including downtown San Francisco and Oakland, and both San Francisco and Oakland International Airports.

For the Milpitas General Plan Land Use Alternatives Report, a series of 14 "Opportunity Areas" were created showing where changes in land use and/or density may occur. A high-level traffic analysis was conducted of the impacts on transportation from each alternative land use. The discussion below includes references to level of service and (LOS) and vehicle miles traveled (VMT), both of which are standard performance metrics in fields of transportation planning and engineering used to measure the potential impact of a project on the surrounding roadway facilities. The LOS performance metric is typically used to analyze intersections, roadway segments, and freeways and is a representation of perceived congestion reporting the change in delay experienced by a user on the roadway network. VMT, as a performance metric, is the measure of the total number of vehicle miles traveled throughout a given location. VMT can be reported as an area wide total or per service population, where the service population is the number of residents and employees in the given area. When comparing the magnitude of these performance metrics, decreasing VMT is generally preferred while a lower LOS grade is considered undesirable.

2.4 ALTERNATIVE ANALYSIS BY OPPORTUNITY AREA

This section describes the 14 Opportunity Areas' existing conditions and envisioned buildout conditions. For each Opportunity Area, the following discussion and information is provided:

- **Existing Setting.** Describes current conditions within the Opportunity Area, including types of uses and number of housing units
- **Vision.** Describes the purpose and intent of the potential change within the Opportunity Area.
- **Growth Potential.** Identifies the number of new housing units, population increases, and new jobs that may occur within each Opportunity Area upon full buildout.
- **Economic and Fiscal Findings.** Describes the potential for job growth, economic development, and revenue generation associated with each Opportunity Area.
- **Circulation Findings.** Describes the implications associated with traffic congestion, mobility, and alternative transportation associated with each Opportunity Area.

Figures displaying the existing and proposed Land uses, and existing site condition photos are included following the discussion of each Opportunity Area.

OPPORTUNITY AREA 1: SUNNY HILLS NEIGHBORHOOD NODE/COMMERCIAL CENTER

Setting: The Sunny Hills Neighborhood Node/Commercial Center primarily provides commercial services to residents living in the surrounding neighborhoods. Existing assessed non-residential square feet in this area totals approximately 231,243 square feet of primarily service retail and commercial services (including grocery, restaurant and service retail), and approximately 282 multifamily dwelling units. Structures within the area range in year of construction from 1962 to 2000 with 1992 being the median year.

Vision: Under the Opportunity Area 1 Alternative, the Sunny Hills Neighborhood Node/Commercial Center changes from the Multi-Family High Density (MFH-17.49 acres), Mixed Use (MXD-0.38 acres), and Retail Subcenter (RSC-20.40 acres) designations to the newly-proposed Neighborhood Center Mixed Use (NCMU) designation. The NCMU designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential and office uses allowed on a limited basis. Specifically, the designation supports retail, personal services, and offices that primarily serve the adjacent neighborhoods. This potential change is envisioned to encourage the center’s revitalization by providing opportunities for increased development intensities, while creating a more vibrant center through a land use mix that supports a pedestrian-oriented mixed-use environment. The NCMU designation allows for FAR’s up to 0.75, and up to 1 dwelling unit per 1,500 square feet of non-residential square footage (1DU/1500 Sq. Ft.).

Growth Potential: Table 2-2 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 1 Alternative. As shown in Table 2-2 under the Existing General Plan Alternative the area could include approximately 71 additional dwelling units, and an additional 21,249 square feet of retail/service/commercial development. Under the intensified land uses allowed by the Opportunity Area 1 Alternatives’ NCMU designation, the area could include approximately 362 additional dwelling units and an additional 569,573 square feet of retail/service/commercial mixed-use development.

Table 2-2: Opportunity Area 1: Existing and New Development Potential					
Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
MFH, MXD, RSC	38.27	282	231,243	--	--
New Development Potential: Existing General Plan Alternative ¹					
MFH, MXD, RSC	38.27	71	21,249	238	37
New Development Potential: Opportunity Area 1 Alternative ¹					
NCMU	38.27	362	569,573	1,212	1,069

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The Opportunity Area 1 Alternative would increase the number of residential units and the amount of commercial space developed in the Sunny Hills Neighborhood Node/Commercial Center area (Opportunity Area 1). Under this Alternative, some existing commercial uses would shift from the Retail Subcenter and Mixed Use land use designations to a new Neighborhood Commercial Mixed Use designation, which would provide a mix of retail, entertainment, and personal service uses to serve surrounding neighborhoods. The intensified land uses would allow Opportunity Area 1 to support 1,069

jobs at buildout of the Alternative, a significant increase from the 37 new jobs that would be provided under buildout of the existing General Plan.

General Fund Revenue Implications: Buildout of the Opportunity Area 1 Alternative would generate approximately \$1.6 million in annual revenue to the City's General Fund. Most of the revenue generated in Opportunity Area 1 would stem from increases in property tax, transient occupancy tax, and sales tax revenue.

Table 2-3: Sunny Hills Neighborhood Node/Commercial Center Revenue Impacts

Sunny Hills Neighborhood Node/ Commercial Center	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$105,000	\$936,000	\$831,000
Transient Occupancy Tax	\$8,000	\$225,000	\$217,000
Sales Tax	\$30,000	\$198,000	\$168,000
Franchise Tax	\$8,000	\$92,000	\$84,000
Business License Tax	--	\$12,000	\$12,000
Other Revenue	\$19,000	\$129,000	\$110,000
Total Annual General Fund Revenue	\$170,000	\$1,592,000	\$1,422,000
Buildout Assumptions			
Multi-family Condominiums	35	181	146
Multi-family Apartments	36	181	145
Net New Residential Units	71	362	291
Neighborhood Commercial Mixed Use	-	797,453	797,453
Mixed Use	4,204	(3,952)	(8,156)
Retail Subcenter	17,045	(223,928)	(240,973)
Net New Non-Residential Sq. Ft.	21,249	569,573	548,323
Net New Employees	37	1,069	1,032
Net New Residents	236	1,211	975
Net New Service Population ¹	255	1,746	1,491

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Changes proposed for the Sunny Hills Opportunity Area will encourage the center's revitalization by providing incentives for property owners to reinvest and redevelop their properties. The proposed Neighborhood Center Mixed use designation will provide new retail space for goods and services retailers in an attractive setting with common amenities¹. NCMU will support commercial uses that serve the surrounding neighborhoods and multifamily residents developed in conjunction with a commercial component. While the existing retail centers provide inexpensive space for local businesses that serve the community, they are dated and aging. Existing low-volume businesses would be at risk of displacement as properties redevelop. However, to stay competitive in the long term,

¹ These amenities can include but are not limited to gathering spaces, outdoor seating, pop-up retail spaces, play areas, venues for small-scale special events, and areas for food trucks.

retail facilities need to offer physically attractive shopping environments that encourage shoppers to stay and linger on the premises.

Circulation Findings: This Opportunity Area is located between the I-880 and I-680 freeways. Dixon Landing Road and North Milpitas Boulevard are major arterial roads that bisect the middle of the Opportunity Area. North Milpitas Boulevard/Dixon Landing Road is a four-legged signalized intersection with protected left-turn phasing on all approaches. Marked crosswalks and pedestrian signals are provided across all four legs, as well as pedestrian curb ramps. North Milpitas Boulevard has average hourly vehicle volumes of approximately 700 in the a.m. peak hour and 900 during the p.m. peak hour. Increased development intensity is expected to increase congestion along Dixon Landing Road.

The current land use designations within the Sunny Hills node are Multi-Family High Density, Mixed Use, and Retail Subcenter. The existing majority of retail centers are south on North Milpitas Boulevard from this neighborhood, which increases traffic volumes along this corridor. This land use alternative would change the land use designation to Neighborhood Center Mixed Use. The new designation will support commercial uses for the neighborhoods and multifamily residents surrounding, potentially reducing local trips to the North Milpitas Boulevard commercial district. While the increased intensity of building in this area might affect Level of Service for traffic, this designation alternative is expected to decrease vehicle miles traveled from the neighborhoods surrounding due to daily amenities becoming closer in distance to residents of the surrounding neighborhoods. Additionally, the commercial area proposed will be within walking distance of the majority of the Single-Family Homes and Multi-Family residences, which will encourage an increase in active transportation users. The proposed land use will not decrease the Multi-Family designation, but would replace the Mixed Use and Retail Subcenter designations.

FIGURE 2-3:
OPPORTUNITY AREA 1 LAND USE ALTERNATIVES

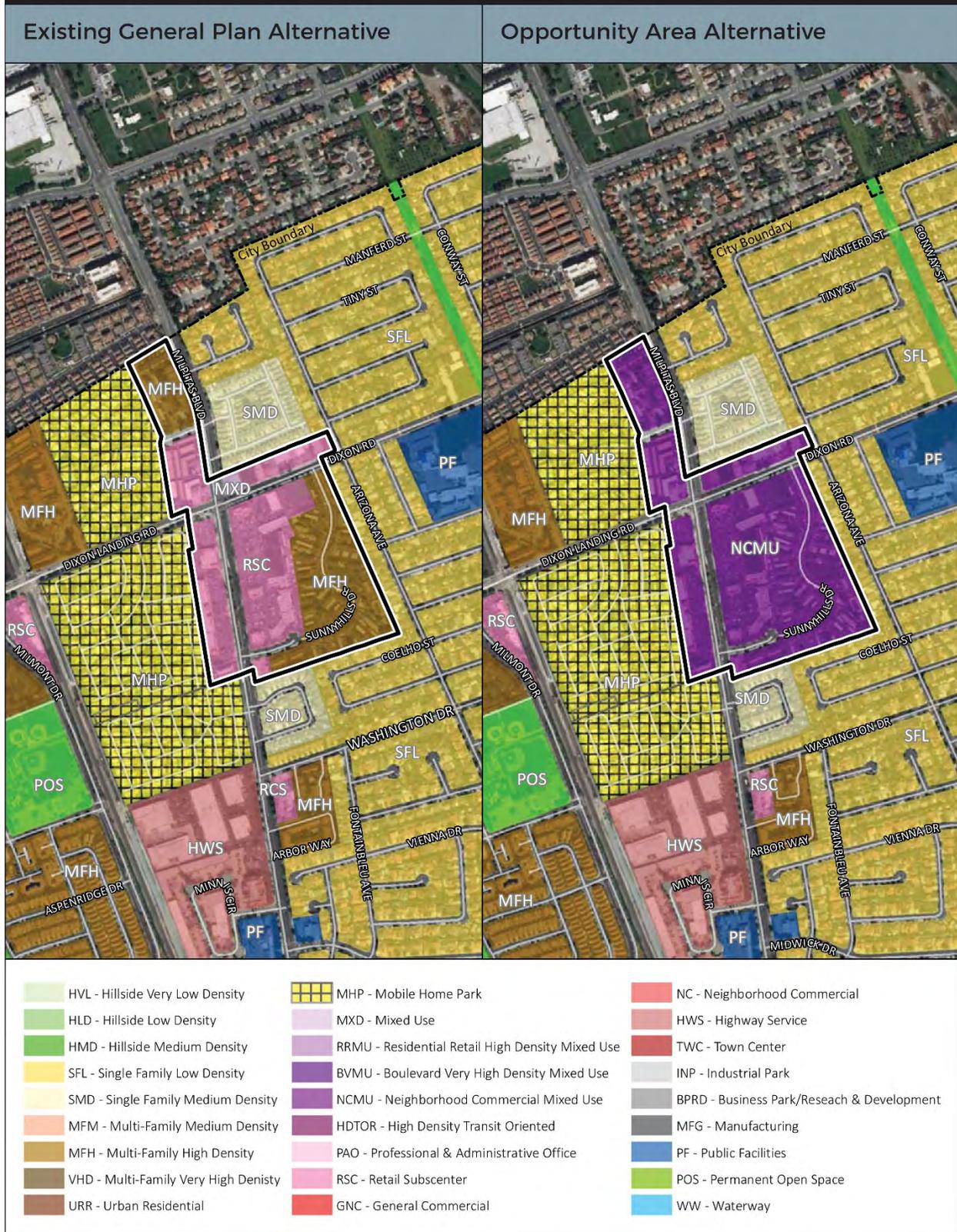


FIGURE 2-4:
OPPORTUNITY AREA 1 EXISTING CONDITIONS



OPPORTUNITY AREA 2: CALIFORNIA CIRCLE

Setting: The California Circle area provides for industrial park and residential multifamily uses. Existing assessed non-residential development in the area totals approximately 902,417 square feet of light industrial, commercial service, and hotel uses. Multifamily dwelling units have been planned and approved within this area (residential developments in this area are currently under construction). In addition to the residential project, the area includes assembly uses. The presence of these sensitive uses has led to several discussions of land use conflicts between residential and other sensitive receptors being within close proximity to industrial uses. Conflicts between uses may limit the area’s ability to serve as an industrial employment center. Structures within this area range in year of construction from 1984 to 2007 with 2007 being the median year.

Vision: Under the Opportunity Area 2 Alternative, the California Circle area changes from the Multi-Family High Density (MFH-9.37 acres) and Industrial Park (INP-67.80 acres) designations to the City’s Mixed Use (MXD) designation. This concept builds upon the area’s recent residential and commercial development by redesignating its parcels to Mixed-Use (MXD) with the intent of reducing land use conflicts. The MXD designation will support the area’s continued transformation to a mixed-use district that includes multi-family and single-family attached residential, commercial, hotels and other visitor-serving, and assembly uses.

Growth Potential: Table 2-4 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 2 Alternative. As shown in Table 2-4 under the Existing General Plan Alternative the area could include approximately 142 additional dwelling units, and an additional 73,058 square feet of industrial development. Under the intensified land uses allowed by the Opportunity Area 1 Alternatives’ MXD designation, the area could include approximately 1,417 additional dwelling units and an additional 551,816 square feet of retail/service/commercial development.

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
INP, MFH	77.17	-- ³	902,417	--	--
New Development Potential: Existing General Plan Alternative ¹					
INP, MFH	77.17	142	73,058	476	104
New Development Potential: Opportunity Area 2 Alternative ¹					
MXD	77.17	1,417	551,816	4,747	1,525

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

³ Note: includes only current assessed units. Units under construction at the time of assessment are not included.

Economic and Fiscal Findings: The Opportunity Area 2 Alternative would significantly increase the residential and non-residential development capacity in the California Circle area (Opportunity Area 2). Under the Alternative, approximately 737,000 square feet of existing non-residential space would shift from industrial park uses to a mix of commercial and assembly uses. Overall, the new development potential would allow Opportunity Area 2 to support 1,525 jobs and an estimated 4,746 new residents in 1,417 units at buildout.

General Fund Revenue Implications: Buildout of the Opportunity Area 2 Alternative would generate approximately \$4.1 million in annual General Fund revenue. Residential property values would drive most of the net increase in property tax revenue generated. Similarly, most of the new sales tax revenue generated under the Opportunity Area 2 Alternative would stem from new resident taxable spending in Milpitas.

Table 2-5: California Circle Revenue Impacts

California Circle	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$208,000	\$2,515,000	\$2,307,000
Transient Occupancy Tax	\$22,000	\$321,000	\$299,000
Sales Tax	\$62,000	\$647,000	\$585,000
Franchise Tax	\$17,000	\$202,000	\$185,000
Business License Tax	\$1,000	\$17,000	\$16,000
Other Revenue	\$39,000	\$408,000	\$369,000
Total Annual General Fund Revenue	\$349,000	\$4,110,000	\$3,761,000
Buildout Assumptions			
Multi-family Condominiums	71	708	637
Multi-family Apartments	71	709	638
Net New Residential Units	142	1,417	1,275
Mixed Use	--	1,289,171	1,289,171
Industrial Park	73,058	(737,355)	(810,413)
Net New Non-Residential Sq. Ft.	73,058	551,816	478,758
Net New Employees	104	1,525	1,421
Net New Residents	475	4,746	4,271
Net New Service Population ¹	527	5,509	4,982

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: The Mixed Use designation proposed for this Opportunity Area builds upon the area’s recent residential and commercial development. The designation will support the area’s continued transformation to a mixed-use district that includes multi-family residences; commercial, including hotels and other visitor-serving, uses, and assembly uses. New mixed use development will add new employees and residents who will make significant contributions to the City’s economic prosperity through their local expenditures. New development under this designation will also support the City’s economic development efforts by offering attractive environments for live, work, and play --critical

attributes to attract highly skilled workers and the businesses that employ them. Partially offsetting these benefits, however, would be the potential for displacement of existing industrial tenants.

Circulation Findings: This Opportunity Area lies in-between I-880 and the BART tracks. California Circle cuts through the center of the area, connecting to Dixon Landing Road and Milmont Drive. The area is just south of the intersection of California Circle/Northbound I-880 Ramps, where marked crosswalk and pedestrian signals are provided across the south California Circle leg, as are pedestrian curb ramps. There is only one access point to the neighborhoods and commercial areas, via Dixon Landing Road. Dixon Landing Road is currently a heavily-congested arterial that carries both local traffic and regional traffic from I-880. An at-grade UPRR crossing located on Dixon Landing Road east of Milmont Drive currently interrupts vehicular and pedestrian traffic flow during train crossing activities.

The proposed Opportunity Area 2 Alternative would create residential units with increased commercial mixed-use including hotels and other visitor-serving uses. This area is intended to function as a neighborhood center, which would increase walkability from surrounding neighborhoods to the commercial area. There is only one access point to this Opportunity Area, so the increased development intensity is expected to increase congestion along Dixon Landing Road.

FIGURE 2-5:
OPPORTUNITY AREA 2 LAND USE ALTERNATIVES

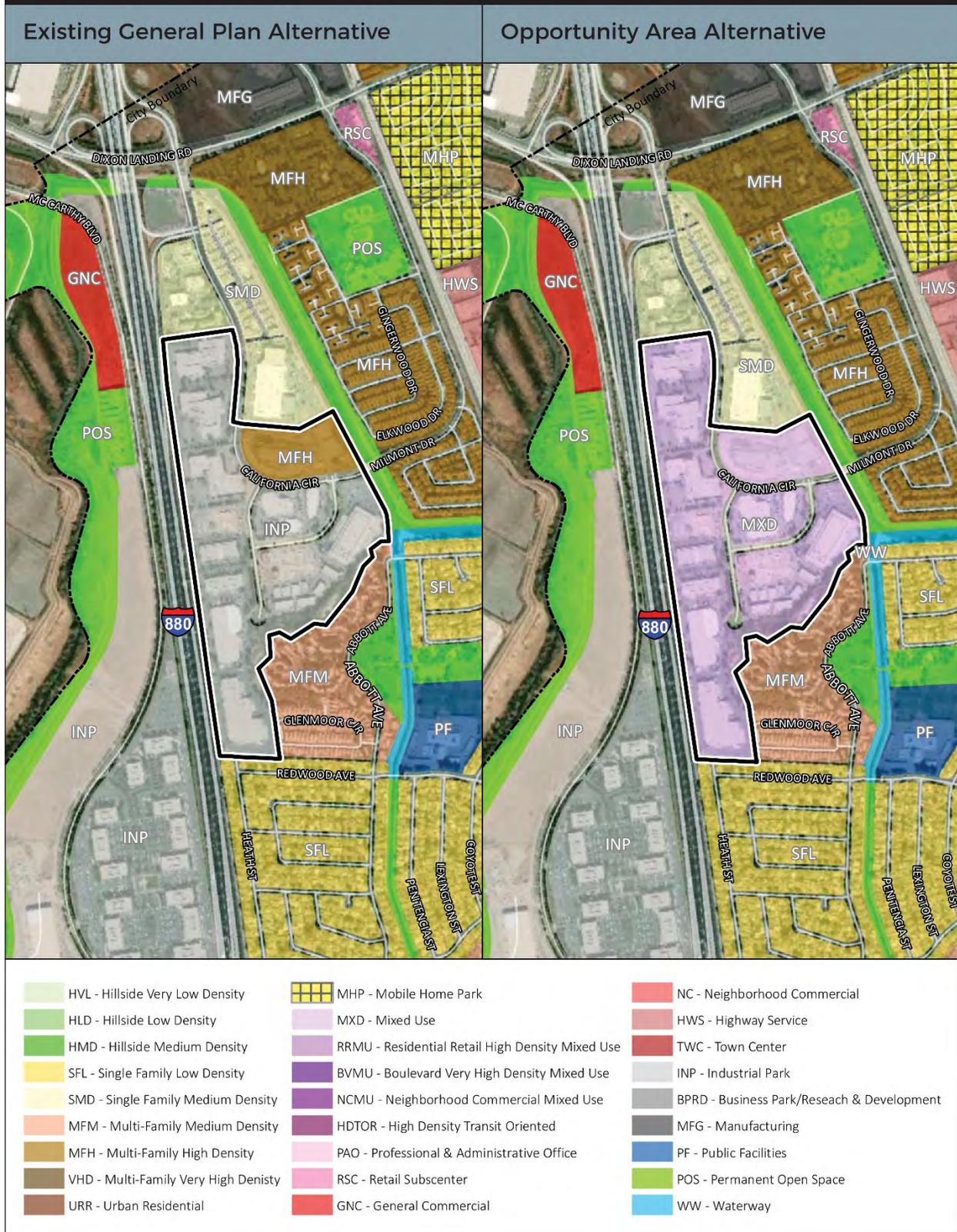


FIGURE 2-6:
OPPORTUNITY AREA 2 EXISTING CONDITIONS



OPPORTUNITY AREA 3: MCCARTHY RANCH INDUSTRIAL AREA

Setting: The McCarthy Ranch Industrial Area is generally bounded by State Route 237 to the south, Interstate 880 to the east and Coyote Creek to the west. This area is commonly referred to as the McCarthy Business Park and is comprised of R&D and office buildings. All of the parcels within the 192-acre site are designated Industrial Park (INP). Existing assessed development in this area totals approximately 1.5 million square feet of industrial, warehouse, and office uses. The existing structures within the area were built in 2001.

Vision: Under the Opportunity Area 3 Alternative, the McCarthy Ranch Industrial Area would retain the current land use designation of Industrial Park (INP), however, to enable the area to accommodate a greater variety of employment-generating industrial park uses the intensity standard for Industrial Park land use designation in this area would increase the maximum FAR from 0.5 to 1.0.

Growth Potential: Table 2-6 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 3 Alternative. As shown in Table 2-6 under the Existing General Plan Alternative the area could include approximately 1.5 million square feet of additional industrial park floor space development. Under the intensified land uses allowed by the 1.0 FAR under the Opportunity Area 3 Alternative, the area could include approximately 3 million square feet of additional industrial park floor space development.

Table 2-6: Opportunity Area 3 Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase	Job Growth
Existing Assessed Conditions					
INP	192.29	--	1,499,203	--	--
New Development Potential: Existing General Plan Alternative ¹					
INP	192.29	--	1,524,651	--	2,178
New Development Potential: Opportunity Area 3 Alternative ¹					
INP (1.0 FAR)	192.29	--	3,049,301	--	4,356

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

Economic and Fiscal Findings: The Opportunity Area 3 Alternative would double the non-residential development potential and employment growth in the McCarthy Ranch Industrial Area. The new space developed within Opportunity Area 3 would likely be a mix of traditional industrial, creative industrial, and creative office space.

General Fund Revenue Implications: Compared to the buildout of the Existing General Plan, buildout of the Opportunity Area 3 Alternative would generate an additional \$1.5 million in annual General Fund revenue. Most of the difference would stem from the increase in development capacity, which would increase property value, and the increase in employment growth, which would increase business-related lodging demand in Milpitas.

Table 2-7: McCarthy Ranch Industrial Area Revenue Impacts

McCarthy Ranch Industrial Area	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$671,000	\$1,342,000	\$671,000
Transient Occupancy Tax	\$458,000	\$916,000	\$458,000
Sales Tax	\$105,000	\$210,000	\$105,000
Franchise Tax	\$129,000	\$258,000	\$129,000
Business License Tax	\$25,000	\$50,000	\$25,000
Other Revenue	\$81,000	\$161,000	\$80,000
Total Annual General Fund Revenue	\$1,469,000	\$2,937,000	\$1,468,000
Buildout Assumptions			
Net New Residential Units	--	--	--
Industrial Park	1,524,651	3,049,301	1,524,651
Net New Non-Residential Sq. Ft.	1,524,651	3,049,301	1,524,651
Net New Employees	2,178	4,356	2,178
Net New Residents	--	--	--
Net New Service Population ¹	1,089	2,178	1,089

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: The proposed change to this Opportunity Area would increase the Industrial Park designation's maximum FAR to 1.0. With a higher permitted intensity of development, property owners and developers would have the capacity to renovate or redevelop existing older industrial properties to accommodate new tenants that seek modern, higher quality industrial space. Such space provides a higher level of operational flexibility such as higher ceiling heights for robotic or vertical manufacturing, dock-high doors, and open office work spaces. Several 'creative industrial' projects have been proposed in the vicinity of this area that are designed to provide a more dynamic work environment with amenities for employees². Many, but not all, of these projects seek higher intensity of development at or near a 1.0 FAR to ensure project financial feasibility. By upgrading its industrial stock, Milpitas will be positioned to retain and attract traditional and advanced manufacturing firms. One potential impact of this

² According to NAIOP Commercial Real Estate Development Organization, creative industrial developments "feature office amenities such as indoor-outdoor gathering areas, extensive glass for natural lighting, bifold vertical glass rollup doors and open floor plans for a collaborative work experience. Additional outdoor amenities might include fire pits, water features, a bocce ball court or a movie wall. The industrial elements involve modern early suppression fast response (ESFR) sprinkler systems, higher clear heights (from 27 to 32 feet) and multiple true dock-high loading doors (where the height of the slab at the bottom of the door is about four feet above ground level, with limited use of wells). By integrating creative office design elements and on-site amenities into high-quality, state-of-the-art industrial buildings, creative industrial development is poised to deliver what the next generation of industrial space users needs to bolster their corporate images and drive their businesses forward." See www.NAIOP.org for more information.

change, however, is that there is a risk of displacing existing industrial businesses as inexpensive, older industrial space is replaced with new industrial facilities with amenities that command higher rents.

Circulation Findings: McCarthy Boulevard bisects the center of the Opportunity Area, connecting Dixon Landing Road to SR-237. North McCarthy Boulevard/Ranch Drive South is a four-legged signalized intersection with protected left-turn phasing on all approaches. Northbound North McCarthy Boulevard has a right-turn overlap onto eastbound Ranch Drive. Marked crosswalks and pedestrian signals are provided across all four legs, as are pedestrian curb ramps. South of the Opportunity Area, McCarthy Boulevard connects to the SR-237 Westbound Ramps at a four-legged signalized intersection with protected left-turn phasing on northbound McCarthy Boulevard onto the westbound SR-237 onramp. Marked crosswalks and pedestrian signals are provided across the North McCarthy Boulevard leg and both SR-237 legs, as are pedestrian curb ramps. There are only two entry points into this area via SR-237 and Dixon Landing Road, which are both heavily-congested corridors. McCarthy Boulevard parallels I-880 and freeway traffic diverts onto McCarthy Boulevard during peak congestion periods on I-880.

The proposed change land use intensity identified by the Opportunity Area 3 Alternative would allow an increase of the floor area ratio (FAR) to 1.0 throughout the Industrial Park, which is expected to accommodate additional local job growth. North McCarthy Boulevard has the capacity to accommodate increased vehicle volumes to area, however the only two entry points onto North McCarthy Boulevard for this area are heavily congested. The increase in building space in this area is expected to decrease LOS on both Dixon Landing Road and SR-237. The Coyote Creek Trail runs parallel to North McCarthy Boulevard, which would allow for active transportation alternatives to the area. However, there is currently only one path at Ranch Drive to connect trail users to the Industrial Park, which is the southern section of the area.

FIGURE 2-7:
OPPORTUNITY AREA 3 LAND USE ALTERNATIVES



FIGURE 2-8:
OPPORTUNITY AREA 3 EXISTING CONDITIONS



OPPORTUNITY AREA 4: SOUTHWESTERN EMPLOYMENT AREA

Setting: The Southwestern Employment Area is bounded by Highway 237 to the north, Interstate 880 to the east, Montague Expressway to the south, and the City limit to the west. This area includes the Oak Creek Business Park south of Tasman Drive and the Milpitas Business Park north of Tasman Drive. The area is the home to several of the city’s largest employers, including Cisco Systems, KLA Tencor, and SanDisk, as well as many other companies. This area is generally comprised of light industrial, R&D, and office uses, with limited commercial uses located in the northern and southwest portions of the site. The area is currently designated Industrial Park (INP 392.20 acres), Highway Service (HWS 95.15 acres), and Public Facilities (PF 0.92 acres). Existing assessed development in the area totals approximately 7.7 million square feet of industrial, R&D, office, and commercial uses. Structures within the area were constructed between 1972 to 2010 with 1992 being the median year of construction.

Vision: Under the Opportunity Area 4 Alternative, the area would change from the Industrial Park (INP 392.20 acres), Highway Service (HWS 95.15 acres), and Public Facilities (PF 0.92 acres) designations to the Business Park Research and Development (BPR&D) designation. The BPR&D designation is intended to enhance the area’s ability to attract technology companies within proximity to transit by redesignating the area’s parcels to allow for increased intensities and allowed uses. BPR&D will accommodate office, research and development, clean light industrial, supporting commercial, and similar uses up to a FAR of 2.5.

Growth Potential: Table 2-8 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 4 Alternative. As shown in Table 2-8 under the Existing General Plan Alternative the area could include approximately 306,039 square feet of additional industrial park development. Under the intensified land uses allowed by the Opportunity Area 1 Alternatives’ BPR&D designation, the area could include approximately 5 million additional square feet of business park R&D, and office development.

Table 2-8: Opportunity Area 4 Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase	Job Growth
Existing Assessed Conditions					
INP, HWS, PF	488.26	--	7,727,799	--	--
New Development Potential: Existing General Plan Alternative ¹					
INP, HWS, PF	488.26	--	306,039	--	437
New Development Potential: Opportunity Area 4 Alternative ¹					
BPR&D	488.26	--	5,126,097	--	12,860

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

Economic and Fiscal Findings: The Opportunity Area 4 Alternative would significantly increase the non-residential development potential and employment growth in the Southwestern Employment Area. Under this alternative, parcels in the Southwestern Employment Area would be re-designated to the newly proposed Business Park/Research & Development (BPR&D) designation. The area would accommodate a mix of office, research and development, clean light industrial, and a small amount of supporting commercial. Because the new designation would allow for a FAR up to 2.5, most of the net increase in new development under this Alternative would be expected to be office and office-oriented R&D space.

General Fund Revenue Implications: Due to the significant increase in commercial development allowed under the Opportunity Area 4 Alternative, buildout of the Alternative would generate almost \$10 million more in annual General Fund revenue within Opportunity Area 4 than buildout of the Existing General Plan. On balance, commercial property values would be higher under the Alternative than under the Existing General Plan due to the different types of commercial spaces that would be developed. For this reason, property tax revenue accounts for a greater share of the total revenue generated under the Opportunity Area 4 Alternative than under the Existing General Plan.

Table 2-9: Southwestern Employment Area Revenue Impacts

Southwestern Employment Area	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$135,000	\$5,543,000	\$5,408,000
Transient Occupancy Tax	\$92,000	\$2,703,000	\$2,611,000
Sales Tax	\$21,000	\$621,000	\$600,000
Franchise Tax	\$26,000	\$761,000	\$735,000
Business License Tax	\$5,000	\$147,000	\$142,000
Other Revenue	\$16,000	\$476,000	\$460,000
Total Annual General Fund Revenue	\$295,000	\$10,251,000	\$9,956,000
Buildout Assumptions			
Net New Residential Units	--	--	--
Industrial Park	306,039	(5,710,929)	(6,016,968)
Highway Service	--	(1,580,207)	(1,580,207)
Business Park/R&D	--	12,417,233	12,417,233
Net New Non-Residential Sq. Ft.	306,039	5,126,097	4,820,058
Net New Employees	437	12,860	12,423
Net New Residents	--	--	--
Net New Service Population ¹	219	6,430	6,211

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: This change to the City’s General Plan would provide a potential area for major employer expansions or location for new employers seeking a large-floorplate campus. Milpitas is the logical extension of higher-intensity industrial and office/R&D development that the western end of State Route 237 (primarily in Santa Clara and North San Jose) is currently undergoing. As land availability continues to tighten in the west valley, technology firms will continue to migrate to the east to take

advantage of land availability. Over the past two decades, major technology firms have tended to make ‘major moves’ to acquire real estate (e.g., 500,000 to 2,000,000 or more square feet) and prefer locations that can offer entitled sites without having to undergo long term planning processes. Having a pool of ‘high FAR’ square feet in this area with access to public transit will give Milpitas an advantage in attracting technology firms when they are ready to ‘move.’

It should be noted that new, high-intensity redevelopment of existing office and industrial stock will likely not occur in the short term. New development at the high end (e.g., 2.5 FAR) will not occur until rents rise to make office/R&D construction economically feasible –this may take one or two business cycles (five to fifteen years depending on length of cycles; real estate cycles are typically seven years).

Circulation Findings: McCarthy Boulevard is aligned in the north-south direction, bisecting the center of this Opportunity Area. The area is between I-880 and Coyote Creek, with access provided via SR-237, East Tasman Drive, and Montague Expressway. McCarthy Boulevard/East Tasman Drive is a four-legged signalized intersection with protected left-turn phasing on all approaches. The southbound McCarthy Boulevard approach has a right turn overlap. VTA’s Alum Rock – Santa Teresa light rail line runs along the median of East Tasman Drive and crosses McCarthy Boulevard in the intersection. Marked crosswalks and pedestrian signals are provided across all four legs, as are pedestrian curb ramps. Tasman Drive between Alder Drive and I-880 SB Ramps has vehicle volumes greater than existing capacities in the westbound direction during the a.m. peak period. McCarthy Boulevard–O’Toole Avenue/Montague Expressway is a four-legged signalized intersection with protected left-turn phasing on all approaches, and right turn channelization on all approaches except for eastbound Montague Expressway. McCarthy Boulevard on the north leg turns into O’Toole Avenue on the south leg. Marked crosswalks and pedestrian signals are provided across all legs except the east Montague Expressway leg, as are pedestrian curb ramps on all corners except for on the northeast side of the intersection where there is no sidewalk. VTA operates an at-grade light-rail line along the median of Tasman Drive between Thompson Street to McCarthy Boulevard. The light-rail train receive priority service as it travel across the signalized intersections on Tasman Drive.

The Opportunity Area 4 Alternative includes FARs of up to 2.5 in order to attract technology, business, and research growth within Milpitas. As a result, the area is expected to have regional job growth, which could impact regional traffic congestion along SR-237 and I-880. The area would be served by a light rail station on East Tasman Drive, which could lower the reliance on vehicle travel to and from the area. The Coyote Creek Trail runs parallel to McCarthy Boulevard, which could allow for bicycle usage to sites, however there is no existing connection from the trail into the Opportunity Area. Tasman Drive currently has higher vehicle volumes during the peak hours than capacity; as a result, development of the Opportunity Area may lead to decreased LOS on Tasman Drive. It should be noted that several intersections along Montague expressway in the southern portion of the Opportunity Area operate below acceptable LOS while the average delay per vehicle it notably high.

FIGURE 2-9:
OPPORTUNITY AREA 4 LAND USE ALTERNATIVES

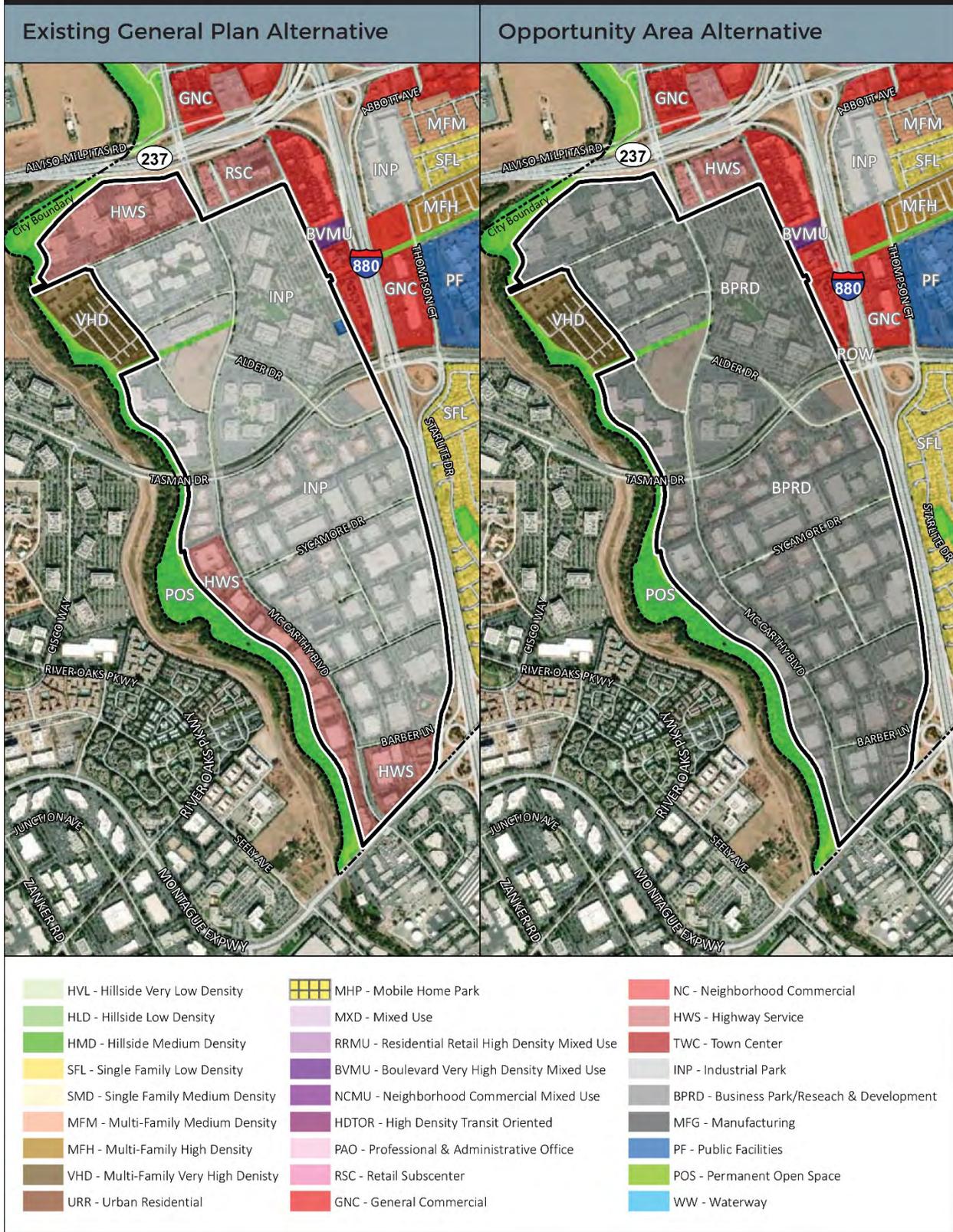


FIGURE 2-10:
OPPORTUNITY AREA 4 EXISTING CONDITIONS



OPPORTUNITY AREA 5: MIDTOWN SPECIFIC PLAN AREA

Setting: The Milpitas Midtown Specific Plan, originally adopted in March 2002 (updated in 2010), presents a framework for new development and reinvestment on approximately 500 acres of the city’s central core. The Specific Plan envisions the area’s transition into an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/ bicycle linkages are envisioned.

Vision: The City of Milpitas is currently in the initial phase of updating the Midtown Specific Plan. It is anticipated that the plan update will include new and/or updated policies and guidelines, streetscape improvements, and infrastructure and public open spaces components that reflect the changing nature of the area. The Specific Plan process provides the opportunity to plan for the Midtown Area more comprehensively as well as on the basis of more specific information than is possible in a general plan. While the Specific Plan provides more detailed direction for the area, it is ultimately a policy document that will shape future growth and investment in the area. This report assumes that the land use designations currently specified in the area will remain present following the Specific Plan’s update. Growth potential for the area is provided; however, any land use changes associated with the Specific Plan’s update could amount to additional growth.

Growth Potential: Table 2-10 below presents growth potential for the Midtown Specific Plan area. As shown in Table 2-10 the area could include approximately 1,434 additional dwelling units, and an additional 1.4 million square feet of service/commercial and manufacturing/industrial development.

Table 2-10: Opportunity Area 5 Existing and New Development Potential					
Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
GNC, INP, MFH, MFG, PF, MXD, RSC, VHD	496.35	2,403	1,998,016	--	--
New Development Potential ¹					
GNC, INP, MFH, MFG, MXD, VHD	496.35	1,434	1,437,403	4,804	2,063

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The residential and non-residential development potential in the Midtown Specific Plan Area (Opportunity Area 5) would be the same under the existing General Plan and the Opportunity Area 5 Alternative. New non-residential development in Opportunity Area 5 would consist of a mix of manufacturing, general commercial, and mixed commercial uses. At buildout, both the Alternative and the existing General Plan would support 1,434 new residential units and 2,063 new jobs in Opportunity Area 5.

General Fund Revenue Implications: Buildout of the Alternative and the existing General Plan in Opportunity Area 5 would generate roughly \$5 million in annual General Fund revenue. Property tax would be the largest source of revenue, accounting for roughly 60 percent of the annual revenue generated from Opportunity Area 5.

Table 2-11: Midtown Specific Plan Area Revenue Impacts			
Midtown Specific Plan Area	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$2,692,000	\$2,692,000	--
Transient Occupancy Tax	\$432,000	\$432,000	--
Sales Tax	\$680,000	\$680,000	--
Franchise Tax	\$235,000	\$235,000	--
Business License Tax	\$24,000	\$24,000	--
Other Revenue	\$432,000	\$432,000	--
Total Annual General Fund Revenue	\$4,495,000	\$4,495,000	--
Buildout Assumptions			
Multi-family Condominiums	717	717	--
Multi-family Apartments	717	717	--
Net New Residential Units	1,434	1,434	--
General Commercial	389,409	389,409	--
Industrial Park	7,009	7,009	--
Manufacturing	705,336	705,336	--
Mixed Use	483,391	483,391	--
Multi-family Very High Density	(147,742)	(147,742)	--
Net New Non-Residential Sq. Ft.	1,437,403	1,437,403	--
Net New Employees	2,063	2,063	--
Net New Residents	4,804	4,804	--
Net New Service Population ¹	5,835	5,835	--

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: While no changes are proposed for the Midtown Specific Plan area, the existing specific plan provides for intensified and densified development that will implement the General Plan’s vision.

Circulation Findings: This Opportunity Area is located between the BART tracks and I-880. South Main Street-South Abel Street are in a north-south alignment, connecting West Calaveras Boulevard (SR-237), Great Mall Parkway, and Montague Expressway within this Opportunity Area.

Calaveras Boulevard between Abel Street and Milpitas Boulevard is a constraint corridor with two lanes in each direction of travel, while the remaining Calaveras Boulevard has three lanes in each direction of travel. Abel Street/West Calaveras Boulevard is a four-legged signalized intersection with protected left-turn phasing on all approaches. Both West Calaveras Boulevard approaches have channelized right turns onto

Abel Street. A right turn overlap is provided from northbound South Abel Street to eastbound West Calaveras Boulevard. Marked crosswalks and pedestrian signals are provided across all four legs, as well as pedestrian curb ramps. The intersection of Abel Street/West Calaveras Boulevard operates poorly at a LOS of E during the p.m. peak period, with average delays of 78 seconds. West Calaveras Boulevard bisects the north section of this land use opportunity, and is elevated above the Opportunity Area. While the road is elevated above, an increase in development density may worsen the LOS of Abel Street/West Calaveras Boulevard since it is a connector to I-880, I-680, and the proposed Town Center. While a determination in a proposed land use for this area has not been made, densified mixed-use development of residential/employments opportunities has the potential to decrease VMT.

Union Pacific Railroad tracks run parallel to and along the east side of South Main Street and pass bisect the Opportunity Area. The Santa Clara Valley Transportation Authority's (VTA's) Alum Rock – Santa Teresa light rail line runs on elevated tracks above the median of Great Mall Parkway, including a grade-separated station in this Opportunity Area.

South Main Street-Oakland Road/Montague Expressway is a four-legged signalized intersection with protected left-turn phasing and right turn channelization on all approaches. South Main Street on the north leg turns into Oakland Road on the south leg. Marked crosswalks and pedestrian signals are provided across all four legs, as well as pedestrian curb ramps. On average, there are significant delays of over 120 seconds per vehicle at this intersection of South Main Street-Oakland Road/Montague Expressway, resulting in LOS E and LOS F operations during the peak periods. Montague Expressway is a congested and constrained corridor where the intensification of development along the corridor has the potential to result in more vehicle delay and deteriorating LOS. Development in this Opportunity Area should promote design and transportation demand management strategies to encourage fewer vehicle trips.

FIGURE 2-11:
OPPORTUNITY AREA 5 LAND USE ALTERNATIVES

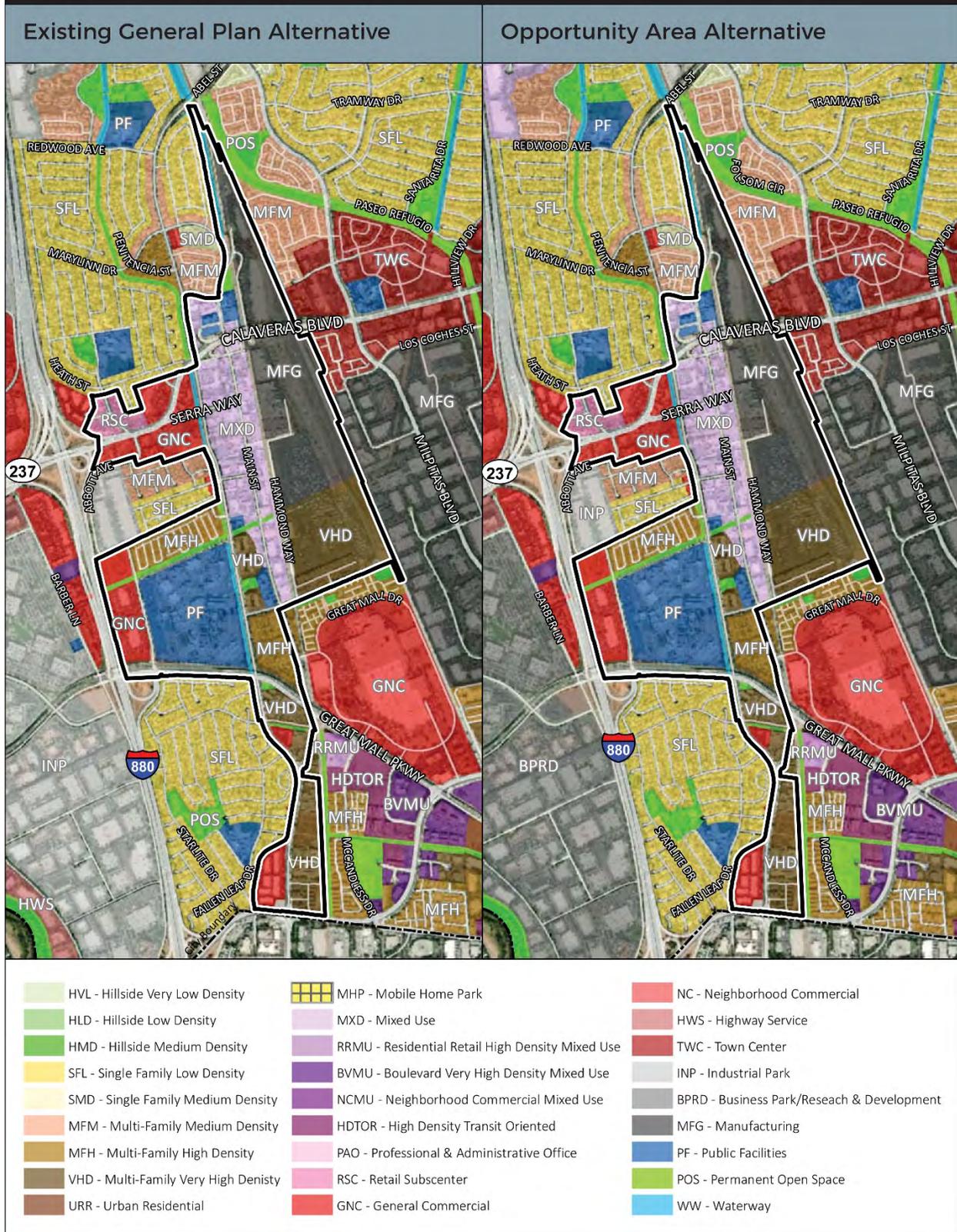


FIGURE 2-12:
OPPORTUNITY AREA 5 EXISTING CONDITIONS



OPPORTUNITY AREA 6: CENTRAL MANUFACTURING AREA – SOUTH

Setting: The Central Manufacturing Area - South is bounded by Montague Expressway to the north, the City Limit to the south and east, and Berryessa Creek to the west. The area primarily supports manufacturing, warehouse and storage uses. All parcels within the 26.49-acre area are designated Manufacturing (MFG). Existing assessed non-residential development in the area totals approximately 288,947 square feet of primarily general manufacturing, warehousing, and mini-storage uses. Structures within this area were constructed between 1979 to 1984 with 1982 being the median year of construction.

Vision: Under the Opportunity Area 6 Alternative the Central Manufacturing Area – South changes from Manufacturing (MFG) to the Boulevard Very High Density Mixed Use (BVMU) designation. This is intended to allow the area to accommodate additional residential and/or commercial development within proximity to the Transit Area Specific Plan and associated transit stations. The Boulevard Very High Density Mixed Use (BVMU) designation would encourage redevelopment through intensified land uses which allow for residential densities between 41-75 dwelling units per acre, and nonresidential development with an FAR of up to 1.5.

Growth Potential: Table 2-12 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 6 Alternative. As shown in Table 2-12 under the Existing General Plan Alternative the area could include approximately 20,471 additional square feet of manufacturing and warehousing development. Under the intensified land uses allowed by the Opportunity Area 6 Alternatives’ BVMU designation, the area could include approximately 1,007 additional dwelling units and an additional 463,736 square feet of retail, service, and commercial development.

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
MFG	26.49	--	288,947	--	--
New Development Potential: Existing General Plan Alternative ¹					
MFG	26.49	--	20,471	--	20
New Development Potential: Opportunity Area 6 Alternative ¹					
BVMU	26.49	1,007	463,736	3,373	1,216

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The Opportunity Area 6 Alternative would significantly increase the residential and non-residential development capacity in South Central Manufacturing Area. Existing non-residential uses in the area would shift from manufacturing to very high density mixed uses. Due to the significant increase in non-residential development potential that would occur, buildout of the Alternative would provide 1,196 more jobs in Opportunity Area 6 than buildout of the existing General Plan. The Alternative would also allow residential uses in Opportunity Area 6 and would provide up to 1,007 new residential units and roughly 3,375 new residents at buildout.

General Fund Revenue Implications: Buildout of the Opportunity Area 6 Alternative would generate approximately \$3.0 million in annual General Fund revenue from Opportunity Area 6. Residential property values would account for most of the increase in property tax revenue generated within Opportunity Area 6. Similarly, most of the new sales tax revenue generated under this Alternative would stem from new resident taxable spending.

Table 2-13: Central Manufacturing Area (South) Revenue Impacts			
Central Manufacturing Area (South)	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$10,000	\$1,772,000	\$1,762,000
Transient Occupancy Tax	\$4,000	\$256,000	\$252,000
Sales Tax	\$1,000	\$466,000	\$465,000
Franchise Tax	\$1,000	\$152,000	\$151,000
Business License Tax	--	\$14,000	\$14,000
Other Revenue	\$1,000	\$295,000	\$294,000
Total Annual General Fund Revenue	\$17,000	\$2,955,000	\$2,938,000
Buildout Assumptions			
Multi-family Condominiums	--	503	503
Multi-family Apartments	--	504	504
Net New Residential Units	--	1,007	1,007
Boulevard Very High Density Mixed Use	--	752,683	752,683
Manufacturing	20,471	(288,947)	(309,418)
Net New Non-Residential Sq. Ft.	20,471	463,736	443,264
Net New Employees	20	1,216	1,196
Net New Residents	--	3,375	3,375
Net New Service Population ¹	10	3,983	3,973

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: The changes proposed for the Central Manufacturing Area (South) recognize the importance of the Transit Area Specific Plan’s transit stations to attract both new residents and businesses by re-designating the area’s parcels to Boulevard Very High Density Mixed Use. Over the past decade, businesses have shifted location preferences to areas near transit and this change would position Milpitas to capture new residential and commercial development. New residents and employees will contribute significantly to the City’s fiscal sustainability through their local expenditures. A potential negative impact of this change, however, will be the potential, over time, for displacement of existing businesses particularly older manufacturing businesses.

Circulation Findings: This Opportunity Area has one access point via Montague Expressway and is separated from the surrounding residential areas by a creek and I-880. The intersection of South Milpitas Boulevard/Montague Expressway is at the northwest corner of the Opportunity Area, connecting the area to Town Center and locations between I-680 and the BART station. South Milpitas Boulevard/Montague Expressway will be a four-legged signalized intersection with right turn channelization on westbound Montague Expressway and southbound South Milpitas Boulevard. It should be noted that the intersection of South Main Street – Oakland Road/Montague Expressway operates unacceptably at LOS E and F, including average delays longer the 120 seconds.

The proposed Opportunity Area 6 Alternatives land use designation would accommodate residential and commercial development. This designation is within one-half mile of the light rail and new BART station, providing public transportation for local and regional travel. Proximity to public transit has the potential to partially offset increased vehicle demand on Montague Expressway.

FIGURE 2-13:
OPPORTUNITY AREA 6 LAND USE ALTERNATIVES

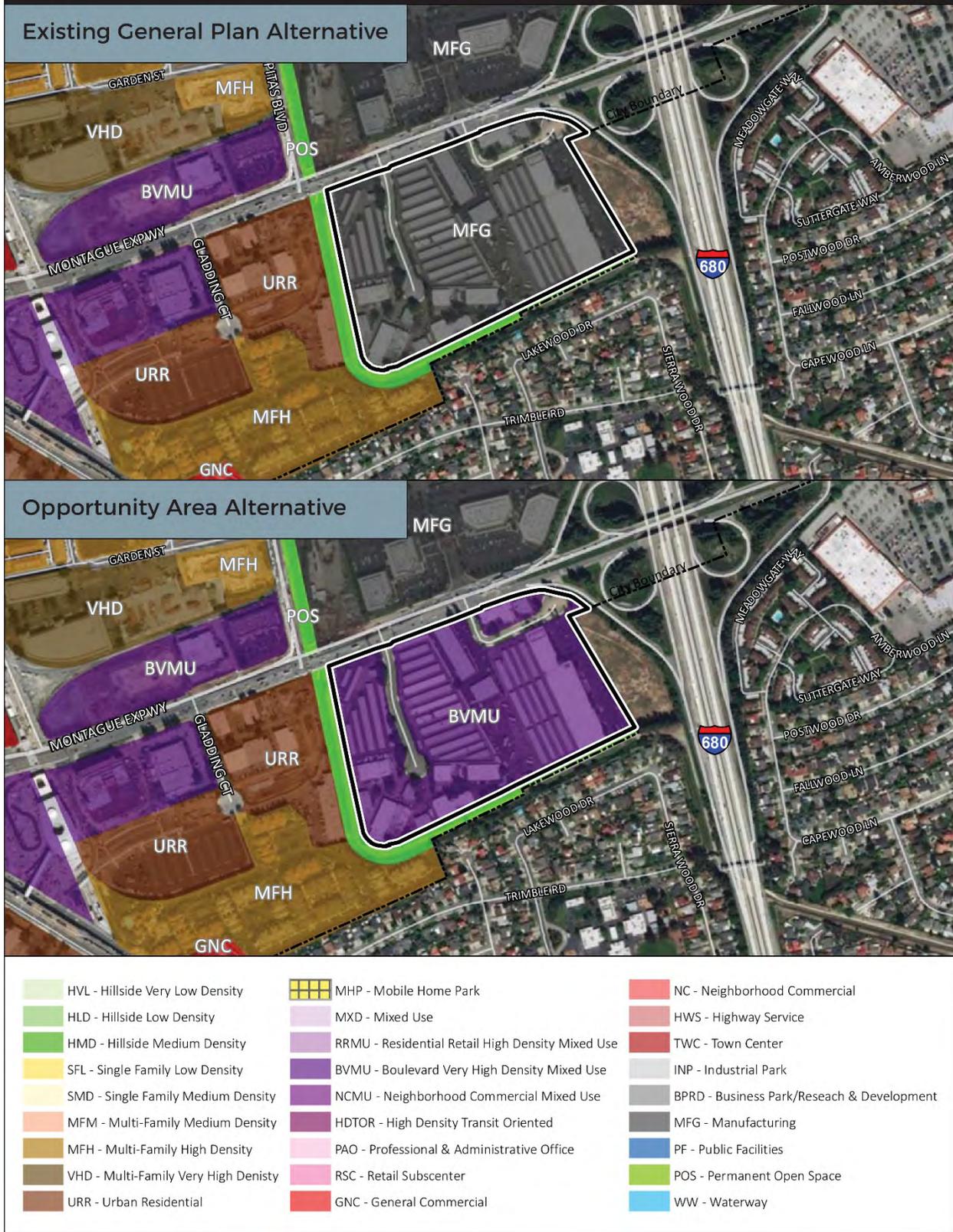


FIGURE 2-14:
OPPORTUNITY AREA 6 EXISTING CONDITIONS



OPPORTUNITY AREA 7: CENTRAL MANUFACTURING AREA - NORTH

Setting: The Central Manufacturing Area - North is generally bounded by Los Coches Street to the north, Montague Expressway to the south, Interstate 680 to the east and the Union Pacific railroad to the west. This Manufacturing district is comprised of Class A warehouse space and Class A&B R&D space. All parcels within the 492-acre Opportunity Area are currently designated Manufacturing (MFG). Existing assessed development in this area totals approximately 6.7 million square feet. The structures within this area were constructed between 1961 to 2009 with 1985 being the median year of construction.

Vision: Under the Opportunity Area 7 Alternative, the Central Manufacturing Area - North would retain the current land use designation of Manufacturing (MFG); however, to enable the area to accommodate a greater variety of employment-generating uses and to facilitate new and more modern manufacturing operations that require more intensive site development standards, the designation’s maximum FAR would increase from 0.4 to 1.0.

Growth Potential: Table 2-14 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 7 Alternative. As shown in Table 2-14 under the Existing General Plan Alternative the area could include approximately 493,488 square feet of additional manufacturing development. Under the intensified land uses allowed by the Opportunity Area 7 Alternatives’ 1.0 FAR, the area could include approximately 2.6 million square feet of additional manufacturing and office park development.

Table 2-14: Opportunity Area 7 Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase	Job Growth
Existing Assessed Conditions					
MFG	492.14	--	6,766,475	--	--
New Development Potential: Existing General Plan Alternative ¹					
MFG	492.14	--	493,488	--	493
New Development Potential: Opportunity Area 7 Alternative ¹					
MFG (1.0 FAR)	492.14	--	2,602,882	--	2,603

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

Economic and Fiscal Findings: The Opportunity Area 7 Alternative would significantly increase the non-residential development potential and employment growth in the North Central Manufacturing Area (Opportunity Area 7). Although the general land uses would likely remain the same under the Alternative, increases in the maximum FAR would allow the area to accommodate higher-intensity manufacturing and industrial uses and generate additional jobs.

General Fund Revenue Implications: Compared to the buildout of the Existing General Plan, buildout of the Opportunity Area 7 Alternative would generate an additional \$1.8 million in annual General Fund revenue from Opportunity Area 7. Most of the difference would stem from the significant increase in development capacity allowed under the Opportunity Area 7 Alternative.

Table 2-15: Central Manufacturing Area - North Revenue Impacts

Central Manufacturing Area - North	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$237,000	\$1,249,000	\$1,012,000
Transient Occupancy Tax	\$104,000	\$547,000	\$443,000
Sales Tax	\$24,000	\$126,000	\$102,000
Franchise Tax	\$29,000	\$154,000	\$125,000
Business License Tax	\$6,000	\$30,000	\$24,000
Other Revenue	\$18,000	\$96,000	\$78,000
Total Annual General Fund Revenue	\$418,000	\$2,202,000	\$1,784,000
Buildout Assumptions			
Net New Residential Units	--	--	--
Manufacturing	493,488	2,602,882	2,109,394
Net New Non-Residential Sq. Ft.	493,488	2,602,882	2,109,394
Net New Employees	493	2,603	2,109
Net New Residents	--	--	--
Net New Service Population ¹	247	1,301	1,055

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: The economic development implications for this Opportunity Area are similar to Opportunity Area 3 (McCarthy Ranch Industrial Area). It would enable the area to accommodate more intense manufacturing and other industrial uses, such as ‘creative industrial’ that may generate additional jobs and tax revenue by increasing the Manufacturing designation’s maximum FAR to 1.0. With a higher permitted intensity of development, property owners and developers would have the capacity to renovate or redevelop existing older industrial properties to accommodate new tenants that seek modern, higher quality industrial space. Such space provides a higher level of operational flexibility such as higher ceiling heights for robotic or vertical manufacturing, dock-high doors, and open office work spaces. Several ‘creative industrial’ projects have been proposed in the vicinity of this area that are designed to provide a more dynamic work environment with amenities for employees. Many, but not all, of these projects seek higher intensity of development at or near a 1.0 FAR to ensure project financial feasibility. By upgrading its industrial stock, Milpitas will be positioned to retain and attract advanced manufacturing firms that is widely viewed as the future of manufacturing. One potential impact of this change, however, is that there is a risk of displacing existing, traditional industrial businesses as inexpensive, older industrial space is replaced with new industrial facilities with amenities that command higher rents.

Circulation Findings: South Milpitas Boulevard is aligned north-south through the center of the Opportunity Area, connecting East Calaveras Boulevard to Montague Expressway. The area is located south of East Calaveras Boulevard at Los Coches Street.

The Opportunity Area Alternatives' increase in FAR to 1.0 to accommodate additional manufacturing and other uses is expected to result in job growth to the area. There are multiple access points to the area from surrounding residential neighborhoods to the north, south and east, reducing the potential for additional traffic volumes to disproportionately impact adjacent congested roads. However, the area has limited west connections due to the BART tracks, which could lead to an increase in traffic volumes and a decrease in LOS on South Milpitas Boulevard. The southern section of the Opportunity Area is within a half mile of the BART and light rail stations, which could help to offset some of the impacts to South Milpitas Boulevard.

FIGURE 2-15:
OPPORTUNITY AREA 7 LAND USE ALTERNATIVES

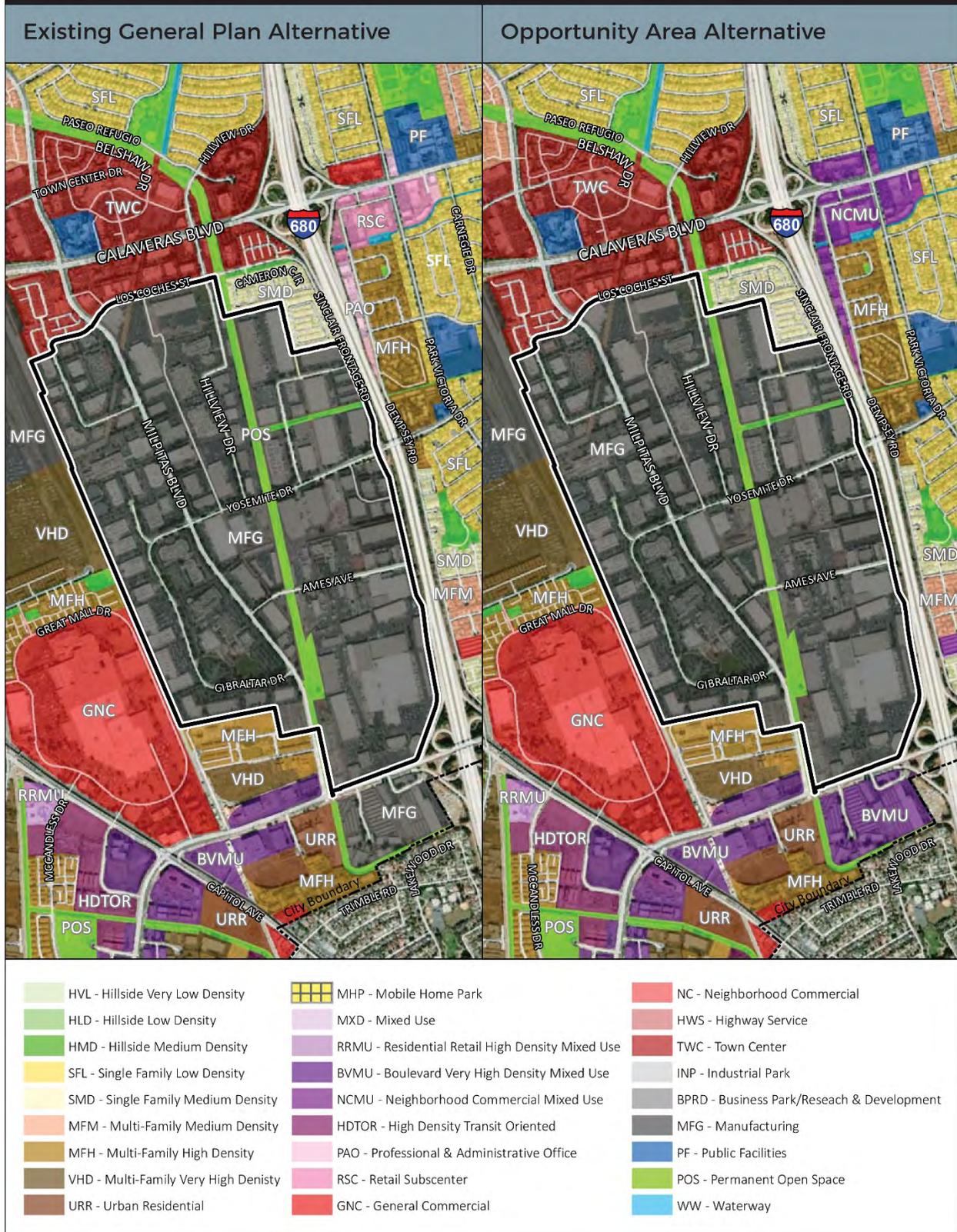


FIGURE 2-16:
OPPORTUNITY AREA 7 EXISTING CONDITIONS



OPPORTUNITY AREA 8: LANDESS NEIGHBORHOOD NODE/COMMERCIAL CENTER

Setting: The Landess Neighborhood Node/Commercial Center provides for commercial services to the residents living in the surrounding neighborhoods. The parcels within the 38.03-acre area are currently designated for General Commercial (GNC) uses. Existing assessed commercial development in the area totals approximately 410,525 square feet of retail and commercial services, including a grocery store, restaurants, and service retail. Structures were constructed between 1969 to 2010 with 1980 being the median year of construction.

Vision: Under the Opportunity Area 8 Alternative, the center changes from the General Commercial (GNC) to Neighborhood Center Mixed Use (NCMU) designation. The NCMU designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential and office uses allowed on a limited basis. Specifically, the designation supports retail, personal services, and offices that primarily serve the adjacent neighborhoods. This potential change is envisioned to encourage the center’s revitalization by providing opportunities for increased development intensities, while creating a more vibrant center through a land use mix that supports a pedestrian-oriented mixed-use environment. The NCMU designation allows for FAR’s up to 0.75, and up to 1 dwelling unit per 1,500 square feet of non-residential square footage (1DU/1500 Sq. Ft.).

Growth Potential: Table 2-16 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 8 Alternative. As shown in Table 2-16 under the Existing General Plan Alternative, the area could include an additional 410,525 square feet of retail/service/commercial development. Under the intensified land uses allowed by the Opportunity Area 8 Alternatives’ NCMU designation, the area could include approximately 621 additional dwelling units and an additional 521,274 square feet of retail/service/commercial mixed-use development.

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
GNC	38.03	--	410,525	--	--
New Development Potential: Existing General Plan Alternative ¹					
GNC	38.03	--	162,060	--	270
New Development Potential: Opportunity Area 8 Alternative ¹					
NCMU	38.03	621	521,274	2,080	1,010

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The Opportunity Area 8 Alternative would allow new residential uses and increase the non-residential development capacity of the Landess Neighborhood Node/Commercial Center area (Opportunity Area 8). Due to the increase in allowable non-residential development, buildout of the Alternative would accommodate 740 more jobs in Opportunity Area 8 than buildout of the existing General Plan. Unlike the existing General Plan, the Alternative would include residential uses in Opportunity Area 8, allowing the area to support up to 621 new housing units and roughly 2,081 new residents at buildout.

General Fund Revenue Implications: Buildout of the Opportunity Area 8 Alternative would generate approximately \$2.1 million in annual General Fund revenue. The new residential property values would drive most of the increase in property tax revenue generated by the Opportunity Area 8 Alternative. Similarly, most of the new sales tax revenue generated would stem from new resident taxable spending.

Table 2-17: Landess Neighborhood Node/Commercial Center Revenue Impacts

Landess Neighborhood Node/ Commercial Center	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$123,000	\$1,240,000	\$1,117,000
Transient Occupancy Tax	\$57,000	\$212,000	\$155,000
Sales Tax	\$13,000	\$300,000	\$287,000
Franchise Tax	\$16,000	\$109,000	\$93,000
Business License Tax	\$3,000	\$12,000	\$9,000
Other Revenue	\$10,000	\$191,000	\$181,000
Total Annual General Fund Revenue	\$222,000	\$2,064,000	\$1,842,000
Buildout Assumptions			
Multi-family Condominiums	--	310	310
Multi-family Apartments	--	311	311
Net New Residential Units	--	621	621
Neighborhood Commercial Mixed Use	--	931,799	931,799
General Commercial	162,060	(410,525)	(572,585)
Net New Non-Residential Sq. Ft.	162,060	521,274	359,214
Net New Employees	270	1,010	740
Net New Residents	--	2,081	2,081
Net New Service Population ¹	135	2,586	2,451

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Changes proposed for this Opportunity Area will encourage the revitalization by providing incentives for property owners to reinvest and redevelop their properties. The proposed Neighborhood Center Mixed use designation will provide new retail space for goods and services retailers in modern, attractive settings, potentially with common amenities. NCMU will support commercial uses that serve the surrounding neighborhoods and multifamily residents developed in conjunction with a commercial component. New residents will contribute to the City’s fiscal sustainability through their local expenditures. While the existing commercial properties provide inexpensive space to local businesses and do serve the community presently, many are dated and require renovation and redevelopment to stay competitive.

Circulation Findings: This commercial and neighborhood center is located east of the I-680 northbound off-ramp on Dempsey-Landess Road. Landess Road and South Park Victoria Drive intersect near the center of the Opportunity Area. Landess Road is a collector that connects I-680 to South Park Victoria Road and Piedmont Road, turning into the Montague Expressway west of I-680. The center of Landess Road is the city limit line between the City of Milpitas and San Jose. South Park Victoria Drive parallels I-680 and is a north-south arterial between Landess Road and Jacklin Road, and a collector north of Jacklin Road. Existing daily traffic on the street averages 10,000 vehicles per day based on 2016 traffic counts. The I-680 Northbound Off-Ramp/Dempsey Road – Landess Avenue is a four-legged signalized intersection, with protected left-turn phasing on the eastbound Landess Road approach and a right turn overlap on the I-680 northbound off-ramp approach. The I-680 northbound off-ramp on the south leg turns into Dempsey Road on the north leg. Marked crosswalks and pedestrian signals are provided across all legs except the east Landess Road leg, as are pedestrian curb ramps.

The current land use designation for this node is General Commercial, and the area is bordered by Multi-Family Medium and High-Density residential uses. The center is also located near Rancho Milpitas Middle School as well as Single-Family Low- and Medium-Density housing. The change in land use to Neighborhood Center Mixed Use under the Opportunity Area 8 Alternative will support commercial uses for the neighborhoods within walking distance of this node, and will build additional multi-family residences. While there may be a decrease in LOS for Landess Avenue and/or Park Victoria Drive, the City's main commercial area is on the opposite side of I-680, so the shift in shopping and services trips to the nearby area would have the potential to reduce local traffic congestion along I-680 and in the Town Center. In addition, because of the proximity to the nearby Middle School and housing, active transportation modes for students will be viable, and will also help to decrease VMT in the area. The Opportunity Area will also allocate space for additional multi-family residences, placing housing closer to jobs and daily amenities.

FIGURE 2-17:
OPPORTUNITY AREA 8 LAND USE ALTERNATIVES



FIGURE 2-18:
OPPORTUNITY AREA 8 EXISTING CONDITIONS



OPPORTUNITY AREA 9: CALAVERAS & NORTH PARK NEIGHBORHOOD
 NODE/COMMERCIAL CENTER

Setting: The Calaveras & North Park Neighborhood Node/ Commercial Center provides commercial services to residents living in the surrounding neighborhoods. The area is currently designated Retail Sub-Center (RSC 17.15 acres), Professional & Administrative Office (PAO 6.12 acres), and General Commercial (GNC 5.02 acres). Existing assessed non-residential development in this area totals approximately 238,527 square feet, including approximately 194,000 square feet of service retail and commercial service uses -including grocery, restaurant and service retail, and approximately 44,000 square feet of office uses. Structures within this area were constructed between 1963 to 1989 with 1982 being the median year of construction.

Vision: Under the Opportunity Area 9 Alternative, the center would change from the Retail Subcenter, (RSC) Professional & Administrative Office (PAO), and General Commercial (GNC) designations to the Neighborhood Center Mixed Use (NCMU) designation. The NCMU designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential and office uses allowed on a limited basis. Specifically, the designation supports retail, personal services, and offices that primarily serve the adjacent neighborhoods. This potential change is envisioned to encourage the center’s revitalization by providing opportunities for increased development intensities, while creating a more vibrant center through a land use mix that supports a pedestrian-oriented mixed-use environment. The NCMU designation allows for FAR’s up to 0.75, and up to 1 dwelling unit per 1,500 square feet of non-residential square footage (1DU/1500 Sq. Ft.).

Growth Potential: Table 2-18 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 9 Alternative. As shown in Table 2-18 under the Existing General Plan Alternative, the area could include an additional 93,258 square feet of office, and commercial retail development. Under the intensified land uses allowed by the Opportunity Area 9 Alternatives’ NCMU designation the area could include approximately 436 additional dwelling units and an additional 416,836 square feet of retail/service/commercial mixed-use development.

Table 2-18: Opportunity Area 9 Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
RSC, PAO, GNC	28.28	1	238,527	--	--
New Development Potential: Existing General Plan Alternative ¹					
RSC, PAO, GNC	28.28	--	93,258	--	241
New Development Potential: Opportunity Area 9 Alternative ¹					
NCMU	28.28	436	416,836	1,461	691

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The Opportunity Area 9 Alternative would allow new residential uses and increase the non-residential development potential in the Calaveras & North Park Neighborhood Node/Commercial Center area. Under the Alternative, the retail subcenter, general commercial, and professional and administrative office uses in Opportunity Area 9 would be re-designated as neighborhood commercial mixed use. Due to the increase in non-residential development potential, buildout of the Alternative would support 450 more jobs in Opportunity Area 9 than buildout of the existing General Plan. The Alternative would also permit residential uses within Opportunity Area 9, potentially supporting up to 436 new units at buildout.

General Fund Revenue Implications: Buildout of the Opportunity Area 9 Alternative would generate approximately \$1.5 million in annual General Fund revenue. Most of this annual revenue would stem from property tax revenue generated by new residential uses in Opportunity Area 9. Similarly, most of the new sales tax revenue generated under the Opportunity Area 9 Alternative would stem from new resident taxable spending in Milpitas.

Calaveras & North Park Neighborhood Node/Commercial Center	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$71,000	\$880,000	\$809,000
Transient Occupancy Tax	\$51,000	\$145,000	\$94,000
Sales Tax	\$12,000	\$210,000	\$198,000
Franchise Tax	\$14,000	\$75,000	\$61,000
Business License Tax	\$3,000	\$8,000	\$5,000
Other Revenue	\$9,000	\$134,000	\$125,000
Total Annual General Fund Revenue	\$160,000	\$1,452,000	\$1,292,000
Buildout Assumptions			
Multi-family Condominiums	--	218	218
Multi-family Apartments	--	218	218
Net New Residential Units	--	436	436
Neighborhood Commercial Mixed Use	--	655,363	655,363
General Commercial	21,303	(56,004)	(77,307)
Professional & Administrative Office	36,509	(44,155)	(80,664)
Retail Subcenter	35,447	(138,368)	(173,815)
Net New Non-Residential Sq. Ft.	93,258	416,836	323,578
Net New Employees	241	691	450
Net New Residents	--	1,460	1,460
Net New Service Population ¹	120	1,806	1,685

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Changes proposed for this Opportunity Area will encourage the revitalization by providing incentives for property owners to reinvest and redevelop their properties. The proposed Neighborhood Center Mixed use designation will provide new retail space for goods and services retailers in modern, attractive settings with the potential for common amenities. NCMU will support commercial uses that serve the surrounding neighborhoods and multifamily residents developed in conjunction with a commercial component. New residents will contribute to the City's fiscal sustainability through their local expenditures. While the existing commercial properties provide inexpensive space to local businesses and do serve the community, many are dated and require renovation and redevelopment to stay competitive.

Circulation Findings: This neighborhood and commercial center is east of the I-680 northbound off-ramp on East Calaveras Boulevard. East Calaveras Boulevard and South Park Victoria Drive bisect the main section, with Dempsey Road along the south point of the focused area. Calaveras Boulevard is designated as an arterial by the City of Milpitas, connecting I-680 to I-880, and is the major east-west route in the city. Park Victoria Drive parallels I-680 and is a north-south arterial between Landess Road and Jacklin Road, and a collector north of Jacklin Road. Existing daily traffic on the street averages 10,000 vehicles per day based on 2016 traffic counts. Calaveras Boulevard/Park Victoria Drive is a four-legged signalized intersection, with protected left turn phasing on both Calaveras Boulevard approaches, and split phasing on the Park Victoria Drive approaches. Marked crosswalks and pedestrian signals are provided across all legs, as well as pedestrian curb ramps.

This node's current land use designations are General Commercial and Retail Subcenter. The area is adjacent to Calaveras Hills High School, Single Family Low Density and Multi-Family High Density land uses. The proposed Opportunity Area 9 Alternative would re-designate the area as Neighborhood Center Mixed Use, including revitalization of current commercial parcels with the addition of multi-family residences. The resulting development pattern has the potential to reduce the VMT in surrounding residential neighborhoods. The land use will also allocate space for additional multi-family residences, placing housing closer to jobs and daily amenities. While LOS may decrease along East Calaveras Boulevard and North Park Victoria Drive, there is expected to be a modest decrease in local traffic congestion along I-680 and in the Town's Center.

FIGURE 2-19:
OPPORTUNITY AREA 9 LAND USE ALTERNATIVES

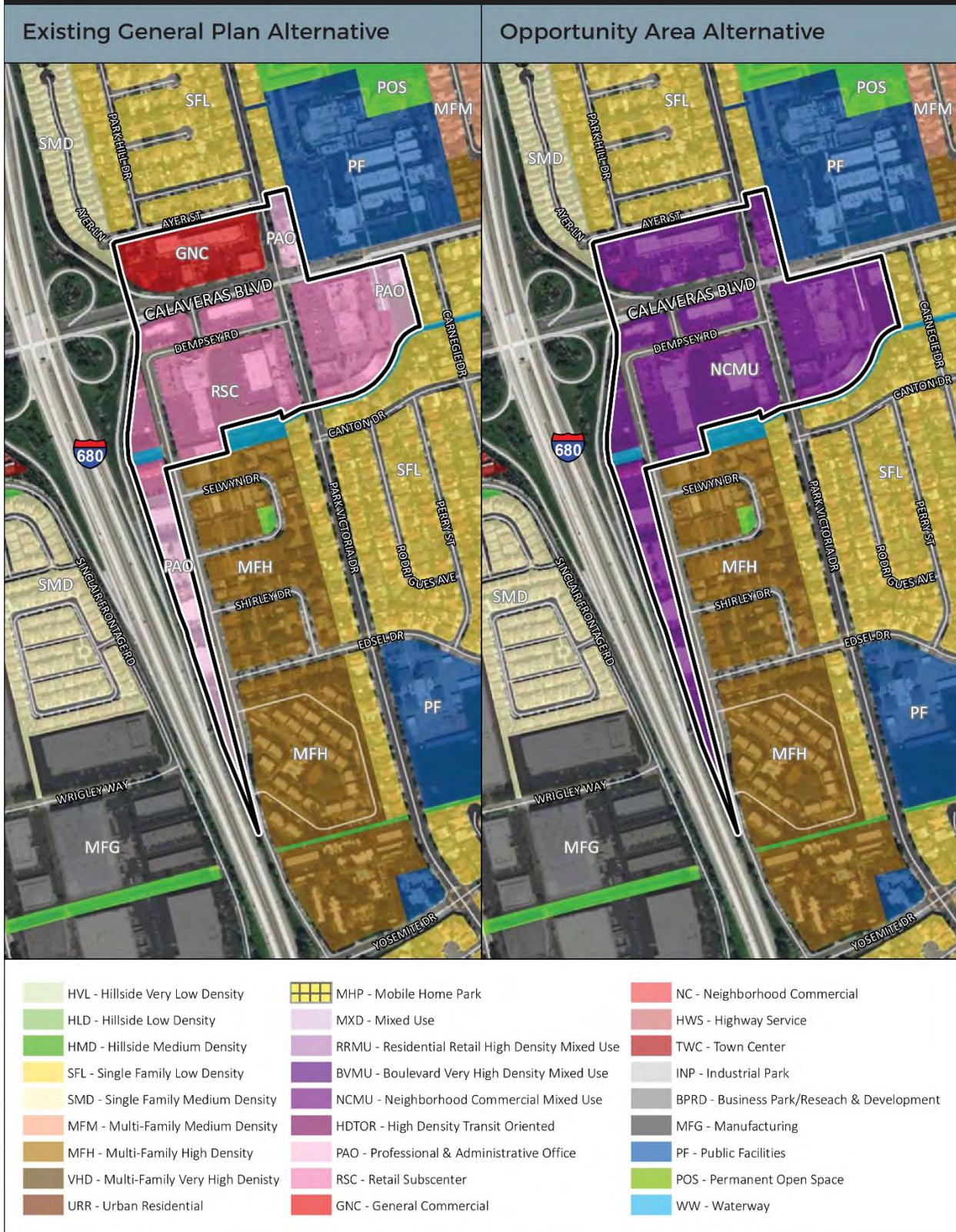


FIGURE 2-20:
OPPORTUNITY AREA 9 EXISTING CONDITIONS



OPPORTUNITY AREA 10: JACKLIN & 680 NEIGHBORHOOD NODE/ COMMERCIAL CENTER - EAST

Setting: The Jacklin & 680 Neighborhood Node/ Commercial Center – East provides for office employment, and commercial services to residents living in the surrounding neighborhoods. The area is currently designated Retail Sub-Center (RSC 2.40 acres), Professional & Administrative Office (PAO 1.13 acres), and Highway Service (HWS 4.43 acres). Existing assessed non-residential development in the area includes approximately 42,594 square feet, including approximately 28,000 square feet of service retail and commercial service uses, and approximately 14,000 square feet of office uses. Structures in this area were constructed between 1985 to 1990 with 1988 being the median year of construction.

Vision: Under the Opportunity Area 10 Alternative, the Jacklin & 680 Neighborhood Node/ Commercial Center – East would be redesignated Neighborhood Commercial (NC). The NC designation is intended to accommodate a mix of commercial uses that serve the surrounding neighborhoods at an FAR of up to 0.75. The designation supports a broad range of commercial uses, including neighborhood-serving retail stores and services and commercial and professional offices.

Growth Potential: Table 2-20 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 10 Alternative. As shown in Table 2-20 under the Existing General Plan Alternative, the area could include an additional 42,594 square feet of commercial, retail service, and office development. Under the intensified land uses allowed by the Opportunity Area 10 Alternatives’ NC designation, the area could include an additional 152,321 square feet of retail service and commercial development.

Table 2-20: Opportunity Area 10 Existing and New Development Potential					
Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase	Job Growth
Existing Assessed Conditions					
RSC, PAO, HWS	7.95	--	42,594	--	--
New Development Potential: Existing General Plan Alternative ¹					
RSC, PAO, HWS	7.95	--	42,822	--	81
New Development Potential: Opportunity Area 10 Alternative ¹					
NC	7.95	--	152,321	--	221

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

Economic and Fiscal Findings: The Opportunity Area 10 Alternative would include a modest increase in the non-residential development potential in the East Jacklin & 680 Neighborhood Node/Commercial Center area. Under this alternative, the retail subcenter, professional and administrative office, and highway service land uses would be re-designated as neighborhood commercial. As a result of the increase in non-residential development potential, buildout of the Alternative would support 140 more jobs in Opportunity Area 10 than buildout of the existing General Plan.

General Fund Revenue Implications: Buildout of the Alternative would generate approximately \$204,000 in annual General Fund revenue from Opportunity Area 10. Most of the difference would stem from the increase in development capacity, which would increase property tax revenue.

Table 2-21: Jacklin & 680 Neighborhood Node/Commercial Center - East Revenue Impacts

Jacklin & 680 Neighborhood Node/ Commercial Center - East	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$25,000	\$123,000	\$98,000
Transient Occupancy Tax	\$17,000	\$46,000	\$29,000
Sales Tax	\$4,000	\$11,000	\$7,000
Franchise Tax	\$5,000	\$13,000	\$8,000
Business License Tax	\$1,000	\$3,000	\$2,000
Other Revenue	\$3,000	\$8,000	\$5,000
Total Annual General Fund Revenue	\$55,000	\$204,000	\$149,000
Buildout Assumptions			
Net New Residential Units	--	--	--
Neighborhood Commercial	--	194,915	194,915
Highway Service	38,590	--	(38,590)
Professional & Administrative Office	4,232	(14,020)	(18,252)
Retail Subcenter	--	(28,574)	(28,574)
Net New Non-Residential Sq. Ft.	42,822	152,321	109,499
Net New Employees	81	221	140
Net New Residents	--	--	--
Net New Service Population ¹	41	111	70

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Changes proposed for this Opportunity Area will encourage the revitalization by providing incentives for property owners to reinvest and redevelop their properties and enhance the architectural quality of development. The proposed Neighborhood Commercial designation will provide new commercial space for a mix of retailers and other commercial uses. The Neighborhood Commercial designation will support commercial uses that serve the surrounding neighborhoods and provide attractive, modern space for new local-serving businesses. While the existing commercial properties provide inexpensive space to local businesses and do serve the community, many are dated and require renovation and redevelopment to stay competitive.

Circulation Findings: Interstate-680 borders the west side of the Opportunity Area, with the intersection of Jacklin Road/North Park Victoria Drive bisecting the center. I-680 Northbound Ramps/Jacklin Road is a four-legged signalized intersection with protected left-turn phasing on the eastbound Jacklin Road approach. Marked crosswalks and pedestrian signals are provided across all legs except the west Jacklin Road leg, as are pedestrian curb ramps. North Park Victoria Drive/Jacklin Road is a four-legged signalized intersection with protected left-turn phasing at each approach. Crosswalks and pedestrian signals are located on each leg of the intersection.

The proposed Neighborhood Commercial designation (identified in the Opportunity Area 10 Alternative) would replace the existing land uses of Retail Subcenter and Professional & Administrative Office. The Opportunity Area is surrounded by Single Family Low and Medium Density, and Multi-Family Medium Density neighborhoods. The neighborhood is separated from commercial centers and the Town Center by I-680. Increased FARs (up to 0.75) will allow for increased intensity of commercial uses, which could potentially decrease per capita VMT in the surrounding neighborhoods due to improved access to jobs and daily amenities. The area is also expected to result in increased active transportation usage from residents of surrounding neighborhoods to the commercial center. While the LOS on Jacklin Road and Park Victoria Drive at this location may decrease, this change in land use has the potential to decrease local traffic congestion along I-680 and within City's Town Center.

FIGURE 2-21:
OPPORTUNITY AREA 10 LAND USE ALTERNATIVES

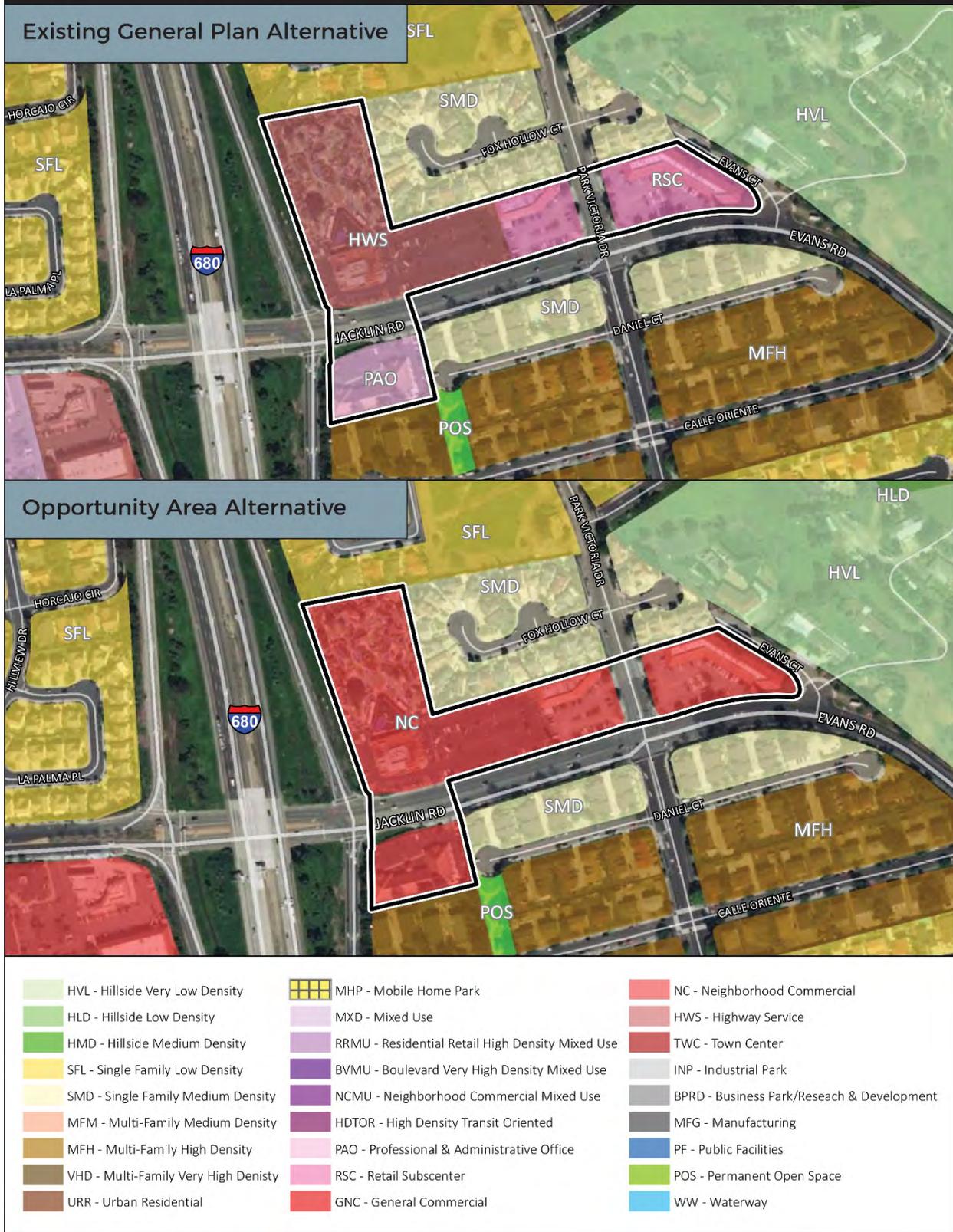


FIGURE 2-22:
OPPORTUNITY AREA 10 EXISTING CONDITIONS



OPPORTUNITY AREA 11: JACKLIN & 680 NEIGHBORHOOD NODE/ COMMERCIAL CENTER – WEST

Setting: The Jacklin & 680 Neighborhood Node/ Commercial Center – West provides for office employment, and neighborhood commercial services to residents living in the surrounding neighborhoods. The area is currently designated Professional & Administrative Office (PAO 4.65 acres), and Highway Service (HWS 1.78 acres). Existing assessed non-residential development in this area includes approximately 76,631 square feet of which approximately 53,000 square feet includes primarily office uses. Structures in this area were constructed between 1980 to 2014 with 1986 being the median year of construction.

Vision: Under the Opportunity Area 11 Alternative, the Jacklin & 680 Neighborhood Node/ Commercial Center – West would be redesignated Neighborhood Commercial (NC). The NC designation is intended to accommodate a mix of commercial uses that serve the surrounding neighborhoods at an FAR of up to 0.75. The designation supports a broad range of commercial uses, including neighborhood-serving retail stores and services and commercial and professional offices.

Growth Potential: Table 2-22 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 10 Alternative. As shown in Table 2-22 under the Existing General Plan Alternative, the area could include an additional 24,430 square feet of commercial, retail service, and office development. Under the intensified land uses allowed by the Opportunity Area 11 Alternatives’ NC designation, the area could include an additional 75,502 square feet of retail service and commercial development. It should be noted that redevelopment of aging office uses into commercial uses would lead to reduced square feet in the office land use category, which has a high job generation factor when compared to commercial services.

Table 2-22: Opportunity Area 11 Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase	Job Growth
Existing Assessed Conditions					
PAO, HWS	6.42	--	76,631	--	--
New Development Potential: Existing General Plan Alternative ¹					
PAO, HWS	6.42	--	24,430	--	87
New Development Potential: Opportunity Area 11 Alternative ¹					
NC	6.42	--	75,502	--	4

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

Economic and Fiscal Findings: The Opportunity Area 11 Alternative would include a slight increase in the non-residential development potential in the West Jacklin & 680 Neighborhood Node/Commercial Center area. Under the Alternative, some existing professional and administrative office and highway service uses would be redeveloped into neighborhood commercial uses. Due to the new distribution of land uses and the different employment density factors associated with each land use category, buildout of the Alternative would provide 83 fewer jobs in Opportunity Area 11 than buildout of the existing General Plan.

General Fund Revenue Implications: Buildout of the Opportunity Area 11 Alternative would generate approximately \$65,000 in annual General Fund revenue. Property tax would be the only source of revenue generated from buildout of the Opportunity Area 11 Alternative.

Table 2-23: Jacklin & 680 Neighborhood Node/Commercial Center - West Revenue Impacts

Jacklin & 680 Neighborhood Node/ Commercial Center - West	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$17,000	\$65,000	\$48,000
Transient Occupancy Tax	\$18,000	--	(\$17,000)
Sales Tax	\$4,000	--	(\$4,000)
Franchise Tax	\$5,000	--	(\$5,000)
Business License Tax	\$1,000	--	(\$1,000)
Other Revenue	\$3,000	--	(\$3,000)
Total Annual General Fund Revenue	\$48,000	\$65,000	\$17,000
Buildout Assumptions			
Net New Residential Units	--	--	--
Neighborhood Commercial	--	129,835	129,835
Highway Service	4,774	(2,283)	(7,057)
Professional & Administrative Office	19,656	(52,050)	(71,706)
Net New Non-Residential Sq. Ft.	24,430	75,502	51,072
Net New Employees	87	4	(83)
Net New Residents	--	--	--
Net New Service Population ¹	44	2	(42)

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Changes proposed for this Opportunity Area will encourage the revitalization by providing incentives for property owners to reinvest and redevelop their properties and enhance the architectural quality of development. The proposed Neighborhood Commercial designation will provide new commercial space for a mix of retailers and other commercial uses. The Neighborhood Commercial designation will support commercial uses that serve the surrounding neighborhoods and provide attractive, modern space for new local-serving businesses. While the existing commercial properties provide inexpensive space to local businesses and do serve the community, many are dated and require renovation and redevelopment to stay competitive.

Circulation Findings: This Opportunity Area is located on the west side of I-680. Hillview Drive and Jacklin Road intersect within the area. Hillview Drive/Jacklin Road is a four-legged signalized intersection with protected left-turn phasing on both Jacklin Road approaches, and split phasing on the Hillview Drive approaches. Marked crosswalks and pedestrian signals are provided across all four legs, as are pedestrian curb ramps. I-680 Southbound Ramps/Jacklin Road is a four-legged signalized intersection, with protected left-turn phasing on the westbound Jacklin Road approach and right turn channelization on the eastbound Jacklin Road approach. Marked crosswalks and pedestrian signals are provided across all legs except the west Jacklin Road leg, as well as pedestrian curb ramps.

The current land use designation within this node is Highway Service and Professional & Administrative Office. The proposed Neighborhood Commercial designation (identified by the Opportunity Area 11 Alternative) would increase the allowed FAR up to 0.75, providing improved access to commercial uses in surrounding residential areas. Providing commercial uses within one-half mile of nearby neighborhoods is expected to encourage active transportation usage and decrease per capita VMT related to daily amenities and jobs. The center is located next to I-680, and is expected to potentially reduce the amount of local traffic congestion on the freeway by providing commercial uses closer to surrounding neighborhoods.

FIGURE 2-23:
OPPORTUNITY AREA 11 LAND USE ALTERNATIVES



FIGURE 2-24:
OPPORTUNITY AREA 11 EXISTING CONDITIONS



OPPORTUNITY AREA 12: MILPITAS TOWN CENTER

Setting: The Town Center (TWC) designation is envisioned to provide for a variety of commercial, civic and residential uses appropriate to the area's role as the city's civic center and of the community's central commercial district. The Town Center is a meeting place and a marketplace, the home of commercial and professional firms, an entertainment and dining destination, and a place to accommodate tourists. Because of this unique and relatively intensive mix of activities, very high density residential developments of up to 40 units per acre are permitted, creating a district where residents can lend increased economic support to area businesses and are proximate to retail, services, and jobs. The area also includes many government buildings and community facilities, including Milpitas City Hall, the Community Center, and the Senior Center. The area accommodates a variety of commercial services and retail establishments, including a grocery store, a drugstore, banks, fitness centers, salons, restaurants, and home goods stores. The area accommodates development at a FAR of up to 0.85 and residences at up to 40 units per acre. Existing assessed non-residential development in this area totals approximately 1.2 million square feet of primarily retail and commercial service uses and approximately 529 multifamily dwelling units. Structures within this area were constructed between 1973 to 2015 with 2009 being the median year of construction.

Vision: Based upon input provided the City Council, the GPAC, and members of the public, the TWC designation adequately captures the community's vision for future development in the Town Center area. This report assumes no changes to the designation of parcels in the area nor modifications to the TWC. The growth potential for the area has been included for reference and possible discussion only. If additional growth is desirable, additional analysis will be required.

Growth Potential: Table 2-24 below presents growth potential for the Town Center area. As shown in Table 2-24 the area could include approximately 535 additional dwelling units, and an additional 434,872 square feet of retail and commercial development.

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
TWC	133.90	529	1,246,962	--	--
New Development Potential ¹					
TWC	133.90	535	434,872	1,792	791

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The residential and non-residential development potential in Milpitas Town Center would be the same under the existing General Plan and the Opportunity Area 12 Alternative. At buildout of both the Alternative and the existing General Plan, Opportunity Area 12 would support 535 new residential units and 791 new jobs.

General Fund Revenue Implications: Buildout of the existing General Plan and the Opportunity Area 12 Alternative would generate approximately \$1.7 million in annual General Fund revenue.

Table 2-25: Milpitas Town Center Revenue Impacts

Milpitas Town Center	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$1,011,000	\$1,011,000	--
Transient Occupancy Tax	\$166,000	\$166,000	--
Sales Tax	\$255,000	\$255,000	--
Franchise Tax	\$89,000	\$89,000	--
Business License Tax	\$9,000	\$9,000	--
Other Revenue	\$162,000	\$162,000	--
Total Annual General Fund Revenue	\$1,692,000	\$1,692,000	--
Buildout Assumptions			
Multi-family Condominiums	267	267	--
Multi-family Apartments	268	268	--
Net New Residential Units	535	535	--
Town Center	434,872	434,872	--
Net New Non-Residential Sq. Ft.	434,872	434,872	--
Net New Employees	791	791	--
Net New Residents	1,791	1,791	--
Net New Service Population ¹	2,186	2,186	--

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: The Town Center Zoning District is intended as the functional and visual focus of Milpitas that provides a meeting and market place for commercial, professional and entertainment uses. No change is proposed for this Opportunity Area since the existing zoning will encourage more efficient use of land through higher density housing will ensure land is available for the continued focus of a mixed-use district that provides identity for the City. The Town Center concept already provides for the provision of common amenities that modern mixed use developments typically provide. Further it will allow a dense residential population to provide increased economic support to the commercial uses.

Circulation Findings: East Calaveras Boulevard (a State Route) bisects the center of this land use designation in an east-west direction. North Milpitas Boulevard/East Calaveras Boulevard is a four-legged signalized intersection with protected left-turn phasing on all approaches. All approaches have channelized right turns, except for northbound Milpitas Boulevard onto eastbound East Calaveras Boulevard. Marked crosswalks and pedestrian signals are provided across all four legs, as are pedestrian curb ramps.

Intensifying the land use within existing Town Center designation on both sides of East Calaveras Boulevard would increase the local congestion on East Calaveras Boulevard and Milpitas Boulevard. East Calaveras Boulevard functions as a state highway, and is under Caltrans' jurisdiction, connecting east and west Milpitas and carrying regional traffic from I-680, I-880 and the rest of SR 237. East Calaveras Boulevard currently has limited pedestrian and bicycle facilities and limited access to the BART or light-rail stations. This area does have accessibility to the freeway; however, due to the high regional traffic volumes and wide configuration of East Calaveras Boulevard, the Town Center area would not be appealing for active transportation modes. Increased demand in this Opportunity Area has the potential to increase local traffic congestion and attract more regional traffic. The lack of comfortable pedestrian and bicycle connections reduce the likelihood that local residents would choose active transportation modes to visit the Town Center.

FIGURE 2-25:
OPPORTUNITY AREA 12 LAND USE ALTERNATIVES

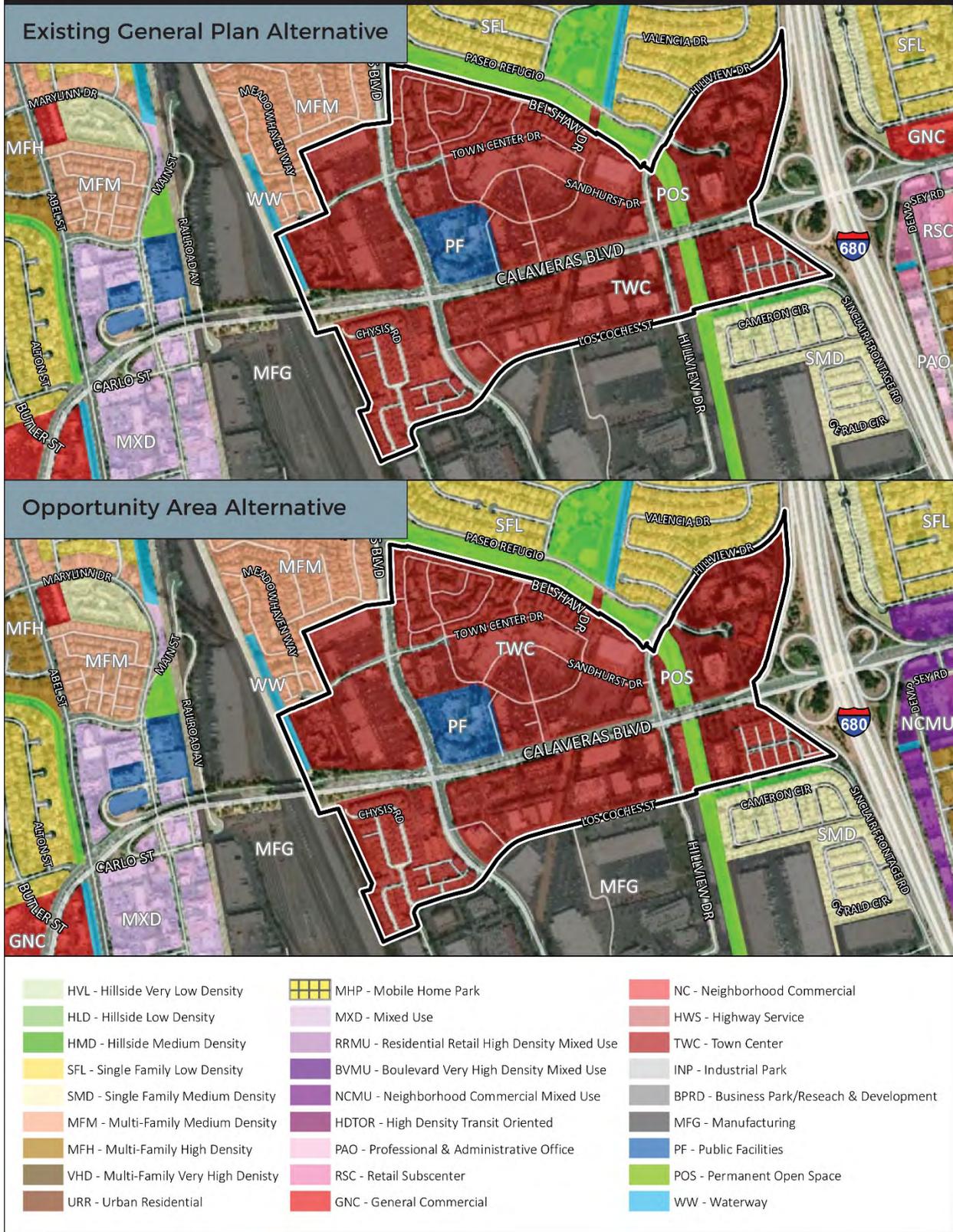
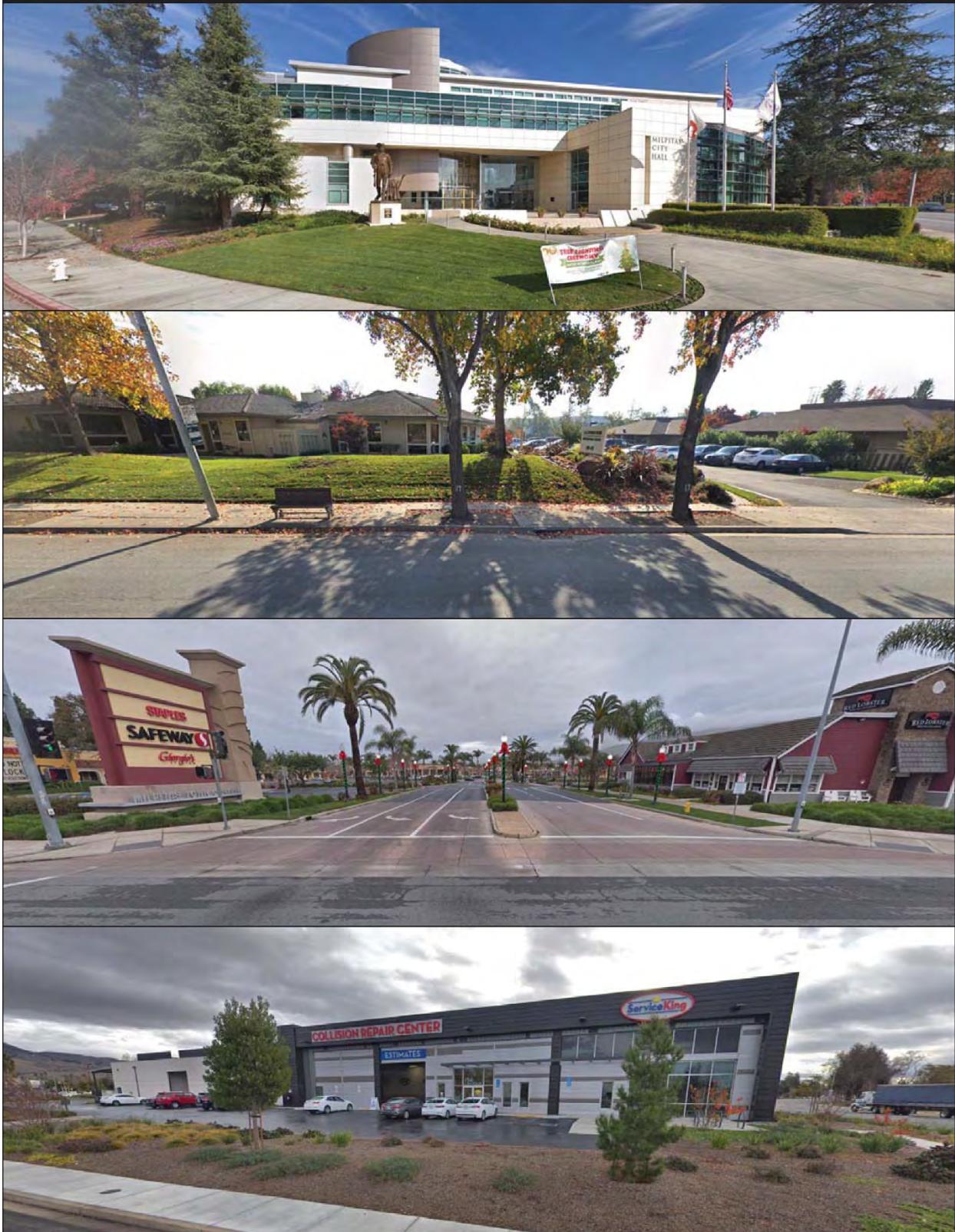


FIGURE 2-26:
OPPORTUNITY AREA 12 EXISTING CONDITIONS



OPPORTUNITY AREA 13: JACKLIN NEIGHBORHOOD NODE/ COMMERCIAL CENTER

Setting: The Jacklin Neighborhood Node/ Commercial Center provides for office employment and neighborhood commercial service uses to residents living in the surrounding neighborhoods. All lands within this Opportunity Area are designated by the Milpitas General Plan as Retail Subcenter (RSC 9.79 acres). Existing assessed non-residential development in the area totals approximately 140,229 square feet and is primarily comprised of retail and commercial service uses. Structures within the center were built in 1988.

Vision: Under the Opportunity Area 13 Alternative, the Jacklin Neighborhood Node/ Commercial Center would be redesignated from Retail Subcenter (RSC) to Neighborhood Commercial (NC). The NC designation is intended to accommodate a mix of commercial uses that serve the surrounding neighborhoods at an FAR of up to 0.75. The designation supports a broad range of commercial uses, including neighborhood-serving retail stores and services and commercial and professional offices.

Growth Potential: Table 2-26 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 13 Alternative. As shown in Table 2-26 under the Existing General Plan Alternative, the area could include an additional 12,272 square feet of commercial service and retail, development. Under the intensified land uses allowed by the Opportunity Area 13 Alternatives’ NC designation, the area could include an additional 99,629 square feet of retail service and commercial development.

Table 2-26: Opportunity Area 13 Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase	Job Growth
Existing Assessed Conditions					
RSC	9.79	--	140,229	--	--
New Development Potential: Existing General Plan Alternative ¹					
RSC	9.79	--	12,272	--	20
New Development Potential: Opportunity Area 13 Alternative ¹					
NC	9.79	--	99,629	--	166

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

Economic and Fiscal Findings: The Opportunity Area 13 Alternative would increase the non-residential development potential and employment growth in the Jacklin Neighborhood Node/Commercial Center area (Opportunity Area 13). Under this Alternative, some existing retail subcenter uses would be redeveloped into neighborhood commercial uses. Due to the overall increase in development potential, buildout of the Alternative would support 146 more jobs in Opportunity Area 13 than buildout of the existing General Plan.

General Fund Revenue Implications: At buildout, the Opportunity Area 13 Alternative would generate approximately \$140,000 in annual General Fund revenue. Property tax and transient occupancy tax revenue would account for most of the revenue generated by this alternative.

Table 2-27: Jacklin Neighborhood Node/Commercial Center Revenue Impacts

Jacklin Neighborhood Node/ Commercial Center	Existing General Plan	Opportunity Area Alternative	Difference (Alternative Less Existing)
Annual General Fund Revenue Impacts			
Property Tax	\$10,000	\$80,000	\$70,000
Transient Occupancy Tax	\$4,000	\$34,000	\$30,000
Sales Tax	\$1,000	\$8,000	\$7,000
Franchise Tax	\$1,000	\$10,000	\$9,000
Business License Tax	-	\$2,000	\$2,000
Other Revenue	\$1,000	\$6,000	\$5,000
Total Annual General Fund Revenue	\$17,000	\$140,000	\$123,000
Buildout Assumptions			
Net New Residential Units	--	--	--
Neighborhood Commercial	--	239,858	239,858
Retail Subcenter	12,272	(140,229)	(152,501)
Net New Non-Residential Sq. Ft.	12,272	99,629	87,358
Net New Employees	20	166	146
Net New Residents	--	--	--
Net New Service Population ¹	10	83	73

¹ Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Changes proposed for this Opportunity Area will encourage the revitalization by providing incentives for property owners to reinvest and redevelop their properties and enhance the architectural quality of development and potentially provide amenities to enhance shopper experience. The proposed Neighborhood Commercial designation will provide new commercial space for a mix of retailers and other commercial uses up to a FAR of 0.75. The Neighborhood Commercial designation will support commercial uses that serve the surrounding neighborhoods and provide attractive, modern space for new local-serving businesses. While the existing commercial properties provide inexpensive space to local businesses that do presently serve the community, many are dated and require renovation and redevelopment to stay competitive in the long term.

Circulation Findings: This neighborhood center is located in the northwest portion of the City near the intersection of Jacklin Avenue and Arizona Avenue. Jacklin Road/Arizona Avenue is a three-legged signalized intersection, with protected left-turn phasing on the eastbound Jacklin Road approach. Bicycle lanes are provided on each Jacklin Road approach, with crosswalks and pedestrian signals provided across all legs of intersection.

The current land use designation for this area is Retail Subcenter, and is proposed to be changed to the Neighborhood Commercial designation (identified by the Opportunity Area 13 Alternative). The proposed land use would increase the allowed FAR up to 0.75, and would increase commercial accessibility for surrounding neighborhoods and for Milpitas High School. Improved residential proximity to commercial uses has the potential to reduce the per capita VMT generated by students and nearby residents, and could help to encourage active transportation. The increase in commercial use may decrease LOS for Jacklin Road

nearby, though may help to slightly decrease local traffic congestion along Milpitas Boulevard south of Jacklin Road.

FIGURE 2-27:
OPPORTUNITY AREA 13 LAND USE ALTERNATIVES

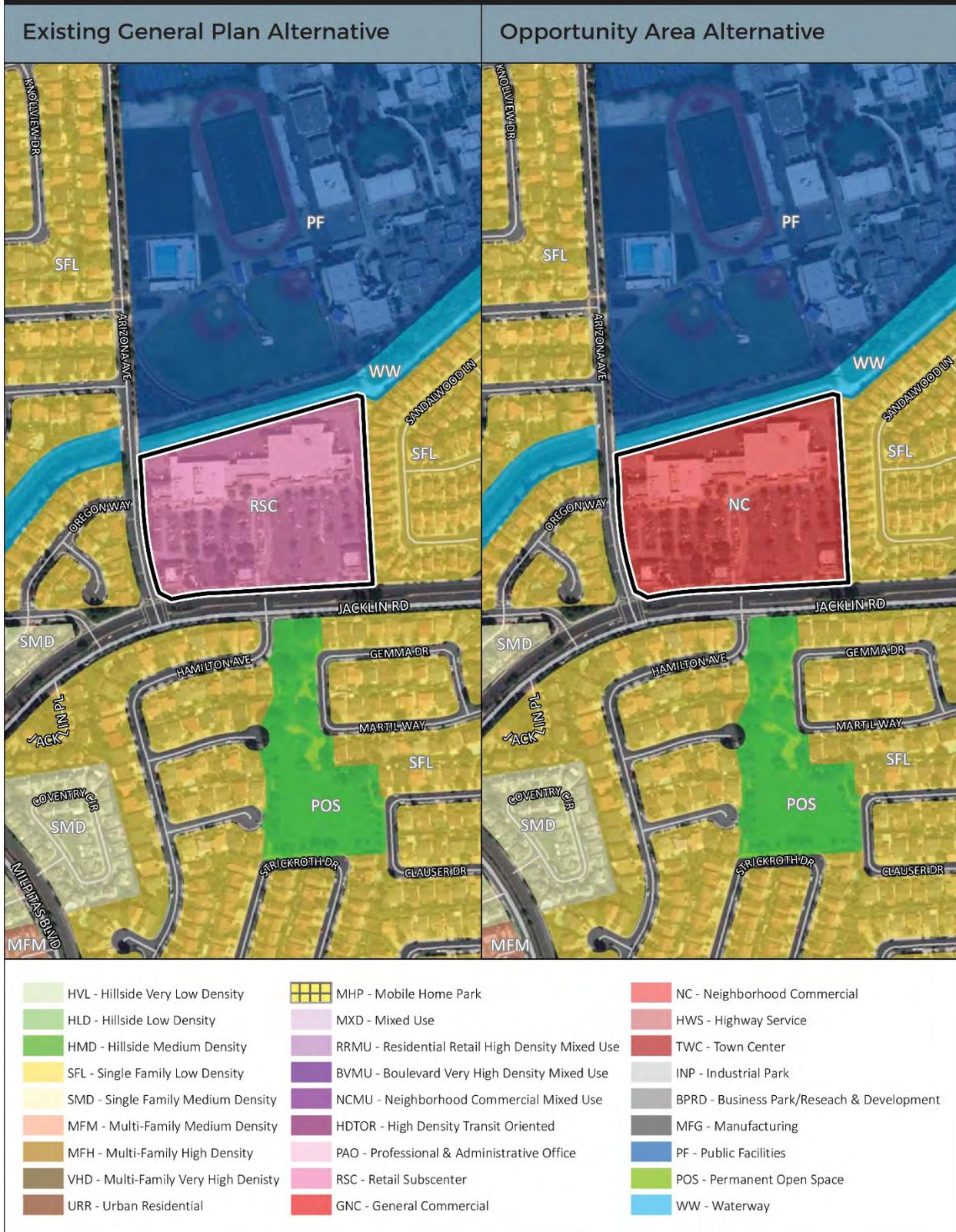


FIGURE 2-28:
OPPORTUNITY AREA 13 EXISTING CONDITIONS



OPPORTUNITY AREA 14: Serra Center Commercial Gateway

Setting: The Serra Center Commercial Gateway provides commercial services to residents living in the surrounding neighborhoods as well as commercial services to local businesses, employees, and visitor serving commercial services. With strategic frontage along Calaveras Boulevard (SR-237), within Milpitas's Midtown Specific Plan and near Main Street, this commercial center serves as an important gateway to one of the city's main activity centers. Existing assessed non-residential square feet in this area totals approximately 507,726 square feet of primarily service retail and commercial services (including grocery, restaurant and service retail). Structures within the area range in year of construction from 1960 to 1998 with 1977 being the median year.

Vision: Under the Opportunity Area 14 Alternatives, the Serra Center Commercial Gateway would change from Retail Subcenter (RSC-8.92 acres), and General Commercial (GNC-37.87 acres) designations to the newly-proposed Neighborhood Center Mixed Use (NCMU), or Neighborhood Commercial (NC) designation.

The NCMU designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential and office uses allowed on a limited basis. Specifically, the designation supports retail, personal services, entertainment, and offices that serve the adjacent neighborhoods. This potential change is envisioned to encourage the center's revitalization by providing opportunities for increased development intensities, while creating a more vibrant center through a land use mix that supports a pedestrian-oriented mixed-use environment consistent with planned development in the Midtown Specific Plan's Main Street Area. The NCMU designation allows for FAR's up to 0.75, and up to 1 dwelling unit per 1,500 square feet of non-residential square footage (1DU/1500 Sq. Ft.).

The NC designation is intended to accommodate a mix of commercial uses that serve the surrounding neighborhoods at an FAR of up to 0.75. The designation supports a broad range of commercial uses, including neighborhood-serving retail stores and services and commercial and professional offices.

The difference between the NCMU and NC designations is that NCMU would allow for multi-family residential development, whereas NC would not allow residential uses. The allowed non-residential uses and standards are the same for the two designations.

Growth Potential: Table 2-28 below presents growth potential for this area under the Existing General Plan Alternative, and the Opportunity Area 14 Alternatives. As shown in Table 2-28 under the Existing General Plan Alternative the area would include no additional dwelling units, and an additional 203,903 square feet of retail/service/commercial development. Under the intensified land uses allowed by the Opportunity Area 14 Alternatives' NCMU designation, the area could include approximately 847 additional dwelling units and an additional 684,973 square feet of retail/service/commercial mixed-use development. Under the Opportunity Area 14 Alternatives' NC designation, the area is assumed to have the potential for the same square footage of commercial square feet, however no additional dwelling units would be allowed.

Table 2-28: Opportunity Area 14: Existing and New Development Potential

Land Use	Acres	Dwelling Units	Nonresidential Sq. Ft.	Population Increase ²	Job Growth
Existing Assessed Conditions					
GNC	37.87	0	397,727	--	--
RSC	8.92	0	109,999	--	--
Total	46.79	0	507,726	--	--
New Development Potential: Existing General Plan Alternative ¹					
GNC	37.87	0	192,497	--	321
RSC	8.92	0	11,406	--	19
Total	46.79	0	203,903	--	340
New Development Potential: Opportunity Area 14 (NCMU) Alternative ¹					
NCMU	46.79	847	684,973	2,838	1,334
New Development Potential: Opportunity Area 14 (NC) Alternative					
NC	46.79	0	684,973	--	1,142

¹ Represent Net Potential Additional Units and Non-Residential Sq. Ft.

² Assumes 3.35 Persons per Household. Note Multi-Family Mixed-Use Units may reduce HH size over time, and thus reduce this population projection

Economic and Fiscal Findings: The Opportunity Area 14 NCMU Alternative would allow new residential uses and increase the amount of commercial space developed in the Serra Center Commercial Gateway area (Opportunity Area 14). Under this Alternative, some existing commercial uses would shift from the Retail Subcenter and General Commercial land use designations to a new Neighborhood Center Mixed Use designation (NCMU), which would provide a mix of retail, entertainment, and personal service uses to serve surrounding neighborhoods. The intensified land uses would allow Opportunity Area 14 to support an additional 1,334 jobs at buildout of the NCMU Alternative, a significant increase from the 340 new jobs that would be provided under buildout of the existing General Plan. The NCMU Alternative would also potentially support up to 847 new residential units at buildout.

Under the Opportunity Area 14 NC Alternative, the existing Retail Subcenter and General Commercial land uses would be re-designated as Neighborhood Commercial. No new residential uses would be included under buildout of the NC Alternative or the existing General Plan. Due to the increase in non-residential development potential, some existing Retail Subcenter and General Commercial uses would likely be redeveloped into new uses supported by the Neighborhood Commercial designation. The increased development potential would allow Opportunity Area 14 to support 1,142 new jobs at buildout of the NC Alternative, or 800 more jobs than would be supported under buildout of the existing General Plan.

General Fund Revenue Implications: Buildout of the Opportunity Area 14 NCMU Alternative would generate approximately \$2.8 million in annual revenue to the City’s General Fund. Roughly three-fourths of the General Fund revenue generated by the NCMU Alternative would be from increases in property tax and sales tax. The new residential uses under the NCMU Alternative would drive most of the increase in property tax revenue. New resident taxable spending would likewise account for most of the new sales tax revenue that would be generated from buildout of the NCMU Alternative.

Buildout of the Opportunity Area 14 NC Alternative would generate approximately \$980,000 in annual General Fund revenue, or roughly 3.5 times the amount of annual General Fund revenue than would be

generated from buildout of the existing General Plan. Most of the difference would stem from the increase in development capacity, which would increase property value, and the increase in employment growth, which would increase business-related lodging demand in Milpitas.

Table 2-29: Serra Center Commercial Gateway Revenue Impacts

Sunny Hills Neighborhood Node/ Commercial Center	Existing General Plan	Opportunity Area NCMU Alternative	Difference (NCMU Alternative Less Existing)	Opportunity Area NC Alternative	Difference (NC Alternative Less Existing)
Annual General Fund Revenue Impacts					
Property Tax	\$155,000	\$1,668,000	\$1,513,000	\$567,000	\$412,000
Transient Occupancy Tax	\$68,000	\$277,000	\$209,000	\$239,000	\$171,000
Sales Tax	\$16,000	\$407,000	\$391,000	\$55,000	\$39,000
Franchise Tax	\$20,000	\$146,000	\$126,000	\$68,000	\$48,000
Business License Tax	\$4,000	\$15,000	\$11,000	\$13,000	\$9,000
Other Revenue	\$13,000	\$259,000	\$246,000	\$42,000	\$29,000
Total Annual General Fund Revenue	\$276,000	\$2,772,000	\$2,496,000	\$984,000	\$708,000
Buildout Assumptions					
Multi-family Condominiums	0	423	423	0	0
Multi-family Apartments	0	424	424	0	0
Net New Residential Units	0	847	847	0	0
Neighborhood Commercial Mixed Use	0	1,270,145	1,270,145	0	0
Neighborhood Commercial	0	0	0	1,270,145	1,270,145
General Commercial	192,497	(475,173)	(667,670)	(475,173)	(667,670)
Retail Subcenter	11,406	(109,999)	(121,405)	(109,999)	(121,405)
Net New Non-Residential Sq. Ft.	203,903	684,973	481,070	684,973	481,070
Net New Employees	340	1,334	994	1,142	802
Net New Residents	0	2,837	2,837	0	0
Net New Service Population ¹	170	3,504	3,334	571	401

¹Service population equals the resident population plus a portion of the employment population to reflect the reduced demand from commercial uses. To estimate service population, employees are multiplied by 1/2. Source: BAE, 2018.

Economic Development Implications: Although existing commercial properties in the Serra Center Commercial Gateway area currently provide inexpensive space to local businesses that serve the community, many properties are dated and will require renovation and redevelopment in order to stay competitive. The changes proposed in the Serra Center Commercial Gateway area will encourage the area's revitalization by providing incentives for property owners to reinvest in and redevelop their properties. Assuming properties are renovated and redeveloped, the proposed Neighborhood Center Mixed-use and Neighborhood Commercial designations will encourage development of new retail space to

serve retailers seeking modern, attractive settings, potentially with common amenities³. The NCMU alternative, which includes a residential component, would further encourage the area's revitalization, as the new residential population would provide additional support for the commercial uses.

Circulation Findings: This Opportunity Area is located represents a gateway to Milpitas's central core and Main Street, and is accessible from all directions, and has direct access from Highway 880. Located along Calaveras Boulevard (State Route 237) this area is an important link from/to the nearby highway, to the West part of Milpitas, the Midtown Specific Plan, Town Center, and Highway 680.

Calaveras Boulevard between Abel Street and Milpitas Boulevard is a constraint corridor with two lanes in each direction of travel, while the remaining Calaveras Boulevard has three lanes in each direction of travel. Abel Street/West Calaveras Boulevard is a four-legged signalized intersection with protected left-turn phasing on all approaches. Both West Calaveras Boulevard approaches have channelized right turns onto Abel Street. A right turn overlap is provided from northbound South Abel Street to eastbound West Calaveras Boulevard. Marked crosswalks and pedestrian signals are provided across all four legs, as well as pedestrian curb ramps. The intersection of Abel Street/West Calaveras Boulevard operates poorly at a LOS of E during the p.m. peak period, with average delays of 78 seconds. West Calaveras Boulevard bisects this land use opportunity. An increase in development density may worsen the LOS of Abel Street/West Calaveras Boulevard since it is a connector to I-880, I-680, Main Street and the Town Center.

Under existing peak hour conditions the following study intersections within and adjacent to Opportunity Area 14 all operate at LOS C or better: I-880 Northbound Ramp/West Calaveras Boulevard, and South Abbott Street/West Calaveras Boulevard, Serra Way/West Calaveras Boulevard, while the intersection of Abel Street/West Calaveras Boulevard operates at LOS D during the AM peak hour and LOS 77.8 E- during the PM peak hour.

Additionally the roadway segment of SR 237/East Calaveras Boulevard east of North Main Street in the east and westbound direction includes a total daily segment bidirectional volume of 67,000 vehicles. This study roadway segments was also analyzed using a volume-to-capacity ratio (V/C) methodology, which is based on a comparison of directional peak hour traffic volumes to that particular roadway's theoretical capacity in that direction when it is operating at LOS D. The volume-to-capacity ratio for this segment was 1.35 in the westbound direction during the AM peak hour, and 1.02 for the eastbound direction during the PM peak hour, which indicates peak volumes are currently greater than existing capacities.

This land use alternative would change the land use designation to either Neighborhood Center Mixed Use, or Neighborhood Commercial. The new designations support additional commercial uses for the neighborhoods and nearby multifamily residents, which could potentially reducing local trips. While the increased intensity of building in this area might affect Level of Service for traffic, this designation alternative is expected to decrease vehicle miles traveled from the neighborhoods surrounding due to additional daily amenities becoming closer in distance to residents of the surrounding neighborhoods, as well as planned development within the midtown specific plan area, and through potential mixed use areas created under the NCMU alternative. Additionally, the intensified commercial area proposed will be within

³ These amenities can include but are not limited to gathering spaces, outdoor seating, pop-up retail spaces, play areas, venues for small-scale special events, and areas for food trucks.

walking distance of the majority of the Single-Family Homes and Multi-Family residences, and planning development within the Midtown Specific Plan, which may encourage an increase in active transportation users. While a determination in a proposed land use for this area has not been made, densified mixed-use development of residential/employments opportunities has the potential to decrease VMT.

Currently Calaveras Boulevard can also be seen as an impediment to pedestrians due to its width, auto oriented centers, and heavy traffic, however if redevelopment of the areas includes street and frontage improvements, Calaveras Boulevard (CA-237) could support a more multi modal environment, while maintaining a grand boulevard feel. Additionally, existing natural element, such as Berryssa Creek, which runs along Abel Street could provide opportunities to implement planned a north-south trail connections linking Opportunity Area 14 with areas to the north, and areas to the south including the TASP area and transit opportunities.

FIGURE 2-29:
OPPORTUNITY AREA 14 LAND USE ALTERNATIVES

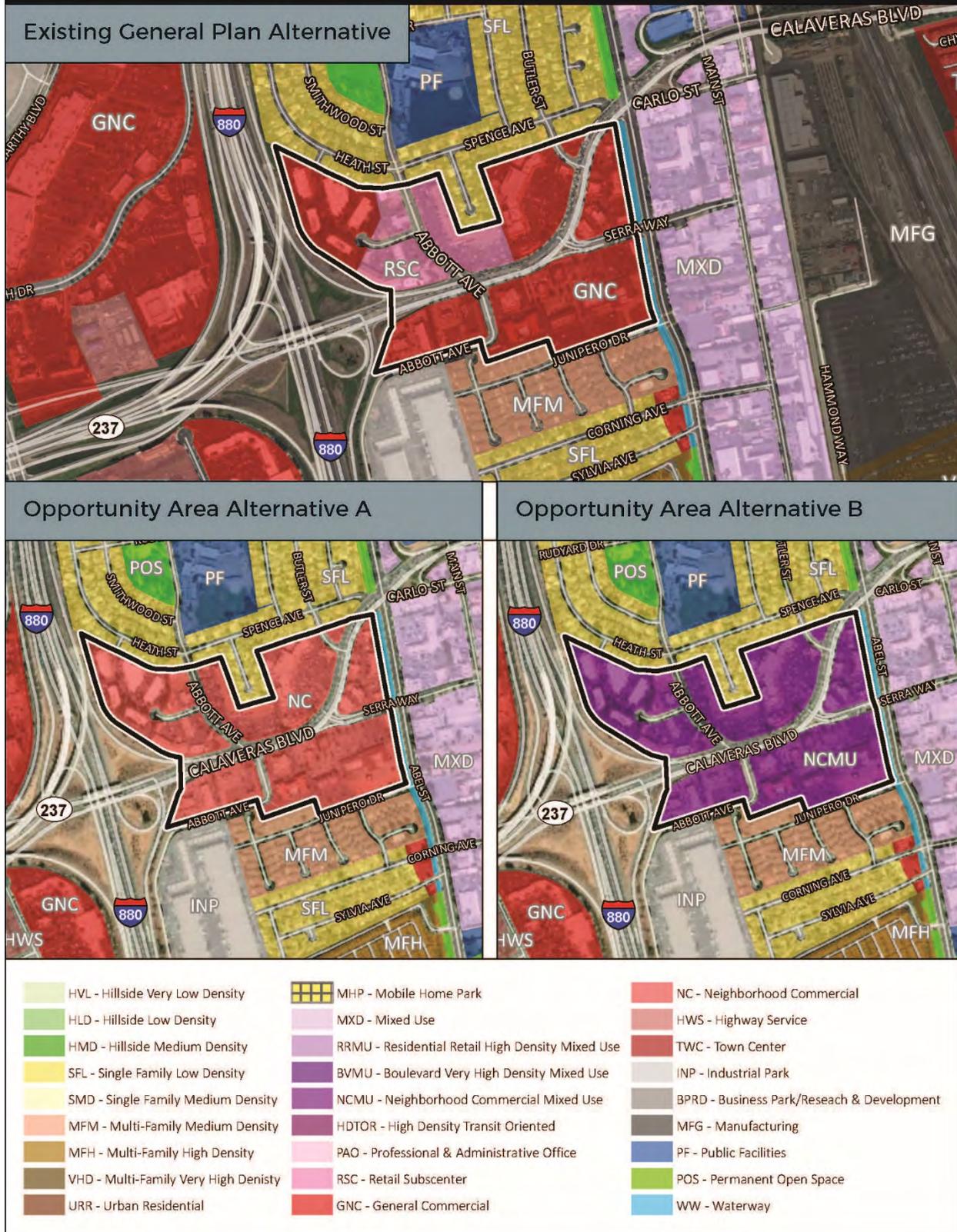


FIGURE 2-30:
OPPORTUNITY AREA 14 EXISTING CONDITIONS



2.5 CITY-WIDE GROWTH POTENTIAL

The land use alternatives analyzed in this report would accommodate differing levels of residential and employment growth. Table 2-30 summarizes the increase in population, dwelling units, and jobs that may occur during the life of the General Plan, under the Existing General Plan and Opportunity Areas Alternatives.

The growth assumptions use data from the California Department of Finance, the Santa Clara County Assessor, and review of on-ground conditions via site visits and aerial photographs to identify vacant and underutilized parcels within the city that would potentially redevelop during the General Plan planning horizon.

Because the City of Milpitas is largely built out, meaning that there are very few vacant and undeveloped parcels remaining within core areas of the city, the growth projections contained in this report also rely on an analysis of the development potential associated with parcels that are considered to be underdeveloped or underutilized. Parcels which are currently vacant and/or underutilized were identified using data from the Santa Clara County Assessor's office. This data was used to estimate the new development and redevelopment potential within the city limits under each Land Use Map Alternative.

Given that actual development rates and growth rates in Milpitas are likely to be significantly lower than the maximum allowed development under the General Plan over a 20-year planning horizon (i.e. a full buildout projection), these growth projections were developed in order to provide a meaningful estimate of the upper-ranges of new growth that could potentially occur. New development and growth is largely dictated by existing development conditions, market conditions, and land turnover rates.

POPULATION, AND DWELLING UNITS

As shown on Table 2-30, new housing and population growth within the city would be increased under the Opportunity Area Scenario (13,100 dwelling units and 43,885 persons) when compared to the Existing General Plan (9,469 dwelling units and 31,722 persons).

JOB GROWTH

Job growth was projected based on non-residential square footage. Vacant and underutilized commercial, office, industrial, and portions of mixed-use sites were anticipated to be developed. The existing square footage of developed lands as well as lot areas were taken from the County's Assessor's database. For each type of non-residential development, a factor for job growth was determined based on the ratio of estimated jobs that correlate to a specific land use category.

As is shown on Table 2-30, new job growth within the city would be increased under the Opportunity Area Alternative Scenario (31,933 new jobs) when compared to the Existing General Plan Alternative (10,181 new jobs).

The citywide jobs to housing ratio would be 1.82 jobs per housing unit under the Existing General Plan Alternative, and 2.25 jobs per housing unit under the Opportunity Area Alternative Scenario.

TABLE 2-30: GROWTH PROJECTIONS BY ALTERNATIVE

Alternative	Population	Dwelling Units	Jobs	Jobs per Housing Unit
Existing Conditions				
	76,057	22,215	47,538	2.14
New Growth Potential				
Existing General Plan	31,722	9,469	10,181	1.08
Opportunity Area Alt	43,885	13,100	31,933	2.44
Total Growth: Existing Plus Potential New Growth				
Existing General Plan	107,779	31,684	57,719	1.82
Opportunity Area Alt	119,942	35,315	79,471	2.25

SOURCES: SANTA CLARA COUNTY ASSESSOR 2017; CALIFORNIA DEPARTMENT OF FINANCE 2017; U.S CENSUS ONTHEMAP; ESRI 2017, DE NOVO PLANNING GROUP 2018.

JOB TYPES

Job types were projected based on non-residential square footage and the associated land use for each alternative. Table 2-31 below shows the breakdown of new job growth by land use.

As shown in Table 2-31, the new proposed Business Park Research and Development (BPR&D) land use designation provides the most opportunities for job growth across all alternatives. The Existing General Plan Alternative provides a large share of employment within the BVMU - Boulevard Very High Density Mixed Use, GNC - General Commercial, and INP - Industrial Park land use designations at 2,949 jobs, 2,349 jobs, and 2,853 jobs respectively.

TABLE 2-31: JOB GROWTH BY LAND USE

Use	Existing General Plan Alternative	Opportunity Area Alternative
MXD - Mixed Use	975	3,537
RRMU - Residential Retail High Density Mixed Use	327	327
BVMU - Boulevard Very High Density Mixed Use	2,949	4,454
PAO - Professional & Administrative Office	277	-406
RSC - Retail Subcenter	108	-885
GNC - General Commercial	2,349	1,266
HWS - Highway Service	169	-2,541
MFG – Manufacturing	1,310	3,110
INP - Industrial Park	2,853	-4,723
RTO - Retail Transit- Oriented	--	--
NC - Neighborhood Commercial	--	941
NCMU - Neighborhood Commercial Mixed-Use	--	4,336
BPR&D - Business Park Research and Development	--	23,652
TWC - Town Center	791	791
PF - Public Facilities	--	--
POS - Permanent Open Space	--	--
WW - Waterway	--	--
Non-conforming Sq. Ft. HDTOR	-406	-406
Non-conforming Sq. Ft. URR	-654	-654
Non-conforming Sq. Ft. VHD	-590	-590
Non-conforming Sq. Ft. MFH	-277	-277
Total	10,181	31,933

JOB GROWTH PROJECTED BASED ON NON-RESIDENTIAL SQUARE FOOTAGE

2.6 PLAN BAY AREA 2040 REGIONAL GROWTH PROJECTIONS

Plan Bay Area 2040 is a long-range blueprint to guide transportation investments and land-use decisions throughout the greater Bay Area through 2040. This Plan describes the regional projections of employment, population, household and housing growth, and jurisdictional projections for household and employment growth through 2040.

The Plan Bay Area 2040 forecast was done in two steps. First, the totals for the region as a whole were forecast. This data presented projections at the regional level. Regional totals were then allocated to locations within each jurisdiction to arrive at jurisdictional forecasts. Distribution of the forecast geographically depends in part on market factors and in part on local and regional policies, including decisions regarding transportation investments. Current zoning was also obtained for all parcels in the region as a representation of the land use controls in place during the base year. Zoning codes and general plans were reviewed to obtain a consistent indication of each jurisdiction's long-term vision for land use type, residential dwelling units per gross acre, and commercial floor-area-ratio. Additionally, parcels containing structures built before 1930 were deemed non-developable due to assumed historical protection ordinance restrictions.

Each jurisdiction's forecast amount of growth was determined using the UrbanSim microeconomic model. This takes an existing map of current buildings, residents, and land use policies. It then simulates a subset of households and firms choosing new locations each year. Then a real estate development pro forma model was used to simulate the construction of new buildings in places with sufficient demand and current zoning allowances. These buildings will have occupants in future years, which form the basis of the growth forecast. Zoning modifications may be included to reflect the classification of ABAG's Priority Development Areas into various place-types (if these require intensities higher than existing zoning allows).

The Milpitas PDA is located within the Transit Area Specific Plan Planning area near the future Milpitas Bay Area Rapid Transit (BART) Station and light rail connection. Milpitas's transit area PDA encompasses 371 net acres and is a designated future Suburban Center (development standards identified by MTC for Suburban Center includes 35-100 dwelling units per acre, and FARs up to 4.0). The PDA includes the entire Transit Area Specific Plan area and a portion of the Midtown Specific Plan area. Milpitas has a second PDA that is part of the Santa Clara VTA PDA. The Santa Clara VTA PDA encompasses approximately 92 net acres and is a future Mixed-Use Corridor (development standards identified by MTC for Mixed-Use Corridor includes 25-60 dwelling units per acre, and FARs up to 2.0) along Great Mall Parkway.

Plan Bay Area 2040 does not mandate any changes to local zoning, general plans, or require project review. Each city and county in the region maintains control of its own decisions to adopt plans, and permit or deny development projects. However regional planning initiatives may offer cities and counties incentives to promote future growth near transit in existing urbanized areas that will capitalize on the existing and planned transportation network, and reduce the need to expand infrastructure into undeveloped parts of the region.

Tables 2-32 and 2-33 present the Plan Bay Area 2040 jurisdictional forecast for households and employment in the City of Milpitas.

TABLE 2-32: PLAN BAY AREA 2040 JURISDICTIONAL HOUSEHOLD FORECAST (MILPITAS)

Area/Summary Level	Households 2010	Households 2040	Growth in Households
Milpitas Total	19,200	30,400	11,200
Milpitas PDA	790	9,600	8,810

SOURCE: MTC AND ABAG PLAN BAY AREA 2040: DRAFT LAND USE MODELING REPORT 2017

TABLE 2-33: PLAN BAY AREA 2040 JURISDICTIONAL EMPLOYMENT FORECAST (MILPITAS)

Area/Summary Level	Employment 2010	Employment 2040	Growth in Employment
Milpitas Total	42,000	58,000	16,000
Milpitas PDA	5,600	9,900	4,300

SOURCE: MTC AND ABAG PLAN BAY AREA 2040: DRAFT LAND USE MODELING REPORT 2017



MEMORANDUM

TO: Milpitas City Council

FROM: Ben Ritchie, De Novo Planning Group

SUBJECT: General Plan Advisory Committee Land Use Alternatives Report Recommendations

DATE: April 5, 2019

INTRODUCTION

As part of the General Plan Update process, the City is considering a range of potential revisions to the General Plan Land Use Map. **The Land Use Map is one of the General Plan's primary mechanisms for shaping the city's future development pattern.** The map assigns a land use designation to each parcel within the city, which determines what type of development and what intensity of development is allowed to occur on a given parcel.

The General Plan Update process is now at the stage where the consultants and staff need specific and focused feedback from the City Council regarding potential changes to the Land Use Map. To assist the City Council with this discussion, the consultants developed the attached Land Use Alternatives Report to identify areas where change may be appropriate. The Report also provides alternative scenarios for potential new development. The GPAC reviewed the Land Use Alternatives Report in detail over two separate meetings in September and October 2018, and feedback and recommendations from the GPAC are included in the attached summary memo. The Land Use Alternatives Report and the GPAC Recommendations Memo are described below.

Land Use Alternatives Report. The Land Use Alternatives Report is a tool for the City Council to identify and evaluate a diverse range of geographic locations within the city where changes to existing land uses and development patterns are likely to occur over the next 20 years. The Report refers to these various geographic locations as "Land Use Opportunity Areas" (Opportunity Areas) and provides an analysis of the land use, circulation, fiscal sustainability, and economic development characteristics associated with the buildout¹ of each Opportunity Area according to the existing and proposed land use designations.

GPAC Recommendations Memo. Over the course of two sequential meetings (held September 20, and October 17, of 2018) the GPAC reviewed the Land Use Alternatives report in detail and provided recommendations for land use and development intensity modifications within the Opportunity Areas identified in the Report. In some cases, GPAC members reached consensus regarding potential changes to the map, and in other cases, GPAC members had differing views. **This memo provides a summary of the GPAC's input with respect to all of the Opportunity Areas analyzed in the Land Use Alternatives Report.**

In those instances where the GPAC did not reach consensus regarding land use changes within a given area, this memo summarizes the differing views presented by the GPAC members. This memo also identifies those instances where the GPAC's recommendations differ from the professional recommendations of the

¹ "Buildout" refers to future development potential of an area, as allowed by the density and permitted use types established by the General Plan. Buildout is not an estimate of what level of development will necessarily occur, but rather, is an estimate of the level of development that COULD occur. The timing, intensity, and rate of future development is largely based on market conditions.



consultant team and staff. In such cases, those professional recommendations are included in this memo, accompanied by the rationale for each professional recommendation.

This memo, along with the Land Use Alternatives Report, are intended to be the primary tools used by the City Council in selecting a Preferred Land Use Map. The Preferred Land Use Map will be the foundation for several subsequent tasks undertaken as part of the General Plan Update.

NEXT STEPS

1. Members of the City Council will review the Land Use Alternatives Report and GPAC Recommendations Memo prior to the regular Council meeting on May 21st. Staff will hold individual meetings with each Council member prior to the May 21st meeting to discuss these materials and answer questions.
2. At the Council meeting on May 21st, City staff and the consultant team will provide a brief overview of the General Plan Update process to date and facilitate a detailed discussion with the Council on each of the 14 Opportunity Areas and receive Council direction on any land use changes to each of those areas.
3. Based on direction from the City Council, City staff and the consultant team will prepare the Preferred Land Use Map for Milpitas. Staff and the consultant team will hold a follow-up meeting with the City Council in August or September to confirm the Preferred Land Use Map.
4. Based on the Preferred Land Use Map, the consultant team will work with City staff and the GPAC to finalize a draft General Plan policy document and begin the technical analysis needed for the requisite Environmental Impact Report (EIR).



SUMMARY OF GPAC RECOMMENDATIONS

The following information summarizes the Land Use Map input and recommendations provided by the GPAC. The consultant team and City staff have also provided additional recommendations, where needed, based on their professional experience. For additional details related to possible land use changes identified in this memo, please refer to the [Land Use Alternatives Report](#).

The discussion of each Opportunity Area on the following pages includes the following information:

1. Existing conditions description
2. Summary of the proposed land use alternative (the proposed changes)
3. GPAC recommendations (feedback provided by GPAC members)
4. GPAC polling results
5. Consultant and staff recommendations



OPPORTUNITY AREA 1: SUNNY HILLS NEIGHBORHOOD NODE/COMMERCIAL CENTER

Existing Conditions: The Sunny Hills Neighborhood Node/Commercial Center primarily provides commercial services to residents living in the surrounding neighborhoods, and multi-family housing opportunities.

Proposed Land Use Alternative:

- Change the current General Plan Land Use designations from a mix of Multi-family High Density (MFH), Mixed Use (MXD), and Retail Sub-center (RSC) to the new Neighborhood Center Mixed Use (NCMU) designation.
- Apply the new NCMU designation to accommodate a mix of commercial and residential uses, with an emphasis on commercial activity as the primary use, and allow residential and office uses on a limited basis.
- Encourage revitalization of existing commercial areas by increasing development intensities (FAR) and linking commercial redevelopment with the opportunity for new residential development on a limited basis.
- Create a vibrant, pedestrian-oriented, mixed-use neighborhood center.

GPAC Input and Recommendations:

- Re-development of high density housing could displace people and reduce the amount of overall affordable housing options
- Even with 15% inclusionary affordable housing with re-development, this area may be more affordable by design that new housing options
- Displacement of current residents is a concern
- This area has redevelopment potential due to new development happening in Fremont
- There are economic benefits to having more commercial development on the city's border
- Concerns related to traffic impacts on adjacent neighborhoods
- The residential areas contain many aging structures, and new development may be beneficial for long-term housing options
- Possible options to leave out the HDR area included within the Opportunity Area



GPAC Poll Results:

A majority of GPAC members agreed with the recommendations in the LUA Report to replace the current mix of land use designations in the Sunny Hills area with the newly proposed NCMU designation. A minority of GPAC members voted to exclude the high-density residential portion of the Sunny Hills area from this change, and retain the HDR designation.

Options	Votes
Change to NCMU, as presented in LUA report	7
Change portions to NCMU, but exclude redevelopment of the HDR portion	4
Do nothing and leave as is	0

Consultant and Staff Recommendations:

- Agree with GPAC majority to change the current land use designation to NCMU, as presented in the LUA Report.
- The new NCMU designation will increase development intensities (FAR) and introduce opportunities for new housing options within walking distance of shopping and restaurants.
- Commercial redevelopment can capitalize on proximity to new development in Fremont
- The development of new housing options will result in higher quality construction, but this may be offset by the loss of affordable-by-design structures
- The majority of multi-family housing in this area was constructed in the early 1970s and would be approximately 70 years old by 2040. Future community needs may be better served by allowing and encouraging the redevelopment of these aging structures.



OPPORTUNITY AREA 2: CALIFORNIA CIRCLE

Existing Conditions: California Circle is a transitional area currently occupied by a mix of light industrial, commercial service, hotel, and multi-family residential uses. Existing assessed non-residential development in the area totals approximately 902,417 square feet. Two multifamily residential projects have been approved within this area in recent years; one project is complete and the other is currently under construction. The area also includes a large assembly use (church), which raises issues of sensitive receptors being within proximity to industrial uses.

Proposed Land Use Alternative:

- Change the current General Plan land use designations for this area from a clumsy mix of Multi-family High Density (MFH) and Industrial Park (INP) to Mixed Use (MXD).
- Reduce land use conflicts created by the introduction of new residential and commercial development in an area that was historically industrial in character.
- The MXD designation would support the area’s continued transformation to a mixed-use district that includes multi-family and single-family attached residential, commercial, hotel, and assembly uses.
- Allow existing light industrial and other employment uses to continue in appropriate areas.
- Maintain a commercial buffer between new residential uses and the 880 freeway.

GPAC Input and Recommendations

- Very little support for the loss of any jobs or Industrial Park (INP) uses in this area.
- Existing odor problems in this area make it less desirable for additional residential.
- Accommodate the mix of uses (jobs and residential) by separating uses east/west (split down Cadillac Court/California Circle) with Business Park Research & Development (BPR&D) on the west and mixed or residential uses on the east.

GPAC Poll Results:

None of the GPAC members supported the concept of changing all of the land uses to Mixed Use in this area. A majority of GPAC members supported changing all of the non-residential uses to the newly-proposed Business Park Research & Development designation (BPR&D), and a minority of members voted to convert only the west side of this area to BPR&D.

Options	Votes
Change to Mixed Use, as presented in LUA report	0
Change all to BPR&D except for current residential uses	8
Convert west side to BPR&D and east side to MU or HDR	3
Do nothing and leave as is	0



Consultant and Staff Recommendations:

- Designate the California Circle area as Specific Plan and require the preparation of a detailed Specific Plan for this area.
 - This would allow for comprehensive planning to ensure the proper mix and compatibility of residential, assembly (church), and non-nuisance causing jobs-generating uses.
 - This would allow for holistic planning to solve access and circulation challenges.
 - This would allow for the integration of public open space within the area.
 - This would reduce conflicts
- Continued land use conflicts may limit the area's future viability as an industrial employment center.
- California Circle is disconnected from the City's other major industrial park areas, which are primarily located west of I-880.
- While the loss of industrial land at California Circle is a concern, the General Plan preserves large areas of industrial land in other areas of the city. The General Plan update proposes to increase the FAR in these other industrial areas, which will protect and enhance opportunities for economic development and employment.
- Other industrial areas of the City are generally better served by transit and do not have conflicts with nearby residential development.
- Commercial retail or office development would better serve areas adjacent to the I-880 corridor than new residential development. Thus, the General Plan Update may include policies to support a horizontal mix of uses in the California Circle area and direct residential development away from the I-880 corridor.



OPPORTUNITY AREA 3: MCCARTHY RANCH INDUSTRIAL AREA

Existing Conditions: The McCarthy Ranch Industrial Area, as also known as the McCarthy Business Park, is primarily comprised of R&D and office buildings. All of the parcels within the 192-acre site are currently designated Industrial Park (INP).

Proposed Land Use Alternative:

- Retain the current land use designation of Industrial Park (INP)
- Increase the maximum FAR from 0.5 to 1.0 to accommodate a greater variety of employment generating industrial park uses in this area.

GPAC Input and Recommendations:

- Strong support for the proposed change
- This change will allow businesses to grow and modernize
- No land use conflicts with industrial park uses in this area
- Should look for creek trail connections to link business parks etc.

GPAC Poll Results:

The GPAC unanimously supported increasing the allowable FAR from 0.5 to 1.0 in this area.

Options	Votes
Yes, as shown in LUA report	11
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement Intensified Industrial Park (INP) Land Use as presented in the LUA Report.



OPPORTUNITY AREA 4: SOUTHWESTERN EMPLOYMENT AREA

Existing Conditions: The boundaries of the Southwestern Employment Area are Highway 237 to the north, Interstate 880 to the east, Montague Expressway to the south, and the City limits to the west. This area includes the Oak Creek Business Park south of Tasman Drive and the Milpitas Business Park north of Tasman Drive and is home to several of the city’s largest employers. This area is generally comprised of light industrial, R&D, and office uses, with limited commercial uses located in the northern and southwest portions of the site. The area is currently designated Industrial Park (INP 392.20 acres), Highway Service (HWS 95.15 acres), and Public Facilities (PF 0.92 acres).

Proposed Land Use Alternative:

- Change the General Plan land use designation for this area from the current mix of Industrial Park (INP), Highway Service (HWS), and Public Facilities (PF) to the new Business Park Research and Development (BPR&D) designation.
- Increase development intensities (FAR) up to 2.5 FAR and expand allowed uses to enhance the area’s ability to attract technology companies within proximity to transit.
- The new BPR&D designation will accommodate office, research and development, clean light industrial, supporting commercial, and similar uses.

GPAC Input and Recommendations:

- General support for this change but with conditional support based on transit plans and bus and parking requirements for higher FARs
- Unanimous support for FAR up to 1.25 and conditionally up to 2.5 with transit plan/traffic reduction measures and or infrastructure improvements

GPAC Poll Results:

The GPAC voted unanimously to allow wholesale FAR increases up to 1.25, with conditional FAR increases up to 2.5 for projects that include public benefits such as traffic reduction measures, special transit access plans, or other notable infrastructure improvements.

Options	Votes
Yes, as shown in LUA report	0
Yes, for FAR up to 1.25, and conditionally up to 2.5	11
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement the new Business Park Research and Development (BPR&D) land use designation and increase the base FAR up to 1.25 and up to 2.5 conditionally on a project-by-project basis, consistent with the GPAC’s recommendations.



OPPORTUNITY AREA 5: MIDTOWN SPECIFIC PLAN AREA

Existing Conditions: The City of Milpitas is currently in the process of updating the Midtown Specific Plan. The Milpitas Midtown Specific Plan presents a framework for new development and reinvestment on approximately 500 acres of the city’s central core. The Specific Plan envisions the area’s transition into an attractive and economically vital district that accommodates a mix of housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/ bicycle linkages.

Proposed Land Use Alternative:

- The updated Midtown Specific Plan will shape future growth and investment in that Opportunity Area.
- The Midtown Specific Plan Update will include new and/or updated policies and guidelines for private development, streetscape improvements, public open spaces, and other infrastructure to support the changing nature of the area.
- The ongoing Specific Plan update process provides the opportunity to plan for the Midtown Area in a more comprehensive and specific manner than is possible in a general plan.
- The Land Use Alternatives Report assumes that the Midtown Specific Plan will include updates to the land use designations currently specified in the area.
- The Land Use Alternatives Report provides analysis of growth potential for the Midtown Specific Plan; however, land use changes associated with the Specific Plan’s update will likely result in additional growth.

GPAC Input and Recommendations:

- Support for the Midtown Specific Plan update process to guide vision and development.

Consultant and Staff Recommendations:

- Allow the Specific Plan Update process to guide the development and vision for this area. Following completion of the Land Use Alternatives Report, and following the GPAC’s discussion of this report, staff directed the consultant team to complete an analysis of development potential for the Serra Center site, which is located within a portion of the Midtown Specific Plan Area.
- The consultant team analyzed the Serra Center site as Opportunity Area 14, following publication of the LUA Report. The final page of this memo provides a brief description of the potential changes within the Serra Center site.
- The GPAC did not provide specific feedback or recommendations on Opportunity Area 14, but staff circulated the analysis to them separately and asked for individual comments. Staff will provide this feedback to the Council.



OPPORTUNITY AREA 6: CENTRAL MANUFACTURING AREA - SOUTH

Existing Conditions: The boundaries of the Central Manufacturing Area - South are Montague Expressway to the north, the City Limits to the south and east, and Berryessa Creek to the west. The area primarily supports manufacturing, warehouse and storage uses. All parcels within the 26.49-acre area are designated Manufacturing (MFG).

Proposed Land Use Alternative:

- Change the General Plan land use designation for this area from Manufacturing (MFG) to the Boulevard Very High Density Mixed Use (BVMU) designation.
- Accommodate additional residential and/or commercial development within proximity to the BART and VTA light rail and other amenities within the Transit Area Specific Plan area.
- Encourage redevelopment by increasing residential densities to a range of 41 to 75 dwelling units per acre and increasing nonresidential development intensities to an FAR of up to 1.5.

GPAC Input and Recommendations:

- Minimal/little support for residential uses in this area
- More interest in jobs
- Minimal/little interest in retaining manufacturing
- GPAC expressed concern over potential parking issues
- GPAC expressed the desire for office uses

GPAC Poll Results:

The GPAC voted unanimously to change all parcels in this area to the newly-proposed BPR&D designation.

Options	Votes
Yes, as shown in LUA report (BVMU)	0
Change area to BPR&D	11
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement the new Business Park Research and Development (BPR&D) Land Use with allowed FARs of 1.25 and up to up to 2.5 conditionally on a project by project basis, consistent with the GPAC’s recommendations.
- Given this area’s proximity to BART, and access and visibility from Montague, this area may be a good candidate for an Innovation District overlay or other special approach to spur creative job growth.
- The Council may want to consider expanding the BPR&D area north of Montague in order to provide a larger area for an Innovation District.



OPPORTUNITY AREA 7: CENTRAL MANUFACTURING AREA - NORTH

Existing Conditions: The Central Manufacturing Area - North is generally bounded by Los Coches Street to the north, Montague Expressway to the south, Interstate 680 to the east and the Union Pacific railroad to the west. This Manufacturing district is comprised of Class A warehouse space and Class A&B R&D space. All parcels within the 492-acre Opportunity Area are currently designated Manufacturing (MFG).

Proposed Land Use Alternative:

- Retain the current land use designation of Manufacturing (MFG).
- Increase the maximum FAR from 0.4 to 1.0 to facilitate new and more modern manufacturing operations that require more intensive site development standards.

GPAC Input and Recommendations:

- Unanimous support for FAR increased identified in Land Use Alternatives Report
- Look to include policy direction to conditionally allow FAR increases above 1.0 for manufacturing uses that are consistent with the intent of the Manufacturing designation

GPAC Poll Results:

The GPAC voted unanimously to retain the MFG designation and increase the FAR from 0.4 to 1.0.

Options	Votes
Yes, as shown in LUA report	11
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement Intensified Manufacturing Land Use with additional policy direction for conditionally allowed FAR increases to accommodate high tech manufacturing requirements consistent with the intent of the manufacturing designation, consistent with the direction provided by the GPAC.



OPPORTUNITY AREA 8: LANDESS NEIGHBORHOOD NODE/COMMERCIAL CENTER

Existing Conditions: The Landess Neighborhood Node/Commercial Center provides for commercial services to the residents living in the surrounding neighborhoods. The parcels within the 38.03-acre area are currently designated for General Commercial (GNC) uses.

Proposed Land Use Alternative:

- Change the designation from the General Commercial (GNC) to Neighborhood Center Mixed Use (NCMU) designation.
- Accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential and office uses allowed on a limited basis.
- Encourage the center’s revitalization by providing opportunities for increased development intensities, while creating a more vibrant center through a land use mix that supports a pedestrian-oriented mixed-use environment.

GPAC Input and Recommendations:

- Concern over traffic impacts and parking
- Concern related to impacts to nearby schools and school overcrowding
- Concern over losing current uses, such as bowling ally
- This commercial area need improvements and is highly used by surrounding neighborhoods
- Redevelopment of this area would be a benefit to surrounding neighborhoods
- This area has vacancies and empty spaces and is in need of revitalization
- Need more commercial and less residential

GPAC Poll Results:

The majority of GPAC members were not in favor of allowing residential uses in this center. The majority of GPAC members favored commercial revitalization by designating the area Neighborhood Commercial.

Options	Votes
Yes, as presented in LUA report NCMU	2
Change use to NC and consider flexible FARs as long as it’s not impacting neighborhoods	7
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Change the area to NCMU, as presented in the LUA Report.
- Allowing limited residential uses is more likely to incentivize redevelopment.
- San Jose is planning an urban village just south of the city limits (across Landess Ave). Creating a vibrant mixed-use area at this location may better position this center’s future success.



OPPORTUNITY AREA 9: CALAVERAS & NORTH PARK NEIGHBORHOOD NODE/COMMERCIAL CENTER

Existing Conditions: The Calaveras & North Park Neighborhood Node/ Commercial Center provides commercial services to residents living in the surrounding neighborhoods. The area is currently designated Retail Sub-Center (RSC 17.15 acres), Professional & Administrative Office (PAO 6.12 acres), and General Commercial (GNC 5.02 acres).

Proposed Land Use Alternative:

- Change the designation from Retail Subcenter, (RSC) Professional & Administrative Office (PAO), and General Commercial (GNC) to the Neighborhood Center Mixed Use (NCMU).
- Accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential and office uses allowed on a limited basis.
- Encourage the center’s revitalization by providing opportunities for increased development intensities, while creating a more vibrant center through a land use mix that supports a pedestrian-oriented mixed-use environment.

GPAC Input and Recommendations:

- Look for other incentives (not residential) to develop additional commercial and check out East Palo Alto to see how they addressed commercial center revitalization
- Need area to serve commercial and office uses
- Not very good connectivity throughout the area
- Road configuration limits commercial viability of the area south of Calaveras Blvd /west of Park Victoria
- Look to include a commercial street frontage requirement in NCMU Land Use Description

GPAC Poll Results:

The GPAC provided mixed input on this area. A majority voted to change the area to NCMU, as presented in the LUA Report. A minority voted to designate a portion of the area as Neighborhood Commercial and a portion as Multi-Family High Density.

Options	Votes
Yes, as presented in LUA report (NCMU)	6
Change RSC area to MFH and rest of area to NC	3
No, do nothing and leave as is	0



Consultant and Staff Recommendations:

- Implement Land Use NCMU as presented in the LUA Report.
- Allowing limited residential uses is more likely to incentivize redevelopment and result in a vibrant mixed-use, pedestrian-oriented center.
- Staff and the consultant team agrees with GPAC recommendations for street frontage requirements along major corridors, and also design characteristics that provide a transition of land uses in areas adjacent to major roadways.



OPPORTUNITY AREA 10: JACKLIN & 680 NEIGHBORHOOD NODE/ COMMERCIAL CENTER - EAST

Existing Conditions: The Jacklin & 680 Neighborhood Node/ Commercial Center – East provides for office employment and commercial services to residents living in the surrounding neighborhoods. The area is currently designated Retail Sub-Center (RSC 2.40 acres), Professional & Administrative Office (PAO 1.13 acres), and Highway Service (HWS 4.43 acres).

Proposed Land Use Alternative:

- Re-designate the area to Neighborhood Commercial (NC).

GPAC Input and Recommendations

- Change entire area to GNC
- May be better positioned to be revitalized at the higher NC FAR
- Area has unique uses (mini-golf)

GPAC Poll Results:

The GPAC agreed that the area should have a consolidated commercial designation, but the majority felt that a lower FAR of 0.5 (as opposed to 0.75) would be more appropriate.

Options	Votes
Yes, as presented in LUA report (NC)	3
Change to GNC (0.5 FAR)	6
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement Land Use NC as presented in the LUA Report.
- The higher FAR allowance is more likely to lead to revitalization of the center and would provide for greater employment opportunities.



OPPORTUNITY AREA 11: JACKLIN & 680 NEIGHBORHOOD NODE/ COMMERCIAL CENTER - WEST

Existing Conditions: The Jacklin & 680 Neighborhood Node/ Commercial Center – West provides for office employment, and neighborhood commercial services to residents living in the surrounding neighborhoods. The area is currently designated Professional & Administrative Office (PAO 4.65 acres), and Highway Service (HWS 1.78 acres).

Proposed Land Use Alternative:

- Re-designate the area to Neighborhood Commercial (NC).

GPAC Input and Recommendations:

- Change entire area to GNC
- May be better positioned to be revitalized at the higher NC FAR
- More support for higher FARs than Opportunity Area 10
- Concerns related to traffic with increased densities

GPAC Poll Results:

The majority of GPAC members voted to change the area to Neighborhood Commercial, as proposed in the LUA Report. A minority of members voted for a lower-intensity commercial use.

Options	Votes
Yes, as presented in LUA report to (NC)	6
Change to GNC (0.5 FAR)	3
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement Land Use NC as presented in the LUA Report.
- The higher FAR allowance is more likely to lead to revitalization of the center and would provide for greater employment opportunities.



OPPORTUNITY AREA 12: MILPITAS TOWN CENTER

Existing Conditions: The Town Center (TWC) designation is envisioned to provide for a variety of commercial, civic and residential uses appropriate to the area's role as the city's civic center and of the community's central commercial district. Because of this unique and relatively intensive mix of activities, very high density residential developments of up to 40 units per acre are permitted, creating a district where residents can lend increased economic support to area businesses and are proximate to retail, services, and jobs. The area also includes many government buildings and community facilities, including Milpitas City Hall, the Community Center, and the Senior Center. The area accommodates a variety of commercial services and retail establishments, including a grocery store, a drugstore, banks, fitness centers, salons, restaurants, and home goods stores.

Proposed Land Use Alternative:

- Make no land use changes to this area.

GPAC Input and Recommendations:

- Lack of connections to Hetch Hetchy and creek trail
- Need to improve bus services to this area
- Need policy incentives for south office area
- Need for more entertainment type uses
- Leave as TWC

GPAC Recommendation:

- Unanimous support to maintain the Town Center (TWC) Designation.

Consultant and Staff Recommendations:

- Allow the Town Center (TWC) land use to guide the development and vision for this area.
- The desired uses and characteristics of this area are supported by the TWC designation and the center may benefit from additional policy guidance and incentives for redevelopment.



OPPORTUNITY AREA 13: JACKLIN NEIGHBORHOOD NODE/ COMMERCIAL CENTER

Existing Conditions: The Jacklin Neighborhood Node/ Commercial Center provides for office employment and neighborhood commercial service uses to residents living in the surrounding neighborhoods. All lands within this Opportunity Area are designated by the Milpitas General Plan as Retail Subcenter (RSC 9.79 acres).

Proposed Land Use Alternative:

- Re-designate the area to Neighborhood Commercial (NC).

GPAC Input and Recommendations:

- Area is near neighborhood services and sports center
- Would residential be wanted in this area

GPAC Poll Results:

A strong majority of GPAC members voted to change the area to Neighborhood Commercial, as presented in the LUA Report.

Options	Votes
Yes, as presented in LUA report NC	8
Change use to NCMU	1
No, do nothing and leave as is	0

Consultant and Staff Recommendations:

- Implement Land Use NC as presented in the LUA Report and recommended by the GPAC.



OPPORTUNITY AREA 14: SERRA CENTER COMMERCIAL GATEWAY

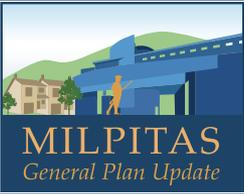
Existing Conditions: The Serra Center Commercial Gateway provides commercial services to residents living in the surrounding neighborhoods as well as commercial services to local businesses, employees, and visitor serving commercial services. With strategic frontage along Calaveras Boulevard (SR-237), within Milpitas’s Midtown Specific Plan and near Main Street, this commercial center serves as an important gateway to one of the city’s main activity centers.

Proposed Land Use Alternative:

- Option 1: Change area to Neighborhood Center Mixed Use (NCMU).
- Option 2: Change area to Neighborhood Commercial (NC)

GPAC Input and Recommendations:

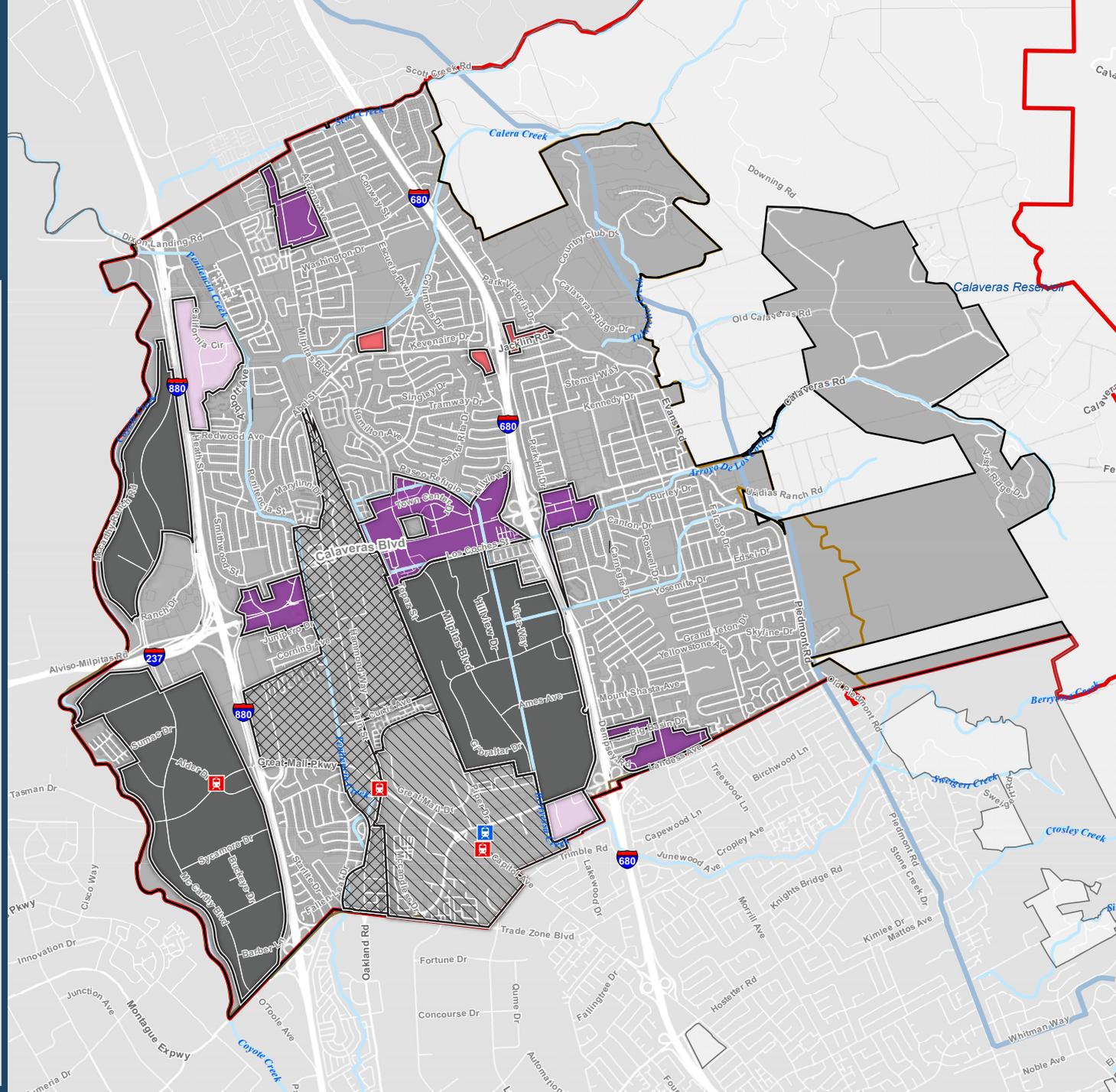
- This Opportunity Area was analyzed at the request of the City after the GPAC met to review and discuss the other Opportunity Areas. As such, the GPAC has not provided input related to Opportunity Area 14.
- This area was added as a potential opportunity area within the Midtown Specific Plan due to the abundance of comments and input the city has received related to the area, which highlight the importance of this areas a key gateway into Milpitas and a critical component of the Midtown Specific Plan area.
- While the Midtown Specific Plan update is currently being undertaken as a separate project, input, ideas, and land use alternatives that may help to better shape the policy direction and specific plan updates for this area are desired.

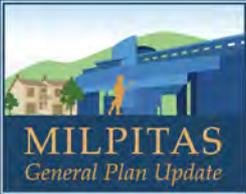


Land Use Map

- Neighborhood Commercial Center Revitalization (No Residential Component)
- Neighborhood Commercial Center Revitalization (With Limited Housing)
- Industrial and Business Park Intensification
- Areas Transitioning from Industrial and Manufacturing to Residential and Mixed-Use
- Midtown Specific Plan*
- Transit Area Specific Plan*

* Specific Plan Areas addressed through Separate processes.



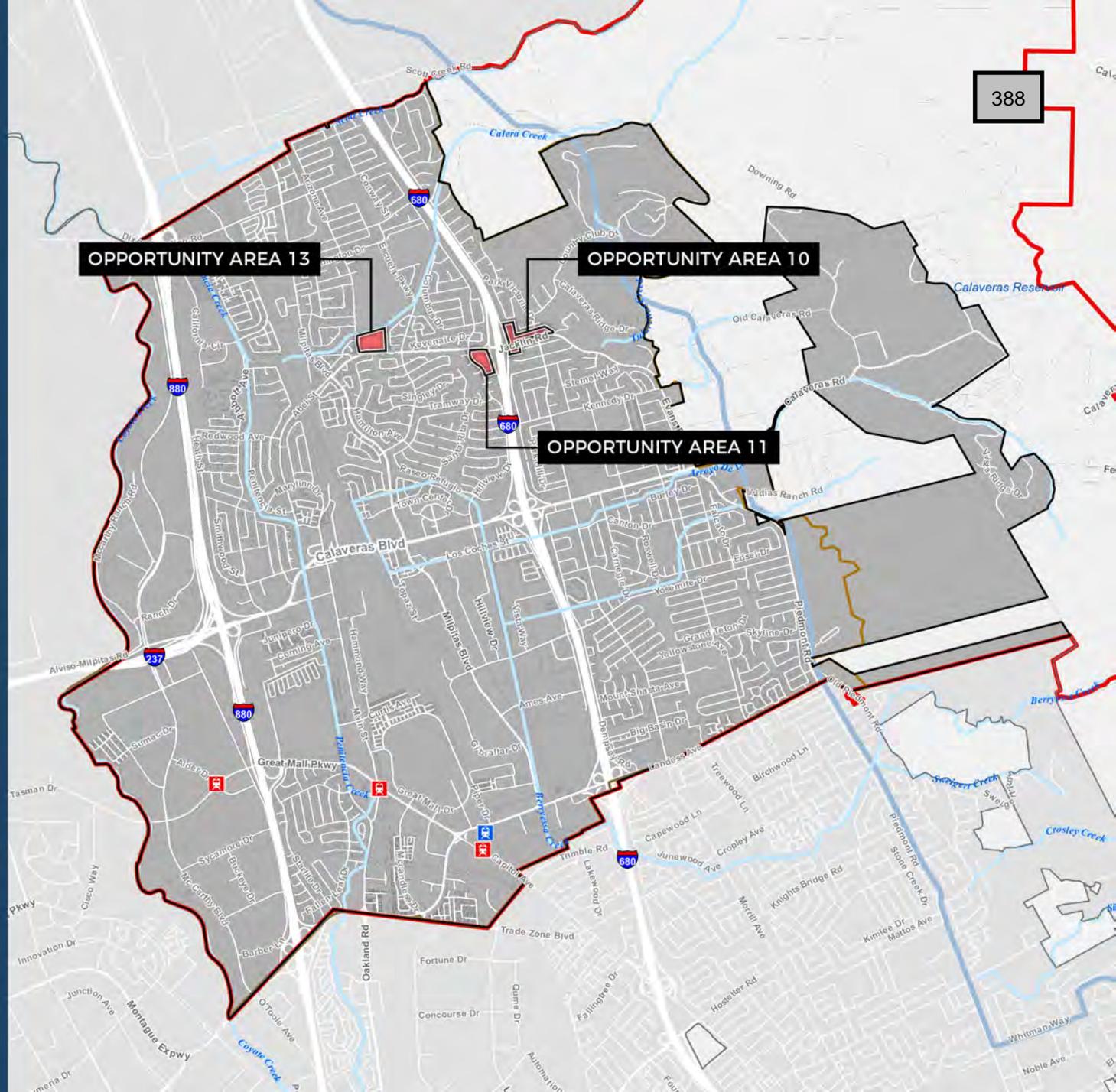


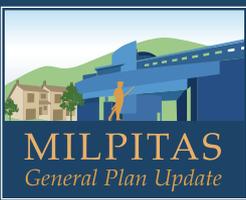
Neighborhood Commercial Center Revitalization (No Residential Development)

These are Opportunity Areas that include neighborhood-serving commercial uses and have been identified as being in need of revitalization.

These areas would be designated Neighborhood Commercial (NC). The NC designation is a proposed designation that would consolidate several existing commercial designations, including General Commercial (GC), Retail Sub-Center (RSC), and Professional and Administrative Office (PAO).

The NC designation will support commercial uses that serve the surrounding neighborhoods at a Floor-Area-Ratio (FAR) of up to 0.75. The designation supports a broad range of commercial uses such as neighborhood-serving retail stores and services, commercial and professional offices. New residential uses are not allowed within this designation.





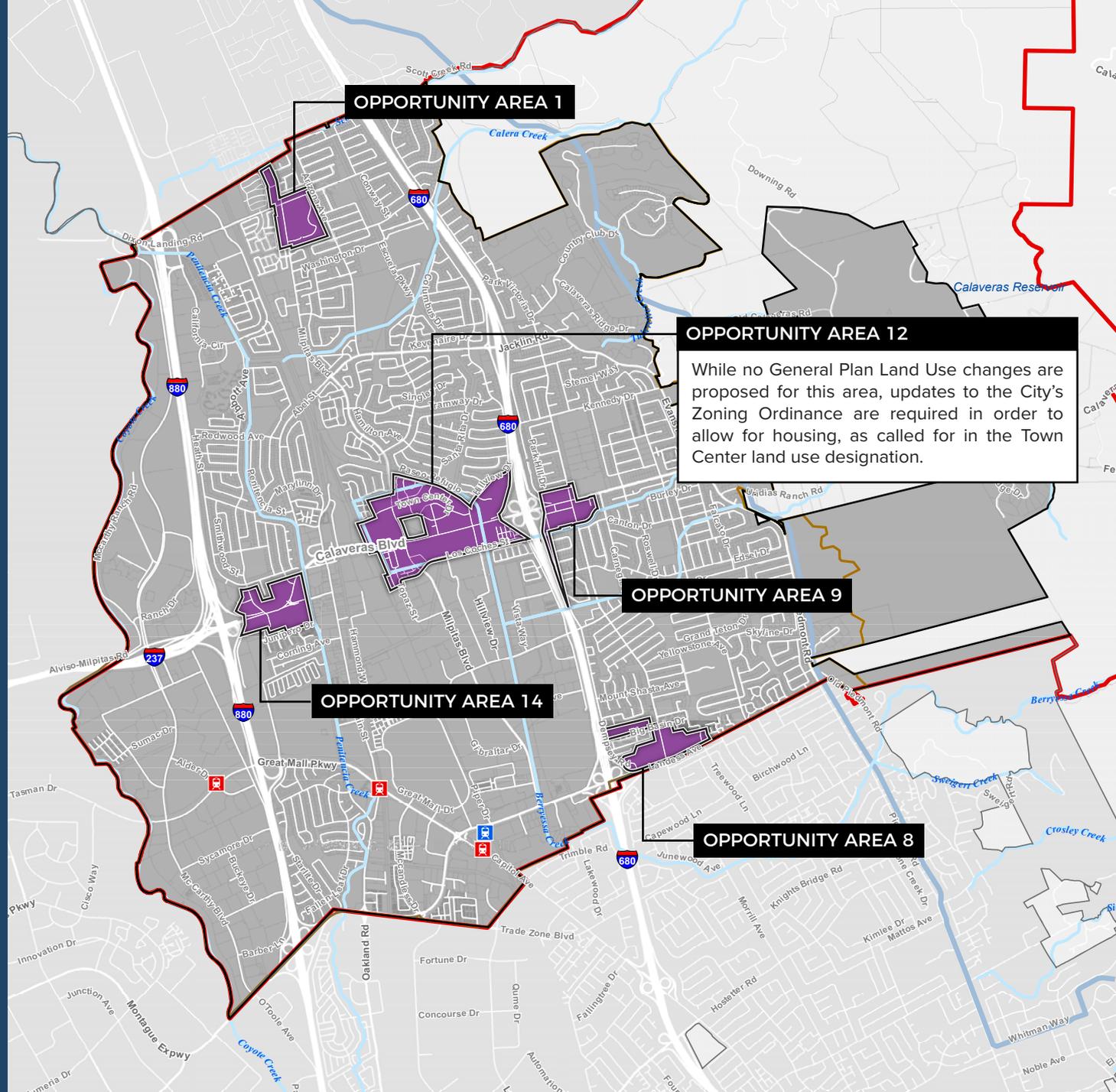
Neighborhood Commercial Center Revitalization (With Limited Housing)

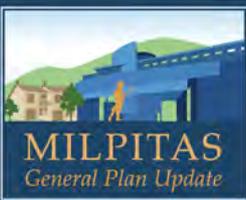
These Opportunity Areas contain neighborhood-serving commercial uses, and have been identified for revitalization, including the addition of multi-family housing on a limited basis.

The areas would be designated Neighborhood Center Mixed-Use (NCMU). NCMU is a proposed designation that is intended to accommodate a mix of commercial and residential uses, with commercial activity as the primary use, and residential uses, hotel, and office development allowed on a limited basis.

NCMU will support additional neighborhood commercial serving uses, while allowing for multifamily residential development in conjunction with a commercial development. The designation's development parameters include a maximum floor-to-area ratio (FAR) of 0.75, up to 1 dwelling unit per 1,500 square feet of non-residential square footage, and the provision of vertical and/or horizontal mixed use development.

The intent of allowing residential uses is to further incentivize redevelopment and to create more vibrant, pedestrian-oriented development projects.

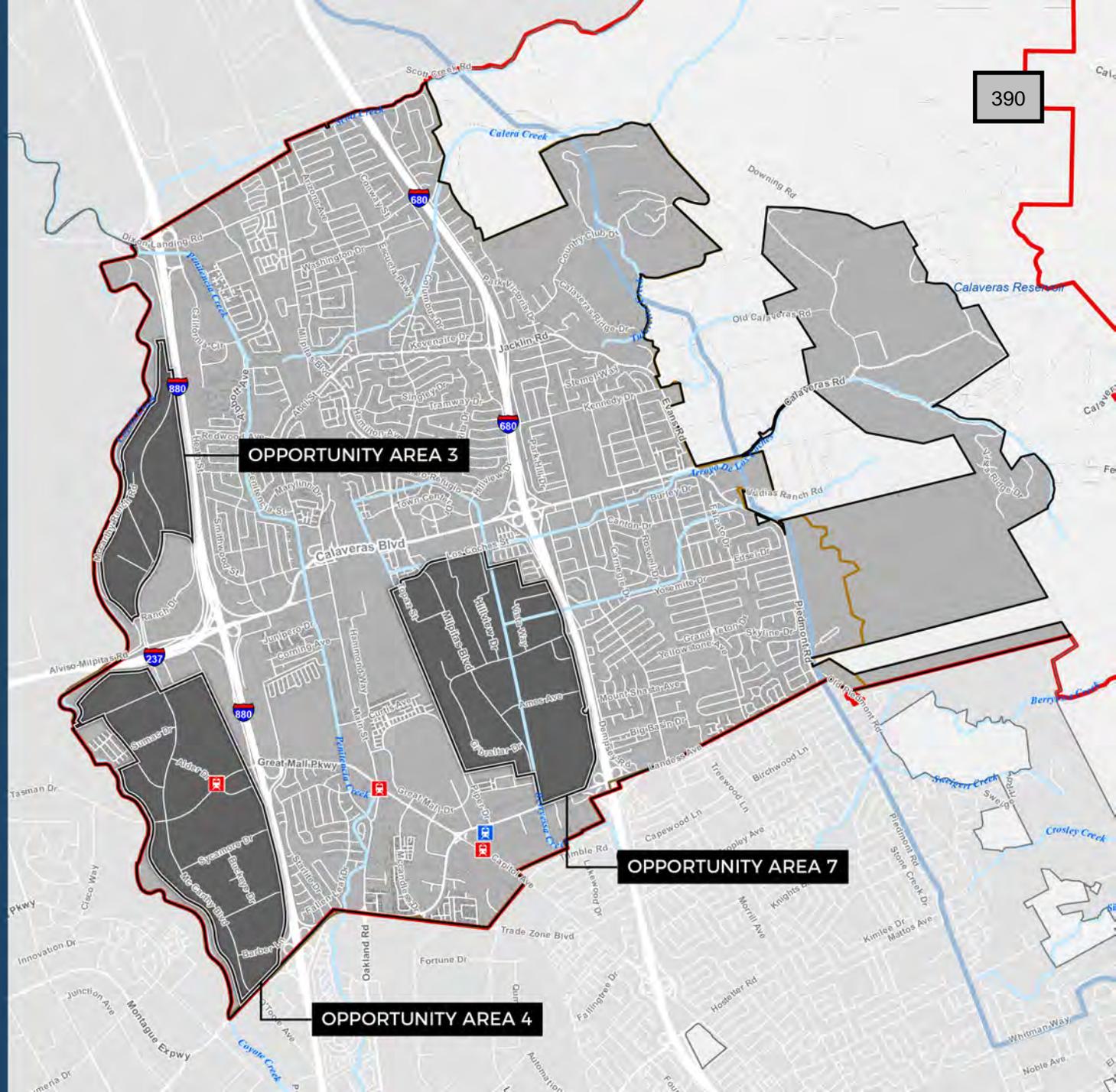


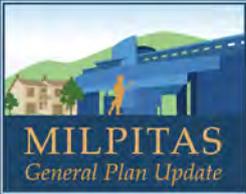


Industrial and Business Park Intensification

To fulfill the community's vision for future development, the following Opportunity Areas incorporate modified versions of existing designations that allow intensified development:

- Opportunity Area 3 would retain the existing Industrial Park (INP) land use designation, but increase the maximum FAR from 0.5 to 1.0.
- Opportunity Area 7 would retain the existing Manufacturing (MFG) land use designation, but increase the maximum FAR from 0.4 to 1.0.
- Opportunity Area 4 would incorporate the proposed Business Park Research and Development (BPR&D) designation. The BPR&D designation will accommodate office, research and development, clean light industrial, supporting commercial, and similar uses at a FAR of up to 2.5.

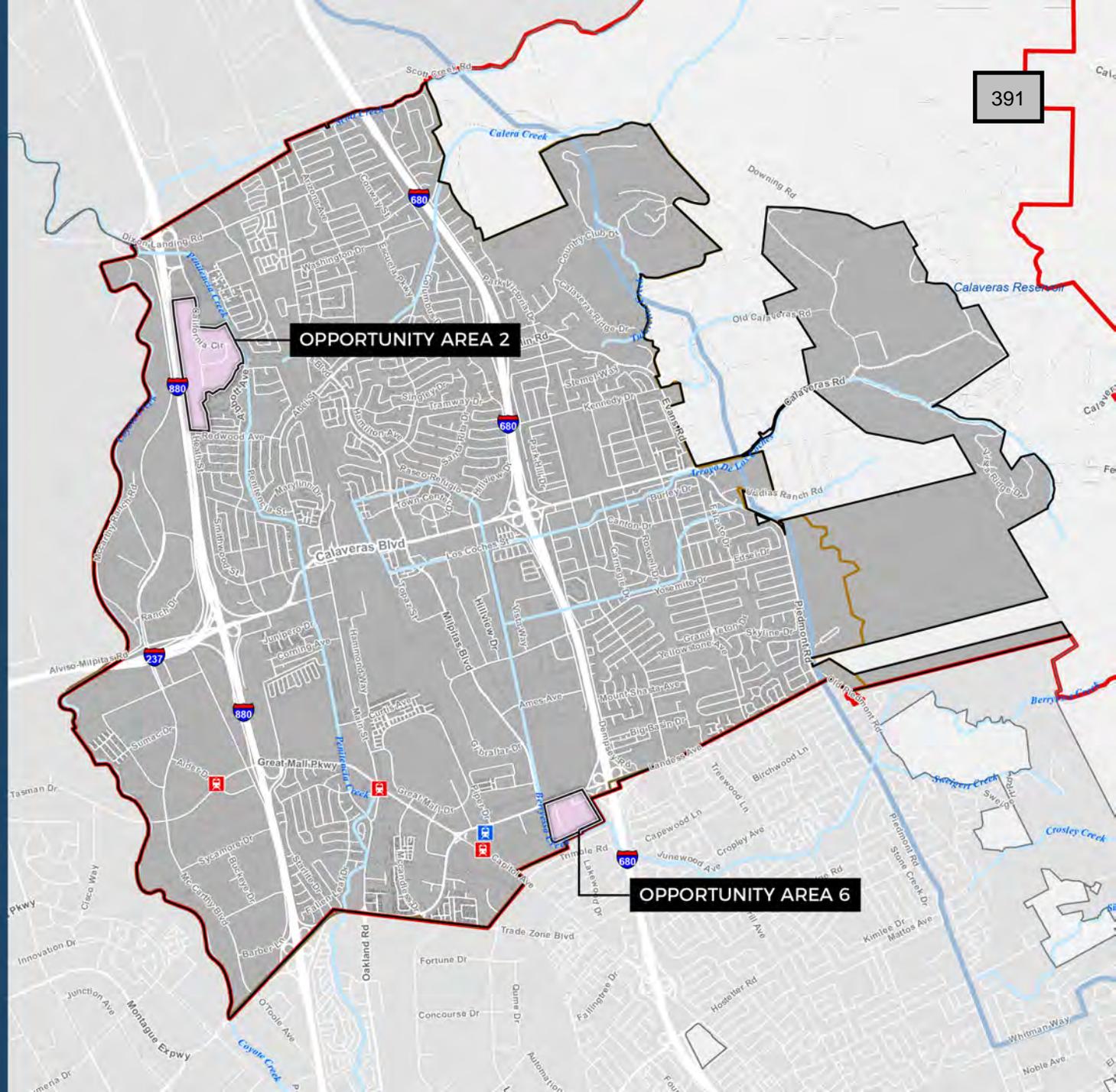


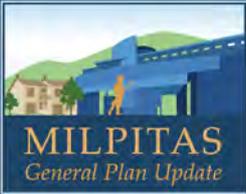


Areas Transitioning from Industrial and Manufacturing to Residential and Mixed-Use

These Opportunity Areas have historically been developed with industrial and manufacturing uses, however, the continuation of these uses may not be appropriate for the future.

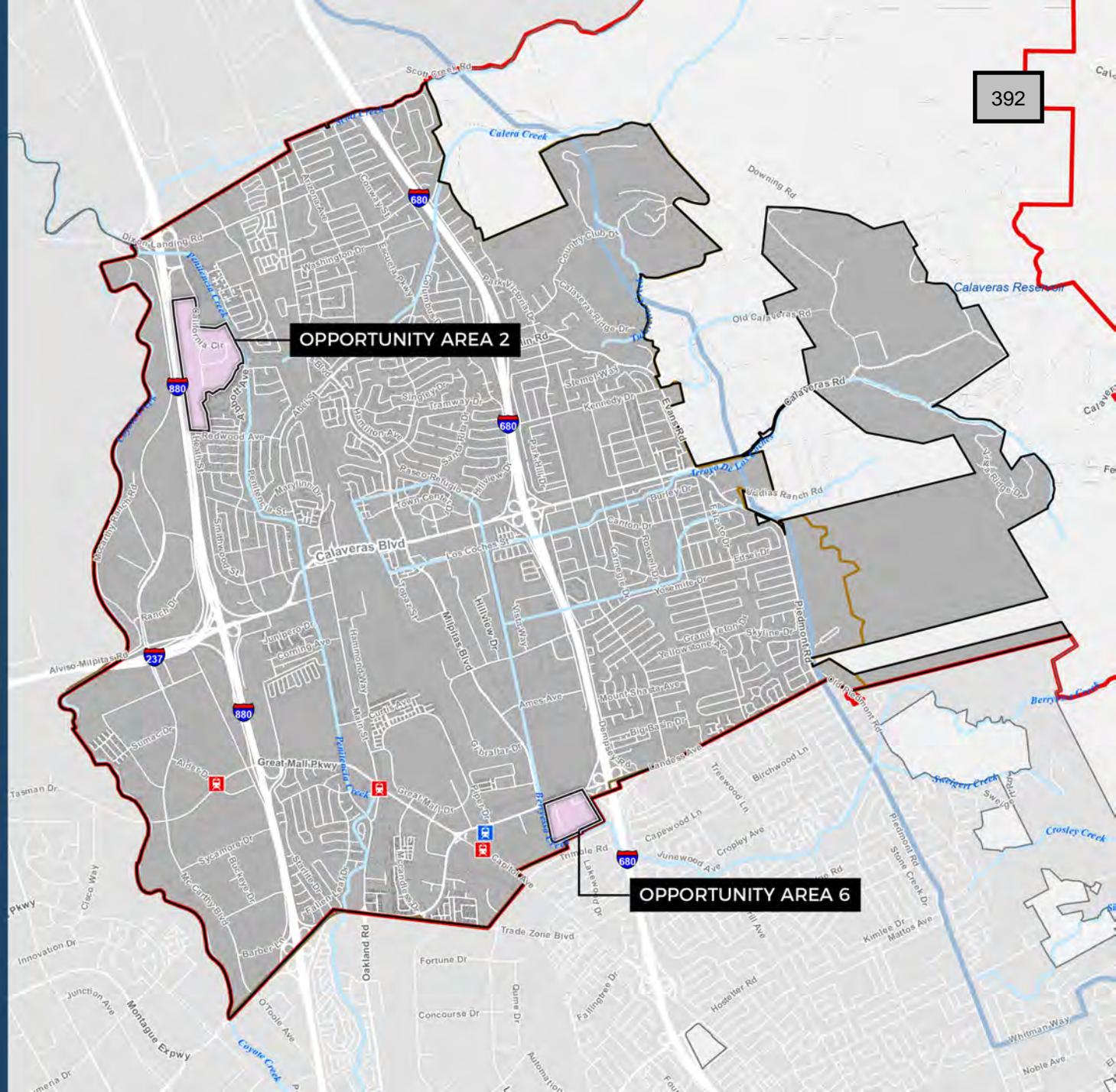
- Opportunity Area 2 has recently seen the introduction of a variety of residential, hotel, and assembly uses, which are generally incompatible with industrial park uses. This area would be designated Mixed Use (MXD). This existing designation allows for commercial offices, retail and services, high density residential and public and quasi-public uses. Mixed-use buildings can contain a combination of residential and commercial uses. The intensity for the non-residential component is a maximum FAR of 0.75. The residential density is 21 to 30 units per gross acre.

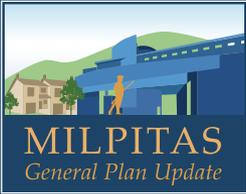




Areas Transitioning from Industrial and Manufacturing to Residential and Mixed-Use

- Opportunity Area 6 is currently developed with a range of industrial and storage uses. This area is separated from the rest of the City's Manufacturing district by Montague Expressway, is in close proximity to the BART station and the TASP, and is adjacent to residential neighborhoods to the south. This area would incorporate the newly-proposed Business Park Research and Development (BPR&D) designation. The BPR&D designation will accommodate office, research and development, clean light industrial, supporting commercial, and similar uses at a FAR of up to 2.5.





Specific Plan Areas

These are areas with special development needs, as directed by previous Councils. Land uses within these areas are guided by the adopted Specific Plans, which are being updated via separate planning processes, that will be fully consistent with the General Plan.

